CITY OF LAREDO

CITY COUNCIL MEETING
A-2007-R-22
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
NOVEMBER 19, 2007
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 July 2, 2007, October 30, 2007 and November 5, 2007.

V. COMMUNICATIONS AND RECOGNITIONS

Recognitions

Recognition of Gerardo "Jerry" Piña of the Environmental Services Department on his selection as the November employee of the month.

Communiqués

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. Reaffirming the appointment of Sandra Rocha-Taylor, representing the Avenida San Bernardo Assoc. and the Pan American Courts Hotel, to the Convention and Visitors Bureau Advisory Committee as sponsored by Council Member Juan Chavez, District VII.

B. Reaffirming the appointment of Clema Owen, representing the Embassy Suites, to the Convention and Visitors Bureau Advisory Committee as sponsored by Council Member Juan Ramirez, District VII.

C. Reaffirming the appointment of Lisa Morales, representing the Washington's Birthday Celebration Association, to the Convention and Visitors Bureau Advisory Committee sponsored by Council Member Hector Garcia, District II.

D. Reaffirming the appointment of Guillermo "Memo" Treviño, representing the Laredo Chamber of Commerce, to the Convention and Visitors Bureau Advisory Committee sponsored by Council Member Mike Garza, District I.

VII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

1.

A. **Request by Council Member Mike Garza**

1. Status report on the Municipal Golf Course Project and related funding, with possible action.

2. Discussion on the item requested by L.I.S.D. Board of Trustees related to Zapata Hwy., discussed at the November 5th Council Meeting.

3. Discussion with possible action on using the old Mercy Building for assisted housing.

B. **Request by Council Member Dr. Michael Landeck**

1. Discussion with possible action regarding amendments and possible additions to the redemption machines "maquinitas" or 8-liners ordinance, with all possible changes regarding facilities, operation, fees and any other related issues. (**Co-sponsored by Council Member Juan Chavez**)

2. Discussion with possible action in order to eliminate from the contract with Poznecki and Camarillo, Inc., the condition not allowing Poznecki et. al., to meet with representatives of the third site i.e. Project 45 or the other DD Hachar Foundation site, and further to meet with interested City Councilmen and any other person or group that City Council may deem necessary for better understanding and possible clarifications related to the selection/recommendation of a site for Bridge 5 as well as related issues.

C. **Request by Council Member Johnny Rendon**

1. Presentation and possible action on the City of Laredo contracting with Laredo Community College for specific economic development services.

2. Status report on the storm drainage project in Belmont Plaza Subdivision at Sage Drive and Esperanza Drive.

3. Discussion with possible action to provide funding for speed humps on Chaparral Street between Alabama Avenue and Gallagher.

4. Status report on the dome for the basketball court in Eistetter Park.

D. **Request by Council Member Juan Ramirez**

1. Status report on the Plaza Theater, with possible action.

2. Discussion with possible action on the upcoming expiration date of the contract with First Transit.

3. Discussion with possible action on placing a statue between Santa Ursula Avenue and San Dario Avenue on Matamoros Street on the east side of the Laredo National Bank.

4. Discussion with possible action on placing sidewalks in District VIII at the following locations:
    1. 1700 block of San Jorge Avenue (east side)
    2. 1800 block of San Jorge Avenue (east side)
    3. 2500 block of Salinas Avenue (west side)
    4. 2500 block of Juarez Avenue (west side)
    5. 2500 block of Davis Avenue (west side)
    6. 2600 block of Main Avenue (west side)
    7. 1800 block of Constantinople Street (north side)

VIII. PUBLIC HEARINGS

2. **Public hearing and introductory ordinance** amending Article II, Section 2-16, "Departments of the City," of the Code of Ordinances of the City of Laredo, Texas, by creating, consolidating and eliminating departments; and providing for severability and an effective date.

3. **Public hearing and introductory ordinance** amending Chapter 2 Administration Article VI Investment Policy of the Code of Ordinances in order to:
   1. Add new Section 2.257 Authorizing Investment Advisors; and
   2. Add new Section 2.270 Investment Strategy by Fund Type;
   3. Deleting part of renumbered Section 2.258 Authorized Investments, to delete thereform (d) Bankers Notes and (e) Commercial Paper; and
   4. Amending and modifying the other sections of Article IV in order to make the article comply with Chapter 2256 of the Government Code known as the Public-Investment Act; and providing for an effective date.

4. **Public hearing and introductory ordinance** providing for the taxation of goods-in-transit pursuant to Section 11.253 (j) of the Texas Property Tax Code. Goods-in-transit are exempt from taxation, unless the taxing unit provides for the taxation prior to January 1st of the tax year in which the tax is proposed. The goods-in-transit shall remain subject to taxation until this action is rescinded or repealed.

5. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for an amusement redemption machine establishment on Lots 2A and 2B, Block 1, Bartlett Apartments Subdivision at Jacaman Ranch, located at 6508 N. Bartlett Avenue. The Planning and Zoning Commission recommended approval of the Conditional Use Permit. District V

6. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the Conditional Use Permit for a birthing clinic on Lots 4, 9, and 10, Block 941, Western Division, located at 3712 Santa Ursula Avenue. The Planning and Zoning Commission recommended approval of the Conditional Use Permit. District VII

7. **Public hearing and introductory ordinance** amending the City of Laredo Code of Ordinances, Chapter 17 Library, Article 1, in General, Section "Fines and Fees for Library Services", allowing for the addition of a new fee associated with the Laredo Public Library Main Branch becoming a Passport Acceptance Facility; Providing for publication and effective date.

8. **Public hearing and introductory ordinance** amending Section 903.2.7 of the International Building Code [Adopted as the Building Code of the City under Section 7-1 of Chapter 7 of the Code of Ordinances] in order to provide for deletion of requirement of an automatic sprinkler system for a four (4) Dwelling Unit; providing for publication and effective date.

9. **Public hearing and introductory ordinance** amending Section 108.3 of the International Building Code [Adopted as the Building Code of the City under Section 7 Chapter 7 of the Code of Ordinances] in order to:
   1. Correct a printing error; and
   2. Reduce the building permit valuation for utility buildings from $20.40 to $11.00; and providing for an effective date and publication.

10. Amending Chapter 12 [Fire Prevention and Protection] of the Code of Ordinances in the following respects:
    1. Amending Section 903.27 of the International Fire Code [Adopted as the Fire Code of the City under Section 12-2 of Chapter 12 of the Code of Ordinances] in order to provide for deletion of the requirement of the requirement of an automatic sprinkler system for a four dwelling unit:
    2. Deletion of Section 12-5 [Fire Prevention Code]
    3. Deleting Section 12-6 [Life Safety Code 101]

    and providing for an effective date and publication.

11. **Second (2nd) public hearing** for the voluntary annexation of eleven (11) tracts of land:

    Tract 1: Ed-Sal Tract – 4.02 acres, more or less;
    Tract 2: RRTAIT Tract– 84.77 acres, more or less;
    Tract 3: Killam Charco Tract – 88.56 acres, more or less;
    Tract 4: Killam Quiote Tract – 194.08 acres, more or less;
    Tract 5: AFW Investments II Tract – 105.19 acres, more or less;
    Tract 6: H-5 Tract – 59.94 acres, more or less;
    Tract 7: A.R. and Alicia Sanchez Tract – 10.85 acres, more or less;
    Tract 8: 4V Holdings Tract – 172.13 acres, more or less;
    Tract 9: South Webb County Tract – 1330.83 acres, more or less;
    Tract 10: Tanquecitos South Acres Tract – 21.60 acres, more or less;
    Tract 11: Daughters of Mary Help Tract – 30.00 acres, more or less);

    for a total of 2,101.97 acres, more or less, as described in the attached tract summaries, as required by Section 43.063 of the Texas Local Government Code.

(Recess)
(Press Availability)

IX. INTRODUCTORY ORDINANCES

12. Amending the lease between the City of Laredo & Webb County of Lots 9 & 10, Block 320, Eastern Division, a copy of which amendment is attached as Exhibit A, in which the changes are as follows:

    1. Providing for contribution from the City of $300,000.00 towards the cost of constructing the community center for the elderly on the leased premises;
    2. Adding a tract of 5,069.85 sq. ft., out of Lexington Avenue between Stewart Street and Reynolds Street, described by metes and bounds and survey attached as Exhibit 3 of Exhibit A and
    3. Adding a tract of land of 7,717.28 sq. ft., out of the north half of Lexington Avenue fronting Stewart Street described by metes and bounds and survey attached as Exhibit A; and providing for effective date.

X. FINAL READING OF ORDINANCES

13.

2007-O-232 Amending the City of Laredo Fiscal Year 2007-2008 Financial Task Force budget by increasing expenses in the amount of $10,000.00 for an interdiction project awarded by the Office of the National Drug Control Policy (ONDCP) High Density Drug Trafficking Area (HIDTA). Funds will be used to pay fringe benefit expenses for a drug interdiction unit comprised of Financial Task Force agents and Laredo Police Officers from January 1, 2004 through December 31, 2007. Fringe benefits will be funded from the opening fund balance.

2007-O-233 Amending the City of Laredo Health Department Fiscal Year 2007-2008 budget by appropriating revenues and expenditures in the amount of $172,239.00, from the Texas Department of State Health Services-Office of Border Health for the Department's Public Health Emergency Preparedness-Early Warning Infections Disease Surveillance for early detection and rapid response from October 1, 2007 through July 31, 2008, and authorizing the City Manager to execute the contract.

2007-O-234 Amending the City of Laredo Health Department Fiscal Year 2007-2008 annual budget by appropriating revenues and expenditures in the amount $24,750.00 from the University of Texas Health Science Center at San Antonio

for the continuation of the Department's South Texas Family AIDS Network grant award for the period beginning August 1, 2007 through July 31, 2008 to provide patient care for HIV/AIDS patients.

2007-O-235 Ratifying City Manager's acceptance of a grant by the United States Environmental Protection Agency's (USEPA) Border 2012 Grant Program in the amount of $50,000.00 with the City designating $12,695.00 in matching funds for a total of $62,695.00 and amending the City of Laredo's Fiscal Year 2007-2008 Annual Budget for the Environmental Services Fund by appropriating the said grant revenue to the appropriate expenditure accounts. Funds will be used for the production of the Dos Laredos Non-Point Source Pollution Early Childhood Education Video.

2007-O-236 Amending the City of Laredo Fiscal Year 2007-2008 annual budget for the parking meters fund by appropriating expenditures in the amount of $300,000.00 from fund balance for the Riverfront Parking Lot Restructuring Project.

2007-O-237 Authorizing the City Manager to execute a Foreign Trade Zone Operation Agreement with International Trade & Commerce, Inc., as zone site operator of site 1-D, located at 309 NAFTA Boulevard, effective February 1, 2007 and ending on March 31, 2009. Providing for activation, administration and transaction fees to be paid to the City; providing for an effective date.

2007-O-238 Establishing guidelines and criteria governing tax abatements by the City of Laredo; providing for severability, publication and effective date.

2007-O-239 Amending the Code of Ordinance of the City of Laredo, Chapter 2, Article V. Boards, Commissions, Councils, etc., Division 4. Convention & Visitors Bureau Advisory Board, Sec. 2-223; Membership criteria; term of office; method of appointment; ex-officio members; by amending Sections (a) and (b); This clarifies ordinance to specify that the committee be converted to a nine-person standing committee composed of appointees from each City Council district and an appointee at large by the Mayor as directed through City Council action taken on May 14, 2007. **(as amended)**

2007-O-240 Amending Chapter 19, Article XI, Truck Traffic, Division 2, Truck Routes, Section 19-415 (A) (2), Departure from and Return to Designated Truck Route; thereby eliminating existing conflict in the ordinance language regarding the posting of "No Trucks" signs on streets that are not designated as truck routes; providing for severability, publication and effective date.

2007-O-241 Amending the City of Laredo Code Ordinances to clarify certain sections of the Vehicles for Hire Ordinance and to properly enforce taxicab operation regulation as follows:

1. Section 32-28 (A), renewal of annual permit, of the Code of Ordinances in order to clarify section;
2. Section 32-33 (3), Substitute or replace taxicabs, in order to add and clarify section;
3. Section 32-37 Term and Renewal, in order to clarify section;
4. Section 32-43.1, Suspension and Revocation of a taxicab license, amending subsection (b) and adding a new subsection (12);
5. Section 32-65.1, Parking of Taxicabs, of the Code of Ordinances, in order to clarify section;
6. Section 32-70, property left in taxicab, in order to clarify section;
7. Section 32-71, Taximeters-Required, adding subsections (C) and (D);
8. Section 32-74, Vehicle Requirements and Inspections, in order to add Subsection (10); providing for severability, for an effective date and publication.

The Transportation/Traffic Safety Advisory Committee approved these proposed amendments.

XI. RESOLUTIONS

14. **2007-R-088** Expressing the City of Laredo's support for the construction of a Border Safety Inspection Facility (BSIF) by the Texas Department of Transportation at the World Trade International Bridge in the general location and in the basic configuration as shown in Attachment A.

XII. MOTIONS

15. Consideration to authorize change order no. 1 in the total amount of $34,316.00 to contract FY 07-153 awarded to Texas Wired Music, Inc., for the purchase of additional audio visual equipment needed for the City Council chambers. The revised contract total will be $206,519.60. Funding is available in the Information Technology and Support Services-Public Education and Government (PEG) Fee Fund.

16. Consideration to authorize the purchase of one (1) 2007 GMC three (3) ton crew cab utility truck in the amount of $69,345.00; one (1) 2008 GMC cab and chassis with crane in the amount of $129,538.00; from Rush Truck Centers of Texas, L.P., through the Houston Galveston Area Council of Governments (HGAC) and Buy Boards Cooperative Purchasing Program. This equipment will be assigned to the Utilities Department. Funding is available in the 2008 Utilities Budget.

17. Consideration to exercise the renewal option for contract number FY07-096 awarded to Double R Construction, Laredo, Texas, in the estimated amount of $275,000.00 for asphalt repairs. The contract pricing is based on a fixed square footage rate of $2.75 for asphalt repairs required due to utility repairs. The term of this contract will be for a one (1) year period. Funding is available in the Water and Sewer Funds.

18. Consideration to authorize the City Manager to transfer previous sale of surplus equipment from Rio Bravo, Texas, sold on April 4, 2007 to our Sister City of Lampazos de Naranjo, Nuevo Leon which the City of Rio Bravo was not able to purchase. The equipment consists of one (1) 1995 Mack Refuse Truck with a sale value of $4,500.00 and one (1) 1993 GMC Sweeper with a sale value of $375.00.

19. Consideration to authorize the City Manager to donate a 1994 Chevy Suburban to Cienega de Flores due to the fact that this vehicle must be exported to Mexico. This suburban is a confiscated vehicle.

20. Authorizing the City Manager to acquire through negotiations, the “Surface Only” of Lot 4, Block 2, at 3507 East Ash, in an amount not to exceed $36,000.00, plus approximately $850.00 in incidental expenses; Lot 5, Block 2, at 3509 East Ash Street, in an amount not to exceed $121,000.00, plus approximately $1,300.00 in incidental expenses; and Lot 6, Block 2 at 3511 East Ash Street, in an amount not to exceed $135,000.00, plus approximately $1,400.00 in incidental expenses; for the North Heights Subdivision, Phase II, Drainage Improvements Project, and authorizing additional future parcel acquisitions, as deemed necessary in said subdivision, for the completion of said Drainage Improvements Project.

These will be voluntary transactions. Funding is available in North Heights Subdivision, Phase II, Drainage Improvements Project/ 2007 Certificate of Obligation Bond Issue.

21. Approving monthly adjustments to the tax roll. The amounts to be adjusted for the month of October 2007 represent a decrease of $4,574.65. These adjustments are determined by the Webb County Appraisal District and by court orders.

22. Consideration for approval to award a professional services contract to Brinkley Sargent Architects, Dallas, Texas, for an amount not to exceed $330,500.00 for Phase I – Development of program and master plans for Northwest Center Park Site and Phase II – Design and Construction of Recreation Center for the Northwest Recreation Center Park to be located on a 7.027 acre site in Villas San Agustin Subdivision, Unit 3. Design work is to be on a fast track basis. Funding is available in the 2005 CO Bond – Northwest Recreation Center/Pool.

23. Consideration for approval of change order no. 1 a decrease of $20,117.00 for the balance of quantities actually constructed in place and to add twenty-six (26) working days to the construction contract time due to rain delays and holidays, acceptance of the Police Substation for Fire Station No. 14 at Cielito Lindo Blvd., and approval of a final payment in the amount of $32,334.80 to Zertuche Construction Company, Laredo, Texas. The final construction contract amount is $310,433.00. Funding is available in the 2006 C.O. Bond.

24. Consideration to authorize the City Manager to purchase turnstile spare equipment in the amount of $79,369.76 from sole source provider, Transcore, L.P. for the electronic toll collection system. Funding is available in the Bridge Department Budget.

25. Consideration to authorize the City Manager to purchase one (1) service truck from Rush Truck Centers of Texas, L.P., in the total amount of $98,985.00 through the Houston Galveston Area Council of Government (HGAC) cooperative purchasing program's contract pricing. This truck will be assigned to the Fleet Maintenance Division. Funding is available in the Fleet Maintenance Budget.

26. Authorizing the City Manager to execute a Fiscal Year 2008 Third Party Funding contract with the Laredo Animal Protective Society providing $300,000.00 for shelter operations funded through the General Fund.

27. Authorizing the City Manager to accept a donation from the GEO Group in the amount of $250,000.00.

28. Consideration to award a contract to the low bidder Southwest Business Corporation in the estimated amount of $250,126.00 for credit card processing fees. The following departments/divisions accept payments by credit card: Utilities, Tax, Bridge, Landfill, Health Departments and others. Credit card processing will be used in connection with the Voice Response System, Click2Gov System and credit card terminals. Funding is available in the respective departmental expense line items.

29. Amending the 2007 Consolidated One-Year Action Plan by reprogramming a total of $825,000.00 of 33rd Action Year (AY) 2007 Community Development Block Grant (CDBG) funds for the purpose of funding the Chacon Creek/Guatemozin Street Acquisition and Relocation project by redirecting funding for the following projects:

    Canizalez Park Pavilion and Improvements project …….…….. $100,000
    Cielito Lindo Park project ……..…….... $225,000
    Shade Structures along Zacate Creek…… $100,000
    Slaughter Park project……$400,000

    Total Funds Reprogrammed……..….$825,000

    The Chacon Creek/Guatemozin Street Acquisition and Relocation project will enhance the floodplain and provide safety to the residents that will be relocated. The park projects are proposed to be funded through the 2007 Certificate of Obligation Bond funds.

30. Authorizing the City Manager to enter into a contract and award the 2007 Emergency Shelter Grant funds (ESG) made available by the U.S. Department of Housing and Urban Development to the following non-profit agencies:
    (1) $60,000.00 to the Laredo Homeless Coalition (LHC) for operation of the Guadalupe and Lilia Martinez Resource Center,
    (2) $40,000.00 to the Laredo Homeless Coalition to provide Essential Services,
    (3) $9,479.00 to Casa de Misericordia (Casa) for operation of their shelter, and
    (4) $48,000.00 to Bethany House to provide Homeless Prevention assistance.

    Funding is available in the 2007 Emergency Shelter Grant.

XIII. STAFF REPORTS

31.
    A. Staff report by the Laredo Public Library regarding Long Range Plan, with discussion and possible action.

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

32. Consideration for approval of change order no. 1 a decrease of $12,895.65 for the balance of quantities actually constructed in place to the construction contract with ALC Construction, LLC., Laredo, Texas, and acceptance of the Re-Roofing Project at the Jose Flores Apartments (18 Duplexes Complex). Final construction contract amount is $91,104.35. Funding is available in the Laredo Municipal Housing Corporation Budget.

XV. RECESS AS THE LAREDO MUNICIPAL HOUSING CORPORATION AND RECONVENE AND ADJOURN AS THE LAREDO CITY COUNCIL

XVI. 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.

33. Request for Executive Session pursuant to Texas Government Code Section 551.071 (1) (B) to consult with Assistant City Attorney on settlement offer regarding Shading Concepts, LLC, and return to open session for possible action.

XVII. ADJOURNMENT

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, November 15, 2007 at 6:00 p.m.

Gustavo Guevara, Jr.
City Secretary

COUNCIL COMMUNICATION

DATE:	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE
11/19/07	Amending Article II, Section 2-16, "Departments of the City," of the Code of Ordinances of the City of Laredo, Texas, by creating, consolidating and eliminating departments; and providing for severability and an effective date.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Raul Casso, City Attorney

PREVIOUS COUNCIL ACTION:

On September 13, 2007 City Council held a City Council Workshop to discuss the proposed reorganization plan prepared by the Waters Consulting Group.

BACKGROUND:

A copy of the revised reorganization chart is attached.

FINANCIAL:

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
Approval of this Ordinance.	Approval of this Ordinance.

ORDINANCE NO. _____

AMENDING ARTICLE II, SECTION 2-16, "DEPARTMENTS OF THE CITY," OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO, TEXAS, BY CREATING, CONSOLIDATING AND ELIMINATING DEPARTMENTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 3.05(1) of the City Charter grants the City Manager the authority to appoint, suspend or remove "all City department heads provided for, by or under the City Charter, except as otherwise provided by law, the Charter, or policy adopted pursuant to the Charter;" and

WHEREAS, Section 3.04 of the City Charter requires the City Manager to designate, and presumably delegate, subject to the approval of the City Council, to a qualified administrative officer, the powers and duties of his office during his or her temporary absence or disability; and further that in the event that the City Manager is incapacitated and cannot or will not designate an "Acting City Manager," the City Council then appoints an Acting City Manager; and

WHEREAS, Section 4.01(A) of the City Charter authorizes the establishment of City Departments by ordinance, and Ordinance 2006-0-104 (as amended) created the current City departments; and

WHEREAS, Section 4.01(A) of the City Charter provides that City Council may establish additional departments of the City; and

WHEREAS, the City Council finds it necessary to eliminate, modify and or enhance the departments,

WHEREAS, the City Council finds it necessary to streamline the organization to provide efficiency and effectiveness.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Amendment. Article II, Section 2-16 Departments of the City, is hereby amended as follows:

(1) Human Resources
(2) Financial Services
(3) Health
(4) **Parks and** [~~Recreation~~] ***Leisure Services***
(5) **Community Development**
~~(6) [Engineering]~~
(7) Public Works
(8) Utilities
~~(9) [Traffic]~~
(10) Fire
(11) **Planning** [~~and Zoning~~]
(12) Building ***Development*** Services
(13) Information ***Services*** ~~Technology~~ and ~~[Support Services]~~***Telecommunications***
~~(14) [Airport]~~
~~(15) [Tax]~~
~~(16) [Library]~~
~~(17) [Convention and Visitor's Bureau]~~

(18) Police
~~(19) [Legal]~~
(20) City Attorney
~~(21) [Budget]~~
~~(22) [Bridge]~~
~~(23) [Environmental Services]~~
~~(24) [Solid Waste Services]~~
(25) Municipal Court
(26) City Secretary
(27) City Manager[~~'s Office~~]
(28) ~~[Communications and Administrative Services]~~
(29) Economic Development
(30) Building Development
(31) Transportation

***Transit (Contracted Services)**

Section 3: Severability.

If any provision, section, subsection, sentence, clause of phrase of this ordinance is for any reason held to be unconstitutional, void invalid or unenforceable, the validity of the remaining portion of this ordinance shall be affected thereby.

Section 3: Effective Date.

This ordinance shall become effective upon its being passed by the City Council.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____DAY OF _____, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

_____
RAUL CASSO
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE
11/19/2007	AMENDING CHAPTER 2 [ADMINISTRATION] ARTICLE VI [INVESTMENT POLICY] OF THE CODE OF ORDINANCES IN ORDER TO: 1. ADD NEW SECTION 2.257 [AUTHORIZATING INVESTMENT ADVISORS]; AND 2. ADD NEW SECTION 2.270 [INVESTMENT STRATEGY BY FUND TYPE]; 3. DELETING PART OF RENUMBERED SECTION 2.258 [AUTHORIZED INVESTMENTS, TO DELETE THEREFORM (d) [BANKERS NOTES] AND (e)[COMMERCIAL PAPER]; AND 4. AMENDING & MODIFYING THE OTHER SECTIONS OF ARTICLE IV IN ORDER TO MAKE THE ARTICLE COMPLY WITH CHAPTER 2256 OF THE GOVERNMENT CODE [KNOWN AS THE PUBLIC INVESTMENT ACT]; AND PROVIDING FOR EFFECTIVE DATE.

INITIATED BY:	STAFF SOURCE:
Cynthia Collazo, Deputy City Manager	Rosario Camarillo-Cabello, Finance Director

PREVIOUS COUNCIL ACTION:

BACKGROUND:

Chapter 2256 of the Government Code, popularly known as the Public Funds Investment Act, requires annual review of the city's investment policy. The city's investment policy is contained in Article VI of Chapter 2 of the Code of Ordinances, and state law requires that the policy be reviewed at least annually and that the policy be adopted and amended, as required The investment policy has been reviewed by the city's investment consultants and city staff who recommend that (1) a new section 2.257 be added to authorize investment advisors, (2) a new section 2.270 be added to specify investment strategy by fund type (3) that sections be renumbered accordingly, (4) that bankers notes and commercial paper be deleted as authorized investments of the city, and (5) that subsidiary editing be done to make the entire Article VI conform with the Public Funds Investment Act.

FINANCIAL IMPACT:

None

RECOMMENDATION:	STAFF RECOMMENDATION:
	Staff recommends that this ordinance be introduced.

ORDINANCE NO.

AMENDING CHAPTER 2 [ADMINISTRATION] ARTICLE VI [INVESTMENT POLICY] OF THE CODE OF ORDINANCES IN ORDER TO:

1. ADD NEW SECTION 2.257 [AUTHORIZATING INVESTMENT ADVISORS]; AND
2. ADD NEW SECTION 2.270 [INVESTMENT STRATEGY BY FUND TYPE];
3. DELETING PART OF RENUMBERED SECTION 2.258 [AUTHORIZED INVESTMENTS, TO DELETE THEREFORM (d) [BANKERS NOTES] AND (e)[COMMERCIAL PAPER]; AND
4. AMENDING & MODIFYING THE OTHER SECTIONS OF ARTICLE IV IN ORDER TO MAKE THE ARTICLE COMPLY WITH CHAPTER 2256 OF THE GOVERNMENT CODE [KNOWN AS THE PUBLIC INVESTMENT ACT];

AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City's investment policy is embodied in Article VI of Chapter 2 of the Code of Ordinance of the City of Laredo; and

WHEREAS, the Financial Director recommends that said Article VI be amended, first, to add a new Section 2-257 to authorize selection of investment advisors; and

WHEREAS, the Financial director recommends that the same article be amended to add a new Section 2.270 specifying investment strategy by fund type; and

WHEREAS, the financial director further recommends that bankers notes and commercial paper be deleted from renumbered Section 2-258 as authorized investments; and

WHEREAS, the final director recommends subsidiary editing in order to have Article hereby Article VI of Chapter 2 of the Code of Ordinance conform with Chapter 2256 of the Government Code, popularly known as the Public Funds Investment Act, Chapter 2256 of the Texas Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. Article VI [Investment Policy] of Chapter 2 [Administration] of the Code of Ordinances is amended as follows:

Chapter 2 – Administration

Article VI – Investment Policy

Sec. 2-250. Policy

It is the policy of the City of Laredo (City) to invest all available funds to the maximum extent possible at the ~~highest possible~~ risk appropriate rates obtainable at the time of investment with the maximum security while meeting the cash flow demands of the City and conforming with federal, state, and local laws governing the investment of public funds, including but not limited to, Government Code Chapter 2256 – The Public Funds Investment Act ("Act").

Sec. 2-251. Scope

~~[Funds to be included]~~ This Investment Policy applies to all funds of the City as accounted for in the City's general ledger system and disclosed in the City's Comprehensive Annual Financial Report, with the exception of the Laredo Firefighters Retirement System. The Policy applies to all funds including but not limited to operating funds and proceeds from bond issues. The City's funds types include:

- General fund
- Special revenue funds
- Capital projects funds
- Enterprise funds, including debt service reserves
- Trust and agency funds
- Debt service funds
- Any new fund created by the City, unless specifically exempted from this Policy by the City council or by law.

Pooling of Funds. Except for cash in certain restricted funds, the City will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

Sec. 2-252. Standard of Care

Investments shall be made with judgment and care --under prevailing circumstances-- that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

The standard of prudence to be used by Investment ~~officials~~ Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures and the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided that deviations from expectations are reported in a timely fashion and an appropriate action is taken to control adverse developments.

Sec. 2-253. Objectives

Investment of funds shall be governed by the following investment objectives:

A. Preservation and safety of principal

Investments of the City shall be made in a manner that ensures preservation of capital in the overall portfolio. This will be attained through the diversification of the investment portfolio so that potential losses on individual securities do not exceed the generated income from the remainder of the portfolio.

B. Liquidity

The investment portfolio is an integral element in the City's cash management program. As such, the portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.

C. Yield

The investment portfolio shall be designed with the objective of attaining an overall yield commensurate with the City's risk preference and the cash flow characteristics of the portfolio.

Sec. 2-254. Delegation of Authority

~~Effective September 1, 1995, House Bill 2459 passed by the 74th Texas Legislature became law thereby enacting significant procedural and substantive changes in the manner in which public funds are to be invested. H.B. 2459 consolidated the separate subchapters of Chapter 2256, Texas Government Code (entitled "Public Funds Investment") into an expanded "Public Funds Investment Act" (formerly Subchapter A of Chapter 2256) and makes the Act applicable to all local governments, most state agencies holding funds outside of the state treasury, all intergovernmental investment pools (including TexPool), and all nonprofit corporations acting on behalf of any of the other covered entities~~.

A. City of Laredo Investment Authority

City depository and investment authority is established within the office of the City Manager in the Charter of the City of Laredo, Texas (2006, Section 6.14 ~~1995, Section 6.20~~). By the authority of the City Charter (Section 3.05(4)), the City Manager hereby designates, with the approval of City Council, the Director of Finance and the Assistant Director of Finance of the City of Laredo as Investment Officers and, as such, are responsible for depositing funds, investing such funds, assuring that each investment has the proper and authorized collateral, monitoring investments, assuring the security of the City's principal and interest, receiving and reporting principal and interest at the maturity of each investment, and providing the proper documentation and reports on such investments to the City Manager and the City Council.

The Investment Officers shall attend an investment training session not less than once in a two-year period and receive not less than ten (10) hours of instruction relating to the ~~law~~ Act and this Policy. ~~This~~ Authorized training sources are ~~can be provided by~~ the Texas Municipal League, Government Finance Officers Association of Texas, Government Treasurers Organization of Texas, Government Finance Officers Association, Municipal Treasurer's Association of the United States and Canada, American Institute of Certified Public Accountants, and University of North Texas. ~~banks, investment pools, accounting firms, or financial advisory firms.~~

B. Delegation and Restriction of Investment Authority

Responsibility and authority for the City's investment policies and procedures reside with the City Manager. Responsibility and authority for investment transactions reside with the City's Investment Officers and, as such, they are fully authorized to buy, sell, and trade investments in accordance with the City's Investment Policy and the Act. ~~and applicable Public Funds Investment Act, Chapter 2256 of the Government Code and City laws and this policy.~~

Certain bonded officials share signatory responsibilities with the Financial Services Department for backup purposes. These officials are the City Manager, Deputy City Manager and Assistant City Manager(s). The persons holding these positions are also authorized to transact wire transfers. However, only the City's Investment Officers are authorized to transact investments.

Bonding of all Financial Services Department staff with signatory authority is required, and such bonding requirements will also apply to those individuals authorized to place, purchase, or sell investment instruments.

Sec. 2-255. Ethics and Conflict of Interest

The City's Investment Officers shall refrain from any personal business activity that could conflict with the administration of the investment program or which could compromise their ability to carry on the City's investment business impartially. In this respect, the Investment Officers should file a statement disclosing any personal business relationship with a business organization (to include investment pools) offering to engage in an investment transaction with the City. At the same time, any relationship within the second degree by affinity or consanguinity as determined under Chapter 573 (Texas Government Code) to an individual seeking to sell investment products to the City shall be disclosed in a statements filed by the Investment Officers. These statements must be filed with the Texas Ethics Commission and the City Council of the City of Laredo.

For purposes of this section, an Investment Officer has a personal business relationship with a business organization if:

A. The Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;
B. Funds received by the Investment Officer from the business organization exceed 10 percent of the Investment Officer's gross income for the previous year; or
C. The Investment Officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the Investment Officer.

Sec. 2-256. Authorized Financial ~~Dealers, and~~ Institutions and Broker/Dealers

The Director of Finance will maintain a list of financial institutions and security broker/dealers ~~and financial institutions~~ and local government pools that are selected on the basis of credit worthiness that are authorized to provide investment services. ~~These will be at least ten (10) entities.~~ The City Council ~~or designated investment committee~~ shall, at least annually, review, revise, and adopt a list of qualified brokers/dealers that are authorized to engage in investment transactions with the City. Authorization to join eligible Local Government Pools will be authorized by City Council ~~thru~~ through a resolution.

All security broker/dealers must be registered and certified with the Texas State Securities Board, National Association of Security Dealers (NASD), and Securities and Exchange Commission (SEC). Repurchase Agreements will be transacted only with "primary" dealers or financial institutions doing business in this state.

All financial institutions and broker/dealers who desire to become qualified for the aforementioned list must supply the following: audited financial statements, proof of registration and certification as noted above, completed broker/dealer questionnaire, and the Investment Policy certification. Current audited financial statements will be required on all entities that are included in the approved list.

All investment transactions will be bid ~~out~~ on a competitive basis except for new securities that are being offered while they are still in ~~syndicate~~ syndication. Responses ~~An indication~~ from other ~~dealer /~~ broker/dealer will also be documented. The authorized financial ~~dealers and~~ institutions and brokers/dealers will submit the bids in writing ~~will submit the bids,~~ by telephone, or facsimile.

All securities purchased shall be consummated on a delivery versus payment basis. The City will maintain a safekeeping account with the current depository banks and/or at a Federal Reserve Bank ~~through the City's depository bank~~ for delivery of securities.

A written copy of the Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. The qualified representative of the business organization offering to engage in an investment transaction with the City shall execute a written instrument substantially to the effect that the business organization has received and reviewed the Investment Policy of the City and acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Officer of a City may not acquire or otherwise obtain any authorized investment described in the Investment Policy of the City from a person who has not delivered to the City the instrument required in this section. Nothing in this section relieves the City of the responsibility for monitoring the investments made by the City to determine that they are in compliance with the Investment Policy.

Sec. 2-257. Investment Advisors

Investment advisors shall adhere to the spirit, philosophy and specific terms of this Policy and shall advise within the same "Standard of Care". Selected investment advisors must be registered under the Investment Advisors Act of 1940 or with the State Securities Board. A contract with an investment advisor may not be for a term longer than two years and must be approved by the City's Council, including any renewals or extensions.

~~Sec. 2-257.~~ Sec. 2-258. Authorized Investments

The City is empowered by statute to invest in the following types of securities.

A. Obligations of, or Guaranteed by, Governmental Entities.

1. Except as provided by 2, the following are authorized investments under this section:

   a. Obligations of the United States or its agencies and instrumentalities;

   b. Direct obligations of this state or its agencies and instrumentalities;

   c. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States Pass-through mortgage back securities directly issued by a federal agency or instrumentality of the United States;

   d. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities; and

   e. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

2. The following are not authorized investments under this section:

   a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal:

   b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

   c. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

B. Financial Institution ~~Certificates of~~ Deposit.

A ~~certificate of~~ deposit is an authorized investment under this section if the ~~certificate of~~ deposit is with ~~issued by~~ a state or national bank, a savings bank, or a state or federal credit union that has its main office or a branch office domiciled ~~in this state, a savings bank domiciled in this state, or a state or federal credit union domiciled~~ in this state and is:

1. Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
2. Secured by obligations that are described by Section A including mortgage-backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage-backed securities of the nature described by ~~VIII~~IX, A, 2; or;
3. Secured in any other manner and amount provided by law for deposits of the City.

C. Repurchase Agreements

1. A fully collateralized repurchase agreement is an authorized investment under this section if the repurchase agreement:
   a. Has a defined termination date;
   b. Is secured by obligations described by IX~~VIII~~, A, 1 a; and
   c. Requires the securities being purchased by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and
   d. Is placed through a primary government securities dealer as defined by the Federal Reserve, or a financial institution doing business in this state.

2. In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by IX~~VIII~~, A, 1, a, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

3. Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

4. Money received by the City under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the

term of the authorized investments acquired must mature no later than the expiration date stated in the reverse security repurchase agreement.

~~D. Banker's Acceptances.~~

~~A banker's acceptance is an authorized investment under this section if the banker's acceptance:~~

~~1. Has a stated maturity of 270 days or fewer from the date of its issuance;~~
~~2. Will be, in accordance with its terms, liquidated in full at maturity;~~
~~3. Is eligible for collateral for borrowing from a Federal Reserve Bank; and~~
~~4. Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.~~

~~E. Commercial Paper. Commercial paper is an authorized investment under this section if the commercial paper:~~

~~1. Has a stated maturity of 270 days or fewer from the date of its issuance; and~~
~~2. Is rated not less than A-1 or P-1 or an equivalent rating by at least:~~
~~Two nationally recognized credit rating agencies; or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.~~

D~~F~~. Mutual Funds.

1. A no-load money market mutual fund is an authorized investment under this section if the mutual fund:
   a. Is registered with and regulated by the Securities and Exchange Commission and provides the City with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);
   b. Has a dollar-weighted average stated maturity of 90 days or fewer; and
   c. Includes in its investment objectives the maintenance of a stable net asset value of $1 for each share.
2. The City shall not invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund in an amount that exceeds 10 percent of the total assets of the mutual fund. ~~In addition to a no-load money market mutual fund permitted as an authorized investment in Section VIII, Subsection (A) a no-load mutual fund is an authorized investment under this section if the mutual fund:~~

~~a. Is registered with the Securities and Exchange Commission;~~
~~b. Has an average weighted maturity of less than two years;~~

~~c. Is invested exclusively in obligations approved by Section VIII (A);~~
~~d. Is continuously rated as to investment quality by a least one nationally recognized investment rating firm of not less than AAA or its equivalent; and~~
~~e. Conforms to the requirements set forth in G, 2 and 3 relating to the eligibility of investment pools to receive and invest funds of investing entities.~~

~~3. The City is not authorized under F to:~~

~~a. Invest in the aggregate more than 80 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in money market mutual funds described in F, 1 or mutual funds described in F, 2, either separately or collectively;~~
~~b. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in F, 2;~~
~~c. Invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in F, 2; or~~
~~d. Invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in F, 1 or 2 in an amount that exceeds 10 percent of the total assets of the mutual fund.~~

E~~G~~. Investment Pools

~~1.~~ The City ~~An entity~~ may invest its funds and funds under its control through an eligible investment pool if the pool operates in compliance with the Act, invests in a manner consistent with the risk criteria of this Policy, and City Council by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. ~~An investment pool shall invest the funds it receives from the City in authorized investments permitted by Section VIII (A);~~

~~2. To be eligible to receive funds from and invest funds on behalf of the City under this section, an investment pool must furnish to the Director of Finance an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:~~

~~a. The type of investments in which money is allowed to be invested;~~
~~b. The maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;~~
~~c. The maximum stated maturity date any investment security within the portfolio has;~~
~~d. The objectives of the pool;~~
~~e. The size of the pool;~~
~~f. The names of the members of the advisory board of the pool and the dates their terms expire;~~
~~g. The custodian bank that will safe keep the pool's assets;~~

~~h. Whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;~~

~~i. Whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;~~

~~j. The name and address of the independent auditor of the pool;~~

~~k. The requirements to be satisfied for the City to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the City to invest funds in and withdraw funds from the pool; and~~

~~l. The performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.~~

~~3. To maintain eligibility to receive funds from and invest funds on behalf of the City under this section, an investment pool must furnish investment transaction confirmations and a monthly report that contains, at a minimum, the following information:~~

~~a. The types and percentage breakdown of securities in which the pool is invested;~~

~~b. The current average dollar-weighted maturity, based on the stated maturity date, of the pool;~~

~~c. The current percentage of the pool's portfolio in investments that have stated maturities of more than one year;~~

~~d. The book value versus the market value of the pool's portfolio, using amortized cost valuation;~~

~~e. The size of the pool;~~

~~f. The number of participants in the pool;~~

~~g. The custodian bank that is safekeeping the assets of the pool;~~

~~h. A listing of daily transaction activity of the entity participating in the pool;~~

~~i. The yield and expense ratio of the pool;~~

~~j. The portfolio managers of the pool; and~~

~~k. Any changes or addenda to the offering circular.~~

~~4. The City by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.~~

~~5. In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.~~

~~6. To be eligible to receive funds from and invest funds on behalf of the City, a public funds investment pool created to function, as a money market mutual fund must mark its portfolio to market daily, and to the extent reasonable possible, stabilize at a $1 net asset value. If the ratio of the market value of the~~

~~portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005.~~

~~7. To be eligible to receive funds from and invest funds on behalf of the City, a public funds investment pool must have an advisory board composed equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool (for a public funds investment pool created under Chapter 791 and managed by a state agency) or of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool (for other investment pools).~~

~~8. To maintain eligibility to receive funds from and invest funds on behalf of the City, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.~~

F~~G~~. Existing Investments.

The City ~~entity~~ is not required to liquidate investments that were authorized at the time of purchase.

G. Rating of Certain Investment Pools. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating agency or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

H. Effect of Loss of Required Rating. An investment that requires a minimum rating under this section does not qualify as an authorized investment during the period the investment does not have the minimum rating. The City shall take all prudent measures that are consistent with its Investment Policy to liquidate an investment that does not have the minimum rating.

~~I. Local Government Investment pools which:~~

~~1. Meet the requirements of Chapter 2256.016 of the Public Funds Investment Act;~~

~~2. Are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, and;~~

3. ~~Are authorized by resolution or ordinance by City Council~~.

~~Sec. 2-258.~~Sec. 2-259. Collateralization

In agreement with the requirements of the Act and the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code, it is the Policy of the City that collateral will be required on financial institution deposits and repurchase agreements at 102% market value

including accrued interest, for each investment amount. ~~to require full collateralization of all City funds on deposits with a depository bank. In addition, collateral will be required on two types of investments, that is, certificates of deposit and repurchase agreements to the extent of 102% of market value and accrued interest.~~ Acceptable forms of collateral are those included in Section IX~~VIII~~ (A) (1) (a) of this Policy.

The right of substitution ~~is~~will be granted, ~~and it will~~ with the ~~require~~ approval of an ~~the~~ Investment Officer.

Collateral will be held and maintained as noted under the caption "Safekeeping".

~~Sec. 2-259.~~Sec. 2-260. Safekeeping and Custody

All purchased securities shall be held in safekeeping by either the City, the City's account in a third party financial institution, or the City's safekeeping account at its designated depository bank. ~~A safekeeping agreement maintained with a Federal Reserve Bank shall be part of the City's depository agreement.~~ Signatures authorized on the safekeeping accounts are those identified in the depository agreement. Transfers of securities in safekeeping shall be processed with written confirmations. The confirmation will be used for documentation and retention purposes. Securities rendered for payment will always be sent Delivery versus Payment to the City's designated safekeeping bank ~~depository~~.

~~Sec. 2-260~~Sec. 2-261. Diversification

The City will diversify its investments in terms of maturity as well as type and issuer pursuant to the list of authorized investments included herein. With the exception of U. S. Treasury and Agency securities and investment pools, no more than 50% of the City's total investment portfolio will be invested in a single security type. Investment in any one pool is limited to 50% of the City's total investment portfolio.

~~Sec. 2-261~~Sec. 2-262. Maximum Maturities

To the extent possible, the City will attempt to match its investments with projected cash flow requirements. Unless matched to a specific cash flow, the City's investment in securities with maturities exceeding two (2) years will not exceed twenty-five percent (25%) of the total portfolio. The maximum maturity of any security will not exceed the ten (10) years to maturity. However, the City may collateralize its repurchase agreements using approved collateral not to exceed ten (10) years to maturity.

~~Sec. 2-262.~~Sec. 2-263. Internal Control

The external audit firm as part of the City's annual financial audit will perform a compliance audit of management controls on investments and adherence to the City's ~~established~~ Investment Policy.

~~Sec. 2-263.~~Sec. 2-264. Performance Benchmark

It is the Policy of the City to purchase investments, and hold them until maturity, with maturity dates coinciding with cash flow needs. Through this strategy, the City attempts to purchase the highest yielding allowable investments available on the market at that time. Market value will be calculated at least on a quarterly basis on all securities owned and compared to current book value of those securities to determine portfolio performance during that period of time. The City's portfolio shall be designed with the objective of regularly meeting or exceeding the average rate of return on U. S. Treasury Bills at a maturity level comparable to the City's weighted average maturity in days. "Weighted Average Yield to Maturity shall be the performance measurement standard for the portfolio.

~~Sec. 2-264~~Sec. 2-265. Reporting

The City Manager through the Director of Finance will prepare and submit to City Council on a quarterly basis a written report of investment transactions for all funds covered by this Policy for the preceding period. The report must:

A. Describe in detail the investment position of the City on the date of the report;
B. Be prepared jointly by all Investment Officers of the City;
C. Be signed by each Investment Officer of the City;
D. Contains a summary statement prepared in compliance with generally accepted accounting principles of each pooled fund group that states the beginning market value for the reporting period, additions and changes to the market value during the period, ending market value for the period, and fully accrued interest for the reporting period.
E. States the book value and market value, ~~as determined through the SYMPRO, an investment accounting software and Interactive Data Corporation for market valuation,~~ of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. In defining market value, sources independent of the investment providers will determine valuations and considerations will be given to GASB Statement No. 31.
F. State the maturity date of each separately invested asset that has a maturity date;
G. States the account or fund or pooled group fund in the City for which each individual investment was acquired; and
H. States the compliance of the investment portfolio of the City as it relates to: the Investment Strategy expressed in the City's Investment Policy; and relevant provisions of ~~the Public Funds Investment~~ Act. ~~as amended by House Bill 2459 (effective 9/1/95).~~

If the City invests in other than money market mutual funds, investment pools, or accounts offered by its depository bank in the form of certificates of deposit, money market accounts, or similar accounts, the reports prepared by Investment Officers as included in this section

shall be formally reviewed at least annually by an independent auditor, in conjunction with the annual financial audit, and the result of the review shall be reported to the City Council by that auditor.

~~Sec. 2-265.~~Sec. 2-266. Investment Policy Adoption

The City's Investment Policy shall be adopted by ordinance of the City Council.

The City Council shall review the Investment Policy and Investment Strategies annually, and it shall by ordinance state that it has reviewed the Investment Policy and Investment Strategies and that said ordinance so adopted includes any changes made to either the Investment Policy or Investment Strategies.

~~Sec. 2-266.~~Sec. 2-267. Depository for City Funds

The City Council shall designate a banking institution as the depository for the funds of the City. The bank is selected primarily on "solvency and stability" and secondly on the cost of banking services and the interest rate to be paid on deposits. The bank shall be selected through a formalized bidding process in response to a City request for proposal outlining all services required. The banking services contract shall be bid to comply with the City Charter and any statutory requirements. ~~every two years to assure that the City receives the best service and takes advantage of all available banking services.~~ The designation of the primary depository bank does not preclude the City from entering into other depository contracts for the purpose of receiving investment or other bank services.

~~Sec. 2-267.~~Sec. 2-268. ~~List of Attachments~~ List of Authorized Broker / Dealers and Financial Institutions

~~The following documents are attached and are part of this Policy:~~

~~List of Authorized Broker / Dealers and Financial Institutions~~

~~Investment Strategy~~

~~Glossary of Cash Management / Investment Terms~~

LIST OF APPROVED INVESTMENT BROKERS / DEALERS & FINANCIAL INSTITUTIONS – NOVEMBER _ 2007

FIRM	CONTACT PERSON
Deutsche Bank, Alex. Brown *	~~Winthrop C. Harvey~~
Merrill Lynch Securities *	Jim Elliott
Morgan Stanley *	~~Jerome Senegal~~ Howard Ledet
CANTOR FITZGERALD *	VINCENT AGOGLIA
JP MORGAN CHASE *	~~GREGORY L. VINT~~
Wells Fargo Brokerage	Glen O. Hooker
First Empire Securities	Walter K. Plunkett
First Public	Steve Orta
SAMCO Capital Markets	Robert M. Phillips
Frost Bank	Anthony Jasso

APPROVED LOCAL GOVERNMENT INVESTMENT POOLS

Tex Pool

Lone Star Investment Pool
LOGIC – Local Government Investment Cooperative
MBIA Municipal Investors Service Corp. - Texas Class Program - Investment Pool

~~*Sec. 2-268*~~*Sec. 2-269.* Investment Strategy

The City's Investment Portfolio is a combination of all the City funds with the exception of the Laredo Firefighters Retirement Fund. The following investment strategy applies to the City's Investment Portfolio The portfolio is maintained to meet anticipated daily cash requirements for the City's operations, debt service payments and capital projects while investing a the maximum extent possible at ~~the highest possible~~ risk-appropriate rates obtainable at the time of the investment. The City's portfolio shall be designed with the objective of regularly meeting or exceeding the average rate of return on U. S. Treasury Bills at a maturity level comparable to the City's weighted average maturity in days.

The overall objectives of the portfolio are:

A. Preservation and safety of principal

The investments of the City shall be made in a manner that ensures preservation of capital in the overall portfolio. This will be attained through the diversification of the portfolio and by investing in high-quality securities for which a strong secondary market exists.

B. Liquidity

The portfolio is an integral element of the City's cash management program, and as such, the portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated. This will be accomplished by structuring the portfolio so that securities mature concurrent with cash need to meet anticipated demands. A portion of the portfolio also may be placed in stable – value investment options ~~local government investment pools~~ that offer same-day liquidity for short-term funds.

C. Yield

The investment portfolio shall be designed with the objective at attaining an overall commensurate with the City's risk preference and the cash flow characteristics of the portfolio.

D. Diversification

The City will diversify its investments in terms of maturity as well as type and issuer pursuant to the list of authorized. With the exception of U.S. Treasury and Agency securities, and investment pools, no more than 50% of the City's total investment portfolio will be invested in a single security type. Investment in any one pool is limited to 50% of the City's total investment portfolio.

~~Sec. 2-269.~~ Sec. 2-270.Investment Strategy by Fund Type

A. General and Enterprise Operating Funds

Operating Funds will have as their primary objective to assure that cash flows are matched while obtaining reasonable market yields. This will be accomplished by purchasing quality, short-term securities in a laddered structure, or utilizing other liquid alternatives.

The dollar weighted average will be 270 days or less to accomplish this goal. The portfolio shall be diversified to protect against credit and market risk in any one sector. No security will be purchased with maturity over twenty-four (24) months.

B. Capital Project and Special Purpose Funds

Capital Project and Special Purpose Funds will have as their primary objective to ensure that anticipated cash flows are matched with adequate investment liquidity. No funds will be invested longer than the related anticipated expenditures.

These portfolios should have minimum liquid, stable-value investment options to allow for unanticipated project expenditures or accelerated project outlays. The dollar weighted average life of the portfolio should match the weighted average life of the expenditures. Funds invested for capital projects may be from bond proceeds that are subject to arbitrage rebate regulations.

The City will have an arbitrage rebate calculation performed annually to determine the income, if any, that has exceeded the arbitrage yield of bonds. Any positive arbitrage income will be rebated to the Federal Government according to arbitrage regulations. A secondary objective of these funds is to achieve a yield equal to or greater than the arbitrage yield on the applicable bond.

C. Debt Service Fund and Debt Service Reserve

Debt Service Funds shall have as the primary objective the guarantee of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased will not have maturity dates that exceed the next debt service payment date until the next debt service payment is fully funded.

Debt Service Reserve will have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund within the limits set forth by the bond ordinance or debt covenants specific to each individual bond issue.

~~Sec. 2-270.~~Sec. 2-271. GLOSSARY OF CASH MANAGEMENT / INVESTMENT TERMS

Accrued Interest: The accumulated interest due on a bond as of the last interest payment made by the issuer.

Agency: A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Government Sponsored Enterprises (GSE) ~~Federally Sponsored Agencies (FSAs)~~ are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of federal agency is the Government National Mortgage Association (GNMA). An example of a (GSE) ~~FSA~~ is the Federal National Mortgage Association (FNMA).

Amortization: The systematic reduction of the amount owed on a debt issue through periodic payments of principal.

Asked: The price at which securities are offered.

Average Life: The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Basis Point: A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of a percent of yield. E.g., "1/4" of 1 percent is equal to 25 basis points.

Bid: The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value: The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

Callable Bond: A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

Call Price: The price at which an issuer may redeem a bond prior to maturity. The price is usually at a slight premium to the bond's original issue price to compensate the holder for loss of income and ownership.

Call Risk: The risk to a bondholder that a bond may be redeemed prior to maturity.

Cash Sale/Purchase: A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateralization: Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

Commercial Paper: An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City of Laredo. It includes combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provision, extensive introductory material, and a detailed statistical section.

Convexity: A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Coupon Rate: The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

Credit Quality: The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.

Credit Risk: The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Current Yield (Current Return): A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt(also called free). Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is the delivery of securities with an exchange of a signed receipt for the securities.

Derivative Security: Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Discount: The amount by which the par value of a security exceeds the price paid for the security.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury Bills.

Diversification: A process of investing assets among a range of security types by sector, maturity, and quality rating.

Duration: A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Fair Value: The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

Federal Funds (Fed Funds): Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.

Federal Funds Rate: Interest rate charged by one institution lending federal funds to the other.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g. S & L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to $100,000 per deposit.

Federal Home Loan Banks (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

Federal National Mortgage Association (FNMA): FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open-market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

Financial Industry Regulatory Authority (FINRA): A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Government National Mortgage Association (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term pass through is often used to describe Ginnie Maes.

Government Securities: Obligations of the U.S. government, its agencies or instrumentalities, not all are backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. ~~See "Treasury Bills, Notes, and Bonds."~~

Interest Rate: See "Coupon Rate."

Interest Rate Risk: The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.

Internal Controls: An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognized that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

- **Control of collusion** – Collusion is a situation where two or more employees are working in conjunction to defraud their employer.

- **Separation of transaction authority from accounting and record keeping** – By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.

- **Custodial safekeeping** – Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.

Inverted Yield Curve: A chart formation that illustrates long-term securities having lower yields than short-term securities. This configuration usually occurs during periods of high inflation coupled with low levels of confidence in the economy and a restrictive monetary policy.

Investment Policy: A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Investment-grade Obligations: An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): An investment by local governments in which their money is pooled as a method for managing local funds.

Mark-to-market: The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Risk: The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value: Current market price of a security.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and the financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment provide remedies in the case of default by either party and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the uncertainty of ownership and hence, allowing investors to liquidate collateral if a bank or dealer defaults during the term of the agreement.

Maturity: The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average maturity."

Money market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Money Market Mutual Fund: Mutual funds that invest solely in money market instruments.

Mutual Fund: An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. The Investment Company Act of 1940 regulates mutual funds.

~~**National Association of Securities Dealers (NASD):** A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities~~.

Net Asset Value: The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash, and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio.

No Load Mutual Fund: A mutual fund, which does not levy a sales charge on the purchase of its shares.

Nominal Yield: the stated rate of interest that a bond pays its current owner, based on par value of the security. It is also known as the "coupon," coupon rate," or "interest rate."

Offer: An indicated price at which market participants are willing to sell a security or commodity. Also referred to as the "ask price."

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Par: Face value or principal value of a bond, typically $1,000 per bond.

Portfolio: Collection of securities held by an investor.

Positive Yield Curve: A chart formation that illustrates short-term securities having lower yields than long-term securities.

Premium: The amount by which the price paid for a security exceeds the security's par value.

Prime Rate: A preferred interest rate charged by commercial banks to their most creditworthy customers. Many interest rates are keyed to this rate.

Primary Dealer: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to it informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Principal: The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prospectus: A legal document that must be provided to any prospective purchaser of a new securities offering registered with the SEC. This can include information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management, and certain certified financial statements.

Prudent Person Rule: An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of the state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Reinvestment Risk: The risk that a fixed income investor will be unable to reinvest income proceeds from a security holding at the same rate of return currently generated by that holding.

Repurchase Agreement (RP or REPO): An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Safekeeping: Holding of assets (e.g. securities) by a financial institution.

SEC Rule 15C3-1: See uniform net capital rule.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Serial Bond: A bond issue, usually of a municipality, with various maturity dates scheduled at regular intervals until the entire issue is retired.

Sinking Fund: Money accumulated on a regular basis in a separate custodial account that is used to redeem debt securities or preferred stock issues.

Swap: Trading one asset for another.

Term Bond: Bonds comprising a large part of all of a particular issue, which come due in a single maturity. The issuer usually agrees to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity.

Total Return: The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. (Price Appreciation)+(Dividends paid)+(Capital gains)=Total Return

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year in minimum denominations of $10,000.00. The yields on bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Bond: Long-term U.S. Treasury securities having initial maturities of more than ten years. Current, the longest outstanding maturity for such securities is 30 years.

Treasury Notes: Intermediate term coupon bearing U.S. Treasury securities having initial maturities from one to ten years. ~~Currently, the longest outstanding maturity for such securities is 30 years~~.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ration of indebtedness to liquid capital of 15 to 1: also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities. This is one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Volatility: A degree of fluctuation in the price and valuation of securities.

Volatility Risk Rating: A rating system to clearly indicate the level of volatility and other non-credit risks associated with securities and certain bond funds. The ratings for bond funds range from those that have extremely low sensitivity to changing market conditions and offer the greatest stability of the return ("aaa" by S&P; "V-1" by Fitch) to those that are highly sensitive with currently identifiable market volatility risk ("ccc" by S&P, "V-10" by Fitch).

Weighted Average Maturity (WAM): The average maturity of all the securities that comprise a portfolio. According to SEC rule 2A-7, the WAM for SEC registered money market mutual funds may not exceed 90 days and no one security may have a maturity that exceeds 397 days.

When Issued (WI): A conditional transaction in which an authorized new security has not been issued. All "when issued" transactions are settled when the actual security is issued.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) Income Yield is obtained by dividing the current dollar income by the current market price of the security. (b) Net Yield or Yield to Maturity is the current income yield minus any premium above par or plus any discount from par n purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Yield-to-call (YTC): The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date.

Yield Curve: A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to a positive yield curve.

Yield-to-maturity: The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

Zero-coupon Securities: Security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

Section 2. This ordinance shall become effective upon the final reading of this ordinance.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2007.

_____
RAUL G. SALINAS, MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM
RAUL CASSO
CITY ATTORNEY

By: _____
Anthony C. McGettrick
Assistant City Attorney

COUNCIL COMMUNICATION

DATE:	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE
11/19/07	Providing for the taxation of goods-in-transit pursuant to Section 11.253 (j) of the Texas Property Tax Code. Goods-in-transit are exempt from taxation, unless the taxing unit provides for the taxation prior to January 1st of the tax year in which the tax is proposed. The goods-in-transit shall remain subject to taxation until this action is rescinded or repealed.

INITIATED BY:	STAFF SOURCE:
Carlos R.Villarreal, City Manager	Elizabeth Martinez, RTA Tax Assessor-Collector

PREVIOUS COUNCIL ACTION:

None

BACKGROUND:

Goods-in-transit, as exempted under Section 11.253 the Texas Property Tax Code, is a property tax exemption for goods that reside temporarily in warehouses within a city while awaiting shipment to other locations within or outside of Texas (as contrasted with the current law freeport exemption under Section 11.251 of the Texas Property Tax Code, which covers only goods shipped outside of Texas). This exemption was approved by Texas Votors in 2001 as an amendment to the Texas Constitution, but only this year did the Texas Legislature enact enabling legislation.

There are two notable concerns with the exemption:

1.) The exemption applies only to goods that are owned by someone other than the owner of the warehouse where the goods are temporily stored. Appraisers in Texas are predicting a large fiscal impact for this exemption based on the theory that retailers who currently own their own warehouses may be tempted by the language of the exemption to sell their warehouses to third-party "shell" corporations. Once ownership is thus separated, the theory goes, the retailer could claim the exemption at warehouses that essentially remain under the control of the retailer, which is not in keeping with the ecomonic development spirit of the bill.

2.) The bill that passed this year is arguably broader than the constitutional amendment adopted by voters in 2001. The amendment prohibits the exemption where the warehouses are owned or controlled by the owner, while the 2007 bill omits the language relating to control.

FINANCIAL IMPACT:
If we do not provide for the taxation of goods-in-transit, the immediate impact for FY 2008-2009 would be a loss of property tax revenue of $ 258,753; however, because of above concerns , this loss could be significantly higher.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	That City Council approves this Ordinance.

AN ORDINANCE NO. 2007-0-

PROVIDING FOR THE TAXATION OF GOODS-IN-TRANSIT PURSUANT TO SECTION 11.253 (J) OF THE TEXAS PROPERTY TAX CODE. GOODS-IN-TRANSIT ARE EXEMPT FROM TAXATION, UNLESS THE TAXING UNIT PROVIDES FOR THE TAXATION PRIOR TO JANUARY 1ST OF THE TAX YEAR IN WHICH THE TAX IS PROPOSED. THE GOODS-IN-TRANSIT SHALL REMAIN SUBJECT TO TAXATION UNTIL THIS ACTION IS RESCINDED OR REPEALED.

WHEREAS, Section 11.253 of the Property Tax Code exempts goods that reside temporarily in warehouses within a city while awaiting shipment to other locations within or outside of Texas.; AND

WHEREAS, The exemption applies only to goods that are owned by someone other than the owner of the warehouse where the goods are temporily stored. Appraisers in Texas are predicting a large fiscal impact for this exemption based on the theory that retailers who currently own their own warehouses may be tempted by the language of the exemption to sell their warehouses to third-party "shell" corporations.; AND

WHEREAS, The bill that passed this year is arguably broader than the constitutional amendment adopted by voters in 2001. The amendment prohibits the exemption where the warehouses are owned or controlled by the owner, while the 2007 bill omits the language relating to control.; AND

WHEREAS, The exemption of these goods would reduce our FY 2008-2009 property tax revenue by $ 258,753; however, because of above concerns , this loss could be significantly higher.; AND

WHEREAS, Section 11.253 (J) of the Property Tax Code allows the governing body of a taxing unit to provide for the taxation of goods-in-transit exempt under subsection (b) and not exempt under other law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO:

SECTION 1. That we provide for the taxation of goods-in-transit pursuant to Section 11.253 (j) of the Texas Property Tax Code.

SECTION 2. That the goods-in-transit remain subject to taxation until this action is rescinded or repealed.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2007

_____
RAUL G. SALINAS, MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY
BY:

_____
V. MELISSA SALDANA,
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

Date: 11/19/07	**SUBJECT:** PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for an amusement redemption machine establishment on Lots 2A and 2B, Block 1, Bartlett Apartments Subdivision at Jacaman Ranch, located at 6508 N. Bartlett Avenue. The Planning & Zoning Commission recommended approval of the Conditional Use Permit. ZC-53b-2007

Initiated by: Mario Santos	**Staff source:** Keith Selman, Planning Director

Prior action: None.

BACKGROUND

Council District: V – Johnny Rendon

Proposed use: Amusement Redemption Machine Establishment

Site: Laredo Cardiac Rehabilitation Wellness Center

Surrounding land uses: North of the site is vacant land. East of the site are single-family residences. West of the site are North Village Apartments. South of the property are Ambulance Service of Laredo, Guerra Communication Center and Americlean Dry Cleaners.

Comprehensive Plan: The Future Land Use Map recognizes this area as Retail/Office.

Transportation Plan: The Long Range Thoroughfare Plan identifies Bartlett Avenue as a Major Collector.

Letters sent to surrounding property owners: 14 In Favor: 0 Opposed: 1

STAFF COMMENTS

Staff does not support the issuance of the proposed Conditional Use Permit at this location. An amusement redemption machine establishment requires a B-4 designation, rather than the current B-3 zoning district. The proposed use is not compatible with the surrounding residential uses adjacent to the west and across the street to the east. This activity may introduce more intensive elements such as traffic, noise and late hours of operation that are incompatible with the neighborhood.

Should the Commission wish to consider approval, the following conditions are suggested:

1. The C.U.P. shall be issued to Mario Santos, and is nontransferable.
2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.
3. The C.U.P. is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
4. No outdoor speakers or music are permitted.
5. Lighting should be aimed away from the adjacent residential uses and no flashing lights or lights that attract are permitted.
6. The hours of operation shall be restricted to 10 a.m. to 12 midnight.

P&Z COMMISSION RECOMMENDATION:	**STAFF RECOMMENDATION:**
The P & Z Commission, in a **6** to **1** vote (1 abstention), recommended **approval** of the conditional use permit.	Staff **does not support** the proposed conditional use permit.

ORDINANCE NO. 2007-O-

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR AN AMUSEMENT REDEMPTION MACHINE ESTABLISHMENT ON LOTS 2A AND 2B, BLOCK 1, BARTLETT APARTMENTS SUBDIVISION AT JACAMAN RANCH, LOCATED AT 6508 N. BARTLETT AVENUE; PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, a request has been received for the issuance of a Conditional Use Permit for an amusement redemption machine establishment on Lots 2A and 2B, Block 1, Bartlett Apartments Subdivision at Jacaman Ranch, located at 6508 N. Bartlett Avenue; and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on October 18, 2007; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the Conditional Use Permit; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on November 19, 2007, on the request and finds the Conditional Use Permit amendment appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, all conditions imposed by the Conditional Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Conditional Use Permit may commence; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by authorizing the issuance of a Conditional Use Permit for an amusement redemption machine establishment on Lots 2A and 2B, Block 1, Bartlett Apartments Subdivision at Jacaman Ranch, located at 6508 N. Bartlett Avenue.

Section 2: The Conditional Use Permit is further restricted to the following provision herewith adopted by the City Council:

1. The C.U.P. shall be issued to Mario Santos, and is nontransferable.

2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.
3. The C.U.P. is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
4. No outdoor speakers or music are permitted.
5. Lighting should be aimed away from the adjacent residential uses and no flashing lights or lights that attract are permitted.
6. The hours of operation shall be restricted to 10 a.m. to 12 midnight.

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 5: The Conditional Use Permit authorized by this ordinance shall be revoked pursuant to the Laredo Land Development Code, section 24.94.10, entitled "Revocation," according to the criteria and procedures described therein and below:

1. Criteria

Any Conditional Use Permit, authorized by City Council, shall be considered in noncompliance and shall be revoked and removed from the City of Laredo Zoning Map, in the event a court of law finds the use in violation of any of the following conditions:

A. The use established on site does not conform, at any time, with any or all permit condition(s) approved by the City Council and or any local, state, or federal law.
B. The activity authorized by the Conditional Use Permit commences prior to the institution of all conditions imposed by the Conditional Use Permit.
C. Discontinuance of the Council approved conditional use for a period of six (6) consecutive months.
D. The use of which the Conditional Use Permit was authorized does not commence within six months of City Council's final approval date.

2. Procedures

Should City of Laredo Enforcement Official inspection reveal noncompliance with Laredo Land Development Code, Subsection 24.94.10, Conditional Use Permit revocation procedures shall commence as below stipulated:

A. A Zoning Officer shall, upon discovery of conditional use permit noncompliance as per Subsection 24.94.10, issue a written warning, granting a grace period of a minimum of ten (10) working days, within which time the use may be brought into compliance with the current City Council approved Conditional Use Permit for that location.
B. If noncompliance persists after the conclusion of the warning grace period, a Zoning Enforcement Official shall issue a written citation.

C. Should the citation result in a guilty verdict, the City of Laredo shall consider the Conditional Use Permit revoked and proceed with its removal from the City of Laredo Zoning Map.
D. The Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.
E. In the event of discontinuance or failure to commence as stipulated in Subsection 24.94.10.1 D and E of this Ordinance, Zoning Enforcement Staff will issue written notification of same. Ten days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, the Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

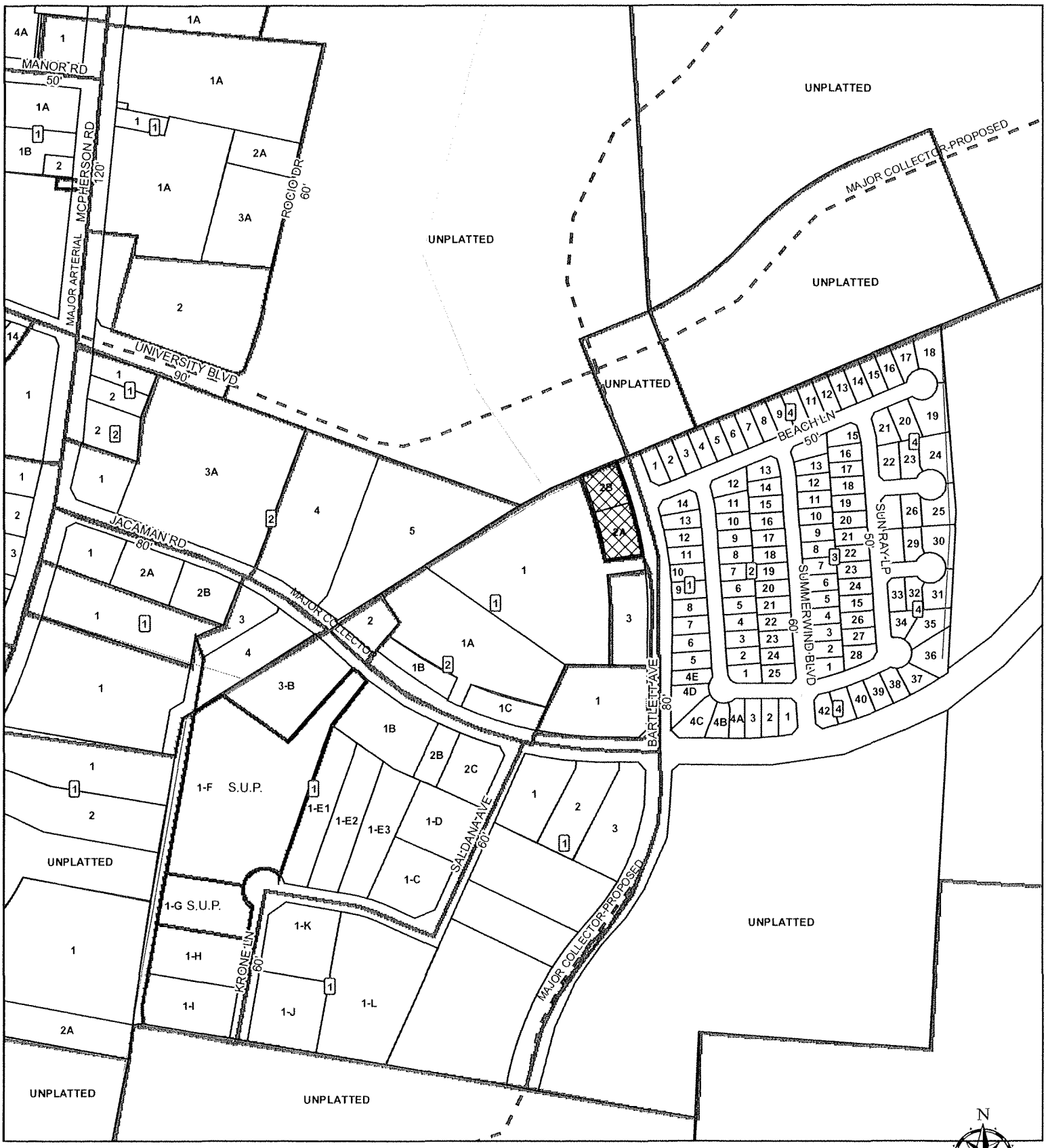
_____
BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY

Request for Conditional Use Permit (C.U.P.)

City of Laredo
Planning & Zoning

Location: 6508 N Bartlett Ave

ZC-53B-2007



ZONE DISTRICTS

Zone Districts

PROPOSED REZONE

N
W
E
S

1 inch equals 427 feet

Green Tree
6201 McPherson Ave.
Laredo TX. 78041

October 1, 2007

To Whom It May Concern:

I Mario Santos Jr., am applying for a conditional use permit. The proposed use of the land is for an amusement redemption machine establishment, located on **Lot 2a, Block 1, Bartlett Apartments Subdivision at Jacaman Ranch, City of Laredo, as per Plat recorded in volume 20 page 03.**

Said establishment will have the use of 3500 Sq. Ft. of net use. We will employ between twelve (12) & fifteen (15) employees full time. Our employees will earn between seven (7) to ten (10) dollars per hour. I will comply with all the rules and regulations set forth by the City of Laredo Ordinances of Land Use.

Our Hours of operation will be between 10:00 am and 2:00 am.

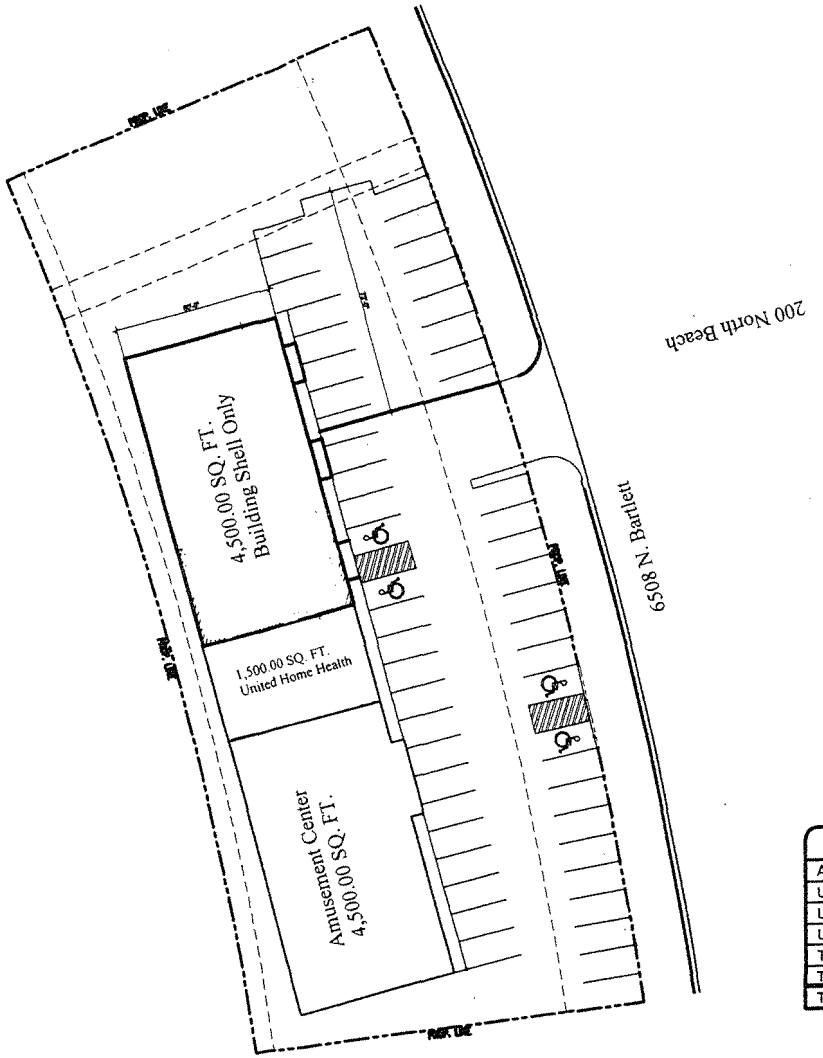
Sincerely,

Mario Santos Jr.

Exhibit "A"

GENERAL NOTES SITE PREPARATION

1. STRIP TOP SOIL A MINIMUM OF 6" AND REMOVE ALL ORGANIC MATERIAL ROOTS, GRASS ETC. FROM THE SITE PRIOR TO STARTING FOUNDATION WORK.
2. EXCAVATE TO A DEPTH OF 16" BELOW FINISH FLOOR. ANY SOFT AREAS IN THE EXPOSED SUBGRADE AFTER STRIPPING OR AFTER REMOVAL OF ANY EXISTING FACILITIES SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL UNDER CONTROLLED CONDITIONS.
3. EXPOSED SUB-GRADE SHOULD BE SCARIFIED JUST PRIOR TO FILL PLACEMENT TO A MINIMUM DEPTH 6" AND RECOMPACTED TO A MINIMUM 95 % OF THE STANDARD PROCTOR (ASTM D698) COMPACTION ,AT OR LESS THAN 3% ABOVE OPTIMUM MOISTURE CONTENT.
4. STRUCTURAL FILL SHALL CONSIST OF ONE OF THE FOLLOWING:
   1. A COHESIVE SOIL BEARING A MINIMUM LIQUID LIMIT (LL) OF 28 AND A PLASTICITY INDEX (PI) BETWEEN 7 AND 20.
   2. CRUSHED LIMESTONE MEETING THE REQUIREMENTS OF THE TEXAS STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION (TSDHPT) 1982 STANDARD SPECIFICATIONS ITEM 249, TYPE A, GRADE 2, OR 3 PI BETWEEN 10 AND 20, AND CONTAINING NO STONES LARGER THAN 3 INCHES IN THERE MAXIMUM
   3. A CLAYED GRAVEL WITH THE CLAY PORTION HAVING A MAXIMUM LIQUID LIMIT OF 40 AND A PLASTICITY INDEX BETWEEN 10 AND 20, AND CONTAINING NO STONES LARGER THAN 3 INCHES IN THEIR MAXIMUM DIMENSIONS.
5. ALL FILL SHALL BE FREE OF ORGANICS AND DEBRIS.
6. SELECT FILL SHALL BE 12" THICK MINIMUM FILL SHALL BE FIELD COMPACTED IN LIFTS OF 6" MAXIMUM IN LOOSE MEASUREMENT TO A MINIMUM OF 95 % OF STANDARD PROCTOR (ASTM D 698) COMPACTION, AT OR LESS THAN 3 % ABOVE OPTIMUM MOISTURE CONTENT.



GENERAL AREAS	
AREA	SQFT.
UNIT #1	1575
UNIT #2	1575
UNIT #3	1575
TOTAL UNITS 1-3	4725
TOTAL ENTRY	147
TOTAL (Addition only)	4872

Exhibit "B"

SITE PLAN

SCALE: 1" = 40'—0"

REVISIONS:

SITE PLAN

ADDRESS: 6508 N. BARTLETT LAREDO, TEXAS

LEGAL DESCRIPTION:

PROJECT: 3 GDM MANAGEMENT GROUP

ITI Construction & Design Inc.
305 Calle Del Norte, Suite 202
Laredo, Texas 78041
Tel.(956) 726-6888 Fax(956)726-0303

JUAN MARTIN TORRES #579

DATE

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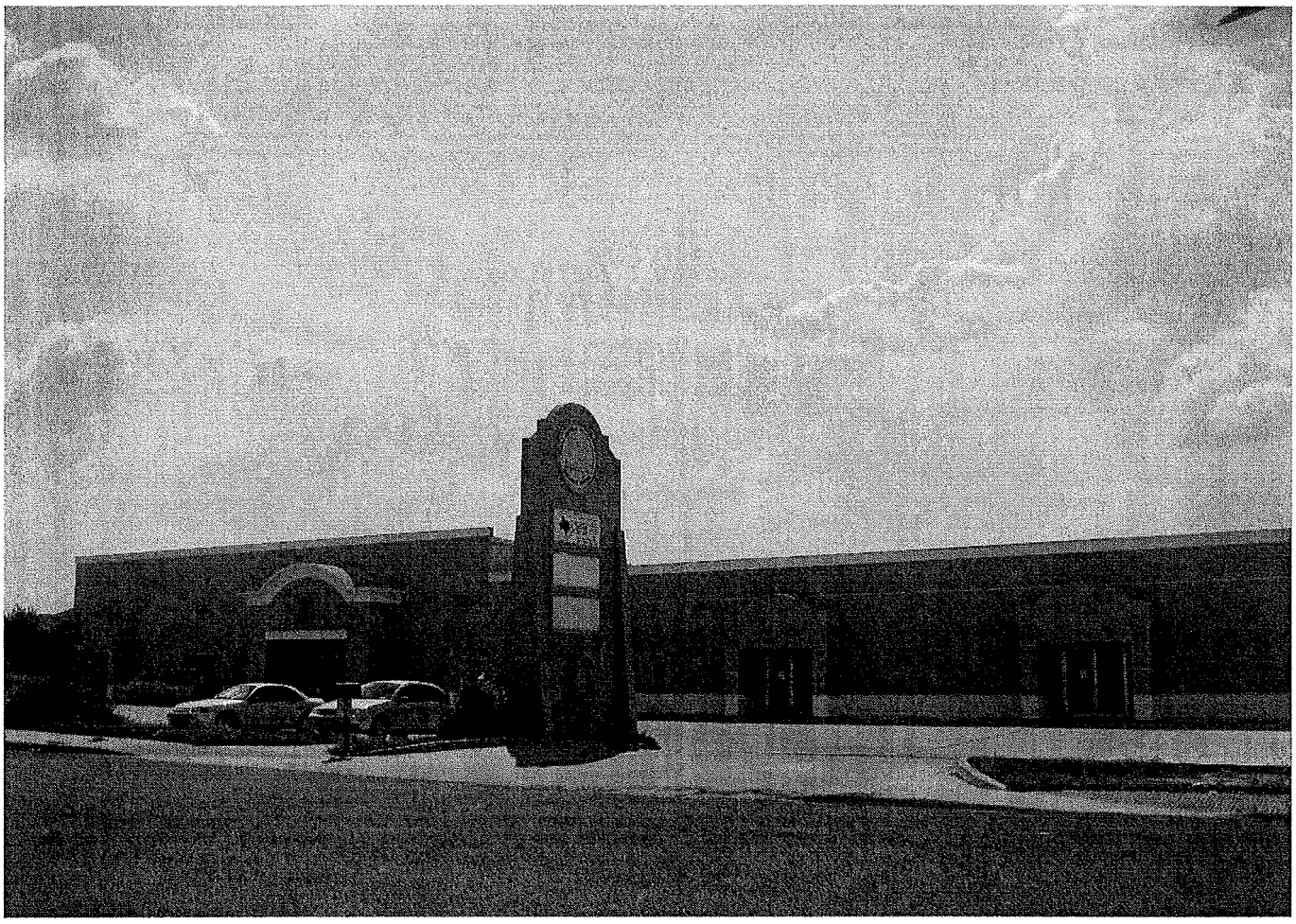
DRAWN BY: M.E.
CHECKED BY: M.T.
DATE: 12-08-08
CADD FILE: Site 3 GDM Management Group

SHEET C-101 OF



COUNCIL COMMUNICATION

Date:	SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a birthing clinic on Lots 4, 9 and 10, Block 941, Western Division, located at 3712 Santa Ursula Avenue. The Planning & Zoning Commission recommended approval of the Conditional Use Permit. ZC-76-2007
11/19/07	

Initiated by:	Staff source:
Hernandez and Lopez and Sons, Inc.	Keith Selman, Planning Director

Prior action: None.

BACKGROUND

Council District: VII – Juan Chavez

Proposed use: Birthing clinic

Site: Office plaza

Warnings/Citations: None.

Surrounding land uses: To the north of the site are Hernandez and Lopez and Sons Funeral Home, Di France Bridal Couture, Jet Auto Body, Corralejo Imports, Mega-mex Auto Sales and Guely's Restaurant. To the west are Basketland, Auto Imports, RAMCO, Lazy-Mex Lounge, Haynes Motel, Rodriguez Auto Service, Toro Imports, Directors Cut, El Mesquite Restaurant and PG Carwash. To the south are La Quinta Inn, Denny's Restaurant and Shell gasoline station. To the east is Interstate 35.

Comprehensive Plan: The Future Land Use Map recognizes this area as Retail/Office.

Transportation Plan: The Long Range Thoroughfare Plan identifies Santa Ursula Avenue as a Freeway.

Letters sent to surrounding property owners: 13 In Favor: 0 Opposed: 0

STAFF COMMENTS

Staff supports the issuance of the proposed Conditional Use Permit at this location. A birthing clinic requires a B-4 designation, rather than the current B-3 zoning district. While a B-4 designation is unwarranted at this location, conditional use status is appropriate as the proposed use "will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable in the underlying zoning districts." Staff recommends the following conditions:

1. The C.U.P. shall be issued to the Hernandez and Lopez and Sons, Inc., and is nontransferable.
2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.
3. The C.U.P. is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
4. Signage is limited to that allowed in a B-3 District.
5. The C.U.P shall comply with parking requirements in accordance to the Land Development Code.
6. The owner must provide and maintain trees and shrubs in compliance with the Land Development Code.

P&Z COMMISSION RECOMMENDATION:	STAFF RECOMMENDATION:
The P & Z Commission, in a **6** to **2** vote, recommended **approval** of the conditional use permit.	Staff **supports** the proposed conditional use permit.

ORDINANCE NO. 2007-O-

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A BIRTHING CLINIC ON LOTS 4, 9 AND 10, BLOCK 941, WESTERN DIVISION, LOCATED AT 3712 SANTA URSULA; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received for the issuance of a Conditional Use Permit for a birthing clinic on Lots 4, 9 and 10, Block 941, Western Division, located at 3712 Santa Ursula; and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on October 18, 2007; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the Conditional Use Permit; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on November 19, 2007, on the request and finds the Conditional Use Permit amendment appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, all conditions imposed by the Conditional Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Conditional Use Permit may commence; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by authorizing the issuance of a Conditional Use Permit for a birthing clinic on Lots 4, 9 and 10, Block 941, Western Division, located at 3712 Santa Ursula.

Section 2: The Conditional Use Permit is further restricted to the following provision herewith adopted by the City Council:

1. The C.U.P. shall be issued to the Hernandez and Lopez and Sons, Inc., and is non-transferable.
2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.

3. The C.U.P. is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
4. Signage is limited to that allowed in a B-3 District.
5. The C.U.P shall comply with parking requirements in accordance to the Land Development Code.
6. The owner must provide and maintain trees and shrubs in compliance with the Land Development Code.

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 5: The Conditional Use Permit authorized by this ordinance shall be revoked pursuant to the Laredo Land Development Code, section 24.94.10, entitled "Revocation," according to the criteria and procedures described therein and below:

1. Criteria

Any Conditional Use Permit, authorized by City Council, shall be considered in noncompliance and shall be revoked and removed from the City of Laredo Zoning Map, in the event a court of law finds the use in violation of any of the following conditions:

A. The use established on site does not conform, at any time, with any or all permit condition(s) approved by the City Council and or any local, state, or federal law.
B. The activity authorized by the Conditional Use Permit commences prior to the institution of all conditions imposed by the Conditional Use Permit.
C. Discontinuance of the Council approved conditional use for a period of six (6) consecutive months.
D. The use of which the Conditional Use Permit was authorized does not commence within six months of City Council's final approval date.

2. Procedures

Should City of Laredo Enforcement Official inspection reveal noncompliance with Laredo Land Development Code, Subsection 24.94.10, Conditional Use Permit revocation procedures shall commence as below stipulated:

A. A Zoning Officer shall, upon discovery of conditional use permit noncompliance as per Subsection 24.94.10, issue a written warning, granting a grace period of a minimum of ten (10) working days, within which time the use may be brought into compliance with the current City Council approved Conditional Use Permit for that location.
B. If noncompliance persists after the conclusion of the warning grace period, a Zoning Enforcement Official shall issue a written citation.

C. Should the citation result in a guilty verdict, the City of Laredo shall consider the Conditional Use Permit revoked and proceed with its removal from the City of Laredo Zoning Map.
D. The Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.
E. In the event of discontinuance or failure to commence as stipulated in Subsection 24.94.10.1 D and E of this Ordinance, Zoning Enforcement Staff will issue written notification of same. Ten days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, the Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

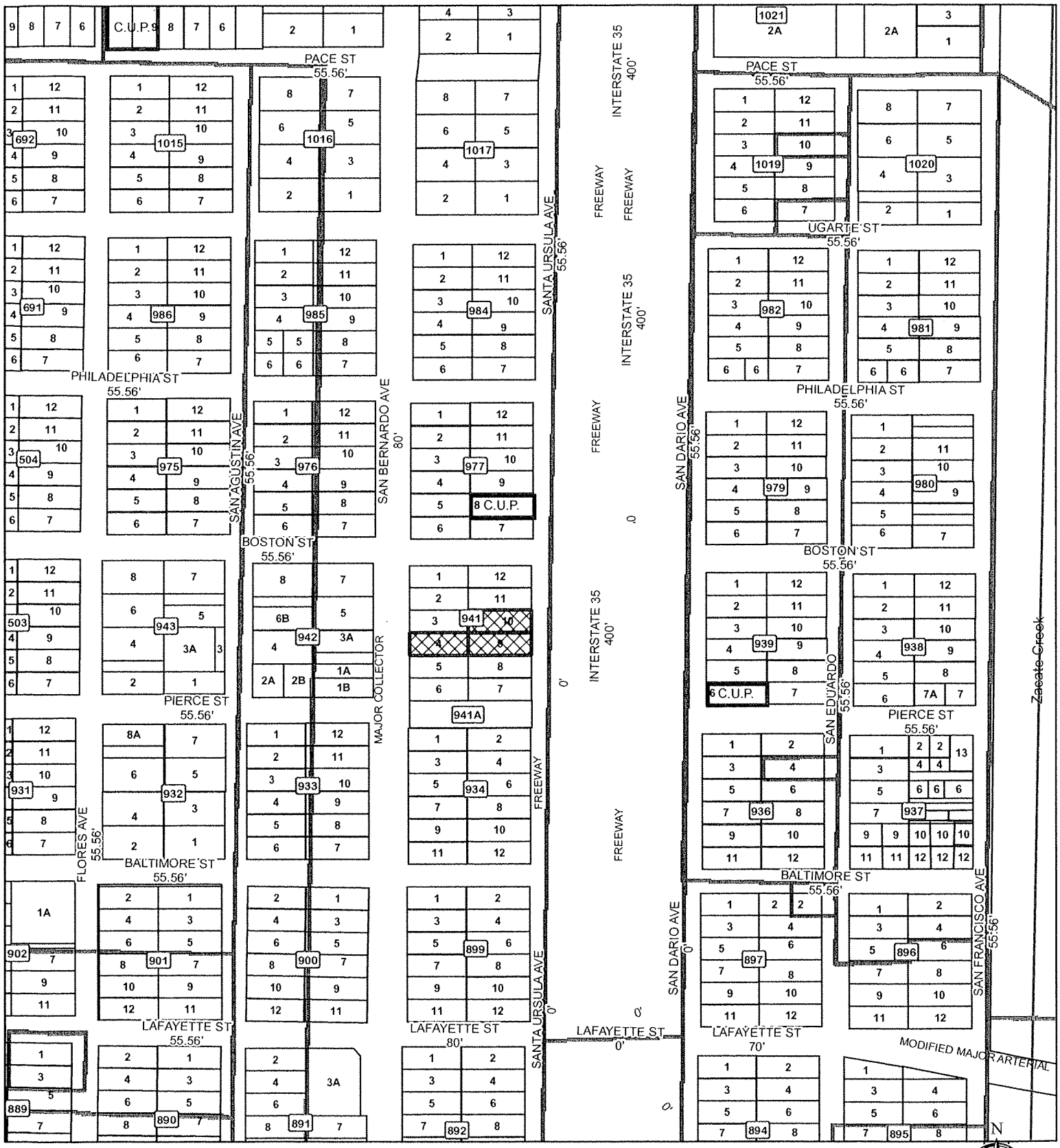
_____
BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY

Request for Conditional Use Permit (C.U.P.)

City of Laredo
Planning & Zoning

Location: 3712 Santa Ursula

ZC-76-2007



ZONE DISTRICTS

Zone Districts

PROPOSED REZONE

1 inch equals 273 feet

September 26, 2007

Susanna Ramos
City Planning Dept.

RE: Pending B-3 C.U.P.
3712 Santa Ursula Ave.

Dear Madam:

As per the submitted C.U.P. for a Birthing Clinic at the above referenced address, please be advised of the following:

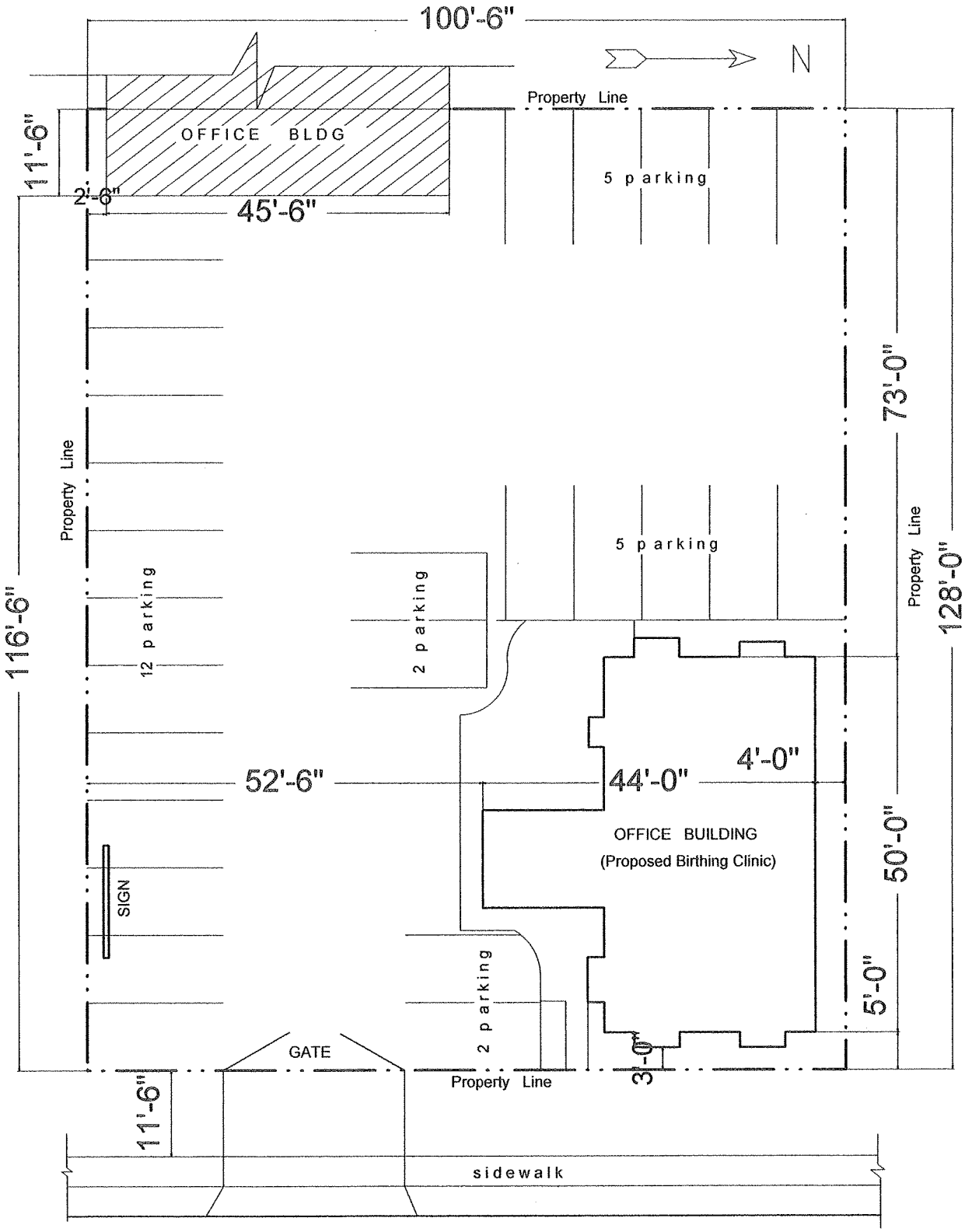
The building in question is approximately 1,800 sq. ft.; and would accommodate up to three birthing rooms. There would be no more than three employees at said location at any given time. There is ample parking as per the attached site plan. Due to the nature of the Clinic, it would be available to clients on a 24 hour a day, 7 days per week schedule. The operation of said Clinic would be under the name and supervision of Dr. Juan Manuel Ochoa.

If you have any questions regarding this proposed C.U.P., please contact Mr. Ron Whitehawk, who is my designated representative in this matter.

Thank you for your kind consideration,

Lauro Hernandez, Jr.; President
Hernandez and Lopez and Sons, Inc.

Exhibit "A"



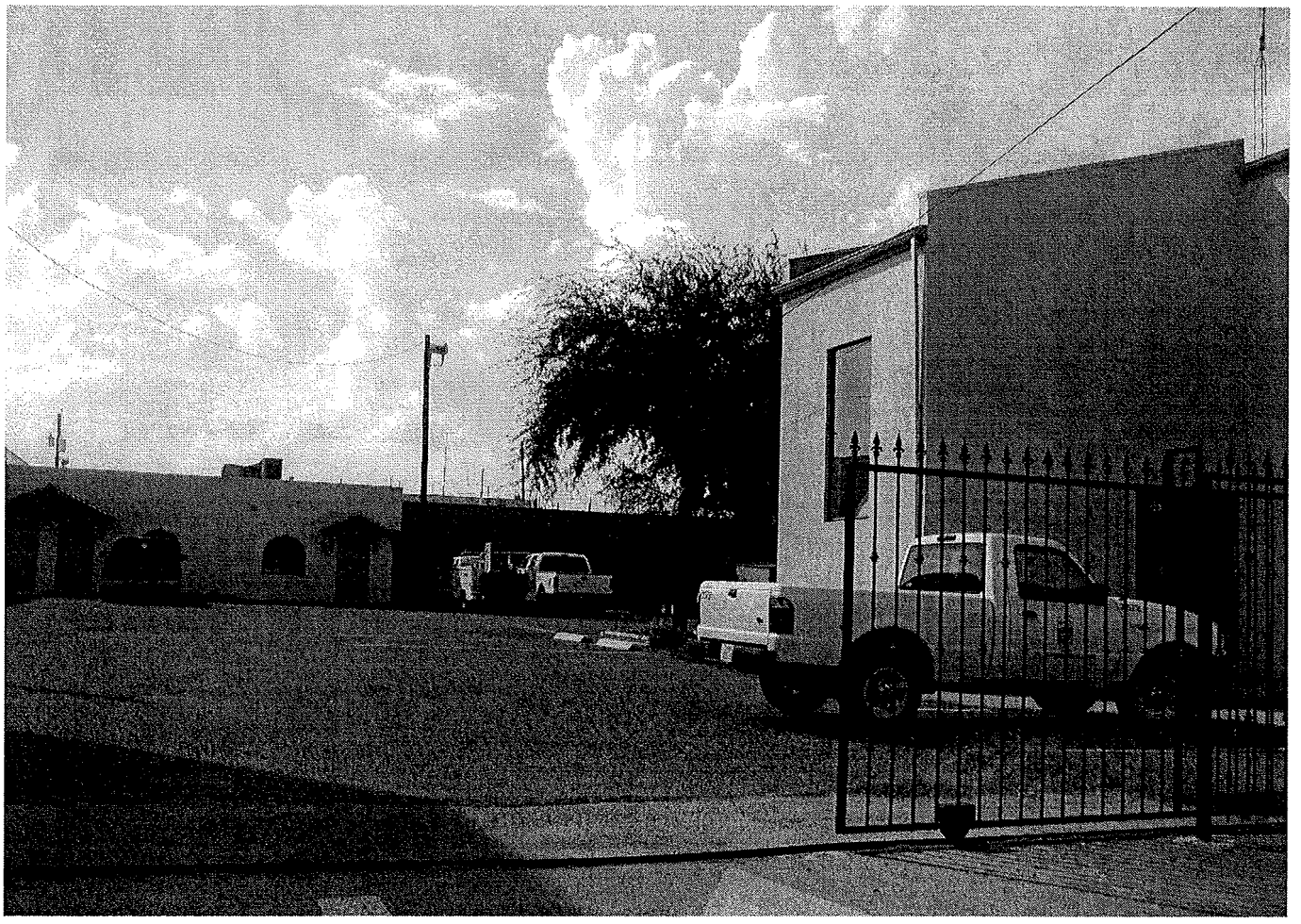
3712 SANTA URSULA AVE

CUP SITE PLAN

Exhibit "B"

OFFICE
SPACES
FOR
RENT/LEASE
723-2978

Brand



COUNCIL COMMUNICATION

DATE: 11/19/07	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE AMENDING THE CITY OF LAREDO CODE OF ORDINANCES, CHAPTER 17 LIBRARY, ARTICLE 1, IN GENERAL, SECTION "FINES AND FEES FOR LIBRARY SERVICES" ALLOWING FOR THE ADDITION OF A NEW FEE ASSOCIATED WITH THE LAREDO PUBLIC LIBRARY MAIN BRANCH BECOMING A PASSPORT ACCEPTANCE FACILITY, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

INITIATED BY:
Carlos Villarreal, City Manager

STAFF SOURCE:
Janice Weber, Library Director

PREVIOUS COUNCIL ACTION:
Ordinance #98-0-168 was adopted by City Council on June 22, 1998. This ordinance amended the City Laredo Code of Ordinances, Chapter 17 LIBRARY, Article 1, IN GENERAL to include a new section entitled "Fines and Fees for Library Services." On April 18, 2005 City Council amended the ordinance to reflect new services offered.

BACKGROUND:
Revision of this ordinance is recommended to reflect a new program that the Library will be offering to the public, the Passport Application Acceptance Program. The Library will become a Passport Acceptance Facility and will accept passport applications on behalf of the U.S. Department of State. This will entail staff taking online training to become qualified Acceptance Agents. The Library estimates a one time expenditure of $ 2,204.82 to purchase a Sony Digital Passport System (camera, printer, back drop, photo cutter, 1 months supplies and 3 year warranty), monthly expenses of $ 360.00 for supplies and $300.00 for postage (daily Priority with Delivery Confirmation mailing of applications to the National Passport Processing Center). Estimated cost per passport and photo is $1.55 ($.072 picture & $.83 postage). Funding is available in the Library's FY07-08 operating budget.

Passport Fees

	OLD FEES	NEW FEES	PROJECTED NUMBER OF PASSPORT APPLICATIONS FOR FY 07-08	PROJECTED REVENUE*
Passports				
Execution Fee	N/A	$30 per application	3,654	$109,620
Photo	N/A	$ 15	1,827	$27,405
			TOTAL	$137,025

*Estimates are based on the following:

- Schedule from Monday thru Friday from 9 a.m. to 12 noon.
- Average time per application 15-20 minutes.
- Two to Three staff members taking applications
- Average of 18 applications per day at $30 each
- Half of the applicants requiring photos

The above fee revision will be included in the Library's *Policy Manual*.

COUNCIL COMMUNICATION

FINANCIAL:

Funding is available in the Library's FY07-08 operating budget for the following initial expenses:
101-3510-552-2400 Minor Apparatus & Tools .... $1,575.94 Sony Digital Passport System
101-3510-552-3310 Office Supplies ..... $ 359.88 Sony Digital Passport Film/Media
101-3510-553-2030 Maint. Machinery & Equip.....$ 269.00 Sony UPX-C200 3Year Warranty
TOTAL $2,204.82

Funding is also available in the Library's FY07-08 operating budget for the following ongoing expenses:
101-3510-552-3310 Office Supplies .....$ 360.00 (monthly estimated for Supplies)
101-3510-553-1720 Postage .....$ 300.00 (monthly estimate for Postage)
TOTAL ESTIMATED MONTHLY EXPENSES $ 660.00

Expected revenue for FY 07-08 is estimated at $ 137,025.00. The Library will come before Council before appropriating these funds.

RECOMMENDATION:	**STAFF:**
The Laredo Public Library Advisory Committee will consider this item on November 28, 2007.	Recommend revision of Ordinance 98-O-168.

PUBLIC HEARING AND INTRODUCTORY ORDINANCE

AMENDING THE CITY OF LAREDO CODE OF ORDINANCES, CHAPTER 17 LIBRARY, ARTICLE 1, IN GENERAL, SECTION "FINES AND FEES FOR LIBRARY SERVICES" ALLOWING FOR THE ADDITION OF A NEW FEE ASSOCIATED WITH THE LAREDO PUBLIC LIBRARY MAIN LIBRARY BECOMING A PASSPORT ACCEPTANCE FACILITY, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, there is exists an urgent need for Passport Acceptance Facilities in border cities, and;

WHEREAS, the City of Laredo and the Laredo Public Library want to provide this service to its citizens, and;

WHEREAS, Ordinance #98-0-168 exists for current Library Fines and Fees, and;

WHEREAS, changes in services offered by the library necessitate the revision of current fines and fees, and;

WHEREAS, the ordinance shall apply to all Laredo Public Library Main Branch, and;

WHEREAS, the Laredo Public Library Advisory Committee recommends the revision of current Library Fine, Fee and Services schedule, and;

WHEREAS, revised fees will be used to expand Library programming and services to the public, and;

WHEREAS, revised Policies & Procedures are attached hereto, and no deviation from the ordinance or policies and procedure will be permitted without City Council authorization, and;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

1. The City of Laredo Code of Ordinance, Chapter 17, Article 1, in general, section "Fines and Fees for Library Services" be amended as follows:

Passport Fees

Passports	
Execution Fee	$30 per application
Photo	$ 15

2. Provide for publication and effective date.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS ____ DAY OF NOVEMBER 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO IV
CITY ATTORNEY

BY: _____
V. MELISSA SALDAÑA
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE	SUBJECT: PUBLIC HEARING INTRODUCTORY ORDINANCE
11-19-07	AMENDING SECTION 903.2.7 OF THE INTERNATIONAL BUILDING CODE [ADOPTED AS THE BUILDING CODE OF THE CITY UNDER SECTION7-1 OF CHAPTER 7 OF THE CODE OF ORDINANCES] IN ORDER TO PROVIDE FOR DELETION OF REQUIREMENT OF AN AUTOMATIC SPRINKLER SYSTEM FOR A FOUR DWELLING UNIT; PROVIDING FOR PUBLICATION AND PROVIDING FOR EFFECTIVE DATE.

INITIATED BY:	STAFF SOURCE:
Jesus Olivares Assistant City Manager	Erasmo A. Villarreal Director of Building Department

PREVIOUS COUNCIL ACTION:
The 2006 edition of the International Building Code relating to building was adopted City Council by Ordinance #2006-O-234, on October 16, 2006

BACKGROUND:

The Fire Chief and the Building Official recommend that there be an amendment to Section 903.2.7 of the said code, dealing with the requirement of automatic sprinkler systems in structures having multiple dwelling, which amendment proposes to omit the requirement for such for a building having four dwelling units which have a firewall constructed in accordance with the requirements of Section 507 of the Building Code.

FINANCIAL IMPACT:
None

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION;
N/A	Staff recommends introduction of ordinance.

ORDINANCE

AMENDING SECTION 903.2.7 OF THE INTERNATIONAL BUILDING CODE [ADOPTED AS THE BUILDING CODE OF THE CITY UNDER SECTION 7-1 OF CHAPTER 7 OF THE CODE OF ORDINANCES] IN ORDER TO PROVIDE FOR DELETION OF REQUIREMENT OF AN AUTOMATIC SPRINKLER SYSTEM FOR A FOUR DWELLING UNIT; PROVIDING FOR PUBLICATION AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, on October 16, 2006, by Ordinance No. 2006-0-234 the City Council adopted the 2006 Edition of the International Building Code as the Building Code of the City of Laredo; and

WHEREAS, the Fire Chief and the Building Official recommend that there be an amendment to Section 903.2.7 of the said code, dealing with the requirement of automatic sprinkler systems in structures having multiple dwelling, which amendment proposes to omit the requirement for such for a building having four dwelling units which have a firewall constructed in accordance with the requirements of Section 507 of the Building Code; and

WHEREAS, the complementary subsection of the Fire Code is being separately amended to reflect the same change in that code

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1:Section 903.2.7 of the 2006 Edition of the International Building Code, adopted under Section 7-1 of Chapter 7 of the Code of Ordinances, as the Building Code of the City of Laredo, is amended to read as follows:

Chapter 7. Buildings and Building Regulations

Chapter 7-2 [International Building] Code-Amendments

Section 903.2.7. Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through all buildings within a Group R Fire area. However, an automatic sprinkler system may be omitted in a building of four dwelling units separated with fire walls into two attached duplexes, provided that the fire walls must be constructed in accordance with Section 507.

Section 2: This ordinance shall be published in a manner provided by Section 2.09 of the Charter.

Section 3: This ordinance shall become effective as and from the date of publication provided for in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this the _____ day of _____, 2007.

_____
RAUL G. SALINAS
Mayor

ATTEST:

_____
GUSTAVO GUEVARA, JR.
City Secretary

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

By: _____
Anthony C. McGettrick
Asst. City Attorney

COUNCIL COMMUNICATION

DATE	SUBJECT: PUBLIC HEARING INTRODUCTORY ORDINANCE
11-19-07	AMENDING SECTION 108.3 OF THE INTERNATIONAL BUILDING CODE [ADOPTED AS THE BUILDING CODE OF THE CITY UNDER SECTION 7- OF CHAPTER 7 OF THE CODE OF ORDINANCES] IN ORDER TO 1. CORET A PRINTING ERROR; AND 2. REDUCE THE BUILDING PERMIT VALUATION FOR UTILITY BUILDINGS FROM $20.40 TO $11.00; AND PROVIDING FOR PUBLICATION AND FOR EFFECTIVE DATE.

INITIATED BY:	STAFF SOURCE:
Jesus Olivares Assistant City Manager	Erasmo A. Villarreal Director of Building Department

PREVIOUS COUNCIL ACTION:

Ordinance No. 2005-0-228 dated September 19, 2005, set forth the Building Permit Valuations Under Section 108.3 of the Building Code.

BACKGROUND:

On October 16, 2006, by Ordinance No. 2006-0-234 the City Council adopted the 2006 Editio International Building Code as the Building Code of the City of Laredo under Chapter 7-1 of Chapter Code of Ordinances and, prior thereto, Ordinance No. 2005-0-228 of September 19, 2005, set fort Section 108.3 of the Building Code (through Section 7-2: Amendments) in order to specify the buildin valuations for the various kinds of structures, on which valuation is based the building permit fee; and; a The Building Official recommends that there be an amendment to Section 108.3 of the Building Code Section 7-2: Amendments) in order to correct a printing error made in said Ordinance No. 2005-0-2 building permit valuations for libraries, museums and arena [A-4] to reflect that the valuation should be per square foot and not $588.80 per square foot; and the Building Official further recommends that 108.3 of the Building Code [through Section 7-2 [Amendments] be amended to reduce the buildin valuation for utility buildings from $20.40 to $11.00;

FINANCIAL IMPACT:

Reduction of approximate $100.00 per fiscal year

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION;
N/A	Staff recommends introduction of ordinance.

ORDINANCE

AMENDING SECTION 108.3 OF THE INTERNATIONAL BUILDING CODE [ADOPTED AS THE BUILDING CODE OF THE CITY UNDER SECTION 7-1 OF CHAPTER 7 OF THE CODE OF ORDINANCES] IN ORDER TO

1. CORET A PRINTING ERROR; AND
2. REDUCE THE BUILDING PERMIT VALUATION FOR UTILITY BUILDINGS FROM $20.40 TO $11.00;

AND PROVIDING FOR PUBLICATION AND FOR EFFECTIVE DATE.

WHEREAS, on October 16, 2006, by Ordinance No. 2006-0-234 the City Council adopted the 2006 Edition of the International Building Code as the Building Code of the City of Laredo under Chapter 7-1 of Chapter 7 of the Code of Ordinances and

WHEREAS, Ordinance No. 2005-0-228 of September 19, 2005, set forth a new Section 108.3 of the Building Code (through Section 7-2: Amendments) in order to specify the building permit valuations for the various kinds of structures, on which valuation is based the building permit fee; and; and

WHEREAS, the Building Official recommends that there be an amendment to Section 108.3 of the Building Code (through Section 7-2: Amendments) in order to correct a printing error made in said Ordinance No. 2005-0-228 as to building permit valuations for libraries, museums and arena [A-4] to reflect that the valuation should be $58.80 per square foot and not $588.80 per square foot; and

WHEREAS, the Building Official further recommends that Section 108.3 of the Building Code [through Section 7-2 [Amendments] be amended to reduce the building permit valuation for utility buildings from $20.40 to $11.00;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Section 108.3 of the 2006 Edition of the International Building Code, adopted under Section 7-1 of Chapter 7 of the Code of Ordinances, as the Building Code of the City of Laredo, is amended to read as follows:

Chapter 7. Buildings and Building Regulations

Chapter 7-2 [International Building] Code-Amendments

Section 108.3 Building permit valuation.

Square Foot Construction Costs

Group		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly,theather,wity state	103.20	100.80	62.40	60.00	68.40	64.80	69.20	66.00	61.20
	Assembly,theater,with out stage	103.20	100.80	62.40	60.00	68.40	64.80	69.20	66.00	61.20
A-2	Assembly, nightclubs	97.20	97.20	73.20	70.80	84.00	79.20	84.00	79.20	74.40
A-2	Assembly,restauants,bars,	97.20	97.20	73.20	70.80	84.00	79.20	84.00	79.20	74.40

A-3	Churches	100.80	97.20	70.80	68.40	80.40	75.60	80.40	76.80	72.00
A-3	Assembly,general,community hall	106.80	104.40	50.40	48.00	80.40	75.60	81.60	76.80	72.00
A-4	Libraries,museums,arenas	82.50	85.20	60.00	56.40	67.20	62.40	67.20	63.60	58.80
B	Business	96.00	92.40	70.80	61.20	58.80	69.60	66.00	67.20	62.40
E	Educational	87.60	87.60	64.80	62.40	72.00	67.20	73.00	66.00	61.20
F-1	Factory & industrial, moderate Hazard									
F-2	Factory & industrial, low hazard									
H-1	High Hazard,explosive	34.80	32.40	31.20	28.80	37.20	32.40	38.40	34.80	30.00
H-2,3,4	High Hazard									
H-5	HPM									
I-1	Institutional,supervised environment	127.20	124.80	81.60	79.20	90.00	N.P.	91.20	87.60	N.P.
I-2	Institutional,incapacitated	148.80	146.40	81.60	79.20	123.60	N.P.	124.80	118.80	N.P.
I-3	Institutional,restained	127.20	124.80	81.60	79.20	90.00	N.P.	91.20	87.60	N.P.
I-4	Institutional,day care facilities	148.00	146.40	81.60	79.20	123.60	N.P.	124.80	118.80	N.P.
M	Mercantile	82.80	80.40	51.60	48.00	73.20	68.40	74.40	55.20	50.40
R-1	Residential, hotels	98.40	96.00	60.00	57.60	90.00	85.20	91.20	85.20	80.40
R-2	Residential,multiple family	79.20	76.80	57.60	55.20	64.80	60.00	66.00	61.20	56.40
R-3	Residnetial,one & two family (Averg)	81.60	78.00	61.20	58.80	67.20	62.40	68.40	62.40	57.60
R-3	Residential, one & two family (Good)	108.00	104.40	84.00	81.60	91.20	86.40	92.40	84.00	79.20
R-4	Residential,care/assisted living Facilities	98.40	96.00	60.00	57.60	90.00	85.20	91.20	85.20	80.40
S-1	Storage, moderate hazard	60.00	56.25	38.75	38.25	46.25	41.25	47.50	42.50	37.50
S-2	Storage, low hazard	56.60	54.00	37.20	34.80	44.40	39.60	45.60	40.80	36.00
U	Utility, miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00	~~20.40~~ 11.00	~~20.40~~ 11.00

N.P.= Not Permitted

Section 2: This ordinance shall be published in a manner provided by Section 2.09 of the Charter.

Section 3: This ordinance shall become effective as and from the date of publication provided for in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this the _____ day of _____, 2007.

_____
RAUL G. SALINAS
Mayor

ATTEST:

_____
GUSTAVO GUEVARA, JR.
City Secretary

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

By: _____
Anthony C. McGettrick
Asst. City Attorney

COUNCIL COMMUNICATION

DATE:	SUBJECT: PUBLIC HEARING INTRODUCTORY ORDINANCE
11-19-2007	AMENDING CHAPTER 12 [FIRE PREVENTION AND PROTECTION] OF THE CODE OF ORDINANCES IN THE FOLLOWING RESPECTS: 1. AMENDING SECTION 903.2.7 OF THE INTERNATIONAL FIRE CODE [ADOPTED AS THE FIRE CODE OF THE CITY UNDER SECTION 12-2 OF CHAPTER 12 OF THE CODE OF ORDINANCES] IN ORDER TO PROVIDE FOR DELETION OF THE REQUIREMENT OF AN AUTOMATIC SPRINKLER SYSTEM FOR A FOUR DWELLING UNIT; 2. DELETING SECTION 12-5 [FIRE PREVENTION CODE] 3. DELETING SECTION 12-6 [LIFE SAFETY CODE 101] 4. PROVIDING FOR EFFECTIVE DATE .

INITIATED BY:	STAFF SOURCE:
Cynthia Collazo Deputy City Manager	Luis Sosa, Fire Chief

PREVIOUS ACTION: None

BACKGROUND:

The Fire Chief and Building Official recommends an amendment to Section 903.2.7 of the fire code dealing with the requirement for automatic sprinkler systems in multi-unit residential structures, to omit the requirement for the same in a four dwelling unit which is separated with fire walls into two attached duplexes, and provided that the fire walls are constructed in accordance with Section 507 of the Building Code. [and a corresponding proposed amending ordinance is being submitted on the complementary provision in the Building Code]

Furthermore, the Fire Chief recommends that Sectio 12.05 which adopted the Fire Prevention Code and Section 12-6 which adopted the Life Safety Code, be deleted from the Code of Ordinance, since the Fire Code sufficiently covers the same matters.

FINANCIAL: None

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: Staff recommends introduction of ordinance. amendment.

ORDINANCE

AMENDING CHAPTER 12 [FIRE PREVENTION AND PROTECTION] OF THE CODE OF ORDINANCES IN THE FOLLOWING RESPECTS:

1. AMENDING SECTION 903.2.7 OF THE INTERNATIONAL FIRE CODE [ADOPTED AS THE FIRE CODE OF THE CITY UNDER SECTION 12-2 OF CHAPTER 12 OF THE CODE OF ORDINANCES] IN ORDER TO PROVIDE FOR DELETION OF REQUIREMENT OF AN AUTOMATIC SPRINKLER SYSTEM FOR A FOUR DWELLING UNIT;
2. DELETING SECTION 12-5 [FIRE PREVENTION CODE]
3. DELETING SECTION 12-6 [LIFE SAFETY CODE 101]
4. PROVIDING FOR PUBLICATION AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Section 12-3 of the Code of Ordinances adopted the International Fire Code as the Fire Code of the City of Laredo; and

WHEREAS, the Fire Chief and the Building Official recommend that there be an amendment to Section 903.2.7 of the said code, dealing with the requirement of automatic sprinkler systems in structures having multiple dwelling, which amendment proposes to omit the requirement for such for a building having four dwelling units which have a firewall constructed in accordance with the requirements of Section 507 of the Building Code.

WHEREAS, the complementary subsection of the Building Code is being separately amended to reflect the same change in that code; and

WHEREAS, the Fire Chief recommends that Sections 12-5 and 12-6 of Chapter 12 of the Code of Ordinances be deleted as no longer necessary, in view of the city having adopted the International Fire Code as the fire code of the city, and the provisions of Sections 12-5 and 12-6 are adequately covered in the fire code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Section 903.2.7 of the International Fire Code, adopted under Section 12-2 of Chapter 12 of the Code of Ordinances, as the International Fire Code of the City of Laredo, is amended to read as follows:

Chapter 12. Fire Prevention and Protection

Chapter 12-3 [International Fire Code] Code-Amendments

Section 903.2.7. Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through all buildings within a Group R Fire area. <u>However, an automatic sprinkler system may be omitted in a building of four dwelling units separated with fire walls into two attached duplexes, provided that the fire walls must be constructed in accordance with Section 507 of the International Building Code</u>

[which latter is adopted as the Building Code of the City of Laredo by Chapter 7 of the Code of Ordinances]

Section 2: Section 12-5 of the Code of Ordinances is deleted

~~[The city, by and through its city council, hereby adopts the 1997 edition of the NFPA 1, Fire Prevention Code in its entirety, and same is hereby adopted and incorporated herein fully as if set out at length. This code is adopted independently of any other codes Previously adopted by the city and does not attempt to supercede any other code other than a previous edition of this code]~~.

Section 3: Section 12-6 is of the Code of Ordinances is deleted.

~~[The Life Safety Code 101 and handbook is adopted herein in full verbatim. The more stringent standards between this code and NFPA 1 will govern the standards and fire prevention practices followed by the Laredo Fire Department]~~

Section 4: This ordinance shall be published in a manner provided by Section 2.09 of the Charter.

Section 3: This ordinance shall become effective as and from the date of publication provided for in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this the _____ day of _____, 2007.

_____
RAUL G. SALINAS
Mayor

ATTEST:

_____
GUSTAVO GUEVARA, JR.
City Secretary

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

By: _____
Anthony C. McGettrick
Asst. City Attorney

COUNCIL COMMUNICATION

DATE:	SUBJECT: INDIVIDUAL PUBLIC HEARINGS
11/19/07	For the voluntary annexation of eleven (11) tracts of land: Tract 1: Ed-Sal Tract – 4.02 acres, more or less; Tract 2: RRTAIT Tract– 84.77 acres, more or less; Tract 3: Killam Charco Tract – 88.56 acres, more or less; Tract 4: Killam Quiote Tract – 194.08 acres, more or less; Tract 5: AFW Investments II Tract – 105.19 acres, more or less; Tract 6: H-5 Tract – 59.94 acres, more or less; Tract 7: A.R. and Alicia Sanchez Tract – 10.85 acres, more or less; Tract 8: 4V Holdings Tract – 172.13 acres, more or less; Tract 9: South Webb County Tract – 1330.83 acres, more or less; Tract 10: Tanquecitos South Acres Tract – 21.60 acres, more or less; and Tract 11: Daughters of Mary Help Tract – 30.00 acres, more or less; for a total of 2,101.97 acres, more or less, as described in the attached tract summaries, as required by Section 43.063 of the Texas Local Government Code.

INITIATED BY:	STAFF SOURCE:
Petitioners	Keith Selman, Director of Planning

PREVIOUS COUNCIL ACTION:

On July 2, 2007, the City Council adopted a schedule of hearings and proceedings for voluntary and unilateral annexations for calendar year 2007. On September 4, 2007, the City Council directed Staff to prepare a service plan for the proposed annexations. The first of two statutorily required public hearings was held on November 5, 2007.

BACKGROUND:

This is the second of two statutorily required hearings prior to the institution of proceedings. This hearing was noticed on November 8, 2007.

Voluntary Annexations:

Tract 1: Ed-Sal Tract – 4.02 acres, more or less, located east of FM 1472 and south of State Highway 255. Petitioner: Ed-Sal Investments Ltd.

Tract 2: RRTAIT Tract – 84.77 acres, more or less, located approximately 1.55 miles east of Bob Bullock Loop and Highway 359, on the north side of Highway 359. Petitioner: S.T.F.G. Inc.

Tract 3: Killam Charco Tract – 88.56 acres, more or less, located approximately east of Interstate Highway 35 and north of Bob Bullock Loop. Petitioner: Killam Ranch Properties, Ltd.

Tract 4: Killam Quiote Tract – 194.08 acres, more or less, located east of Bob Bullock Loop and north of Casa Verde Road (future extension of Del Mar Boulevard). Petitioner: Killam Ranch Properties, Ltd.

Tract 5: AFW Investments II Tract – 105.19 acres, more or less, located approximately 3.6 miles east of the Loop 20/Highway 359 intersection, immediately north of Colonias Los Altos and Tanquecitos and south of Tex-Mex Railroad. Petitioner: AFW Investments II, Ltd.

Tract 6: H-5 Tract – 59.94 acres, more or less, located directly east of the City of Laredo landfill. Petitioner: Hurd Ranch Company, Ltd.

Continued next page —

BACKGROUND, continued:

Voluntary Annexations, continued:

Tract 7: A.R. and Alicia Sanchez Tract – 10.85 acres, more or less, located east of Mines Road (FM 1472) and south of Las Tiendas Road (FM 3338). Petitioner: Ramon Diez-Barroso.

Tract 8: 4V Holdings Tract – 172.13 acres, more or less, located approximately north of Wormser Road and east of Avenida Mexico. Petitioner: 4V Holdings, Ltd.

Tract 9: South Webb County Tract – 1330.83 acres, more or less, located approximately north of Mangana Hein Road and east of U.S. Highway 83. Petitioner: South Webb County, Ltd.

Tract 10: Tanquecitos South Acres Tract – 21.60 acres, more or less, located directly east and adjacent to Los Altos Subdivision, between Highway 359 and Enlace Road. Petitioner: Consolidated Towne East Holdings, Ltd.

Tract 11: Daughters of Mary Help Tract – 30.00 acres, more or less, located immediately east of Bob Bullock Loop and south of San Isidro Northeast. Petitioner: The Institute of Mary Help of Christians.

FINANCIAL IMPACT:	**STAFF RECOMMENDATION:**
The financial implication will be outlined in the *Annexation Feasibility Analysis*.	To conduct a public hearing for each tract.
COMMITTEE RECOMMENDATION:	
Not applicable.	

D R A F T

2007 CITY OF LAREDO ANNEXATION FEASIBILITY REPORTS AND PROPOSED SERVICE PLANS

LAREDO, TEXAS
1755

City of Laredo
Planning Department
November 19, 2007

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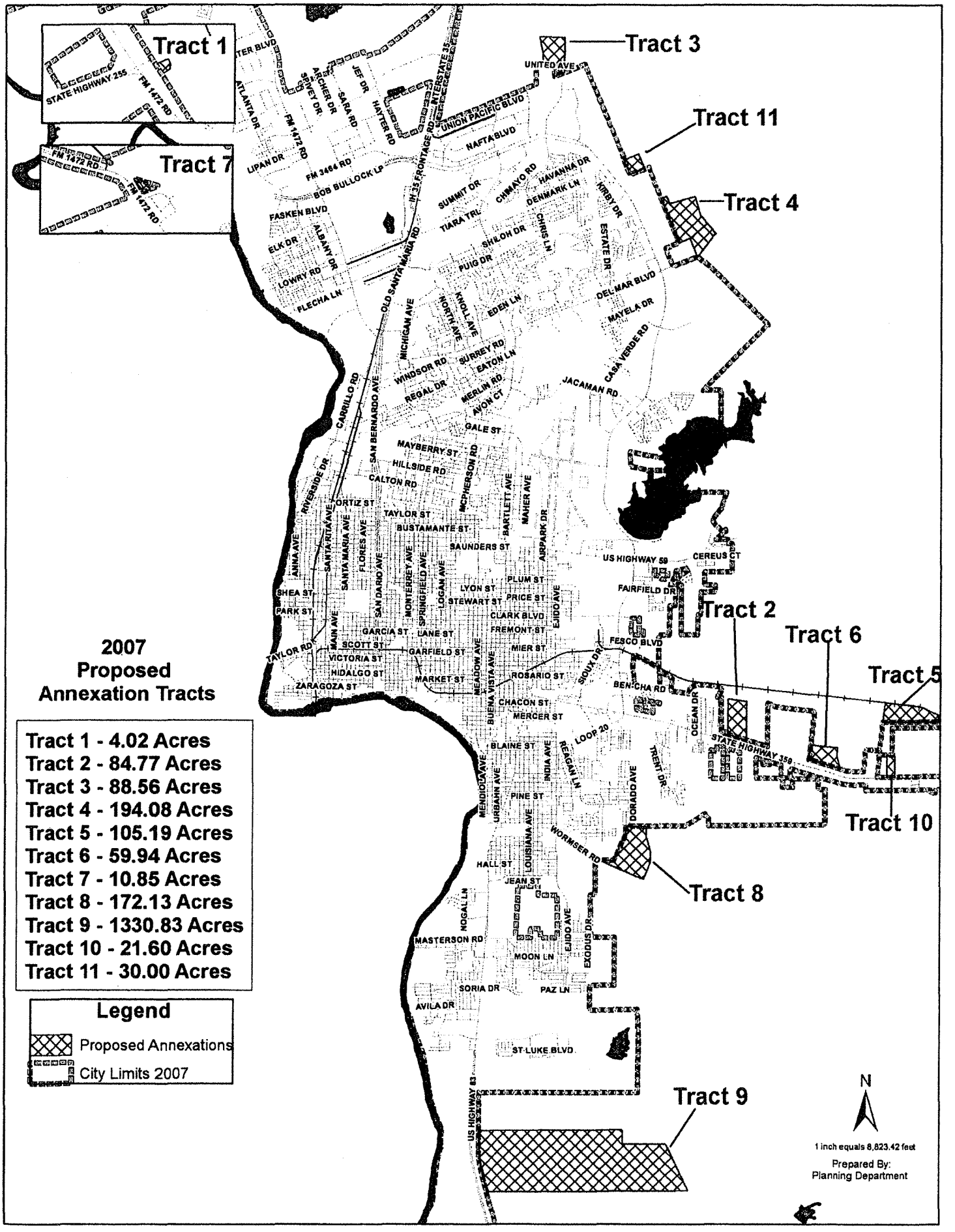
Tract 1
Tract 2
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2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
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Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007
N
1 inch equals 8,823.42 feet
Prepared By:
Planning Department
STATE HIGHWAY 255
FM 1472 RD
FM 3464 RD
BOB BULLOCK LP
UNITED AVE
UNION PACIFIC BLVD
NAFTA BLVD
IH 35 FRONTAGE RD
INTERSTATE 35
OLD SANTA MARIA RD
CARRILLO RD
SAN BERNARDO AVE
MICHIGAN AVE
WINDSOR RD
REGAL DR
SURREY RD
EATON LN
MERLIN RD
AVON CT
JACAMAN RD
CASA VERDE RD
DEL MAR BLVD
MAYELA DR
ESTATE DR
KIRBY DR
DENMARK LN
HAVANNA DR
CHIMAYO RD
SUMMIT DR
TIARA TRL
SHILOH DR
CHRIS LN
PUIG DR
EDEN LN
KNOLL AVE
NORTH AVE
FASKEN BLVD
ELK DR
ALBANY DR
LOWRY RD
FLECHA LN
LIPAN DR
ATLANTA DR
ARCHER DR
SURVEY DR
SARA RD
JEF DR
HATTER RD
GALE ST
MAYBERRY ST
HILLSIDE RD
CALTON RD
MCPHERSON RD
BARTLETT AVE
MAHER AVE
AIRPARK DR
RIVERSIDE DR
ORTIZ ST
TAYLOR ST
BUSTAMANTE ST
SAUNDERS ST
ANNA AVE
SANTA RITA AVE
SANTA MARIA AVE
FLORES AVE
SAN DARIO AVE
MONTEREY AVE
SPRINGFIELD AVE
LOGAN AVE
LYON ST
STEWART ST
PLUM ST
PRICE ST
CLARK BLVD
FREMONT ST
EJIDO AVE
SHEA ST
PARK ST
MAIN AVE
GARCIA ST
LANE ST
SCOTT ST
GARFIELD ST
VICTORIA ST
HIDALGO ST
MARKET ST
ZARAGOZA ST
TAYLOR RD
MEADOW AVE
BUENA VISTA AVE
MIER ST
ROSARIO ST
CHACON ST
MERCER ST
SIOUX DR
FESCO BLVD
BENCHA RD
OCEAN DR
US HIGHWAY 59
CEREUS CT
FAIRFIELD DR
STATE HIGHWAY 358
LOOP 20
BLAINE ST
REAGAN LN
INDIA AVE
TRENT DR
MENDIOLA AVE
URBAHN AVE
PINE ST
DORADO AVE
WORMSER RD
HALL ST
LOUISIANA AVE
JEAN ST
NOGAL LN
EXODUS DR
MASTERSON RD
MOON LN
SORIA DR
PAZ LN
AVILA DR
ST LUKE BLVD
US HIGHWAY 83

Authority and Compliance
SECTION I

SECTION I
AUTHORITY AND COMPLIANCE

Municipal annexation is governed by Chapter 43 Subchapter C of the Texas Local Government Code. The requirements of annexation are summarized briefly as follows:

a. The area to be annexed must be within the extraterritorial jurisdiction of the City. (Section 43.051 TEX. LOC. GOVT. CODE).

b. The area to be annexed must be contiguous with the corporate limits (Section 43.054 TEX. LOC. GOVT. CODE).

c. Annexation must be in conformance with the City Charter (Section 43.021 TEX. LOC. GOVT. CODE).

d. Procedural requirements:

i. Before the issuance of the notices of public hearing, the City Council must direct the Planning Department to prepare a Service Plan for the area to be annexed. The service plan must detail the services to be provided within the area to be annexed. The city proposed a schedule to extend the period for providing certain services no later than 4 ½ years after the effective date of the annexation, **except** that the following services must be provided on the effective date of annexation of the area.

(1) Police protection
(2) Fire protection
(3) Emergency medical services
(4) Solid waste collection
(5) Operation & maintenance of public water and wastewater services
(6) Operation & maintenance of streets and roads, including street lighting
(7) Operation & maintenance of parks, playgrounds, and swimming pools
(8) Operation & maintenance of other public facilities

ii. Two hearings must be held not more than 40 nor less than twenty days before the institution of proceedings. If more than 20 adult residents of the area file a written protest after the required notice (not less than 10 nor more than 20 days), then at least one of the hearings must be conducted within the area proposed for annexation. The Service Plan must be available for inspection and explained during the public hearings. Once adopted, the Plan becomes a contractual obligation of the city and the requirements are binding upon the city.

iii. Annexation must be completed within 90 days of the time that proceedings are instituted, i.e. following the adoption of the service plan and introduction of the ordinance.

e. The property to be annexed must be not less than 1,000 feet wide at its narrowest point, unless contiguous on two sides with the corporate boundaries, annexed at the petition or request of the property owners, or abutting the boundaries of another jurisdiction.

f. If the annexation is not undertaken pursuant to a petition or request of the property owner, then the maximum amount of area annexed may not exceed ten percent of the incorporated area of the preceding year, with a thirty percent carry over provision. This limitation does not apply to property owned by the municipality, the county, state or federal government.

g. Construction of capital improvements necessary to provide service shall be substantially completed within 4½ years. This requirement does not apply if the property is annexed upon the petition or request of the landowners, and the city and the petitioners may agree upon the services and facilities to be provided. The petitioners are ordinarily required to provide or pay for the facilities and service extensions required. The Service Plan may not require a landowner to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 TEXAS LOCAL GOVERNMENT CODE unless agreed to by the property owners (Section 43.056(E)(f)(2) TEXAS LOCAL GOVERNMENT CODE).

h. Any amendments may not provide a level of service lower than those of the original plan. If the municipality owns a water or wastewater utility, the city shall extend service to the annexed area within the prescribed period. (The provision requiring the extension of water and wastewater service was adopted by the Legislature in 1989, and does not apply to annexations prior to that time).

Real property is placed on tax rolls of the municipality on January 1st of each year. Completion of the proceedings is scheduled for late December to assure that tax revenues will be available to cover the cost of providing services to the annexed area. However, actual collection of taxes does not occur until the following year. The service requirements of undeveloped land usually place little strain on city services during the first year. The cost of providing services to development in subsequent years should be considered both at the time of annexation and during the budget process.

A hearing and the recommendation of the Planning & Zoning Commission is not required as a matter of state law, but ordinarily has been incorporated into the review process. Initial zoning has been incorporated into the annexation proceedings. Council has directed that notice of the proposed zoning be afforded property owners within 200 feet of the property, even though the property is not located within the city limits.

Tract Summary & Recommendations SECTION II

SECTION II
TRACT SUMMARY AND RECOMMENDATIONS

The Department of Planning performed an analysis of those eleven (11) properties for which petitions for annexation have been received since January 2007. The properties proposed for voluntary annexation total 2,101.97 acres, more or less. There are no (0) tracts of land considered for unilateral annexation by the City of Laredo, totaling 0.0 acres, more or less. Five (5) of the eleven tracts of land are located east of the current city limits, four (4) of which are along the State Highway 359 corridor. One (1) tract is located at the southern edge of the city, east of US Highway 83 and south of Mangana Hein Road. Three (3) tracts are in northeast Laredo, while the two (2) northernmost tracts are located along FM 1472 (Mines Road) in northwest Laredo. The total acreage of the seven tracts is 2,101.97 acres, more or less. All properties are identified by tract number on Map 1. Detailed information concerning each of the proposed tracts is found in Section III of this report. There are standardized recommendations by staff that are pertinent to the majority of the tracts. General recommendations are as follows:

I) All tracts with residential development should provide 0.01 acres of parkland per dwelling unit (single family and multifamily units). The estimated amount of parkland required for the proposed residential developments is shown in Table I.

II) School sites should be required based on the number of school-age children generated by the development and the school district analysis. The following table shows the estimated number of school-age children and acreage required for school sites.

TABLE I
STANDARDIZED RECOMMENDATIONS

Tract Number	Tract Name	Estimated No. of Dwelling Units	Estimated Acres of Park land Required	Students per Tract	Pro-rata School Acreage Required	U.I.S.D. Request
1	Ed-Sal	0	0	N/A	N/A	N/A
2	RRTAIT	462	4.6	712	19.2	pending
3	Killam Charco	373	3.7	574	13.8	pending
4	Killam Quiote	893	8.9	1,374	32.6	pending
5	AFW Investments II	0	0	N/A	N/A	N/A
6	H-5	0	0	N/A	N/A	N/A
7	A.R. and Alicia Sanchez	0	0	N/A	N/A	N/A
8	4V Holdings	1,068	10.6	1,645	39.2	pending
9	South Webb County	6,730	67.3	10,363	251.6	pending
10	Tanquecitos South Acres	0	0	N/A	N/A	N/A
11	Daughters of Mary Help	0	0	N/A	N/A	N/A
Totals:		9,526	95.1	14,668	356.4	

III) According to the Charter for the City of Laredo, water and wastewater lines are to be extended by the parties requesting this service. Tracts annexed voluntarily will be subject to a charge per lot on a sliding scale according to lot size and as provided for in the latest annexation. These properties may be subject to site-specific line sizing in accordance with departmental plans for the area. All properties must prepare an engineering plan for the whole tract that considers area-wide solutions regardless of the future platting strategy. The intent of the City is to minimize future conflicts that designing the system on a plat-by-plat basis may cause.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees but will be omitted with the adoption and implementation of impact fees. Water service will be provided to the customer at the same rates charged to like customers within the city limits. For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the wastewater treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees but will be omitted with the adoption and implementation of impact fees. The City Charter and City Ordinances require that all line extensions be made at the expense of the petitioner to conform to City Standards.

IV) The Police Department anticipates eventually needing new police substations in the northwest and east sides of Laredo. The Departments of Public Works and Sanitation anticipate needing additional equipment and personnel in order to provide service to the newly annexed areas. The Fire Department will require additional Fire Stations on US Hwy 83 south of Santa Rita subdivision, Hwy 59 east of Bob Bullock Loop, and IH 35 in the vicinity of Unitec Industrial Park.

Recommendations for each tract are described in the individual tract details.

TRACT SUMMARY

Data incomplete – To be updated.

Tract Summary-All Tracts	Total Acreage	Residential Units	Commercial Acreage	Industrial Acreage	Estimated Taxable Value
		At Build-Out			
TRACT 1: Ed-Sal Tract	4.02	0	4.02	0.00	
TRACT 2: RRTAIT Tract	84.77	462	0.00	0.00	
TRACT 3: Killam Charco Tract	88.56	373	78.56	0.00	
TRACT 4: Killam Quiote Tract	194.08	893	67.08	0.00	
TRACT 5: AFW Investments II Tract	105.19	0	0.00	0.00	
TRACT 6: H-5 Tract	59.94	0	59.94	0.00	
TRACT 7: A.R. and Alicia Sanchez Tract	10.85	0	10.85	0.00	
TRACT 8: 4V Holdings Tract	172.13	1,068	25.00	0.00	
TRACT 9: South Webb County Tract	1,351.37	6,730	300.00	0.00	
TRACT 10: Tanquecitos South Acres Tract	21.60	0	21.60	0.00	
TRACT 11: Daughters of Mary Help Tract	30.00	0	0.00	0.00	
TOTALS:	2,122.51	9,526	567.05	0.00	

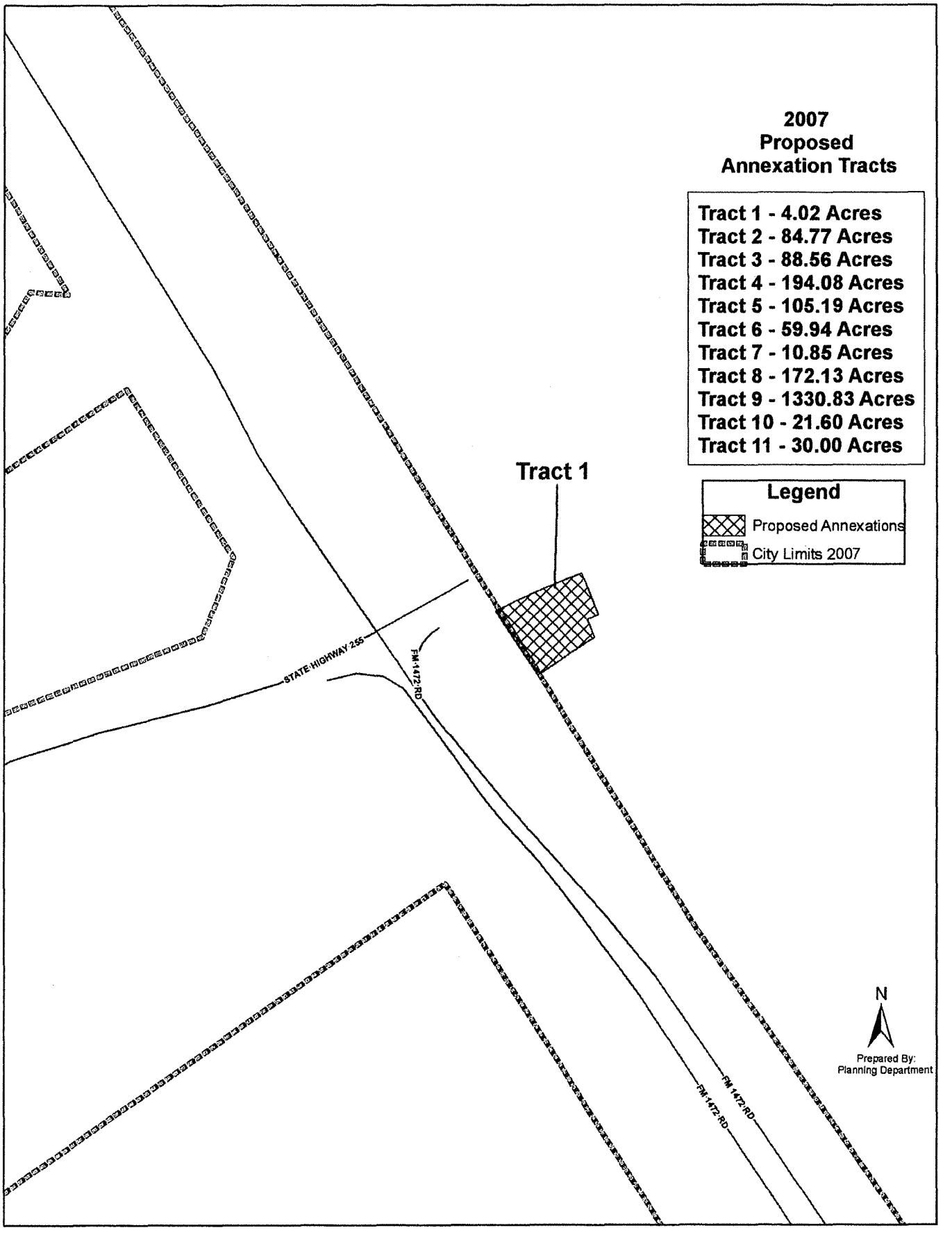
	2008	2009	2010	2011	2012	2013	Build-out
Estimated Population							
General Fund Revenue Total	$228,436	$404,253	$673,800	$922,299	$1,171,866	$1,714,454	
General Fund Expenditure							
Police Department	$10,726	$30,987	$69,521	$158,509	$247,894	$412,361	$686,475
Fire Department	$14,470	$41,803	$93,789	$213,838	$334,424	$556,301	$926,097
Public Works	$4,261	$12,310	$27,619	$62,970	$98,480	$163,817	$272,713
Total	$29,458	$85,100	$190,929	$435,317	$680,797	$1,132,480	$1,885,284
Revenue - Expenditure	**$198,979**	**$319,154**	**$482,872**	**$486,981**	**$491,069**	**$581,974**	**-$1,885,284**
Enterprise System Revenue							
Water System	$23,705	$56,018	$114,197	$233,296	$364,625	$639,372	$1,116,466
Wastewater System	$15,533	$33,158	$61,799	$110,055	$158,527	$247,715	$396,361
Enterprise System Expenditure							
Water System	$27,989	$62,097	$119,625	$225,561	$331,970	$527,763	$854,085
Wastewater System	$20,104	$44,093	$84,127	$156,092	$228,377	$361,383	$583,059
System Profit/Loss	**-$8,855**	**-$17,014**	**-$27,756**	**-$38,301**	**-$37,196**	**-$2,060**	**$75,683**

SPECIAL CONSIDERATIONS: The primary operational cost for police and fire services is off-set by tax revenues in the early years of the residential subdivision's development. However as the population increases, the demand for services increases and the operational costs cannot be met through property taxes alone.

Any tract considered for unilateral annexation must be under the maximum allowable acreage for annexation, which equals 10% of the total acreage of the city plus any carryover from the previous year.

RECOMMENDATION: Approval

Tract Details and Service Plans
SECTION III


2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007
Tract 1
STATE HIGHWAY 255
FM 1472 RD
FM 1472 RD
FM 1472 RD
N
Prepared By:
Planning Department

Ed-Sal Tract (Tract 1)

This 4.02 acre tract is located east of FM 1472 and south of State Highway 255. The petitioner proposes B-4 zoning (Highway Commercial District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 13, which is located approximately 3.37 miles from the proposed site.

As the proposed B-4 zoning precludes residential development, no dedications are required for parkland or schools.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

ED-SAL TRACT
TRACT 1

TRACT 1: Ed-Sal Tract Acres: 4.02

APPLICANT: Ed-Sal Investments, Ltd

LOCATION: East of FM 1472 and south of State Highway 255.

PROPOSED DEVELOPMENT: The petitioner proposes 1 lot of 4.02 acres for commercial development.

	2008	2009	2010	2011	2012	2013	Build-out
Estimated population	0	0	0	0	0	0	0
Total acreage	4.02	0.00	0.00	0.00	0.00	0.00	4.02
Single family dwelling units	0	0	0	0	0	0	0
Institutional acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Industrial/ commercial acreage	4.02	0.00	0.00	0.00	0.00	0.00	4.02
Park/Open Space (acres)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Taxable Value (cumulative; residential	1,451,429	1,451,429	1,451,429	1,451,429	1,451,429	1,451,429	1,451,429
GENERAL FUND REVENUES							
Taxes: Property	9,246	9,246	9,246	9,246	9,246	9,246	9,246
Garbage Fees	17,999	17,999	17,999	17,999	17,999	17,999	17,999
TOTAL	27,244	27,244	27,244	27,244	27,244	27,244	27,244
GENERAL FUND EXPENDITURES - data based on per capita cost; difficult to do with commercial/industrial properties							
Police	0	0	0	0	0	0	0
Fire & EMS	0	0	0	0	0	0	0
Sanitation/Street Maintenance	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
REVENUES LESS EXPENDITURES	$27,244	$27,244	$27,244	$27,244	$27,244	$27,244	$27,244
ENTERPRISE SYSTEM REVENUES							
Water System	1,745	1,868	1,961	2,059	2,162	2,270	2,270
Wastewater System	866	866	866	866	866	866	866
ENTERPRISE SYSTEM EXPENDITURES							
Water System	1,901	1,901	1,901	1,901	1,901	1,901	1,901
Wastewater System	1,292	1,292	1,292	1,292	1,292	1,292	1,292
SYSTEM PROFIT/ (loss)	-$581	-$459	-$366	-$268	-$165	-$57	-$57

SPECIAL CONSIDERATIONS: The proposed initial zoning is B-4 (Highway Commercial District).

Additional revenues (at proposed rates): $2,010 for water treatment capacity
$2,613 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 1
ED-SAL TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Eduardo A. Garza and Salvador Rosas, on behalf of Ed-Sal Investments, Ltd., has filed a petition with the City of Laredo for the annexation of a 4.02 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Ed-Sal Investments, Ltd., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 4.02 acres of land, more or less, belonging to Ed-Sal Investments, Ltd.

SERVICE PLAN

A petition for annexation from Eduardo A. Garza and Salvador Rosas, on behalf of Ed-Sal Investments, Ltd., was received for property designated as "Tract 1 (Ed-Sal Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 13, which is located approximately 3.37 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-Range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

ED-SAL INVESTMENTS, LTD.

By:_____
Eduardo A. Garza

By: _____
Carlos Villarreal
City Manager

By:_____
Salvador Rosas
Authorized Representatives

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

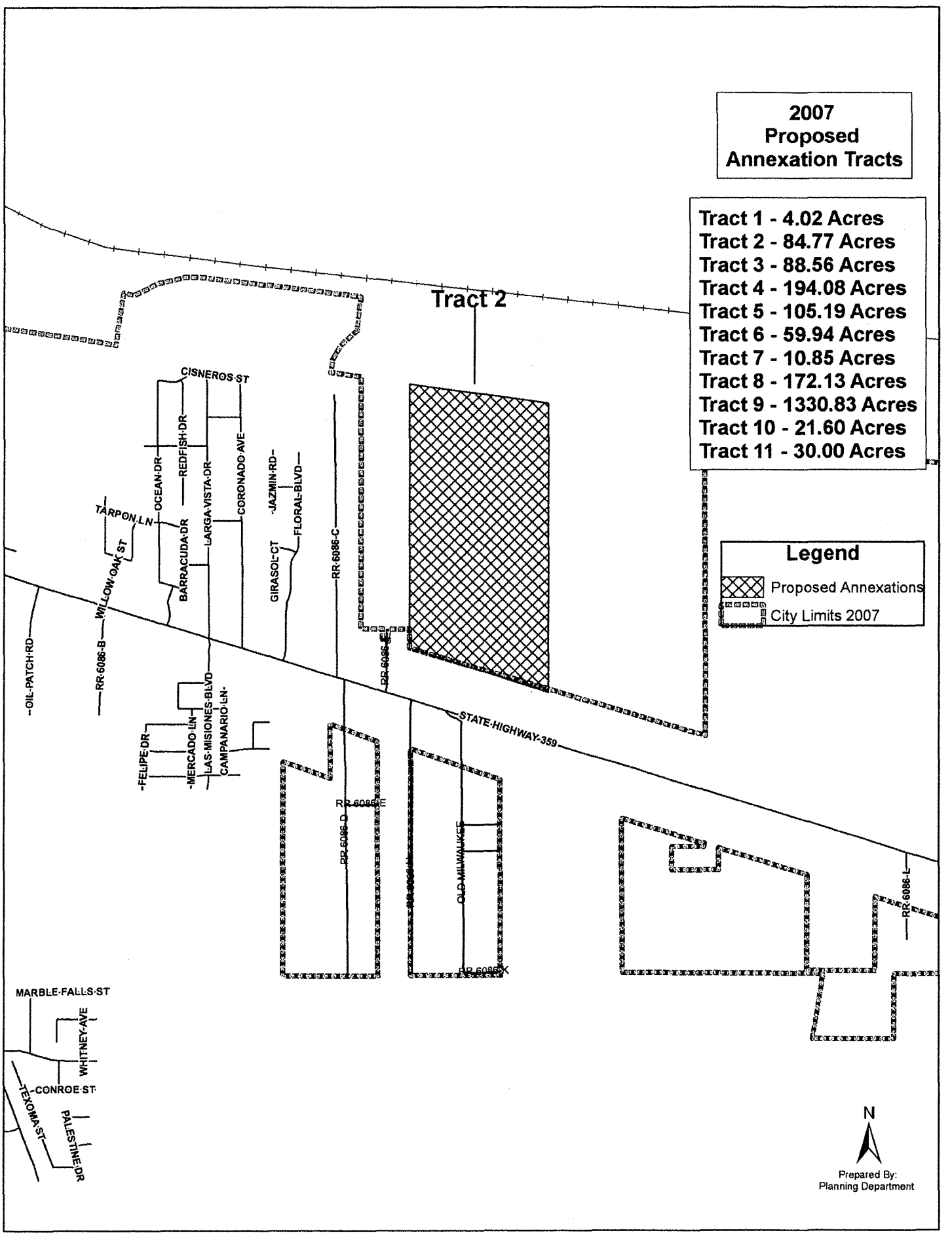
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Eduardo A. Garza and Salvador Rosas, for and on behalf of Ed-Sal Investments, Ltd.

_____
Notary Public, State of Texas


2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
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Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Tract 2
Legend
Proposed Annexations
City Limits 2007
CISNEROS ST
OCEAN DR
REDFISH DR
LARGA VISTA DR
CORONADO AVE
JAZMIN RD
FLORAL BLVD
TARPON LN
BARRACUDA DR
GIRASOL CT
RR 6086-C
WILLOW OAK ST
RR 6086-B
OIL PATCH RD
RR 6086-G
STATE HIGHWAY 359
LAS MISIONES BLVD
CAMPANARIO LN
MERCADO LN
FELIPE DR
RR 6086-E
RR 6086-D
OLD WILWALKER
RR 6086-K
RR 6086-L
MARBLE FALLS ST
WHITNEY AVE
CONROE ST
TEXOMA ST
PALESTINE DR
N
Prepared By:
Planning Department

RRTAIT Tract (Tract 2)

This 84.77 acre tract is located approximately 1.55 miles east of Bob Bullock Loop and Highway 359, on the north side of Highway 359.

The petitioner proposes R-1 zoning (Single Family Residential District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 1 mile from the proposed site.

National standards require that 0.01 acres of parkland be required per dwelling unit. This development will require approximately 4.62 acres of parkland set aside. No school sites have been identified; although the number of school-age children generated by the proposed annexation will require the following facilities:

TEA FACILITY CRITERIA

School type	Design capacity	Acreage standard	Students per dwelling	Dwelling units	Students	Pro-rata acreage required
Elementary	600	10 + 1/100 students	1.1	462	508	13.5
Middle	1,200	20 + 1/100 students	0.22	462	102	2.7
Secondary	2,000	40 + 1/100 students	0.22	462	102	3.0
Totals:	--	--	1.54	462	712	19.2

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

RRTAIT TRACT
TRACT 2

TRACT 2: RRTAIT Tract Acres: 84.77

APPLICANT: S.T.F.G. Inc.

LOCATION: Approximately 1.55 miles east of Bob Bullock Loop and Highway 359, on the north side of Highway 359

PROPOSED DEVELOPMENT: The feasibility study is based upon development for the default zoning of R-1. However, the petitioner proposes an eventual build-out of 51.15 acres for residential development as single family reduced area and single family manufactured housing, as well as 33.61 acres for commercial and multi-family development.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Build-out
Estimated population per development year (not cumulative)	100	188	188	188	188	188	188	188	188	100	1,705
Total acreage	84.77										
Single family dwelling units/per year	27	51	51	51	51	51	51	51	51	27	462
Industrial/commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.27	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.27	4.62
Taxable Value (cumulative)	2,761,425	7,977,450	13,193,475	18,409,500	23,625,525	28,841,550	34,057,575	39,273,600	44,489,625	47,251,050	47,251,050
GENERAL FUND REVENUES (cumulative)											
Taxes: Property	17,590	50,816	84,042	117,269	150,495	183,721	216,947	250,173	283,399	300,989	300,989
Garbage Fees	4,293	12,402	20,511	28,620	36,729	44,838	52,947	61,056	69,165	73,458	73,458
TOTAL	21,883	63,218	104,553	145,889	187,224	228,559	269,894	311,229	352,564	374,447	374,447
GENERAL FUND EXPENDITURES (cumulative)											
Police	10,726	30,987	51,247	71,508	91,768	112,029	132,289	152,550	172,810	183,537	183,537
Fire & EMS	14,470	41,803	69,136	96,468	123,801	151,134	178,467	205,799	233,132	247,602	247,602
Sanitation/Street Maintenance	4,261	12,310	20,359	28,408	36,456	44,505	52,554	60,603	68,652	72,913	72,913
TOTAL	29,458	85,100	140,742	196,384	252,026	307,668	363,310	418,952	474,594	504,052	504,052
REVENUES LESS EXPENDITURES	-$7,574	-$21,881	-$36,188	-$50,495	-$64,802	-$79,109	-$93,416	-$107,723	-$122,030	-$129,605	-$129,605
ENTERPRISE SYSTEM REVENUES (cumulative)											
Water System	11,723	36,237	62,927	92,196	124,234	159,245	197,449	232,243	268,352	290,709	290,709
Wastewater System	5,817	16,804	27,790	38,777	49,764	60,751	71,738	82,725	93,712	99,529	99,529
ENTERPRISE SYSTEM EXPENDITURES (cumulative)											
Water System	12,769	36,889	61,008	85,127	109,247	133,366	157,486	181,605	205,725	218,494	218,494
Wastewater System	8,674	25,059	41,444	57,829	74,213	90,598	106,983	123,368	139,752	148,427	148,427
SYSTEM PROFIT/ (loss)	-$3,904	-$8,907	-$11,734	-$11,983	-$9,462	-$3,968	$4,719	$9,996	$16,587	$23,317	$23,317

SPECIAL CONSIDERATIONS: The proposed initial zoning is R-1 (Single Family Residential District).

Additional revenues (at proposed rates): $231,000 for water treatment capacity
$150,150 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 2
RRTAIT TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Ronald N. Tait, on behalf of S.T.F.G. Inc., has filed a petition with the City of Laredo for the annexation of a 84.77 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and S.T.F.G. Inc., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 84.77 acres of land, more or less, belonging to S.T.F.G. Inc.

SERVICE PLAN

A petition for annexation from Ronald N. Tait, on behalf of S.T.F.G. Inc., was received for property designated as "Tract 2 (RRTAIT Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 1 mile from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the

city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood

park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

S.T.F.G. INC.

By:_____
Ronald N. Tait
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

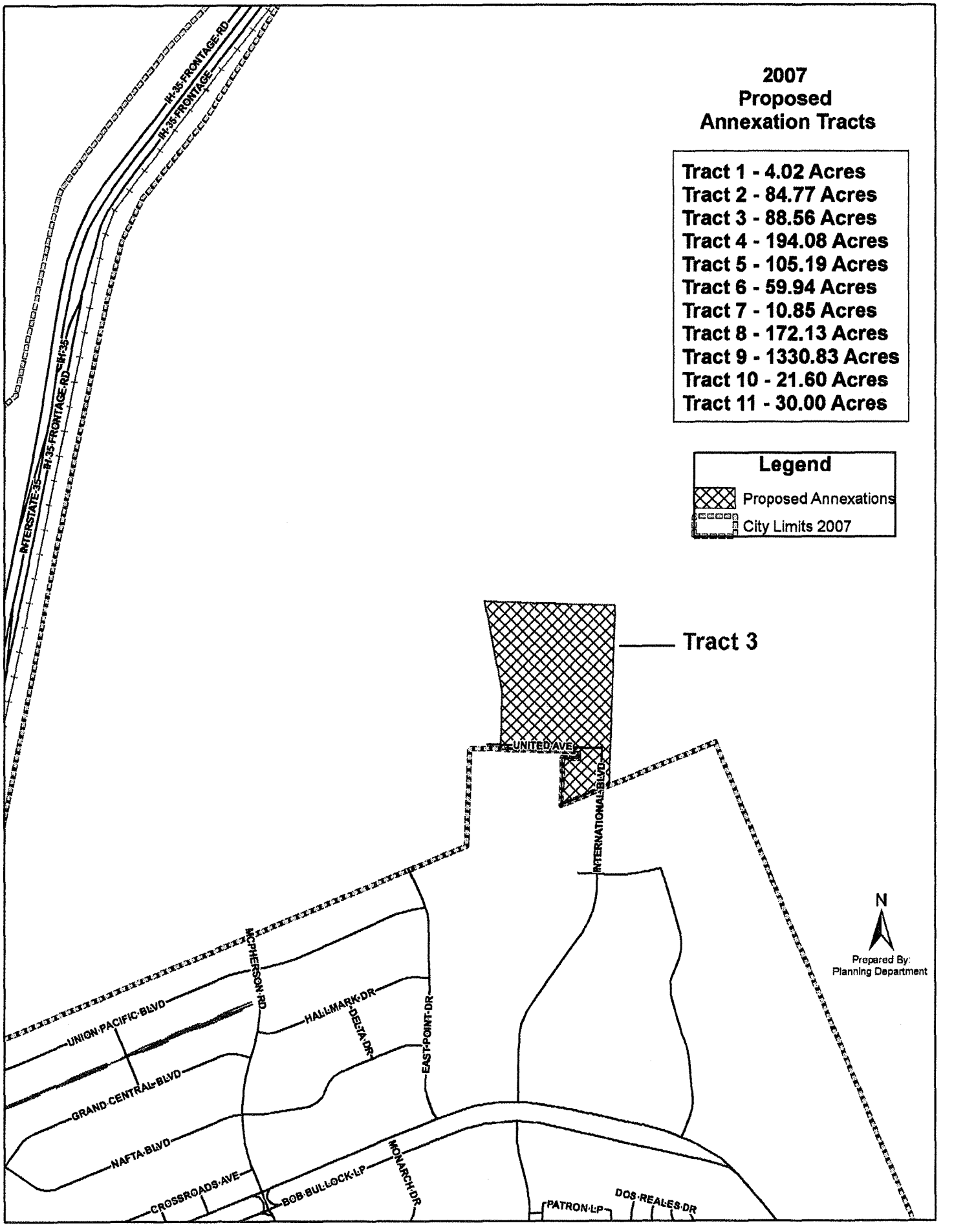
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Ronald N. Tait, for and on behalf of S.T.F.G. Inc.

_____
Notary Public, State of Texas


2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007
Tract 3
N
Prepared By:
Planning Department
IH-35 FRONTAGE RD
IH-35 FRONTAGE
IH-35 FRONTAGE RD
IH-35
INTERSTATE 35
UNITED AVE
INTERNATIONAL BLVD
MCPHERSON RD
HALLMARK DR
DELTA DR
EAST POINT DR
UNION PACIFIC BLVD
GRAND CENTRAL BLVD
NAFTA BLVD
CROSSROADS AVE
BOB BULLOCK LP
MONARCH DR
PATRON LP
DOS REALES DR

Killam Charco Tract (Tract 3)

This 88.56 acre tract is located east of Interstate Highway 35 and north of Bob Bullock Loop.

The petitioner proposes R-1 zoning (Single Family Residential District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 10, which is located approximately 1.2 miles from the proposed site.

National standards require that 0.01 acres of parkland be required per dwelling unit. This development will require approximately 3.73 acres of parkland set aside. No school sites have been identified; although the number of school-age children generated by the proposed annexation will require the following facilities:

TEA FACILITY CRITERIA

School type	Design capacity	Acreage standard	Students per dwelling	Dwelling units	Students	Pro-rata acreage required
Elementary	600	10 + 1/100 students	1.1	373	410	10.8
Middle	1,200	20 + 1/100 students	0.22	373	82	1.4
Secondary	2,000	40 + 1/100 students	0.22	373	82	1.6
Totals:	---	---	1.54	373	574	13.8

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

KILLAM CHARCO TRACT
TRACT 3

DRAFT

TRACT 3: Killam Charco Tract Acres: 88.56

APPLICANT: Killam Ranch Properties, Ltd.

LOCATION: East of Interstate Highway 35 and north of Bob Bullock Loop.

PROPOSED DEVELOPMENT: The feasibility study is based upon development for the default zoning of R-1. However, the petitioner proposes an eventual build-out of 20 acres for institutional development, 58.56 acres for commercial development, and 10 acres for multi-family residential development.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Build-out
Estimated population per development year (not cumulative)	0	0	170	170	170	173	173	173	173	173	1,376
Total acreage	88.56										
Single family dwelling units	0	0	46	46	46	47	47	47	47	47	373
Institutional	20.00	0	0	0	0	0	0	0	0	0	20.00
Industrial/ commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.00	0.00	0.46	0.46	0.46	0.47	0.47	0.47	0.47	0.47	3.73
Taxable Value (cumulative)	0	0	10,047,550	20,095,100	30,142,650	40,408,625	50,674,600	60,940,575	71,206,550	81,472,525	81,472,525
GENERAL FUND REVENUES (cumulative)											
Taxes: Property	0	0	64,003	128,006	192,009	257,403	322,797	388,191	453,586	518,980	518,980
Garbage Fees	0	0	7,314	14,628	21,942	29,415	36,888	44,361	51,834	59,307	59,307
TOTAL	0	0	71,317	142,634	213,951	286,818	359,685	432,552	505,420	578,287	578,287
GENERAL FUND EXPENDITURES (cumulative)											
Police	0	0	18,274	36,548	54,823	73,494	92,166	110,837	129,509	148,180	148,180
Fire & EMS	0	0	24,653	49,306	73,959	99,148	124,337	149,526	174,715	199,904	199,904
Sanitation/Street Maintenance	0	0	7,260	14,519	21,779	29,197	36,614	44,032	51,449	58,867	58,867
TOTAL	0	0	50,187	100,374	150,561	201,839	253,117	304,395	355,673	406,951	406,951
REVENUES LESS EXPENDITURES	$0	$0	$21,130	$42,260	$63,390	$84,979	$106,568	$128,158	$149,747	$171,336	$171,336
ENTERPRISE SYSTEM REVENUES (cumulative)											
Water System	0	0	22,439	47,122	74,218	104,470	137,562	168,739	201,109	234,707	234,707
Wastewater System	0	0	9,910	19,820	29,729	39,855	49,980	60,105	70,230	80,355	80,355
ENTERPRISE SYSTEM EXPENDITURES (cumulative)											
Water System	0	0	21,755	43,510	65,264	87,492	109,720	131,947	154,175	176,403	176,403
Wastewater System	0	0	14,778	29,557	44,335	59,435	74,535	89,634	104,734	119,834	119,834
SYSTEM PROFIT/ (loss)	$0	$0	-$4,184	-$6,124	-$5,652	-$2,603	$3,287	$7,262	$12,430	$18,825	$18,825

SPECIAL CONSIDERATIONS: The proposed initial zoning is R-1 (Single Family Residential District)..

Additional revenues (at proposed rates): $186,500 for water treatment capacity
$121,225 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 3
KILLAM CHARCO TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, David Killam, of Killam Ranch Properties, Ltd., has filed a petition with the City of Laredo for the annexation of a 88.56 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Killam Ranch Properties, Ltd., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 88.56 acres of land, more or less, belonging to Killam Ranch Properties, Ltd.

SERVICE PLAN

A petition for annexation from David Killam, on behalf of Killam Ranch Properties, Ltd., was received for property designated as "Tract 3 (Killam Charco Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 10, which is located approximately 1.20 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the

city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood

park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

KILLAM RANCH PROPERTIES, INC.

By: _____
David Killam
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

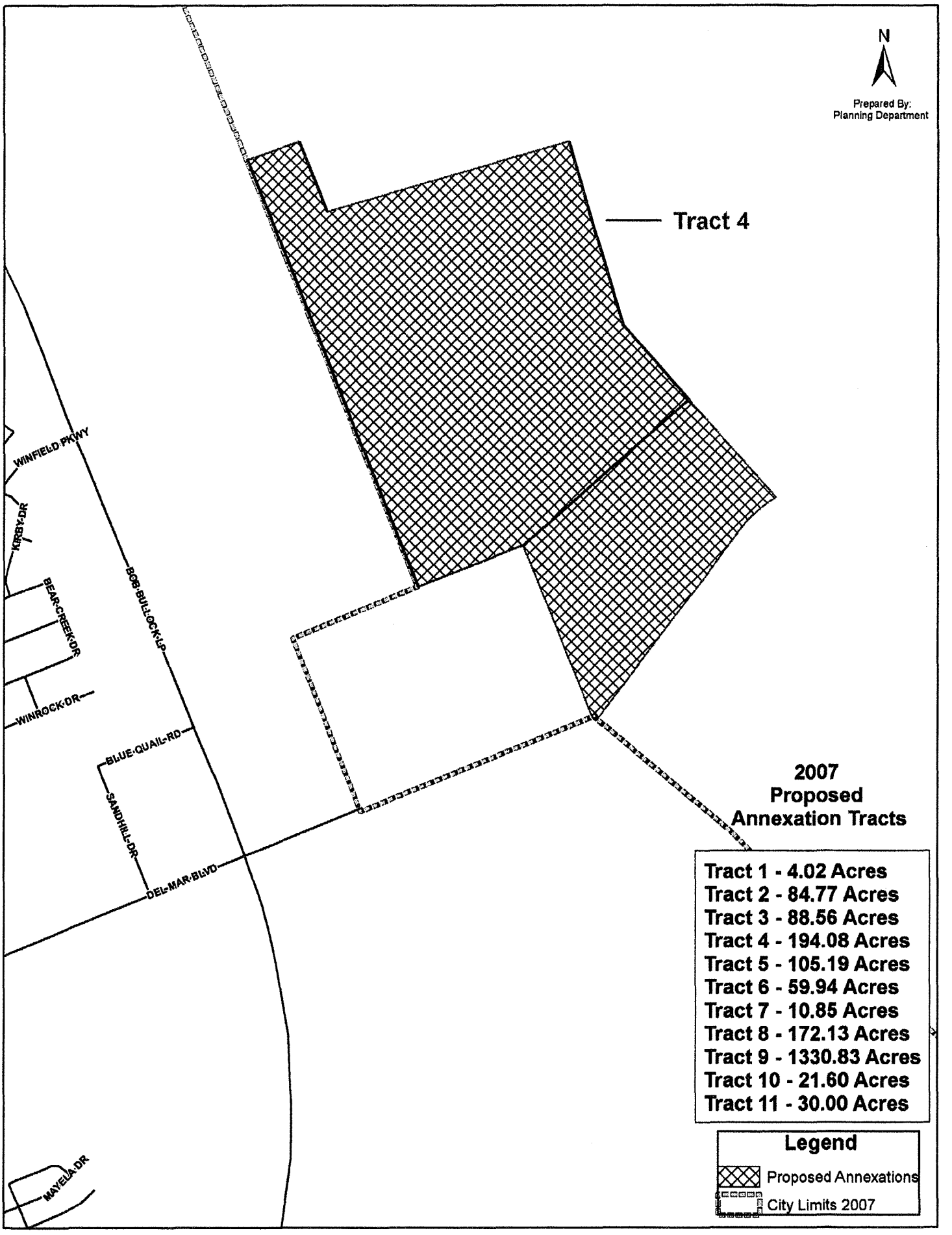
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by David Killam, for and on behalf of Killam Ranch Properties, Ltd.

_____
Notary Public, State of Texas


N
Prepared By:
Planning Department
Tract 4
WINFIELD PKWY
KIRBY DR
BEAR CREEK DR
WINROCK DR
BOB BULLOCK LP
BLUE QUAIL RD
SANDHILL DR
DEL MAR BLVD
MAYELA DR
2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007

Killam Quiote Tract (Tract 4)

This 194.08 acre tract is located east of Bob Bullock Loop and north of Casa Verde Road (future extension of Del Mar Boulevard).

The petitioner proposes R-1 zoning (Single Family Residential District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 12, which is located approximately 1 mile from the proposed site.

National standards require that 0.01 acres of parkland be required per dwelling unit. This development will require approximately 8.93 acres of parkland set aside. No school sites have been identified; although the number of school-age children generated by the proposed annexation will require the following facilities:

TEA FACILITY CRITERIA

School type	Design capacity	Acreage standard	Students per dwelling	Dwelling units	Students	Pro-rata acreage required
Elementary	600	10 + 1/100 students	1.1	893	982	25.4
Middle	1,200	20 + 1/100 students	0.22	893	196	3.3
Secondary	2,000	40 + 1/100 students	0.22	893	196	3.9
Totals:	---	---	1.54	893	1,374	32.6

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

KILLAM QUIOTE TRACT
TRACT 4

DRAFT

TRACT 4: Killam Quiote Tract Acres: 194.08

APPLICANT: Killam Ranch Properties, Inc.

LOCATION: East of Bob Bullock Loop and north of Casa Verde Road (future extension of Del Mar Boulevard).

PROPOSED DEVELOPMENT: The feasibility study is based upon development for the default zoning of R-1. However, the petitioner proposes an eventual build-out of 112 acres for single family residential development, 15 acres for multi-family residential development, 20 to 32 acres for institutional development, and 34.63 acres for commercial development.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Build-out
Estimated population per development year (not cumulative)	0	0	0	469	472	472	472	472	469	469	3,295
Total acreage	194.08										
Single family dwelling units/per year	0	0	0	127	128	128	128	128	127	127	893
Institutional acreage	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.00
Industrial/ commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.00	0.00	0.00	1.27	1.28	1.28	1.28	1.28	1.27	1.27	8.93
Taxable Value (cumulative)	0	0	0	18,155,920	36,454,800	54,753,680	73,052,560	91,351,440	109,507,360	127,663,280	127,663,280
GENERAL FUND REVENUES (cumulative)											
Taxes: Property	0	0	0	115,653	232,217	348,781	465,345	581,909	697,562	813,215	813,215
Garbage Fees	0	0	0	20,193	40,545	60,897	81,249	101,601	121,794	141,987	141,987
TOTAL	0	0	0	135,846	272,762	409,678	546,594	683,510	819,356	955,202	955,202
GENERAL FUND EXPENDITURES (cumulative)											
Police	0	0	0	50,453	101,303	152,153	203,003	253,853	304,305	354,758	354,758
Fire & EMS	0	0	0	68,064	136,664	205,263	273,863	342,463	410,527	478,590	478,590
Sanitation/Street Maintenance	0	0	0	20,043	40,244	60,445	80,646	100,847	120,890	140,933	140,933
TOTAL	0	0	0	138,560	278,210	417,861	557,512	697,162	835,722	974,282	974,282
REVENUES LESS EXPENDITURES	$0	$0	$0	-$2,713	-$5,448	-$8,183	-$10,918	-$13,653	-$16,366	-$19,080	-$19,080
ENTERPRISE SYSTEM REVENUES											
Water System	0	0	0	65,049	137,142	216,280	302,992	386,467	472,545	561,911	561,911
Wastewater System	0	0	0	27,360	54,935	82,510	110,085	137,660	165,019	192,379	192,379
ENTERPRISE SYSTEM EXPENDITURES											
Water System	0	0	0	60,062	120,597	181,132	241,667	302,202	362,264	422,326	422,326
Wastewater System	0	0	0	40,801	81,924	123,046	164,169	205,292	246,093	286,894	286,894
SYSTEM PROFIT/ (loss)	$0	$0	$0	-$8,454	-$10,445	-$5,389	$7,241	$16,633	$29,208	$45,070	$45,070

SPECIAL CONSIDERATIONS: The proposed initial zoning is R-1 (Single Family Residential District).

Additional revenues (at proposed rates): $318,500 for water treatment capacity
$207,025 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 4
KILLAM QUIOTE TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, David Killam, on behalf of Killam Ranch Properties, Ltd., has filed a petition with the City of Laredo for the annexation of a 194.08 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Killam Ranch Properties, Ltd., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 194.08 acres of land, more or less, belonging to Killam Ranch Properties, Ltd.

SERVICE PLAN

A petition for annexation from David Killam, on behalf of Killam Ranch Properties, Ltd., was received for property designated as "Tract 4 (Killam Quiote Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 12, which is located approximately 1 mile from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

KILLAM RANCH PROPERTIES, INC.

By: _____
David Killam
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

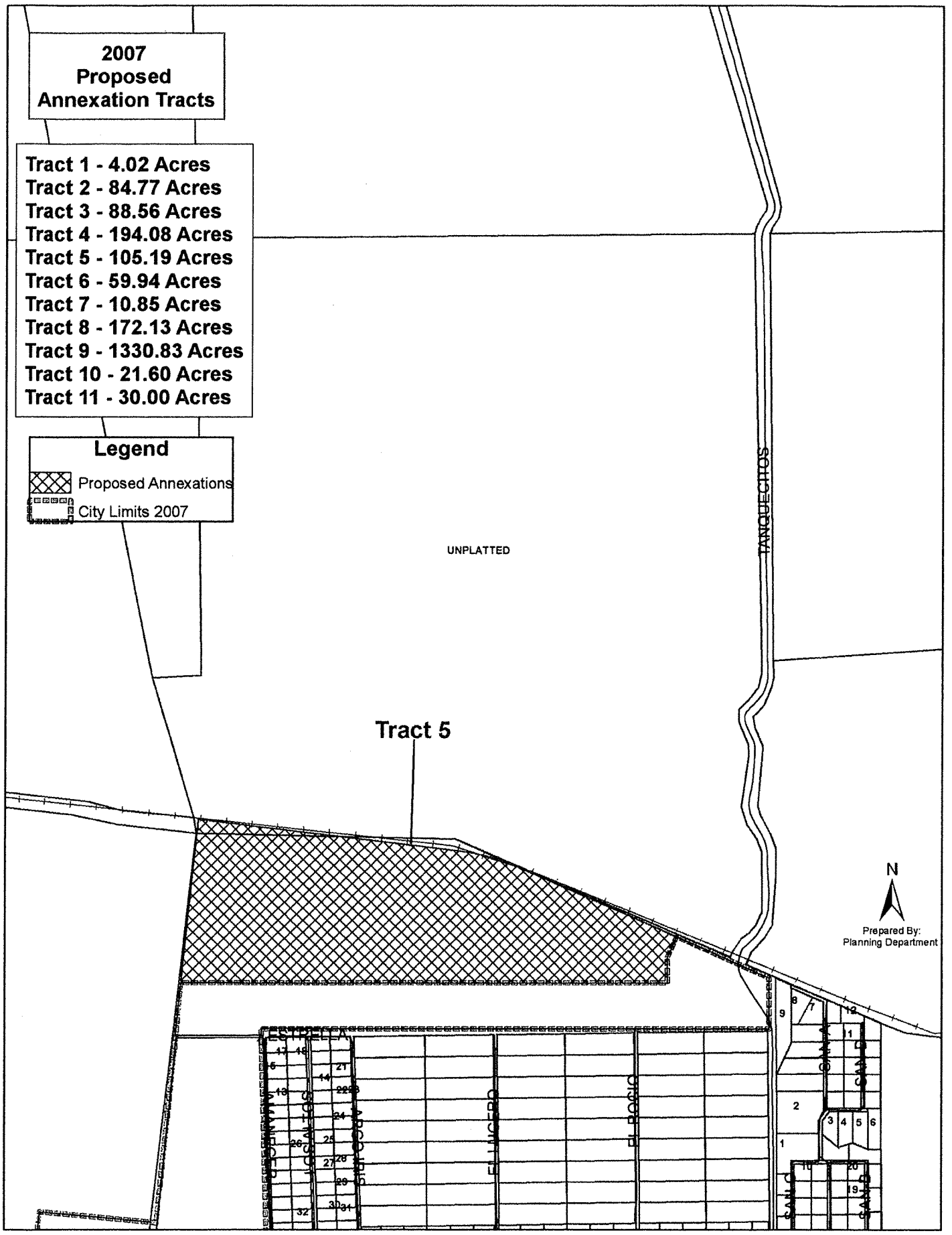
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by David Killam, for and on behalf of Killam Ranch Properties, Ltd.

_____
Notary Public, State of Texas


2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007
UNPLATTED
TANQUECITOS
Tract 5
ESTRELLA
EL BOSQUE
N
Prepared By:
Planning Department

AFW Investments II Tract (Tract 5)

This 105.19 acre tract is located approximately 3.6 mils east of the Loop 20/Highway 249 intersection immediately north of Colonias Los Altos and Tanquecitos and south of Tex-Mex Railroad.

The petitioner proposes M-1 zoning (Light Manufacturing District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 3.45 miles from the proposed site.

As the proposed M-1 zoning precludes residential development, no dedications are required for parkland or schools.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required. For the purpose of this annexation tract, the 100 ft. buffer shall include the 60-foot right-of-way abutting the tract on the south. The property owner shall be responsible for maintenance of the 40-foot strip abutting the north side of the 60-foot right-of-way.

AFW INVESTMENTS II TRACT
TRACT 5

Analysis still in process

TRACT 5: AFW Investments II Tract Acres: 105.19

APPLICANT: AFW Investments II, Ltd..

LOCATION: Approximately 3.6 miles east of the Loop 20/Highway 359 intersection immediately north of Colonias Los Altos and Tanquecitos and south of Tex-Mex Railroad.

PROPOSED DEVELOPMENT: The petitioner proposes 105.19 acres for industrial development.

	2008	2009	2010	2011	2012	2013	Build-out
Estimated population	0	0	0	0	0	0	0
Total acreage	105.19						
Single family dwelling units	0	0	0	0	0	0	0
Institutional acreage	0	0	0	0	0	0	0
Industrial/ commercial acreage	40.00	30.00	35.00	0.00	0.00	0.00	105.00
Park/Open Space (acres)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Taxable Value	0	0	0	0	0	0	0
GENERAL FUND REVENUES							
Taxes: Property	0	0	0	0	0	0	0
Garbage Fees	179,309	313,790	470,686	470,686	470,686	470,686	470,686
TOTAL	179,309	313,790	470,686	470,686	470,686	470,686	470,686
GENERAL FUND EXPENDITURES							
Police	0	0	0	0	0	0	0
Fire & EMS	0	0	0	0	0	0	0
Sanitation/Street Maintenance	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
REVENUES LESS EXPENDITURES	179,309	313,790	470,686	470,686	470,686	470,686	470,686
ENTERPRISE SYSTEM REVENUES							
Water System	10,236	17,913	26,870	26,870	26,870	26,870	26,870
Wastewater System	8,850	15,488	23,232	23,232	23,232	23,232	23,232
ENTERPRISE SYSTEM EXPENDITURES							
Water System	13,318	23,307	34,961	34,961	34,961	34,961	34,961
Wastewater System	10,138	17,742	26,613	26,613	26,613	26,613	26,613
SYSTEM PROFIT/ (loss)	-4,370	-7,648	-11,472	-11,472	-11,472	-11,472	-11,472

SPECIAL CONSIDERATIONS: The proposed initial zoning is M-1 (Light Manugacturing District).

Additional revenues (at proposed rates): 0 for water treatment capacity
0 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 5
AFW INVESTMENTS II TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Daniel Wyers, on behalf of AFW Investments II, Ltd., has filed a petition with the City of Laredo for the annexation of a 105.19 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and , being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 105.19 acres of land, more or less, belonging to AFW Investments II, Ltd.

SERVICE PLAN

A petition for annexation from Daniel Wyers, on behalf of AFW Investments II, Ltd., was received for property designated as "Tract 5 (AFW Investments II Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 3.45 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required. For the purpose of this annexation tract, the 100 ft. buffer shall include the 60-foot right-of-way abutting the tract on the south. The property owner shall be responsible for maintenance of the 40-foot strip abutting the north side of the 60-foot right-of-way, and not the right-of-way itself. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

AFW INVESTMENTS II, LTD.

By: _____
Daniel Wyers
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

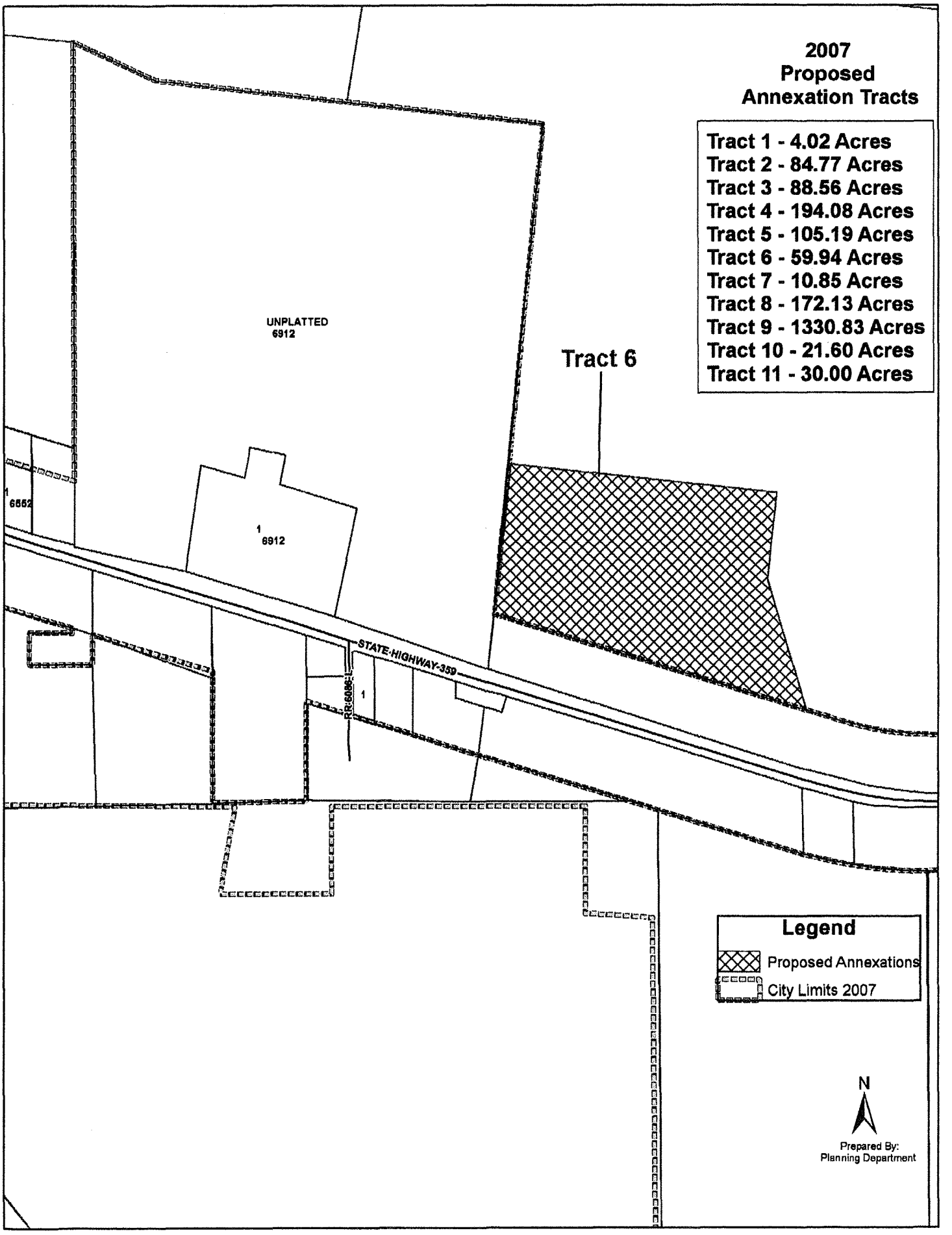
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Daniel Wyers, for and on behalf of AFW Investments II, Ltd.

_____
Notary Public, State of Texas


2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Tract 6
UNPLATTED
6912
1
6912
1
6552
STATE HIGHWAY 359
RR 6086
1
Legend
Proposed Annexations
City Limits 2007
N
Prepared By:
Planning Department

H-5 Tract (Tract 6)

This 59.94 acre tract is located directly east of the City of Laredo landfill. The petitioner proposes M-1 zoning (Light Manufacturing District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 2.06 miles from the proposed site.

As the proposed M-1 zoning precludes residential development, no dedications are required for parkland or schools.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, at $500.00 per acre for commercial or industrial development. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay a wastewater treatment capacity fee of $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

H-5 TRACT
TRACT 6

Analysis still in process.

TRACT 6: H-5 Tract Acres: 59.94

APPLICANT: Hurd Ranch Co., Ltd.

LOCATION: Directly east of the City of Laredo Landfill.

PROPOSED DEVELOPMENT: The petitioner proposes 59.94 acres for commercial development.

	2008	2009	2010	2011	2012	2013	Build-out
Estimated population	0	0	0	0	0	0	0
Total acreage	59.94						
Single family dwelling units	0	0	0	0	0	0	0
Industrial/ commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Taxable Value	0	0	0	0	0	0	0
GENERAL FUND REVENUES							
Taxes: Property	0	0	0	0	0	0	0
Garbage Fees	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
GENERAL FUND EXPENDITURES							
Police	0	0	0	0	0	0	0
Fire & EMS	0	0	0	0	0	0	0
Sanitation/Street Maintenance	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
REVENUES LESS EXPENDITURES	0	0	0	0	0	0	0
ENTERPRISE SYSTEM REVENUES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
ENTERPRISE SYSTEM EXPENDITURES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
SYSTEM PROFIT/ (loss)	0	0	0	0	0	0	0

SPECIAL CONSIDERATIONS: The proposed initial zoning is M-1 (Light Manufacturing District).

Additional revenues (at proposed rates): for water treatment capacity
for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 6
H-5 TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, J. R. Hurd, on behalf of Hurd Ranch Company, Ltd., has filed a petition with the City of Laredo for the annexation of a 59.94 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Hurd Ranch Company, Ltd., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 59.94 acres of land, more or less, belonging to the Hurd Ranch Company, Ltd.

SERVICE PLAN

A petition for annexation from J. R. Hurd, on behalf of Hurd Ranch Company, Ltd., was received for property designated as "Tract 6 (H-5 Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 2.06 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

HURD RANCH COMPANY, LTD.

By: _____
J. R. Hurd
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

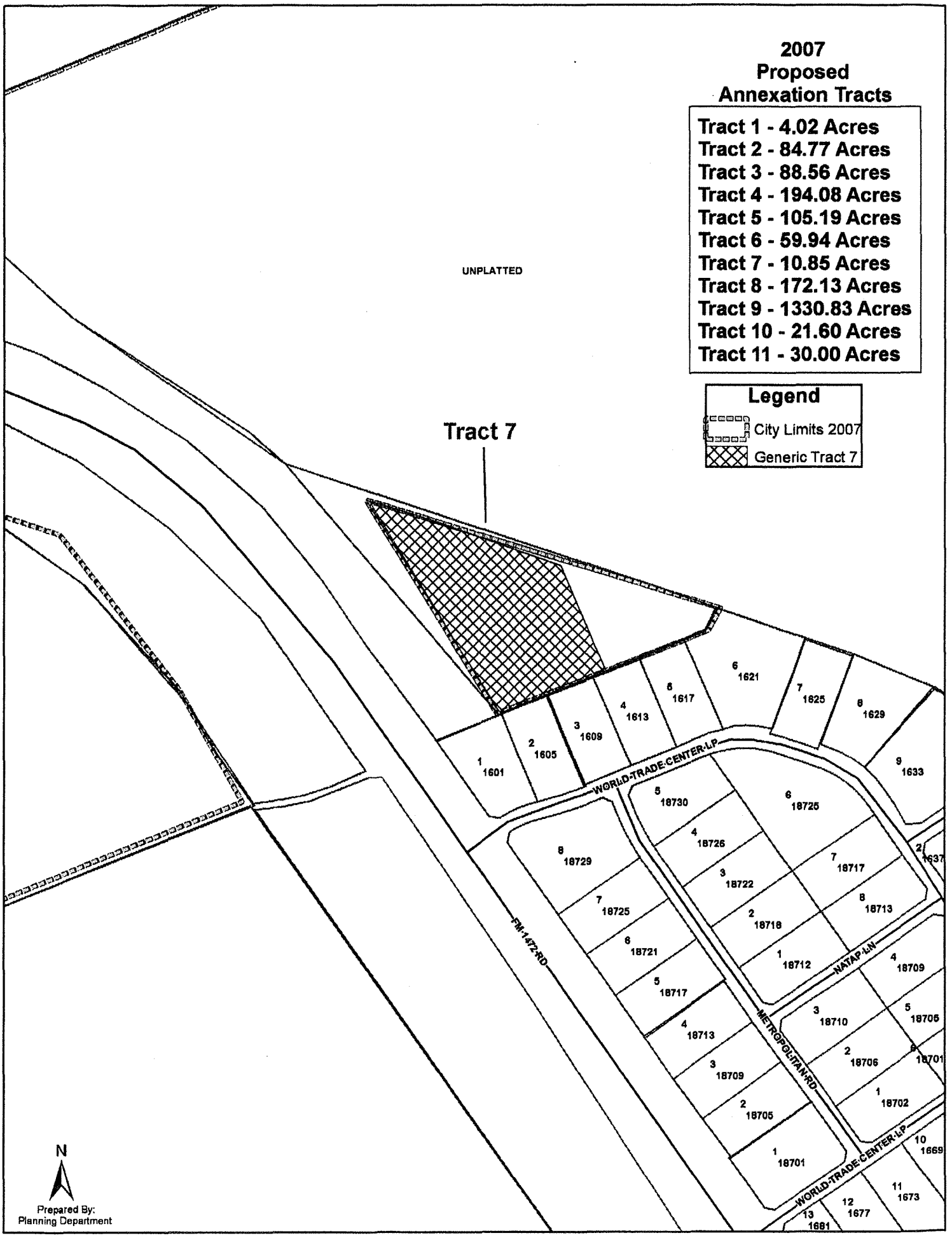
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by J. R. Hurd, for and on behalf of Hurd Ranch Company, Ltd.

_____
Notary Public, State of Texas


2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
City Limits 2007
Generic Tract 7
UNPLATTED
Tract 7
WORLD TRADE CENTER LP
FM 1472 RD
METROPOLITAN RD
NATAP LN
N
Prepared By:
Planning Department

A.R. and Alicia Sanchez Tract (Tract 7)

This 10.85 acre tract is located east of Mines Road (FM 1472) and south of Las Tiendas Road (FM3338).

The petitioner proposes M-1 zoning (Light Manufacturing District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 9, which is located approximately 4.57 miles from the proposed site.

As the proposed M-1 zoning precludes residential development, no dedications are required for parkland or schools.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

A.R. and ALICIA SANCHEZ TRACT
TRACT 7

Analysis still in process.

TRACT 7: A.R. and Alicia Sanchez Tract Acres: 10.85

APPLICANT: Ramon Diez-Barroso

LOCATION: East of Mines Road (FM 1472) and south of Las Tiendas Road (FM 3338).

PROPOSED DEVELOPMENT: The petitioner proposes 10.85 acres for industrial/commercial development.

	2008	2009	2010	2011	2012	2013	Build-out
Estimated population	0	0	0	0	0	0	0
Total acreage	10.85						
Single family dwelling units	0	0	0	0	0	0	0
Industrial/ commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Taxable Value	0	0	0	0	0	0	0
GENERAL FUND REVENUES							
Taxes: Property	0	0	0	0	0	0	0
Garbage Fees	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
GENERAL FUND EXPENDITURES							
Police	0	0	0	0	0	0	0
Fire & EMS	0	0	0	0	0	0	0
Sanitation/Street Maintenance	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
REVENUES LESS EXPENDITURES	0	0	0	0	0	0	0
ENTERPRISE SYSTEM REVENUES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
ENTERPRISE SYSTEM EXPENDITURES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
SYSTEM PROFIT/ (loss)	0	0	0	0	0	0	0

SPECIAL CONSIDERATIONS: The proposed initial zoning is M-1 (Light Manufacturing District).

Additional revenues (at proposed rates): for water treatment capacity
for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 7
A. R. and ALICIA SANCHEZ TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Ramon Diez-Barroso, on behalf of A. R. and Alicia Sanchez, has filed a petition with the City of Laredo for the annexation of a 10.85 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Ramon Diez-Barroso, being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 10.85 acres of land, more or less, belonging to A. R. and Alicia Sanchez.

SERVICE PLAN

A petition for annexation from Ramon Diez-Barroso, on behalf of A.R. and Alicia Sanchez, was received for property designated as "Tract 7 (A.R. and Alicia Sanchez Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 9, which is located approximately 4.57 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

A. R. and ALICIA SANCHEZ

By: _____
Ramon Diez-Barroso
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

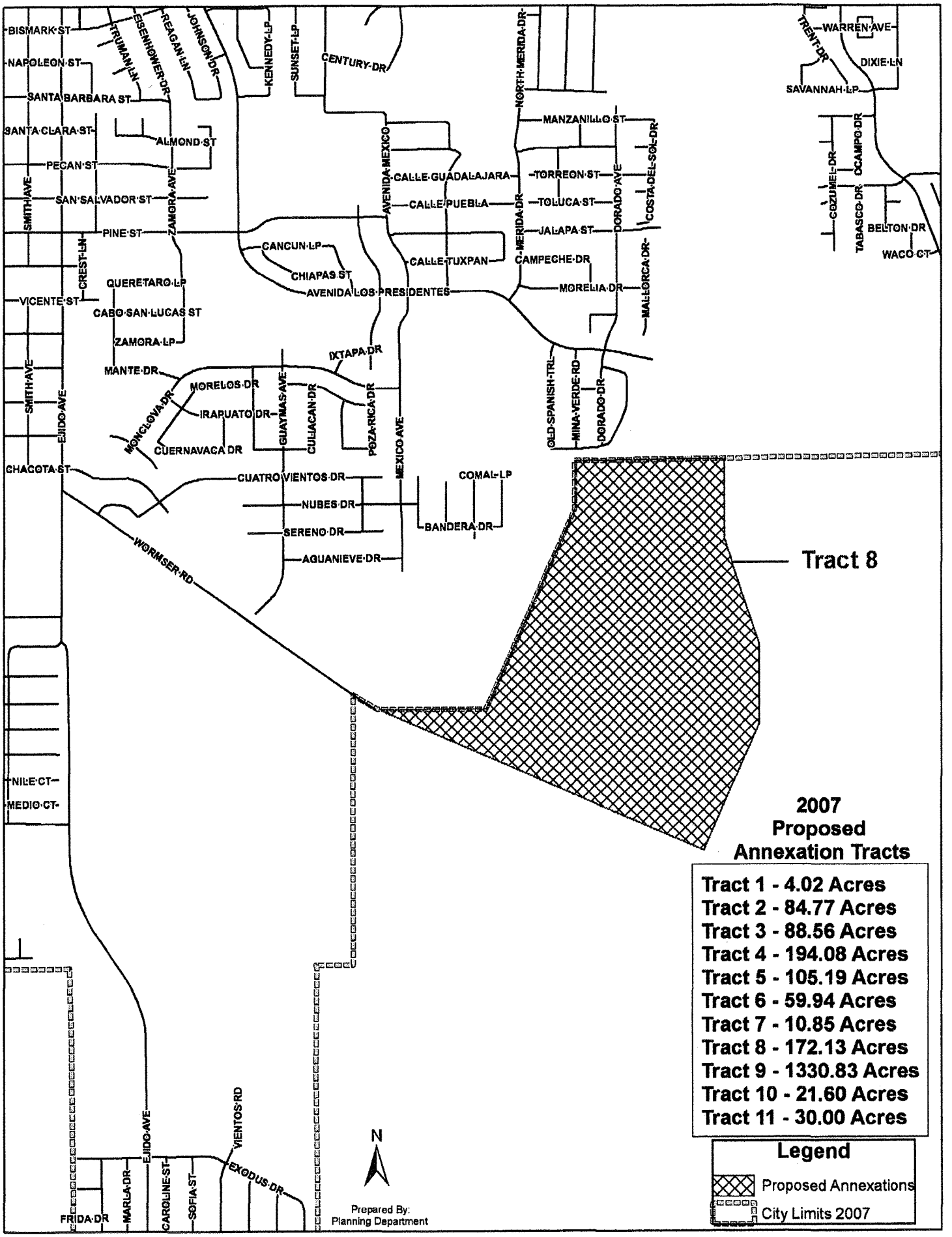
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Ramon Diez-Barroso, for and on behalf of A. R. and Alicia Sanchez.

_____
Notary Public, State of Texas


BISMARK ST
NAPOLEON ST
SANTA BARBARA ST
SANTA CLARA ST
PECAN ST
SAN SALVADOR ST
PINE ST
VICENTE ST
CHACOTA ST
NILE CT
MEDIO CT
TRUMAN LN
EISENHOWER DR
REAGAN LN
JOHNSON DR
KENNEDY LP
SUNSET LP
CENTURY DR
ALMOND ST
SMITH AVE
ZAMORA AVE
CREST LN
QUERETARO LP
CABO SAN LUCAS ST
ZAMORA LP
MANTE DR
MORELOS DR
IRAPUATO DR
CUERNAVACA DR
MONCLOVA DR
EJIDO AVE
GUAYMAS AVE
CULIACAN DR
POZA RICA DR
IXTAPA DR
CANCUN LP
CHIAPAS ST
AVENIDA LOS PRESIDENTES
AVENIDA MEXICO
CALLE GUADALAJARA
CALLE PUEBLA
CALLE TUXPAN
MEXICO AVE
CUATRO VIENTOS DR
NUBES DR
SERENO DR
AGUANIEVE DR
COMAL LP
BANDERA DR
WORMSER RD
NORTH MERIDA DR
MERIDA DR
MANZANILLO ST
TORREON ST
TOLUCA ST
JALAPA ST
CAMPECHE DR
MORELIA DR
DORADO AVE
COSTA DEL SOL DR
MALLORCA DR
OLD SPANISH TRL
MINA VERDE RD
DORADO DR
TRENT DR
WARREN AVE
DIXIE LN
SAVANNAH LP
CAMPO DR
COZUMEL DR
TABASCO DR
BELTON DR
WACO CT
Tract 8
VIENTOS RD
EXODUS DR
FRIDA DR
MARLA DR
CAROLINE ST
SOFIA ST
N
Prepared By:
Planning Department
2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007

4V Holdings Tract (Tract 8)

This 172.13 acre tract is located north of Wormser Road and east of Avenida Mexico.

The petitioner proposes R-1A zoning (Single Family Reduced Area District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 2, which is located approximately 1.45 miles from the proposed site. Staff recommends dedicating an acre for a new fire station.

National standards require that 0.01 acres of parkland be required per dwelling unit. This development will require approximately 10.68 acres of parkland set aside. No school sites have been identified; although the number of school-age children generated by the proposed annexation will require the following facilities:

TEA FACILITY CRITERIA

School type	Design capacity	Acreage standard	Students per dwelling	Dwelling units	Students	Pro-rata acreage required
Elementary	600	10 + 1/100 students	1.1	1,068	1,175	30.6
Middle	1,200	20 + 1/100 students	0.22	1,068	235	3.9
Secondary	2,000	40 + 1/100 students	0.22	1,068	235	4.7
Totals:			1.54	1,068	1,645	39.2

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

4V HOLDINGS TRACT
TRACT 8

DRAFT

TRACT 8: 4V Holdings Tract Acres: 172.13

APPLICANT: 4V Holdings, Ltd.

LOCATION: North of Wormser Road and east of Avenida Mexico.

PROPOSED DEVELOPMENT: The petitioner proposes an eventual build-out of 137.13 acres for single family residential, 10 for multi-family residential, and 25 acres for commercial development. for single family residential, 10 for multi-family residential, and 25 acres for commercial development.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Build-out
Estimated population per development year (not cumulative)	738	786	823	808	786	0	0	0	0	0	3,941
Total acreage	172.13										
Single family dwelling units	200	213	223	219	213	0	0	0	0	0	1,068
Institutional	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Industrial/ commercial acreage	5.00	5.00	5.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	25.00
Park/Open Space (acres)	2.00	2.13	2.23	2.19	2.13	0.00	0.00	0.00	0.00	0.00	10.68
Taxable Value (residential; cumulative)	28,414,800	58,676,562	90,359,064	121,473,270	151,735,032	151,735,032	151,735,032	151,735,032	151,735,032	151,735,032	151,735,032
GENERAL FUND REVENUES (cumulative)											
Taxes: Property	181,002	373,770	575,587	773,785	966,552	966,552	966,552	966,552	966,552	966,552	966,552
Garbage Fees	31,800	65,667	101,124	135,945	169,812	169,812	169,812	169,812	169,812	169,812	169,812
TOTAL	212,802	439,437	676,711	909,730	1,136,364	1,136,364	1,136,364	1,136,364	1,136,364	1,136,364	1,136,364
GENERAL FUND EXPENDITURES (cumulative)											
Police	79,453	164,071	252,661	339,662	424,279	424,279	424,279	424,279	424,279	424,279	424,279
Fire & EMS	107,187	221,341	340,855	458,225	572,379	572,379	572,379	572,379	572,379	572,379	572,379
Sanitation/Street Maintenance	31,564	65,180	100,374	134,936	168,552	168,552	168,552	168,552	168,552	168,552	168,552
TOTAL	218,204	450,592	693,889	932,823	1,165,210	1,165,210	1,165,210	1,165,210	1,165,210	1,165,210	1,165,210
REVENUES LESS EXPENDITURES	-$5,402	-$11,155	-$17,178	-$23,093	-$28,846	-$28,846	-$28,846	-$28,846	-$28,846	-$28,846	-$28,846
ENTERPRISE SYSTEM REVENUES (cumulative)											
Water System	86,838	191,872	310,247	437,931	574,381	603,100	633,260	645,926	658,849	672,028	672,028
Wastewater System	43,086	88,973	137,013	184,193	230,079	230,079	230,079	230,079	230,079	230,079	230,079
ENTERPRISE SYSTEM EXPENDITURES (cumulative)											
Water System	94,586	195,320	300,783	404,355	505,089	505,089	505,089	505,089	505,089	505,089	505,089
Wastewater System	64,254	132,685	204,328	274,686	343,116	343,116	343,116	343,116	343,116	343,116	343,116
SYSTEM PROFIT/ (loss)	-$28,916	-$47,160	-$57,851	-$56,917	-$43,745	-$15,027	$15,134	$27,800	$40,723	$53,902	$53,902

SPECIAL CONSIDERATIONS: The proposed initial zoning is R-1A (Single Family Reduced Area District).

Additional revenues (at proposed rates): $468,500 for water treatment capacity
$304,525 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 8
4V HOLDINGS TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Richard M. Hachar, on behalf of 4V Holdings, Ltd., has filed a petition with the City of Laredo for the annexation of a 172.13 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and 4V Holdings, Ltd., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 172.13 acres of land, more or less, belonging to the 4V Holdings, Ltd.

SERVICE PLAN

A petition for annexation from Richard M. Hachar, on behalf of 4V Holdings, Ltd., was received for property designated as "Tract 8 (4V Holdings Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 2, which is located approximately 1.45 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

4V HOLDINGS, LTD.

By: _____
Carlos Villarreal
City Manager

By: _____
Richard M. Hachar
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

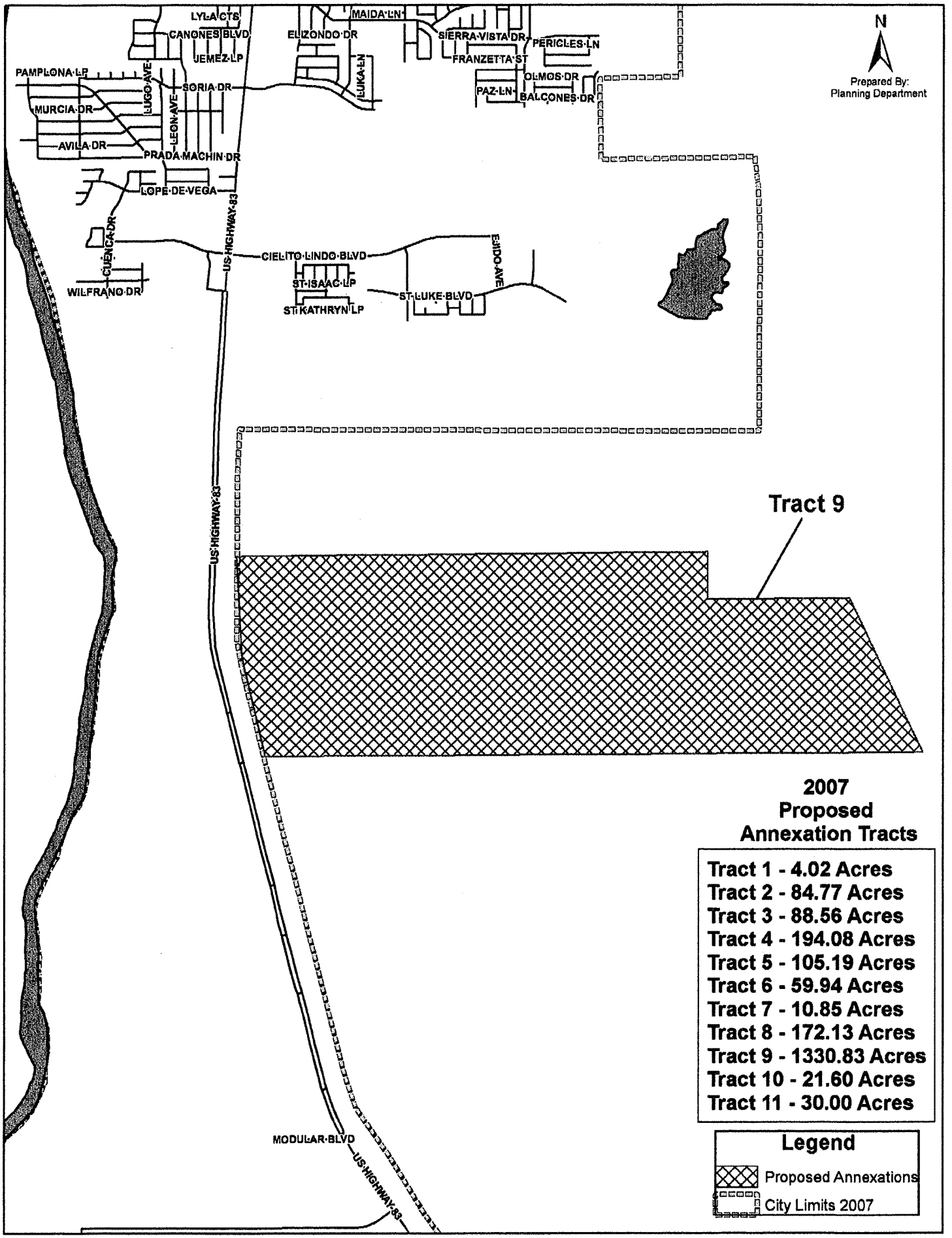
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Richard M. Hachar, for and on behalf of 4V Holdings, Ltd.

_____
Notary Public, State of Texas


N
Prepared By:
Planning Department
LYLA CTS
CANONES BLVD
JEMEZ LP
MAIDA LN
ELIZONDO DR
SIERRA VISTA DR
PERICLES LN
FRANZETTA ST
OLMOS DR
PAZ LN
BALCONES DR
LUKA LN
PAMPLONA LP
LUGO AVE
SORIA DR
MURCIA DR
LEON AVE
AVILA DR
PRADA MACHIN DR
LOPE DE VEGA
CUENCA DR
WILFRANO DR
US HIGHWAY 83
CIELITO LINDO BLVD
EJIDO AVE
ST ISAAC LP
ST KATHRYN LP
ST LUKE BLVD
Tract 9
MODULAR BLVD
2007
Proposed
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Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007

South Webb County Tract (Tract 9)

This 1330.83 acre tract is located north of Mangana Hein Road and of U.S. Highway 83.

The petitioner proposes R-1A zoning (Single Family Residential District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 14, which is located approximately 1 mile from the proposed site. Staff recommends dedicating an acre of land for a new fire station.

National standards require that 0.01 acres of parkland be required per dwelling unit. This development will require approximately 67.3 acres of parkland set aside. No school sites have been identified; although the number of school-age children generated by the proposed annexation will require the following facilities:

TEA FACILITY CRITERIA

School type	Design capacity	Acreage standard	Students per dwelling	Dwelling units	Students	Pro-rata acreage required
Elementary	600	10 + 1/100 students	1.1	6,730	7,403	197.3
Middle	1,200	20 + 1/100 students	0.22	6,730	1,480	24.7
Secondary	2,000	40 + 1/100 students	0.22	6,730	1,480	29.6
Totals:			1.54	6,730	10,363	251.6

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

SOUTH WEBB COUNTY TRACT
TRACT 9

TRACT 9: South Webb County Tract Acres: 1,330.83

APPLICANT: South Webb County, Ltd.

LOCATION: North of Mangana Hein Road and east of U.S. Highway 83.

PROPOSED DEVELOPMENT: The petitioner proposes approximately 1,030 acres or single family residential, 100 acres for multi-family development, and 300 acres for commercial development.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Build-out
Estimated population	2483	2483	2483	2483	2483	2483	2483	2483	2483	2483	24,834
Total acreage	1,330.83										
Single family dwelling units	673	673	673	673	673	673	673	673	673	673	6,730
Institutional	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Industrial/ commercial acreage	300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
Park/Open Space (acres)	6.73	6.73	6.73	6.73	6.73	6.73	6.73	6.73	6.73	6.73	67.30
Taxable Value	59,207,175	118,414,350	177,621,525	236,828,700	296,035,875	355,243,050	414,450,225	473,657,400	532,864,575	592,071,750	592,071,750
GENERAL FUND REVENUES (cumulative)											
Taxes: Property	377,150	754,299	1,131,449	1,508,599	1,885,749	2,262,898	2,640,048	3,017,198	3,394,347	3,771,497	3,771,497
Garbage Fees	107,007	214,014	321,021	428,028	535,035	642,042	749,049	856,056	963,063	1,070,070	1,070,070
TOTAL	484,157	968,313	1,452,470	1,936,627	2,420,784	2,904,940	3,389,097	3,873,254	4,357,410	4,841,567	4,841,567
GENERAL FUND EXPENDITURES (cumulative)											
Police	267,360	534,719	802,079	1,069,438	1,336,798	1,604,158	1,871,517	2,138,877	2,406,237	2,673,596	2,673,596
Fire & EMS	360,685	721,369	1,082,054	1,442,739	1,803,423	2,164,108	2,524,793	2,885,477	3,246,162	3,606,847	3,606,847
Sanitation/Street Maintenance	106,213	212,426	318,639	424,851	531,064	637,277	743,490	849,703	955,916	1,062,129	1,062,129
TOTAL	734,257	1,468,514	2,202,771	2,937,029	3,671,286	4,405,543	5,139,800	5,874,057	6,608,314	7,342,571	7,342,571
REVENUES LESS EXPENDITUR	-$250,100	-$500,201	-$750,301	-$1,000,402	-$1,250,502	-$1,500,603	-$1,750,703	-$2,000,803	-$2,250,904	-$2,501,004	-$2,501,004
ENTERPRISE SYSTEM REVENUES											
Water System	292,210	625,325	984,888	1,378,842	1,809,731	2,280,259	2,793,340	3,256,243	3,736,563	4,234,785	4,234,785
Wastewater System	144,984	289,969	434,953	579,938	724,922	869,906	1,014,891	1,159,875	1,304,860	1,449,844	1,449,844
ENTERPRISE SYSTEM EXPENDITURES											
Water System	318,282	636,564	954,846	1,273,128	1,591,409	1,909,691	2,227,973	2,546,255	2,864,537	3,182,819	3,182,819
Wastewater System	216,215	432,429	648,644	864,859	1,081,074	1,297,288	1,513,503	1,729,718	1,945,932	2,162,147	2,162,147
SYSTEM PROFIT/ (loss)	-$97,302	-$153,700	-$183,648	-$179,206	-$137,830	-$56,815	$66,755	$140,146	$230,953	$339,663	$339,663

SPECIAL CONSIDERATIONS: The proposed initial zoning is R-1A (Single Family Reduced Area District).

Additional revenues (at proposed rates): $935,000 for water treatment capacity
$607,750 for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 9
SOUTH WEBB COUNTY TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Rosendo A. Carranco, on behalf of South Webb County, Ltd., has filed a petition with the City of Laredo for the annexation of a 1351.37 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Rosendo A. Carranco, being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 1351.37 acres of land, more or less, belonging to South Webb County, Ltd.

SERVICE PLAN

A petition for annexation from Rosendo A. Carranco, on behalf of South Webb County, Ltd., was received for property designated as "Tract 9 (South Webb County Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 14, which is located approximately 1 mile from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

SOUTH WEBB COUNTY, LTD.

By:_____
Rosendo A. Carranco
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Rosendo A. Carranco, for and on behalf of South Webb County, Ltd.

_____
Notary Public, State of Texas

TANQUECITOS
SOUTH ACRES TRACT
~~TRACT 10~~ Analysis still in progress

TRACT 10: Tanquecitos South Acres Tract Acres: 21.60

APPLICANT: Consolidated Towne East Holdings, Ltd.

LOCATION: Directly east and adjacent to Los Altos Subdivision, between Highway 359 and Enlace Road.

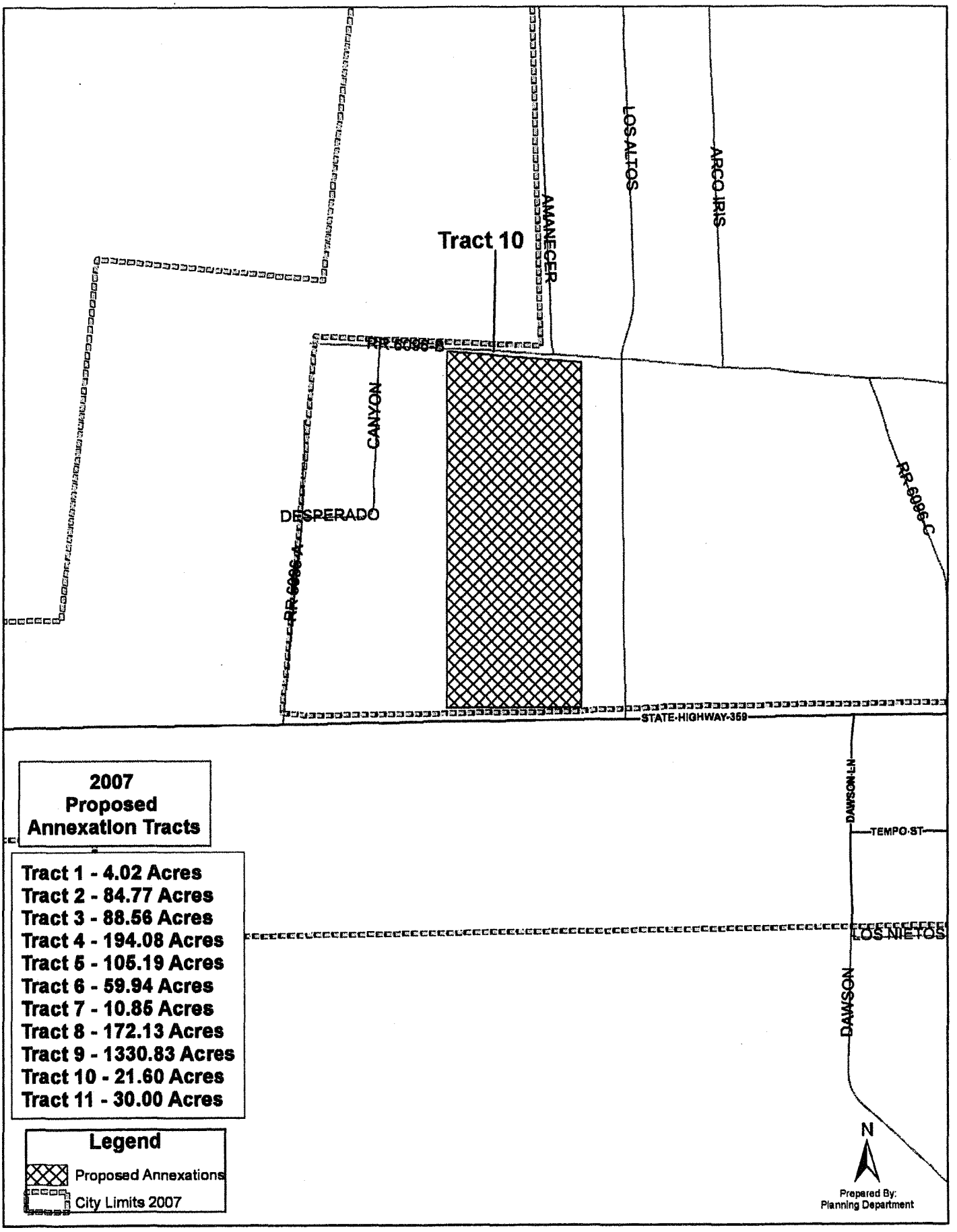
PROPOSED DEVELOPMENT: The petitioner proposes 21.60 acres for commercial development.

	2008	2009	2010	2011	2012	2013	Build-out
Estimated population	0	0	0	0	0	0	0
Total acreage	21.60						
Single family dwelling units	0	0	0	0	0	0	0
Institutional							
Industrial/ commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Taxable Value	0	0	0	0	0	0	0
GENERAL FUND REVENUES							
Taxes: Property	0	0	0	0	0	0	0
Garbage Fees	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
GENERAL FUND EXPENDITURES							
Police	0	0	0	0	0	0	0
Fire & EMS	0	0	0	0	0	0	0
Sanitation/Street Maintenance	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
REVENUES LESS EXPENDITURES	0	0	0	0	0	0	0
ENTERPRISE SYSTEM REVENUES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
ENTERPRISE SYSTEM EXPENDITURES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
SYSTEM PROFIT/ (loss)	0	0	0	0	0	0	0

SPECIAL CONSIDERATIONS: The proposed initial zoning is M-1 (Light Manufacturing District).

Additional revenues (at proposed rates): _____ for water treatment capacity
_____ for wastewater treatment capacity

RECOMMENDATION: Approval

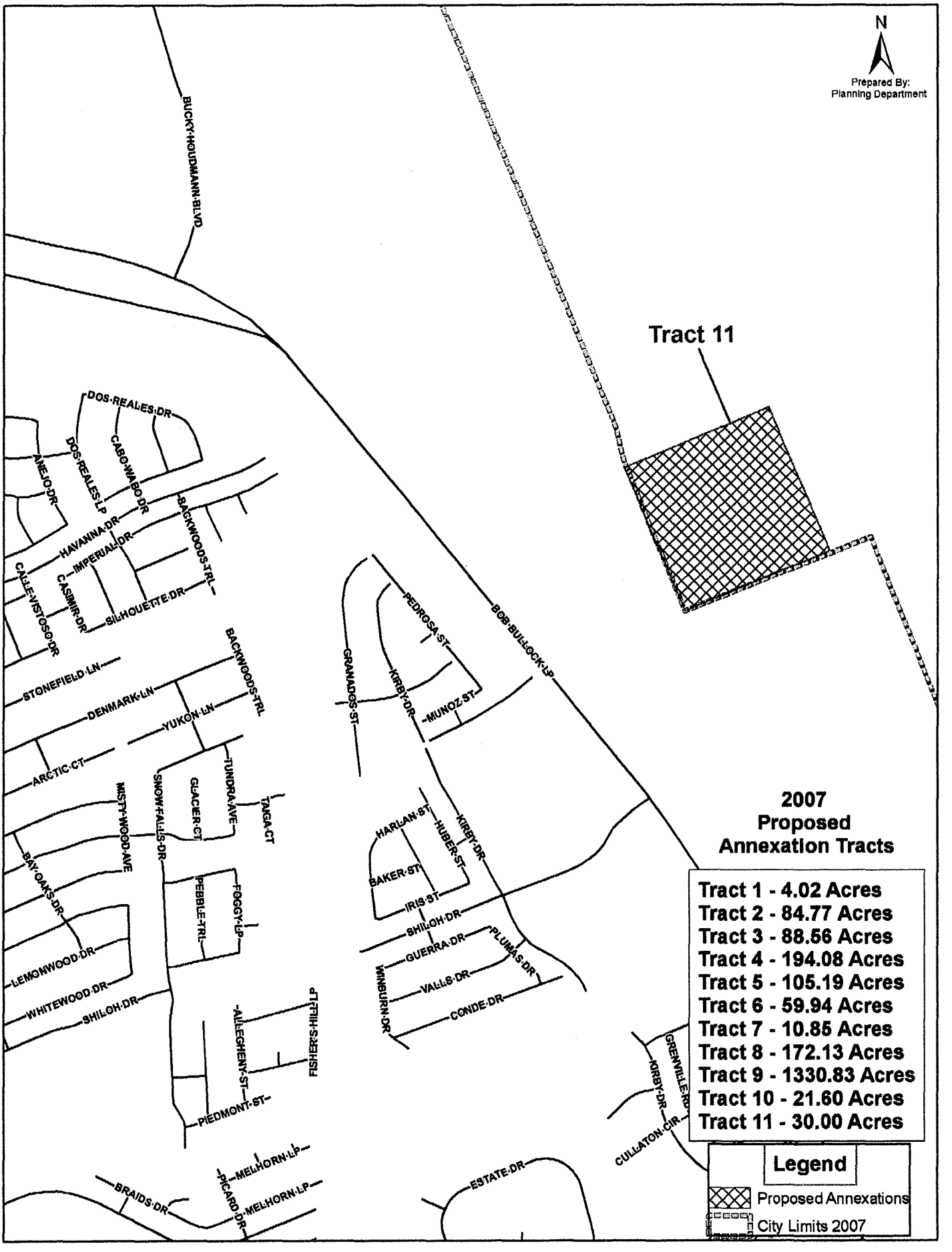


2007 Proposed Annexation Tracts

Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres

Legend

Proposed Annexations
City Limits 2007


N
Prepared By:
Planning Department
Tract 11
BUCKY HOUDMANN BLVD
BOB BULLOCK LP
DOS REALES DR
DOS REALES LP
CABO WABO DR
ANEJO DR
HAVANA DR
IMPERIAL DR
BACKWOODS TRL
CALLE VISTOSO DR
CASMIR DR
SILHOUETTE DR
STONEFIELD LN
DENMARK LN
YUKON LN
ARCTIC CT
TUNDRA AVE
TAIGA CT
GLACIER CT
SNOW FALLS DR
MISTY WOOD AVE
BAY OAKS DR
LEMONWOOD DR
WHITEWOOD DR
SHILOH DR
PEBBLE TRL
FOGGY LP
ALLEGHENY ST
FISHERS HILL LP
PIEDMONT ST
MELHORN LP
PICARD DR
BRAIDS DR
PEDROSA ST
GRANADOS ST
KIRBY DR
MUNOZ ST
HARLAN ST
HUBER ST
BAKER ST
IRIS ST
SHILOH DR
GUERRA DR
PLUMAS DR
WINBURN DR
VALLS DR
CONDE DR
ESTATE DR
GRENVILLE RD
CULLATON CIR
2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
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Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007

Tanquecitos South Acres Tract (Tract 10)

This 21.60 acre tract is located directly east and adjacent to Los Altos Subdivision, between Highway 359 and Enlace Road. The petitioner proposes M-1 zoning (Light Manufacturing District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 3 miles from the proposed site.

As the proposed M-1 zoning precludes residential development, no dedications are required for parkland or schools.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 10
TANQUECITOS SOUTH ACRES TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Ed Ramirez, Jr., on behalf of Consolidated Towne East Holdings, Ltd., has filed a petition with the City of Laredo for the annexation of a 21.60 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and Consolidated Towne East Holdings, Ltd., being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 21.60 acres of land, more or less, belonging to Consolidated Towne East Holdings, Ltd.

SERVICE PLAN

A petition for annexation from Ed Ramirez, Jr., on behalf of Consolidated Towne East Holdings, Ltd., was received for property designated as "Tract 10 (Tanquecitos South Acres)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 11, which is located approximately 3 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

CONSOLIDATED TOWNE EAST HOLDINGS, LTD.

By: _____
Ed Ramirez, Jr.
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

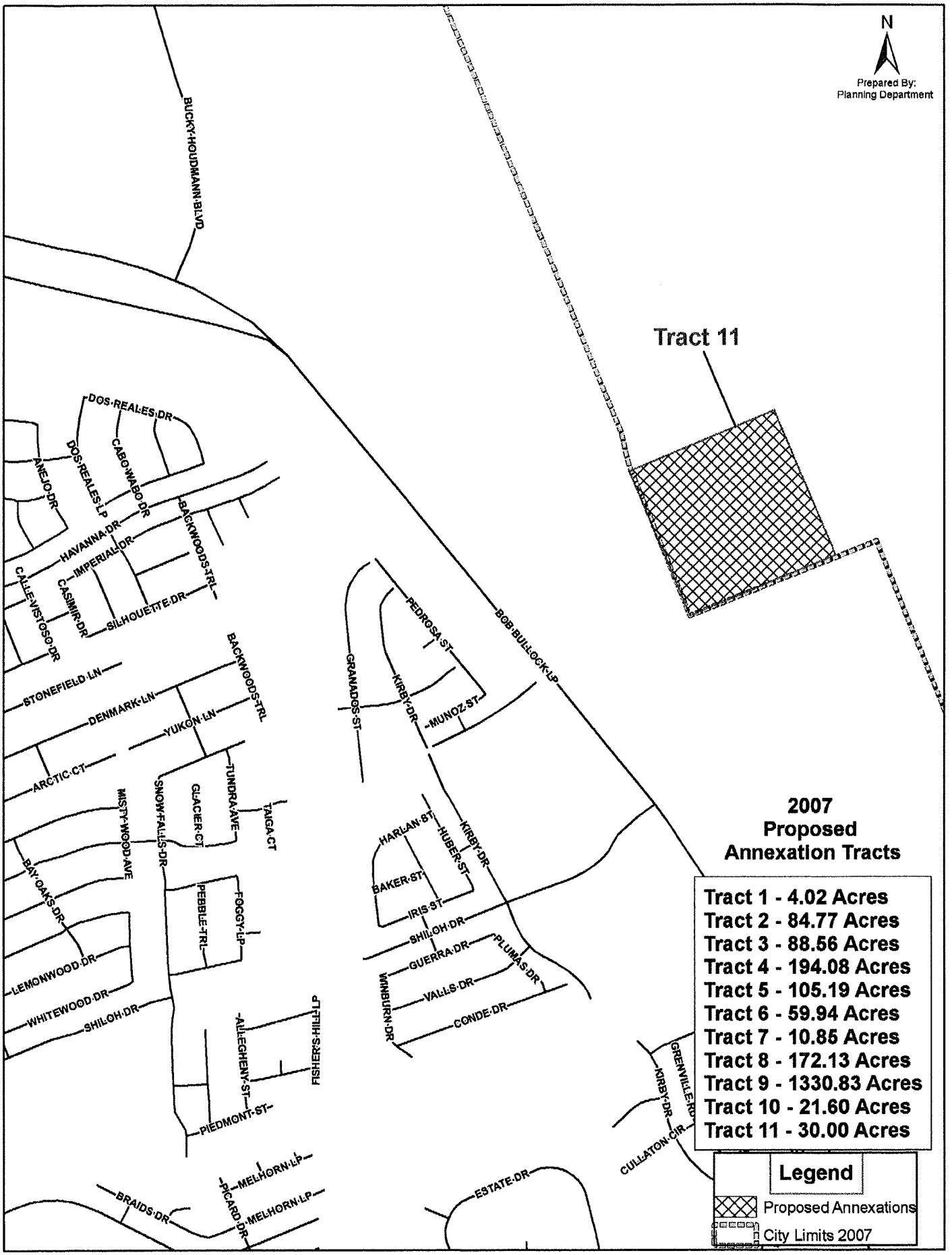
_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Ed Ramirez, Jr., for and on behalf of Consolidated Towne East Holdings, Ltd.

_____
Notary Public, State of Texas


N
Prepared By:
Planning Department
Tract 11
BUCKY HOLDMANN BLVD
DOS REALES DR
DOS REALES LP
CABO WABO DR
ANEJO DR
HAVANNA DR
IMPERIAL DR
BACKWOODS TRL
CALLE VISTOSO DR
CASMIR DR
SILHOUETTE DR
BOB BULLOCK LP
PEDROSA ST
GRANADOS ST
KIRBY DR
MUNOZ ST
STONEFIELD LN
DENMARK LN
YUKON LN
BACKWOODS TRL
ARCTIC CT
TUNDRA AVE
TAIGA CT
GLACIER CT
SNOW FALLS DR
MISTY WOOD AVE
BAY OAKS DR
PEBBLE TRL
FOGGY LP
LEMONWOOD DR
WHITEWOOD DR
SHILOH DR
HARLAN ST
HUBER ST
KIRBY DR
BAKER ST
IRIS ST
SHILOH DR
GUERRA DR
PLUMAS DR
WINBURN DR
VALLS DR
CONDE DR
ALLEGHENY ST
FISHER'S HILL LP
PIEDMONT ST
GRENVILLE RD
KIRBY DR
CULLATON CIR
ESTATE DR
MELHORN LP
PICARD DR
MELHORN LP
BRAIDS DR
2007
Proposed
Annexation Tracts
Tract 1 - 4.02 Acres
Tract 2 - 84.77 Acres
Tract 3 - 88.56 Acres
Tract 4 - 194.08 Acres
Tract 5 - 105.19 Acres
Tract 6 - 59.94 Acres
Tract 7 - 10.85 Acres
Tract 8 - 172.13 Acres
Tract 9 - 1330.83 Acres
Tract 10 - 21.60 Acres
Tract 11 - 30.00 Acres
Legend
Proposed Annexations
City Limits 2007

Daughters of Mary Help Tract (Tract 11)

This 30.00 acre tract is located immediately east of Bob Bullock Loop and south of San Isidro Northeast.

The petitioner proposes R-1 zoning (Single Family Residential District).

Police protection shall be provided to the tract immediately upon annexation. First response fire and EMS service will be provided to the area from Fire Station No. 12, which is located approximately 1.85 miles from the proposed site.

The applicant proposes to use the entire 30-acre tract for institutional use. No dedications are required for parkland or schools.

The Water Utilities Department recommends that the petitioners, their successors and assigns pay for water treatment capacity, $300.00 per residential lot less than 6,000 square feet: $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $500.00 per acre. This is in addition to water availability or other fees. Water service will be provided to the customer at the same rates charged like customers within city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

For wastewater treatment capacity, the Water Utilities Department recommends that the petitioners, their successors and assigns pay $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 or over. For commercial or industrial development the water treatment capacity fee is $650.00 per acre. This is in addition to water availability or other fees. Wastewater service will be provided to the customer at the same rates charged like customers within city limits.

The City Charter and City Ordinance require that all line extensions be made at the expense of the petitioner to conform to City standards.

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing District) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner.

DAUGHTERS OF MARY HELPTRACT
TRACT 11

Analyses still in progress.

TRACT 11: Daughter of Mary Help Tract Acres: 30.00

APPLICANT: The Institute of the Daughters of Mary Help of Christ

LOCATION: immediately east of Bob Bullock Loop and south of San Isidro Northeast.

PROPOSED DEVELOPMENT: The petitioner proposes 30.00 acres for institutional development.

	2008	2009	2010	2011	2012	2013	Build-out
Estimated population	0	0	0	0	0	0	0
Total acreage	30.00						
Single family dwelling units	0	0	0	0	0	0	0
Industrial/ commercial acreage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Park/Open Space (acres)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Taxable Value	0	0	0	0	0	0	0
GENERAL FUND REVENUES							
Taxes: Property	0	0	0	0	0	0	0
Garbage Fees	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
GENERAL FUND EXPENDITURES							
Police	0	0	0	0	0	0	0
Fire & EMS	0	0	0	0	0	0	0
Sanitation/Street Maintenance	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
REVENUES LESS EXPENDITURES	0	0	0	0	0	0	0
ENTERPRISE SYSTEM REVENUES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
ENTERPRISE SYSTEM EXPENDITURES							
Water System	0	0	0	0	0	0	0
Wastewater System	0	0	0	0	0	0	0
SYSTEM PROFIT/ (loss)	0	0	0	0	0	0	0

SPECIAL CONSIDERATIONS: The proposed initial zoning is R-1 (Single Famlily Residential District).

Additional revenues (at proposed rates): _____ for water treatment capacity
_____ for wastewater treatment capacity

RECOMMENDATION: Approval

CITY OF LAREDO
ANNEXATION AGREEMENT AND SERVICE PLAN
TRACT 11
DAUGHTERS OF MARY HELP TRACT

WHEREAS, the City of Laredo, is a home rule municipality and a political subdivision of the State of Texas; and

WHEREAS, Chapter 43.021 of the Texas Local Government Code specifically sets out the legal requirements for the annexation of land adjoining the city limits of a home-rule municipality, such as the City of Laredo, Texas; and

WHEREAS, Sister Suzanne Miller, FMA, on behalf of The Institute of the Daughters of Mary Help of Christians, has filed a petition with the City of Laredo for the annexation of a 30.00 acre tract of land, said tract of land being more particularly described by metes and bounds on Attachment "A"; and

WHEREAS, Section 1.03 of the Charter of the City of Laredo requires the execution of an annexation agreement between the City of Laredo and the landowner of the territory being annexed; and

WHEREAS, Section 43.056 of the Texas Local Government Code, requires the preparation of a service plan describing the provision of municipal services to the territory being annexed, prior to implementation of annexation proceedings and related public hearings.

NOW, THEREFORE, FOR AND IN CONSIDERATION, of the sum of Five-Hundred and No/100 Dollars ($500.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **CITY OF LAREDO**, a home-rule municipality and The Institute of the Daughters of Mary Help of Christians, being the parties to this **ANNEXATION AGREEMENT AND SERVICE PLAN**, do hereby mutually acknowledge, consent, and agree to the following terms, conditions and service plan for annexation by the City of Laredo of 30.00 acres of land, more or less, belonging to The Institute of the Daughters of Mary Help of Christians.

SERVICE PLAN

A petition for annexation from Sister Suzanne Miller, FMA, on behalf of The Institute of the Daughters of Mary Help of Christians, was received for property designated as "Tract 11 (Daughters of Mary Help Tract)" described by metes and bounds in Attachment "A" of this Ordinance and made a part hereof for all purposes. This Service Plan was prepared in accordance with the requirements of Section 43.056 of the Texas Local Government Code and was available for review by the public at hearings duly held on November 5 and November 19, 2007. Public notice of the hearings was provided on October 18 and November 1, 2007, not more than twenty or less than 10 days before the hearing as provided in Section 43.052 of the Texas Local Government Code.

Section 1. Services to be provided on the effective date of annexation

1. Police Protection: Police protection shall be provided to the tract immediately upon the effective date of annexation. Police protection shall include traffic control enforcement, crime prevention activities, police patrol, crime investigation and emergency response.

2. Fire protection and Emergency Medical Services: First response fire and EMS service will be provided to the area from Fire Station No. 12, which is located approximately 1.85 miles from the proposed site. Fire services include protection, prevention and emergency medical response.

3. Solid Waste Collection: The collection and disposal of solid waste will be extended to the area within thirty days from the effective date of annexation on the same basis as other residential and institutional customers. Institutional, commercial and industrial generators of solid waste may use city services or contract with private haulers. Disposal of all solid waste will be at the municipal sanitary landfill. Fee charged customers within the tract will be the same as all similarly classified customers.

4a. Operation and Maintenance of Public Water Services: At the time of the platting of this property, the petitioner, its successors and assigns agree to pay, for water treatment capacity, $300.00 per residential lot less than 6,000 square feet; $500.00 per residential lot between 6,000 and 7,999 square feet; $750.00 per residential lot between 8,000 and 9,999 square feet; and $1,000.00 per residential lot 10,000 square feet or over. For industrial or commercial development the water treatment capacity fee is $500.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Water service will be provided to the customer at the same rates charged like customers within the city limits. Water for fire protection services will be provided to the tract on the same basis and subject to the same requirements as all new development within the city limits.

4b. Operation and Maintenance of Public Wastewater Services: At the time of the platting of this property the petitioner, its successors and assigns agree to pay, for wastewater treatment capacity, $200.00 per residential lot less than 6,000 square feet; $325.00 per residential lot between 6,000 and 7,999 square feet; $500.00 per residential lot between 8,000 and 9,999 square feet; and $650.00 per residential lot 10,000 square feet or over. For industrial or commercial development the wastewater treatment capacity fee is $650.00 per acre. This fee is in addition to water availability or other fees but will be superseded by the adoption and implementation of impact fees. The City Charter and city ordinances require that all line extensions be made at the expense of the petitioner to conform to city standards. Wastewater service will be provided to the customer at the same rates charged like customers within the city limits.

5. Maintenance of roads and streets: Public roads and streets will be maintained on the effective date of the annexation in the same manner as all roads and streets within the city limits. All thoroughfare right-of-way shall be dedicated to comply with the Long-range Thoroughfare requirements of the City of Laredo's Comprehensive Plan. Road maintenance consists of repair of paving, maintenance of traffic lights, controls and signals, and will be provided immediately upon annexation. Street lighting is required of all new development and will be provided at petitioner's expense.

6. Operation and Maintenance of parks, playgrounds and swimming pools: No public parks, playgrounds or swimming pools are presently located within the tract. All recreational facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns at such time as warranted by the development.

7. Operation and Maintenance of other public facilities: No public facilities, public buildings or other service facilities are presently located within the tract. All facilities required by the development shall be provided at the expense of the petitioner, its successors and assigns, or jointly in cooperation with the city at such time as warranted by the development.

The Service Plan does not contemplate the creation of another political subdivision, nor will it require the funding of capital improvements by the petitioner to which petitioner has not agreed prior to the institution of proceedings, or which will be charged in any manner inconsistent with Chapter 395 of the Texas Local Government Code. The Service Plan does not propose services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Section 2. Parkland Dedication

Petitioner agrees to provide park and open space to serve the proposed development at such time as the property is platted. Should the development be located within 1.5 miles of an existing park, the developer may request to satisfy the acreage requirement by paying the Neighborhood Park Development Fee ($35,000 per acre) based on the required acreage of the neighborhood park dedication. Required acreage to serve the proposed development shall be calculated at a rate of 0.01 acres per dwelling unit. If the required park dedication totals less than five (5) acres or does not meet site selection criteria as per this agreement or applicable ordinances, the Parks and Recreation

Advisory Committee may require a Neighborhood Park Development Fee ($35,000 per acre) in lieu of neighborhood parkland dedication. All fees received for neighborhood park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within a 1.5 mile radius of the proposed development. Site selection of the park and open space shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes. Size should be a minimum of five (5) contiguous acres. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas, which provide potential recreational uses. A maximum of 75% of total parkland dedication may be located within the 100 year floodplain. At least fifty (50%) percent of required parkland shall have slopes in range of 2-5% well drained, and be suitable for active recreational use development. Proposed parkland boundaries shall provide reasonable access to improved street frontage for readily accessible entry by the public. A general plan, or master plan, identifying the proposed park location must be approved by the Parks and Recreation Advisory Committee prior to platting any phase of the development and the plat must conform to the park location approved by the Parks and Recreation Advisory Committee. Within 90 days of plat recordation, the developer will convey the required park space to the City. Park property shall be platted by the developer as part of the subdivision plat and serviced with available utilities in the area and infrastructure related to parkland dedication. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted. Should an ordinance pertaining to parkland dedication be adopted, the ordinance shall supersede any provisions established herein.

Section 3. Capital Improvements

The tract does not require the construction or acquisition of capital improvements by the City. Petitioner agrees to provide all roadway and drainage improvements at such time as the property is platted.

Section 4. Land Use

When the annexation results in the abutment of residential uses with M-1 (Light Manufacturing Use) as defined in the Laredo Land Development Code, a 100 ft. buffer yard between the different land uses shall be required, and the buffer yard shall be maintained by the property owner. Upon annexation, the property owner agrees not to utilize the tract for agricultural purposes.

The Service Plan is valid for a period of ten years, and all services within the area shall be provided in accordance with the Plan. Should an ordinance pertaining to reserve areas or impact fees be adopted by the City Council, the ordinance shall supersede any provisions established herein.

THIS ANNEXATION AGREEMENT AND SERVICE PLAN WAS ENTERED INTO AND EXECUTED ON THIS ____ DAY OF _____, 2007.

CITY OF LAREDO,
a Texas Municipal Corporation

By: _____
Carlos Villarreal
City Manager

THE INSTITUTE OF THE DAUGHTERS OF MARY HELP OF CHRISTIANS

By: _____
Sister Suzanne Miller, FMA
Authorized Representative

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Carlos Villarreal, as City Manager, for and on behalf of the City of Laredo.

_____
Notary Public, State of Texas

ACKNOWLEDGMENT

State of Texas *
County of Webb *

This instrument was acknowledged before me on this ____ day of _____, 2007 by Sister Suzanne Miller, FMA, for and on behalf of The Institute of the Daughters of Mary Help of Christians.

_____
Notary Public, State of Texas

Methodology
SECTION IV

SECTION IV
METHODOLOGY

This is a summary of the methods used to estimate the following revenues and expenditures for the annexation feasibility report.

ESTIMATED POPULATION

The estimated population was based on the number of single-family and multi-family dwelling units projected to be built each year in that specific tract. Each year's population count shows the accumulative growth as the tract reaches final build-out. The population count of 3.69 persons per household was taken from the *2005 American Community Survey* of the U.S. Census (as released October 2006).

Example: 70 SF lots were projected to be taken down each year with final build out in 5 years.
1st year - 70 SF lots x 3.69 = 258 persons
2nd year - 70 SF lots x 3.69 = 258 + 258 = 516, etc.

TAXABLE VALUE

The taxable value was estimated for each tract by comparing it to a similar development within the city.

PROPERTY TAX

This amount was based on the assessed value of each tract, which was then multiplied by the current property tax rate of .00637 per $100.

Example: $11,250,000 (current taxable value) x .00637 = $71,662.50 property tax owed.

GARBAGE FEES

The figures for garbage fees were based on the current charges for residential and commercial units. Each residential unit is charged $13.25/ month for garbage pick-up service ($9.00 base rate + $4.25 federal/state mandates). The number of expected residential units was multiplied by $13.25 and that number was then multiplied by 12 to obtain the expected annual revenue from the additional households. This dollar amount increases each year to reflect the increase in the number of households until final build-out is reached.

Example: 70 SF lots and 30 multi-family units were projected to be taken down in 2007.
100 residential units x $13.25 = $1,325 x 12 = $15,900

Commercial charges are based on the square footage of the commercial building at $65.00 for 3,001 to 10,000 square feet. Estimating the average lot to be 5,000 square feet, there would be 8.7 lots per acre and the fee would total $566 per acre. Commercial acreage was multiplied by 2/3 (.66) to obtain an approximate building area in acres. This number was multiplied by $566 and then multiplied by 12 to obtain an annual revenue rate.

Example: 20 acres allotted for commercial use.
20 x .66 = 13.2 acres x $566 = $7,471 x 12 = $89,652

Industrial centers receive garbage pick-up services from the Department of Public Works if the industrial center requests this service and the garbage is left at the curb. The sanitation fee is the same as for commercial businesses.

POLICE EXPENDITURES

The Police Department provided the initial information regarding the cost per police officer. There are sixteen police districts within the city with an average of 7 officers assigned to a district over 24 hours. There are 1.7 officers per thousand population. The cost of one officer (median = $63,330) was multiplied by 1.7, and then divided by one thousand to reach a per capita cost of $107.66. The estimated population was then multiplied by $107.66.

Example: 100 population x $107.66 per capita expense = $10,766 in expenditure

FIRE & EMS EXPENDITURES

This is based on the approved expenditure budget for FY 07-08 for fire ($32,867,548) divided by the estimated population count (226,298; estimate based upon data from the Texas State Data Center's (TSDC) 2007 Population Projections). The per capita dollar amount was then multiplied by the estimated population in the tract for each year.

Example: $32,867,548/226,298 = $145.24 per capita expense
$145.24 x 500 = $72,620.00 expenditure for 1st year

SANITATION EXPENDITURES

This is based on the approved proposed expenditures for street cleaning, street maintenance and garbage refuse sanitation for FY 07-08 ($9,678,580) divided by the number of households (61,327; derived from data from both the *2005 American Community Survey* and TSDC 2007 Population Projections) charged for garbage pick-up. The per H.H. dollar amount was then multiplied by the number of residential units expected to be taken down for each year to obtain the estimated expenditure.

Example: $9,678,580 = $157.82 per H.H. expenditure
$157.82 x 100 = $15,782 expenditure for 1st year

This does not take commercial property into account.

BUILDING SERVICES

Under the Building Services Department, the City anticipates twice as much revenue to be generated from annexation through building permit fees over the cost of providing Building Department services.

ENTERPRISE WATER/WASTEWATER SYSTEMS

This information was provided by the Water Utilities Department. The revenues and expenditures were based on the formula below:

Enterprise System Revenues
- Water System: $405.79 per residential lot or commercial acre (2007 base year)
- Wastewater System: $215.43 per residential lot or commercial acre

Enterprise Systems Expenditures
- Water System: $472.93 per residential lot or commercial acre
- Wastewater System: $321.27 per residential lot or commercial acre

Per Ordinance 2006-O-052, water rates are scheduled to increase annually through 2037 (see Table 1). No increases have yet been officially proposed for wastewater fees.

Table 1. Water Revenue increases per Ordinance 2006-O-052.

Enterprise System Revenues - Water Revenues			
YEAR	**RATE**	**Percent Increase**	**Increase in Dollars**
2007	$405.79	base year	
2008	$434.19	7%	$28.40
2009	$464.58	7%	$30.39
2010	$487.81	5%	$23.23
2011	$512.20	5%	$24.39
2012	$537.81	5%	$25.61
2013	$564.70	5%	$26.89
2014	$592.94	5%	$28.24
2015	$604.80	2%	$11.86
2016	$616.90	2%	$12.10
2017	$629.24	2%	$12.34

Appendix
SECTION V

SECTION V
APPENDIX

ANNEXATION HISTORY – 1960 TO 2006

DATE	NUMBER OF TRACTS	TOTAL ACREAGE ANNEXED
1960-1984	10	8,744.48
1985	4	644.64
1987	5	1,619.78
1988	6	1,490.27
1989	3	542.22
1990	20	2,397.25
1991	11	3,346.67
1992	7	978.88
1993	21	4,355.67
1994	18	2,682.32
1995	11	945.48
1996	10	953.76
1997	15	1,758.97
1998	26	7,725.47
1999	10	3,527.54
2000	7	718.98
2001	8	907.758
2002	2	219.90
2003	5	1,447.08
2004	8	1825.03
2005	10	867.81
2006	7	163.76

LAREDO ANNEXATION HISTORY : ORIGINAL LAND GRANT OF 8,396.35 ACRES - JULY 18, 1884

JAN.1 CITY AC.	SIZE SQ. MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX	VOLUNTARY ANNEX	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
1960											
8,396.35	13.12	839.64	0	839.64	NORTH LAREDO TRACT	4,559.34	0	12/6/1960	N/A	4,559.34	4,559.34
1973											
12,955.69	20.24	1,295.57	0	1,295.57	VILLA DEL SOL & LOMA ALTA	0	75.17	6/4/1973	N/A	75.17	0
1982											
13,030.86	20.36	1,303.09	1,295.57	2,598.66	AREA I & II TRACTS	704.86	0	11/20/1982	82-O-227	704.86	704.86
1983											
13,735.72	21.46	1,373.57	598.23	1,971.80	EAST & WEST PORCION	957.29	0	7/19/1983	83-O-057	957.29	957.29
1984											
14,693.01	22.96	1,469.30	416.29	1,885.59	DEL MAR WATER CONS.	2,220.08		2/21/1984	84-O-016		
					EAST LAREDO TRACT	174.38		2/21/1984	84-O-014		
					MCPHERSON RD	52.67		2/21/1984	84-O-015		
TOTALS:						2,447.13	0			2,447.13	2,447.13
1985											
17,140.13	26.78	1,714.01	0	1,714.01	EAST LAREDO TRACT I	313.16		10/15/1985	85-O-177		
					SO. LAREDO TRACT II	33.24		10/15/1985	85-O-176		
					SO. LAREDO TRACT III	46.86		10/15/1985	85-O-174		
					SO. LAREDO TRACT IV	251.38		10/15/1985	85-O-175		
TOTALS:						644.64	0			644.64	644.64
1987											
17,784.78	27.79	1,778.48	1,069.37	2,847.85	SHILOH / MCPHERSON RD	3.57	49.62	1/5/1987	87-O-001		
					WEST OF MINES RD	897.33		7/6/1987	87-O-102		
					EAST OF MINES RD.	368.14		7/6/1987	87-O-103		
					LOS PRESIDENTES		200.00	8/3/1987	87-O-104		
					1ST FEDERAL / HAYNES		101.11	7/20/1987	87-O-109		
TOTALS:						1,269.05	350.73			1,619.78	1,269.05
1988											
19,404.56	30.32	1,940.46	509.43	2,449.89	MINES RD TRACT	653.49		5/16/1988	88-O-058		
					NO. FREEWAY TRACT	457.67		5/16/1988	88-O-059		
					TOWNE EAST TRACT		5.82	5/16/1988	88-O-057		
					COLONIA LOS PRESID.		38.40	10/10/1988	88-O-129		
					KILLAM FOREIGN TRADE		15.61	11/21/1988	88-O-141		
					TEJAS INDUS. PARK		319.28	11/21/1988	88-O-140		
TOTALS:						1,111.16	379.11			1,490.27	1,111.16
1989											
20,894.83	32.65	2,089.48	829.30	2,918.78	SO. LAREDO (HWY.83)	424.38		4/15/1989	89-O-020		
					MULLER TRACT		97.59	8/7/1989	89-O-129		
					HOFFMAN TRACT		20.25	8/21/1989	89-O-153		
TOTALS:						424.38	117.84			542.22	424.38

Acres allowed for annex. = 10% of total acreage of city + any carry over, but no more than 30% of incorporated area.

JAN.1 CITY AC.	SIZE SQ.MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX.	VOLUNTARY ANNEX.	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
1990											
21,437.05	33.50	2,143.71	1,665.10	3,808.81	TOWNE EAST TRACT		1.07	3/19/1990	90-O-056		
					NORTHVIEW TRACT		90.51	3/19/1990	90-O-062		
					LOS PRESIDENTES TRACT		7.64	10/15/1990	90-O-200		
					HILLTOP FARMS TRACT		28.30	10/15/1990	90-O-201		
					RIVERHILL TRACT		151.86	10/15/1990	90-O-202		
					MCDONALD TRACT	21.7835		10/15/1990	90-O-203		
					RICHTER TRACT	115.705		10/15/1990	90-O-204		
					PAN AMERICAN TRACT		130.12	10/15/1990	90-O-205		
					LA BOTA BUS. TRACT		346.89	10/15/1990	90-O-206		
					INTERAMERICAN TRACT		109.14	10/15/1990	90-O-207		
					KILLAM IND PK TRACT		86.34	10/15/1990	90-O-208		
					ANZON TRACT	133.24		10/15/1990	90-O-209		
					NORTHVIEW TRACT	58.30		10/15/1990	90-O-210		
					SHILOH / MCPHERSON RD	8.7173		10/15/1990	90-O-211		
					FRIEDMAN TRACT		20	10/15/1990	90-O-212		
					BOTELLO TRACT		70	10/15/1990	90-O-213		
					WALKER TRACT	60.3783		10/15/1990	90-O-214		
					KILLAM OIL TRACT		164.18	10/15/1990	90-O-215		
					UNION PACIFIC TRACT	532.25		10/15/1990	90-O-216		
					MINES RD. TRACT	599.63		12/171990	90-O-241		
TOTALS:						1,530.00	1,206.06			2,736.07	1,530.00
1991											
24,173.12	37.77	2,417.31	613.70	3,031.01	PAN AMERICAN TRACT		53.79	3/4/1991	91-O-042		
					INTERAMERICA TRACT		46.58	3/4/1991	91-O-043		
					COL. LOS ANGELES TRACT		50.70	3/4/1991	91-O-044		
					GARCIA TRACT		78.70	3/4/1991	91-O-045		
					MINES RD. TRACT	606.12		3/4/1991	91-O-046		
					MINES RD II TRACT	873.47		7/1/1991	91-O-170		
					KILLAM IND. PK TRACT		72.40	10/21/1991	91-O-225		
					COL. LOS ANGELES TRACT		34.26	10/21/1991	91-O-226		
					TOWNE EAST TRACT		28.26	10/21/1991	91-O-227		
					NO. WATER TANK TRACT	1.04		10/21/1991	91-O-228		
					AIRPORT NORTH TRACT	1,501.35		10/21/1991	91-O-229		
TOTALS:						2,981.98	364.69			3,346.67	2,981.98
1992											
27,519.80	43.00	2,751.98	0	2,751.98	WINFIELD TRACT		362.57	1/27/1992	92-O-028		
					NORTH HEIGHTS TRACT		3.23	1/27/1992	92-O-029		
					LOS OBISPOS TRACT		122.42	4/20/1992	92-O-067		
					LA BOTA RANCH #1		371.79	4/20/1992	92-O-068		
					DE LLANO		104.19	6/24/1992	92-O-131		
					PAN AMER #3, ADDITION		0.68	6/24/1992	92-O-132		
					JAVIER GARZA		14.00	9/11/1992	92-O-169		
TOTALS:						0	978.88			978.88	0

Acres allowed for annex. = 10% of total acreage of city + any carry over, but no more than 30% of incorporated area.

JAN.1 CITY SIZE/AC.	SIZE SQ. MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX	VOLUNTARY ANNEX	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
1993											
28,498.68	44.53	2,849.87	2,751.98	5,601.85	J.B. ALEXANDER H.S.		28.60	4/30/1993	93-O-092		
					LAREDO STATE UNIV.		1,333.67	5/7/1993	93-O-093		
					PINTO VALLE-DOLORES		349.70	4/30/1993	93-O-094		
					BUSTAMANTE FARM		153.36	5/7/1993	93-O-095		
					MULLER TRACT		20.25	4/30/1993	93-O-096		
					LA BOTA TRACT		223.47	4/30/1993	93-O-097		
					MILO BUSINESS CENTER		191.12	4/30/1993	93-O-098		
					DE LLANO II		18.89	4/30/1993	93-O-099		
					RAMOS I TRACT		31.79	4/30/1993	93-O-100		
					RAMOS II TRACT		13.41	4/30/1993	93-O-101		
					RUHLMAN TRACT		395.74	11/1/1993	93-O-212		
					VILLARREAL TRACT		14.00	11/1/1993	93-O-213		
					DE LLANO III TRACT		45.84	11/1/1993	93-O-214		
					MORENO TRACT		12.46	11/1/1993	93-O-215		
					BRUNI TRACT		32.17	11/1/1993	93-O-216		
					MULLER II TRACT		49.73	11/1/1993	93-O-217		
					GARZA TRACT		71.00	12/31/1993	93-O-252		
					YOUNG TRACT		43.64	12/31/1993	93-O-253		
					I.H. 35 KILLAM TRACT		50.18	12/31/1993	93-O-254		
					KILLAM IND. PARK #5		54.82	12/31/1993	93-O-255		
					DILWORTH TRACT		1,221.83	12/31/1993	93-O-256		
TOTALS:						0	4,355.67			4,355.67	0
1994											
32,854.35	51.33	3,285.43	2,849.87	6,135.30	ITC TRACT		91.1538	12/31/1994	94-O-257		
					GARCIA I TRACT		20.2763	12/31/1994	94-O-258		
					MULLER TRACT		422.0878	12/31/1994	94-O-259		
					KILLAM IND. PARK		40.2059	12/31/1994	94-O-260		
					HURD TRACT		128.4528	12/31/1994	94-O-261		
					DE LLANO TRACT		3.2294	12/31/1994	94-O-262		
					SALINAS I TRACT		24.6569	12/31/1994	94-O-263		
					JACAMAN TRACT		512.78	12/31/1994	94-O-264		
					BARRERA TRACT		3.8616	12/31/1994	94-O-265		
					SALINAS II TRACT		88.5135	12/31/1994	94-O-266		
					DICKENSON TRACT		74.77	12/31/1994	94-O-267		
					BRUNI TRACT		43.59	12/31/1994	94-O-267		
					GARCIA II TRACT		190.1431	12/31/1994	94-O-268		
					LEYENDECKER I TRACT		73.652	12/31/1994	94-O-268		
					LEYENDECKER II TRACT		29.755	12/31/1994	94-O-268		
					GONZALES TRACT		99.0965	12/31/1994	94-O-268		
					VIMOSA II TRACT		636.35	12/31/1994	94-O-269		
					TREVINO TRACT		199.75	12/31/1994	94-O-270		
TOTALS:						0	2,682.32			2,682.32	0

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JAN.1 CITY SIZE/AC.	SIZE SQ. MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX	VOLUNTARY ANNEX	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
1995											
35,536.67	55.53	3,553.67	3,285.43	6,839.10	HURD TRACT		66.1065	12/31/1995	95-O-282		
					KILLAM TRACT		384.7279	12/31/1995	95-O-283		
					SANTOS TRACT		64.9382	12/31/1995	95-O-284		
					GUTIERREZ TRACT		0.693	12/31/1995	95-O-285		
					K.Q.C. TRACT		2.3978	12/31/1995	95-O-286		
					U.I.S.D. TRACT		9.4116	12/31/1995	95-O-287		
					RAMOS TRACT		29.8217	12/31/1995	95-O-288		
					HAYNES TRACT		6.7182	12/31/1995	95-O-289		
					ARGUINDEGUI TRACT		5.5995	12/31/1995	95-O-290		
					HALL / SUMMERS / BRUNI		62.52	12/31/1995	95-O-291		
					LINK TRACT		312.55	12/31/1995	95-O-292		
TOTALS:						0	945.4844			945.48	0
1996											
36,482.16	57.00	3,648.22	3,553.67	7,201.88	DEUTSCH / SANDITEN		35.147	12/31/1996	96-O-209		
					RAMOS TRACT		61.8484	12/31/1996	96-O-208		
					PONDEROSA TRACT	13.2964		12/31/1996	96-O-210		
					TEX-MEX TRACT	38.868		12/31/1996	96-O-211		
					TEX-WEST TRACT	2.55		12/31/1996	96-O-212		
					EASTWOODS TRACT		3.48	12/31/1996	96-O-213		
					SOUTHERN DEV. TRACT	23.6288		12/31/1996	96-O-214		
					VELA TRACT		268.27	12/31/1996	96-O-215		
					MINNE TRACT		465.2942	12/31/1996	96-O-216		
					LINK TRACT		41.378	12/31/1996	96-O-217		
TOTALS:						78.3432	875.4176			953.7608	78.3432
1997											
37,435.92	58.49	3,743.59	3,569.87	7,313.46	GARCIA TRACT	265.2185		12/31/1997	97-O-305		
					HIGHWAY 359 TRACT	61.7122		12/31/1997	97-O-306		
					HWY 359/LF TRACT	484.7607		12/31/1997	97-O-307		
					HAYNES TRACT		4.6808	12/31/1997	97-O-308		
					SO. DEV. INDUST. TRACT		89.2252	12/31/1997	97-O-309		
					NEWMAN TRACT		35.1439	12/31/1997	97-O-310		
					RAMOS TRACT		23.904	12/31/1997	97-O-311		
					KILLAM/LOOP 20 TRACT		15.7203	12/31/1997	97-O-312		
					UNITEC TRACT	362.173		12/31/1997	97-O-313		
					SALINAS TRACT		8.0044	12/31/1997	97-O-314		
					IZAGUIRRE TRACT		8.0669	12/31/1997	97-O-315		
					I. H. 35 TRACT	190.6392		12/31/1997	97-O-316		
					BRIDGE IV TRACT	181.2177		12/31/1997	97-O-317		
					KILLAM INDUST. TRACT		10.6253	12/31/1997	97-O-318		
					HURD TRACT		17.8736	12/31/1997	97-O-319		
TOTALS:						1,545.72	213.24			1,758.97	1,545.72

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JAN.1 CITY SIZE/AC.	SIZE SQ. MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX	VOLUNTARY ANNEX	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
1998											
39,194.88	61.24	3,919.49	2,373.77	6,293.26	UNITEC TRACT	400.5859		4/1/1998	98-O-088		
					UNITEC I TRACT	5.0574		12/31/1998	98-O-322		
					UNITEC II TRACT	6.1834		12/31/1998	98-O-323		
					UNITEC III TRACT	10.2681		12/31/1998	98-O-324		
					HACHAR / IH 35 TRACT		1,126.20	12/31/1998	98-O-325		
					HACHAR / MINES RD TRACT		1,317.92	12/31/1998	98-O-326		
					PICO RANCH TRACT		559.22	12/31/1998	98-O-327		
					MINES ROAD I TRACT	9.6342		12/31/1998	98-O-328		
					KILLAM INDUSTRIAL TRACT		229.5287	12/31/1998	98-O-329		
					MINES ROAD II TRACT	139.65		12/31/1998	98-O-330		
					IH 35/MINES RD TRACT	913.8778		12/31/1998	98-O-332		
					BOB BULLOCK LP I TRACT	43.1753		12/31/1998	98-O-333		
					BOB BULLOCK LP II TRACT	293.3257		12/31/1998	98-O-334		
					NORTH LAREDO I TRACT	323.02		12/31/1998	98-O-335		
					NORTH LAREDO II TRACT	8.5465		12/31/1998	98-O-336		
					NORTH LAREDO III TRACT	128.3253		12/31/1998	98-O-337		
					ALEXANDER TRACT		22.9479	12/31/1998	98-O-338		
					CASA VERDE TRACT	197.2148		12/31/1998	98-O-339		
					CASA BLANCA TRACT	263.9845		12/31/1998	98-O-340		
					EAST LAREDO TRACT	806.24		12/31/1998	98-O-341		
					HIGHWAY 359 TRACT	178.6853		12/31/1998	98-O-342		
					SOUTH LAREDO I TRACT	107.0861		12/31/1998	98-O-343		
					SOUTH LAREDO II TRACT	3.0456		12/31/1998	98-O-344		
					SOUTH LAREDO III TRACT	4.3521		12/31/1998	98-O-345		
					PALACIOS/LINK TRACT		584.524	12/31/1998	98-O-346		
					HURD TRACT		42.8699	12/31/1998	98-O-348		
TOTALS:						3,842.2580	3,883.2105			7,725.47	3,842.26
1999											
46,920.35	73.31	4,692.04	77.23	4,769.27	FASKEN TRACT		330.929	12/31/1999	99-O-344		
					SAN ISIDRO TRACT		173.05	12/31/1999	99-O-345		
					WORMSER RANCH I TRACT		110.003	12/31/1999	99-O-346		
					WORMSER RANCH II TRACT		125.026	12/31/1999	99-O-347		
					BRIDGE IV TRACT		5.314	12/31/1999	99-O-348		
					INS FACILITY TRACT		9.709	12/31/1999	99-O-349		
					SOUTH LAREDO TRACT	2,447.7141		12/31/1999	99-O-350		
					KILLAM RANCH I TRACT		113.0189	12/31/1999	99-O-351		
					KILLAM RANCH II TRACT		202.4838	12/31/1999	99-O-352		
					KILLAM INDUSTRIAL BLVD		10.2917	12/31/1999	99-O-353		
TOTALS:						2,447.7141	1,079.8254			3,527.5395	2,447.7141

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JAN.1 CITY SIZE/AC.	SIZE SQ. MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX	VOLUNTARY ANNEX	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
2000											
50,447.89	78.82	5,044.79	2,244.32	7,289.11	DOLORES RANCH TRACT		169.195	12/31/2000	00-O-309		
					KILLAM INDUSTRIAL TRACT		207.4636	12/31/2000	00-O-310		
					KILLAM PONDEROSA TRACT		194.8842	12/31/2000	00-O-311		
					HURD TRACT		124.6586	12/31/2000	00-O-312		
					TREVIÑO TRACT		1.971	12/31/2000	00-O-313		
					MINES ROAD TRACT	14.817		12/31/2000	00-O-315		
					WORMSER ROAD TRACT	5.9861		12/31/2000	00-O-316		
TOTALS:						20.8031	698.1724			718.9755	20.8031
2001											
51,166.87	79.95	5,116.69	5,023.99	10,140.67	UISD TRACT		10.000	12/31/2001	01-O-286		
					MEJIA TRACT		0.340	12/31/2001	01-O-287		
					HEIRLOOM TRACT		13.670	12/31/2001	01-O-288		
					FESCO TRACT		66.126	12/31/2001	01-O-289		
					FLORES TRACT		0.960	12/31/2001	01-O-290		
					LAKE/LIFE DOWNS TRACT	642.55		12/31/2001	01-O-292		
					LARGA VISTA TRACT	36.2584		12/31/2001	01-O-293		
					COLOMBIA BRIDGE TRACT	137.8539		12/31/2001	01-O-294		
TOTALS:						816.6623	91.096			907.758	816.6623
2002											
52,074.63	81.37	5,207.46	4,300.02	9,507.49	E.G. RANCH TRACT		214.90	12/31/2002	02-O-312		
					TREVIÑO TRACT		5.00	12/31/2002	02-O-315		
TOTALS:						0	219.90			219.900	0
2003											
52,294.53	81.71	5,229.45	5,207.46	10,436.92	LAS BLANCAS TRACT		419.1608	12/31/2003	03-O-302		
					LAS MISIONES TRACT		83.0116	12/31/2003	03-O-303		
					McNARY and CALK TRACT		70.42	12/31/2003	03-O-304		
					ZACHRY TRACT		256.66	12/31/2003	03-O-305		
					HIGHWAY 359 TRACT	617.8277		12/31/2003	03-O-306		
TOTALS:						617.8277	829.2524			1,447.0801	617.8277
2004											
53,741.61	83.9713	5,374.16	4,611.62	9,985.79	E.G. RANCH I TRACT		47.85	12/31/2004	04-O-307		
					E.G. RANCH II TRACT		140	12/31/2004	04-O-308		
					HURD I TRACT		31.82	12/31/2004	04-O-309		
					HURD II TRACT		21.89	12/31/2004	04-O-310		
					TRANSBORDER TRACT		27.59	12/31/2004	04-O-311		
					TREVIÑO TRACT		4.51	12/31/2004	04-O-312		
TOTALS:						0	273.66			273.66	0

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JAN.1 CITY SIZE/AC.	SIZE SQ. MI.	10% AREA	CARRY OVER	MAX. ANNEX.	NEW ANNEXATIONS	UNILATERAL ANNEX	VOLUNTARY ANNEX	ANNEX DATE	ORDINANCE NUMBER	TOTAL INCREASE	COUNTED INCREASE
2005											
54,015.27	84.40	5,401.53	5,374.16	10,775.69	SAN ISIDRO NORTHEAST		440.32	12/31/2005	05-O-319		
					KILLAM RANCH TRACT		13	12/31/2005	05-O-320		
					HURD RANCH I TRACT		92.13	12/31/2005	05-O-321		
					HURD RANCH II TRACT		37.26	12/31/2005	05-O-322		
					HECTOR GAONA TRACT		0.33	12/31/2005	05-O-323		
					ROLANDO GAONA TRACT		0.74	12/31/2005	05-O-324		
					LAS MISIONES TRACT		0.71	12/31/2005	05-O-325		
					CARRASCO TRACT		23.39	12/31/2005	05-O-326		
					E.G. RANCH TRACT		222.28	12/31/2005	05-O-327		
					TANQUECITOS TRACT		37.65	12/31/2005	05-O-328		
TOTALS:						0	867.81			867.81	0
2006											
54,883.08	85.75	5,488.31	5,401.53	10,889.83	U.I.S.D. TRACT		33.19				
					TANQUECITOS TRACT		52.94				
					ALARCON TRACT		1.85				
					HURD TRACT		21.09				
					4 V HOLDING TRACT		44.53				
					KEY ENERGY TRACT		2.45				
					GUTIERREZ / IZAGUIRRE		7.71				
TOTALS:						0	163.76			163.76	0

Acres allowed for annex. = 10% of total acreage of city + any carry over, but no more than 30% of incorporated area.

COUNCIL COMMUNICATION

DATE:	SUBJECT: INTRODUCTORY ORDINANCE
11/19/07	Amending the lease between City of Laredo & Webb County of Lots 9 & 10, Block 320, Eastern Division, a copy of which amendment is attached as Exhibit A, in which the changes are as follows: 1. providing for contribution from City of $300,000.00 toward the cost of constructing the community center for the elderly on the leased premises; 2. adding a tract of 5,069.85 sq. ft out of Lexington Avenue between Stewart Street and Reynolds Street, described by metes and bounds and survey attached as Exhibit 3 of Exhibit A and 3. adding a tract of land of 7,717.28 sq.ft out of the north half of Lexington Avenue fronting Stewart Street described by metes and bounds and survey attached as Exhibit 4 of Exhibit A; and providing for effective date.

INITIATED BY:	STAFF SOURCE:
Horacio A. Deleon Assistant City Manager	Ronnie Acosta CD Director

PREVIOUS COUNCIL ACTION:

1. Ordinance No. 2006 O-207 dated August 28, 2006, authorized the City to enter into a Lease with Webb County, of Lots 9 and 10, Block 320, Eastern Division, for a term of 40 years, to enable Webb County to construct a community center to provide various social services and educational programs primarily for the elderly.

2. On September 17, 2007, motion was carried to appropriate $300,000.00 from the 2007 Bond Series for the Community center project.*

BACKGROUND:

In addition to providing for the contribution of $300,000.00 from the City, an amendment to the lease is Needed to add two parcels of land to the lease area, each being a part of the abutting Lexington Avenue, Namely, an 18.25 foot wide strip of land consisting of a 5,069.85 square foot out of the width of Lexington Avenue between Stewart Street and Reynolds Street and the north half of Lexington Avenue fronting Stewart Street containing 7,717.28 square feet

FINANCIAL IMPACT:

$300.000.00 from the 2007 Certificate of Obligation Fund

*The referenced motion on September 17, 2007, provided that the following discretionary funds would be utilized to make up the $300,000.00, namely

$225,000.00 from Councilman Amaya
$50,000.00 from Councilman Garza, and
$25,000.00 from Councilman Chavez

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A	Staff recommends introduction of Ordinance.

ORDINANCE No_____

Amending the lease between City of Laredo & Webb County of Lots 9 & 10, Block 320, Eastern Division, a copy of which is attached as Exhibit A, in which the changes are as follows:

1. providing for contribution from City of $300,000.00 toward the cost of constructing the community center for the elderly on the leased premises;
2. adding a tract of 5,069.85 sq. ft out of Lexington Avenue between Stewart Street and Reynolds Street, described by metes and bounds and survey attached as Exhibit 3 of Exhibit A and
3. adding a tract of land of 7,717.28 sq.ft out of the north half of Lexington Avenue fronting Stewart Street described by metes and bounds and survey attached as Exhibit 4 of Exhibit A.

and providing for effective date.

WHEREAS, on August 28, 2006, the City Council passed Ordinance No. 2006-O-207, authorizing the City to lease to Webb County, a parcel of land consisting of Lots 9 and 10, Block 320, Eastern Division, to enable Webb County to construct a community center to provided various social services and educational programs primarily for the elderly; and

WHEREAS, the City finds that there exists a parcel of 5,069.85 acres out of the Lexington Avenue between Stewart and Reynolds Street, and abutting said Lots 9 and 10, which is available for, and is appropriate for, adding to the leased area; and

WHEREAS, the City finds that there exists also a parcel of 7,717.28 sq. ft. consisting of the north half of Lexington Avenue abutting Stewart Street and abutting Lot 9 of the leased area which is available for, and is appropriate for, adding to the leased area; and

WHEREAS, on September 17, 2007, by motion the City Council voted to contribute the sum of $300,000.00 to the County toward the cost of constructing the Community center; and,

WHEREAS, staff recommend that the amendment that is Exhibit A be approved, which amendment has four exhibits, being, Exhibit 1 [copy of original lease], Exhibit 2 [survey of the entire revised leased area], Exhibit 3 [copy of survey of the 5,069.85 sq. ft parcel] and Exhibit 4 [copy of survey of the 7,717.28 sq.ft. parcel]

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF LAREDO THAT:

Section 1: It hereby approves of the amendment to the lease between City of Laredo and Webb County, in the form and content attached hereto as Exhibit A, along with its Exhibits 1,2,3 and 4, which amendment provides as follows:

a. for contribution from City of $300,000.00 toward the cost of constructing the community center for the elderly on the leased premises;

b. for adding a tract of 5,069.85 sq. ft out of Lexington Avenue between Stewart Street and Reynolds Street, described by metes and bounds and survey attached as Exhibit 3 of Exhibit A; and

c. for adding a tract of land of 7,717.28 sq.ft out of the north half of Lexington Avenue fronting Stewart Street described by metes and bounds and survey attached as Exhibit 4 of Exhibit A;

Section 2:This Ordinance shall become effective upon passage thereof.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this the _____ day of _____, 2007.

_____
RAUL G. SALINAS
Mayor

ATTEST:

_____
GUSTAVO GUEVARA, JR.
City Secretary

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

By: _____
ANTHONY McGETTRICK
Asistant City Attorney

STATE OF TEXAS §

COUNTY OF WEBB §

FIRST AMENDMENT TO LEASE

Pursuant to authority of Ordinance No.2007-0- _____ dated _____ this first amendment to lease August 28, 2006, is made between the CITY OF LAREDO, a home rule city and municipal corporation of Texas, (hereinafter called "Lessee"), and WEBB COUNTY, a political subdivision of the State of Texas, as approved by its Commissioners Court on October 22, 2007. (hereinafter called "Lessee")

WITNESSETH

WHEREAS, Ordinance No. 2006-0-207 dated September 28, 2006 authorized the City to enter into a lease with Webb County, of Lots 9 and 10, Block 320, Eastern Division, for a term of 40 years to enable Webb County to construct a community center to provide various social services and educational programs primarily for the elderly; and a copy of the resulting lease is attached as **Exhibit 1** of this amendment; and

WHEREAS, the Lessor and Lessee wish to add two parcels to the existing leased area one of 5,069.85 square feet and one of 7,717.28 square feet, out of Lexington Avenue , and the revised leased area of Lots 9 and 10, and the two parcels, is shown on survey attached as **Exhibit 2;** and

WHEREAS, on September 17, 2007, the City Council voted to contribute the sum of $300,000.00 toward the cost of construction of the community center; and

WHEREAS, the Lessee requested that completion date be extended to on or before the expiration of thirty months from the date of the original lease.

WHEREAS, these three changes necessitate an amendment to the lease.

Now, Therefore, Lessor and Lessee agree to the following:

Section 1: Paragraph 1 of the lease is amended to read, and now reads, as follows:

1. **The Premises**. City leases to the Lessee the unimproved real property, described as Lots 9 and 10, Block 320, Eastern Division of the City of Laredo, and the following two contiguous parcels: (1) A tract of land containing 5,069.85 square feet which is particularly described by metes and bounds, and shown on survey, both attached hereto as Exhibit 3 and (2) a tract of land containing 7,717.28 square feet which is particularly described by metes and bounds and shown on survey, both attached hereto as Exhibit 4 The City further agrees to include, as part of the leased area sufficient off-premises parking at the City of Laredo Health Department as it may determine, pursuant to the City of Laredo's Land Development Code, that it can provide for use by the community center.

EXHIBIT A

Section 2. Paragraph 8 of the lease is amended to read, and now reads, as follows:

8. **Permitted Uses and Naming of the Community Center**. Lessee shall have the use of the premises for the construction and for the maintenance of a community center for area residents at its sole cost and expense, except that the Lessor will contribute the sum of $300,000.00 toward the cost of construction of the community center. The community center shall provide various social services and educational programs and will contain offices, meeting rooms and bathrooms. Lessee may include recreational facilities as well as other facilities conducive to the use of the premises as a community center. It is agreed by the parties hereto that in no event shall the premises be used for the sale, consumption, distribution or storage of alcoholic beverages. When requested by the City, Lessee shall advise the City of the scope of activities and event occurring on the premises. After the construction of the community center, the City and Lessee will jointly arrive at a mutually agreeable name of the community center. Furthermore, the parties agree that the leased premises shall never be used for political events, such as meetings held by or for candidates for any political office whether local, state or federal.

Section 3. Paragraph 9 (b) of the lease is amended to read, and now reads, as follows:

b. Proposed Improvements: The Lessee is required to construct improvements on the Premises identified in Exhibit 2 attached hereto and incorporated herein by reference. The City shall have the right to review and approve all plans of improvements to be constructed.

Section 4. Paragraph 9(f) of the lease is amended to read, and now reads, as follows:

f. Time Restrictions. All building construction must be completed on or before the expiration of thirty months from September 28, 2006

Section 5. In all other respects the terms of the original lease remain in effect.

Section 6: The original lease, and this first amendment, including its Exhibits 1, 2, 3 and 4, constitute the entire agreement of the parties.

EXECUTED, in multiple originals, on this the ___ day of _____, 2007 by the City of Laredo and on the 22nd day of October, 2007 by Webb County.

COUNTY OF WEBB

Danny Valdez

DANNY VALDEZ
WEBB COUNTY JUDGE

CITY OF LAREDO

_____

CARLOS VILLAREAL
CITY MANAGER

ATTEST:

MARGIE RAMIREZ IBARRA
COUNTY CLERK

ATTEST:

GUSTAVO GUEVARA
CITY SECRETARY

APPROVED AS TO FORM:

HOMERO RAMIREZ
WEBB COUNTY ATTORNEY

*By law, the County Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

LEASE BETWEEN
THE CITY OF LAREDO, TEXAS
AND
WEBB COUNTY

This Lease is made between the City of Laredo, Texas (the "City") as Lessor, and Webb County, a political subdivision of the State of Texas ("Lessee") as Lessee, and as authorized by the Commissioners' Court on the 24th day of July, 2006, and by Ordinance No. 2006-0207 dated August 28, 2006, of the City Council; and.

WHEREAS, the City is the owner, or will be the owner, at commencement date, of Lots 9 and 10, Block 320, Eastern Division of the City of Laredo, hereinafter referred to as "the Premises"; and

WHEREAS, Webb County wishes to lease the Premises, as unimproved real property for the purpose of constructing thereon, a community center for seniors; and

WHEREAS, the City and Webb County wish to enter into this lease (the "Lease") for that purpose;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, including the improvements to be constructed on the Premises by the Lessee, the following are the terms of the Lease:

1. **The Premises**. City leases to the Lessee the unimproved real property, described as Lots 9 and 10, Block 320, Eastern Division of the City of Laredo, as the Premises of this Lease. However, this Lease is contingent upon the acquisition, in fee simple, by the City at it sole cost and expense, of Lot 10, Block 320, Eastern Division of the City of Laredo. In the event City does not acquire said Lot 10, Block 320, Eastern Division of the City of Laredo by December 31, 2006, this Lease is cancelled. The City further agrees to include, as part of the leased area sufficient off-premises parking at the City of Laredo Health Department as it may determine, pursuant to the City of Laredo's Land Development Code, that it can provide for use by the community center.

2. **Lease Term**. The term of this Lease shall be forty (40) years, hereinafter referred to as "Lease Term," commencing on the "Commencement Date," as hereinafter defined, and terminating on the fortieth (40th) anniversary of the Commencement Date. The Commencement Date shall be the date on which Lessee is given written notice by City that it may take possession of the Premises, and a confirmation of the commencement date signed by the parties shall be annexed to this lease document, and become a part of it.

3. **Rent.** Lessee shall pay rent of $1.00 per annum and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged.

EXHIBIT 1

5. **Joint Use Provision**. As part of the consideration to the City for leasing the Premises, the Lessee agrees to permit the City to use the Premises and its improvements, when constructed, for neighborhood meetings, town hall meetings and other city related functions on days and at times of the day as mutually agreed to.

6. **Insurance Requirements.**

a. Commercial General Liability. Lessee shall, at all times during the term of this Lease, maintain commercial general liability insurance rated A- or greater by AM Best Rating with an admitted carrier licensed by the Texas Department of Insurance. This insurance shall have an occurrence limit in the minimum amount of $1,000,000.00 and an annual aggregate limit of $2,000,000.00 to be renewed annually. The City shall be named as an additional insured on the lessee's commercial general liability policy with a waiver of subrogation in favor of the City.

b. Property Insurance. Lessee shall maintain a commercial property insurance policy covering the improvements on the Premises and the contents thereof. The coverage shall be no less than ninety percent (90%) value of the building at replacement cost basis.

c. Proof of Insurance Required -The Lessee shall furnish annually to City on each annual anniversary date of this Lease, a certificate or other evidence and proof of maintenance of the above required insurances. Lessee shall provide the City with notice of any change thereof, and furnish to the City evidence of Lessee's acquisition of a substitute therefore, and payment of the premium thereof. If the Lessee shall fail to maintain the insurance coverage specified herein, then City may obtain same and add the cost of such insurance to the next due Lease payment.

d. Notice of Cancellation or Non-Renewal-Insurer must provide the City of Laredo with not less that sixty (60) days notice of cancellation or non-renewal of coverage.

7. **Quiet Enjoyment**. The Lessee, upon timely payment of the rent due, and the faithful performance of such covenants, agreements and conditions required by law, of this Lease shall and may, peaceably and quietly have and enjoy the leased premises. Such use shall be free from molestation, eviction or disturbance by the City.

8. **Permitted Uses and Naming of the Community Center**. Lessee shall have use of the Premises for the construction and for the maintenance of a community center for area residents at its sole cost and expense. The community center shall provide various social services and educational programs and will contain offices, meeting rooms and bathrooms. Lessee may include recreational facilities as well as other facilities conducive to the use of the premises as a community center. It is agreed by the parties hereto that in no event shall

the Premises be used for the sale, consumption, distribution or storage of alcoholic beverages. When requested by the City, Lessee shall advise the City of the scope of activities and events occurring on the Premises. After the construction of the facility, the City and Lessee will jointly arrive at a mutually agreeable name for the community center. Furthermore, the parties agree that the leased premises shall never be used for political events, such as meeting held by or for candidates for any political office whether local, state or federal.

9. **Construction and Ownership of Improvements.**

a. Title to Improvements. During the Lease Term, title to all improvements existing or constructed upon the Premises by Lessee are and shall be vested in Lessee.

b. Proposed Improvements. The Lessee is required to construct improvements on the Premises on the location identified in Exhibit "A", attached hereto and incorporated herein by this reference. Lessee shall begin such process not later than six (6) months following the Commencement Date of this Lease. The City shall have the right to review and approve all plans of improvements to be constructed.

c. Codes to Apply. Lessee must meet standards as specified in the Standard Building Code (by Southern Building Code Congress International) for all design, planning, and construction activities, including development or extension of infrastructure. In addition, Lessee shall pave all access from the Premises, or improvements thereto, to any roadways (Premises fronts Lexington between Stewart and Reynolds) and such construction shall match the existing grade.

d. The City hereby represents and warrants that the present R-3 zoning is appropriate for Lessee's intended use, and assures Lessee that in the event zoning is not appropriate, City shall cause, at its sole cost and expense, any change in zoning necessary to allow Lessee to use the property for the purposes represented herein.

e. The City agrees that if necessary to plat or re-plat the property, as may be required by the ordinances of the City of Laredo, the City will do so at its sole cost and expense so that a building permit may be issued.

f. Time Restrictions. All building construction must be completed on or before the second anniversary date of the Commencement Date of the Lease.

g. Additional Improvements. During the Initial Lease Term or Extended Term, Lessee may construct additional improvements or modifications only if approved in writing by the City. However, in the event of additional construction, such must be completed within eighteen (18) months of the written approval granted by the City.

10. Condition, Maintenance and Repairs of Leasehold and Improvements.

a. Lessee Accepts Premises "As-Is." Lessee acknowledges that it has fully inspected the Premises and hereby accepts the Premises and any buildings, improvements and appurtenances thereto "As Is", that is, in their present state and condition, as suitable for the purpose for which the same are leased. Lessee agrees to allow for changes in such condition, occurring by reasonable deterioration between the Commencement Date and the date such changes shall occur.

b. Lessee Maintenance. Lessee shall maintain, at its own expense, the Premises and any improvements, fixtures or equipment on the Premises in a safe, sanitary, orderly, and clean manner, in accordance with all applicable codes and regulations. Lessee shall also maintain the cleanliness of all paved areas on the Premises, and shall be responsible for mowing all grass, watering lawns, controlling weeds, and maintaining shrubs and trees on the Premises.

c. Lessee Responsible for All Utility Costs. Lessee shall, at its sole cost and expense, pay for all utility services, including sewage charges, water, gas, electricity, telephone service and any other utilities used on the Premises throughout the term of this Lease including connection fees.

d. City's Right to Correct Deficiencies. The City has the right to require reasonable maintenance and repair to the Premises or the improvements thereon by Lessee as required by this Lease. Should the Lessee fail to make the required corrections, the City shall have the right, after written notice, to enter the Premises, or improvements thereto, correct the deficiency, and recover the cost of such activities from Lessee.

e. Repair of Damage. If the Premises, or improvements thereto is partially destroyed or damaged by fire or other casualty, then Lessee shall repair and restore the Premises as soon as possible. Such repair or restoration shall commence not later than six (6) months after such damage, and be completed within six (6) months thereafter. Such repair or restoration shall be to substantially the same condition in which the Premises or improvements thereto was before such damage. In the event that Lessee has not commenced repairs within six (6) months from the date of said damage and thereafter not completed such repairs within six (6) months, City may immediately terminate Lease. Such termination shall be made effective by serving written notice upon the Lessee as specified below.

f. Destruction of the Premises or Improvements Thereto. In the event the Premises, or improvements thereto are either completely destroyed or so badly damaged that repairs cannot be commenced within six (6) months and completed within six (6) months thereafter, then, upon the agreement of both parties, this Lease may be terminated. Such termination shall be effective as of the date of the occurrence of the damage or destruction, and made effective by either party hereto by serving written notice upon the other.

g. Erosion Control. Where the slope, terrain, or soil disturbance is such that active soil or wind erosion may be present, Lessee must carry out erosion control practices to mitigate the erosion. These practices include, but are not limited to drainage facilities constructed and maintained by Lessee, landscaping, and/or seeding and maintaining of vegetation.

11. Removal of Improvements. At the expiration or termination of this Lease, any and all buildings and other permanent improvements on the Premises will, at the direction and sole discretion of City, either remain intact on the Premises and become the property of the City, or be removed by Lessee. If the City does elect for the Lessee to remove any or all improvements, the Lessee shall remove all improvements that have been identified for removal, within forty-five (45) days, and restore the Premises to its previously existing condition, including filling excavations, returning the surface to grade, and leaving the Premises safe and free from all debris and hazards.

Further, any and all improvements not removed as aforesaid shall, without compensation to or by the City, become the City's property free and clear of all liability and expenses. Lessee shall thereafter be released from any and all liability, cost or expense associated with the Premises, including the improvements thereon, or associated with termination of this Lease.

If, however, Lessee fails to promptly remove said improvements as required by the City, the City may assess and bill Lessee based on receipt of an itemized statement of costs of removal and restoration of the Premises.

12. Installation of Utilities. Lessee shall at its own expense obtain and install underground, any necessary electrical, gas, water, and any other utility service necessary to carry out its activities.

13. Hazardous Waste. No toxic materials or hazardous waste subject to regulation by the Texas Commission on Environmental Quality (TCEQ) shall be stored or disposed of on the Premises without the written permission of the City

14. Environmental Assessment and Remediation. At the expiration or termination of this Lease, the City will require that Lessee furnish to the City an Environmental Assessment Report on the place of business, conducted in accordance with the laws, codes and regulations in effect at that time. The costs of remediation, if any should be required by law, shall be the sole responsibility of the Lessee.

15. Signs. Lessee may erect and maintain signage on the Premises in conformity with the governing regulations of the sign ordinance in the City's Land Development Code. Specifically, Lessee may not permit or allow placement of any political signage of any kind pertaining to a national, state, or local election advertising or identifying a political candidate, political party or ballot measure. Lessee shall be responsible for all the costs and expense of signs permitted by ordinance.

16. Termination. Either party may terminate this Lease if after providing written notice to the other party of a breach of any term or condition contained in this Lease, and informing the violating party

of the nature of such breach and demanding that the same be remedied within one hundred twenty (120) days after written notice is delivered, such party fails to remedy the condition(s) of the breach.

17. Notices. Whenever any notice is required or permitted hereunder, such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered whether actually received or not, when deposited in the United States mail, as Certified Mail, postage prepaid, return receipt requested, and addressed to the parties at their respective addresses, as set forth below:

Notice to the City: City Manager
City Hall
1110 Houston
Laredo, Texas 78040

Notice to Lessee: Webb County Judge
Webb County
1000 Houston
Laredo, Texas 78040

18. Miscellaneous.

a. **Inconsistencies.** Where there exists any inconsistency between this Lease and other provisions of collateral contractual agreements that are made a part hereof by reference or otherwise, the provisions of this Lease shall control.

b. **Severability.** Each paragraph and provision hereof is severable from the entire Lease and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

c. **Prohibition against Assignment.** There shall be no assignment or transfer of this Lease without the prior written consent of both parties hereto.

d. **Law of Texas.** This Lease shall be governed by and construed in accordance with the laws of the State of Texas and shall be enforced in Webb County, Texas.

e. **Entire Agreement for Lease.** This Lease incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Lease. No other prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless signed by both parties and attached hereto and/or embodied herein.

f. **Amendment.** No changes to this Lease shall be made except upon written agreement of both parties.

g. **Headings**. The headings used herein are for convenience of reference only and shall not constitute a part hereof or affect the construction or interpretation hereof.

h. **Waiver.** The failure on the part of any party to exercise or to delay in exercising, and no course of dealing with respect to any right hereunder shall operate as a waiver thereof; nor shall any single or partial exercise of any right hereunder preclude any other or further exercise thereof or the exercise of any other right. The remedies provided herein are cumulative and not exclusive of any remedies provided by law or in equity, except as expressly set forth herein.

i. **Counterparts.** This Lease may be executed in any number of and by the different parties hereto on separate counterparts, each of which when so executed shall be deemed to be an original, and such counterparts shall together constitute but one and the same document.

j. **Terminology and Definitions**. All personal pronouns used herein, whether used in the masculine, feminine, or neutral, shall include all other genders; the singular shall include the plural and the plural shall include the singular.

k. **Rule of Construction**. The parties hereto acknowledge that each party and its legal counsel have reviewed and revised this Lease, and the parties hereby agree that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Lease or any amendments or exhibits hereto.

l. **Exhibits**. The following exhibit is attached and made part of this Lease:

EXHIBIT "A" - Aerial photograph of location of Premises.

IN WITNESS WHEREOF, CITY and LESSEE execute this Lease to be in effect as of the Commencement Date.

COUNTY OF WEBB

Louis H. Bruni

LOUIS H. BRUNI
WEBB COUNTY JUDGE

Date: July 24, 2006

CITY OF LAREDO

Larry Dovalina

LARRY DOVALINA
CITY MANAGER

Date: August 28, 2006

EXHIBIT 1

ATTEST:

Margie Ramirez Ibarra / Nora Elia Prado

MARGIE RAMIREZ IBARRA
COUNTY CLERK

ATTEST:

GUSTAVO GUEVARA
CITY SECRETARY

APPROVED AS TO FORM:

for HOMERO RAMIREZ
WEBB COUNTY ATTORNEY*

*By law, the County Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).

APPROVED AS TO FORM:

JAIME L. FLORES
CITY ATTORNEY

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office,

Witness my hand and seal of office on

SEP 27 2006

Margie Ramirez Ibarra
Webb County Clerk

By Deputy County Clerk

EXHIBIT 1

NOT TO SCALE

520 E. REYNOLDS STREET
AERIAL VIEW

EXHIBIT 1

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL READING # 2007-O-232
11/15/2007	Amending the City of Laredo FY 2007-2008 Financial Task Force budget by increasing expenses in the amount of $10,000 for an Interdiction project awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA). Funds will be used to pay fringe benefit expenses for a drug interdiction unit comprised of Financial Task Force agents and Laredo Police Officers from January 1, 2004 through December 31, 2007. Fringe benefits will be funded from opening fund balance.

INITIATED BY:	STAFF SOURCE:
Cynthia Collazo, Deputy City Manager	Gilbert Navarro Acting Chief of Police

PREVIOUS COUNCIL ACTION:
Council approved Public Hearing on November 5, 2007

BACKGROUND:

The City of Laredo has been the Grantee agency for the past sixteen years for the South Texas High Intensity Drug Trafficking Area (ST HIDTA) Laredo Police Multi-Agency Financial Disruption Task Force. The Task Force works together with other Local, State and Federal Agencies, with its main focus being the identification and disruption/dismantling of Major Drug Trafficking Organizations.

FINANCIAL SECTION:

Fund 223 -	Original Budget	Proposed Amended Budget	Amended Budget
EXPENSES:			
Fringe Benefits	-0-	$10,000	$10,000
Total Expenses	-0-	$10,000	$10,000

***Dept. / Division used will be 2374**

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A	Recommends Pass and Approve this Ordinance.

FINAL READING # 2007-O-232

Amending the City of Laredo FY 2007-2008 Financial Task Force budget by increasing expenses in the amount of $10,000 for an Interdiction project awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA). Funds will be used to pay fringe benefit expenses for a drug interdiction unit comprised of Financial Task Force agents and Laredo Police Officers from January 1, 2004 through December 31, 2007. Fringe benefits will be funded from opening fund balance.

Whereas, the City Council previously adopted the budget for fiscal year 2007-2008; and

Whereas, the opening fund balance of Fund #223 (Financial Task Force) will be utilized to fund fringe benefits for overtime; and

Whereas, the described transfer below is done pursuant to the requirements of Section 6.08 of the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Executive Office of the President of the United States, Office of National Drug Control Policy, South Texas High Intensity Drug Trafficking Area has awarded the City of Laredo a grant in the amount of $45,000 for drug interdiction for FY 2007-2008. This overtime funding will primarily target drug trafficking and money laundering organizations. This award is in addition to the annual Financial Task Force grant. Program income (already grantor approved) will be used for fringe benefit costs which total $10,000.

Section 2: Amending the City of Laredo FY 2007-2008 Financial Task Force (Fund #223) Annual Budget by increasing expenditures in the amount of $10,000 to fund the Laredo Financial Disruption Task Force and Interdiction project as follow: Funds will be used to pay for fringe benefits for overtime expenses.

Fund 223 -	Original Budget	Proposed Amended Budget	Amended Budget
EXPENSES:			
Fringe Benefits	-0-	$10,000	$10,000
Total Expenses	-0-	$10,000	$10,000

***Dept. / Division used will be 2374**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2007.

_____
RAUL SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

Valeria M. Acevedo
MELISSA SALDANA
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 11/19/2007	**SUBJECT: FINAL READING ORDINANCE No. 2007-O-233** Amending the City of Laredo Health Department FY 2007-2008 budget by appropriating revenues and expenditures in the amount of $172,239.00, funds from the Texas Department of State Health Services-Office of Border Health for the Department's Public Health Emergency Preparedness-Early Warning Infectious Disease Surveillance for early detection and rapid response from October 1, 2007, through July 31, 2008, and authorizing the City Manager to execute the contract.

INITIATED BY:	**STAFF SOURCE:**
Horacio De Leon, Jr.	Hector F. Gonzalez, M.D., M.P.H.
Asst. City Manager	Health Director

PREVIOUS COUNCIL ACTION: On November 5, 2007 Council held public hearing introducing ordinance and instructed staff to proceed with final hearing.

BACKGROUND:

The Texas Department of State Health Services has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department Public Health Preparedness (PHP) services.

The City of Laredo Health Department initiated the local public health preparedness, and prevention services in particular surveillance, enhanced reporting and rapid response to all hazards. The PHP plan is federally funded and can only be used for developing disease surveillance infrastructure, preparedness planning, response and training. The PHP services include the counties of Webb, Zapata, Jim Hogg, and Duval.

These funds in particular will support the Health Department to continue to perform activities in support of the Texas Department of State Health Services Centers for Disease Control and Prevention (CDC) for continuation of the Public Health Emergency Preparedness (PHEP) Cooperative Agreement. The Department shall assist DSHS in the implementation of Centers for Disease Control and Prevention (CDC) Early Warning Infectious Disease Surveillance (EWIDS) along the Texas-Mexico border through active surveillance, exercises, and training of personnel providing early detection, reporting and rapid response to all public health hazards.

BUDGET ON NEXT PAGE

FINANCIAL: The City of Laredo will receive $172,239.00 in funds, from the Texas Department of Health-Office of Border Health for the Public Health Emergency Preparedness-Early Warning Infectious Disease Surveillance (EWIDS) of the City of Laredo Health Department, term period from October 1, 2007 through July 31, 2007. The revenue account is 226-0000-323-4006, and expenditure division 226-6055.

COMMITTEE RECOMMENDATION:	**STAFF:** Recommends that Council approve the ordinance.

Public Health Emergency Preparedness
Early Warning Infectious Disease Surveillance (EWIDS)
FY 2007-2008
226-6055

CATEGORIES		APPROVED BUD.
REVENUES		
DSHS GRANT REVENUE	$	172,239
PROGRAM INCOME		0
TOTAL REVENUES	$	172,239
EXPENSES		
PERSONNEL	$	96,088
FRINGE BENEFITS		38,435
TRAVEL		9,000
EQUIPMENT		3,966
SUPPLIES		4,950
CONTRACTUAL		15,000
OTHER		4,800
SUB-TOTAL	$	172,239
INDIRECT CHARGES		0
RESERVE (PROGRAM INC.)		0
TOTAL	$	172,239

ORDINANCE 2007-O-233

AMENDING THE CITY OF LAREDO HEALTH DEPARTMENT FY 2007-2008 BUDGET BY APPROPRIATING REVENUES AND EXPENDITURES IN THE AMOUNT OF $172,239.00, FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES-OFFICE OF BORDER HEALTH FOR THE DEPARTMENT'S PUBLIC HEALTH EMERGENCY PREPAREDNESS-EARLY WARNING INFECTIOUS DISEASE SURVEILLANCE FOR EARLY DETECTION AND RAPID RESPONSE FROM OCTOBER 1, 2007, THROUGH JULY 31, 2008, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, The Texas Department of State Health Services has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department Public Health Preparedness (PHP) services.

WHEREAS, The City of Laredo Health Department initiated the local public health preparedness, and prevention services in particular surveillance, enhanced reporting and rapid response to all hazards. The PHP plan is federally funded and can only be used for developing disease surveillance infrastructure, preparedness planning, response and training. The PHP services include the counties of Webb, Zapata, Jim Hogg, and Duval.

WHEREAS, These funds in particular will support the Health Department to continue to perform activities in support of the Texas Department of State Health Services Centers for Disease Control and Prevention (CDC) for continuation of the Public Health Emergency Preparedness (PHEP) Cooperative Agreement. The Department shall assist DSHS in the implementation of Centers for Disease Control and Prevention (CDC) Early Warning Infectious Disease Surveillance (EWIDS) along the Texas-Mexico border through active surveillance, exercises, and training of personnel providing early detection, reporting and rapid response to all public health hazards.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Amending the City of Laredo Health Department FY 2007-2008 budget by appropriating revenues and expenditures in the amount of $172,239 in funds from the Texas Department of State Health Services-Office of Border Health for the Health Department's Public Health Emergency Preparedness-Early Warning Infectious Disease Surveillance (EWIDS) term period beginning October 1, 2007 through July 31, 2008.

Section 2: Revenue line item 226-0000-323-4006 is hereby increased by $172,239.

Section 3: Expenditure divisions 226-6055 is hereby increased by $172,239.

Section 4: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions of the existing general contract with the Texas Department of State Health Services to meet the necessary costs to accomplish the scope of work for the program.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2007.

_____
HON. RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
Raul Casso, City Attorney

Valeria M. Acevedo
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL HEARING ORDINANCE No. 2007-O-234
11/19/2007	Amending the City of Laredo Health Department FY 2007-2008 annual budget by decreasing the grant award amount by $250.00, changing the total amount awarded to $24,750.00 from the University of Texas Health Science Center at San Antonio for the continuation of the Department's South Texas Family AIDS Network grant award, period beginning August 1, 2007 through July 31, 2008 to provide patient care for HIV/AIDS patients. (As Amended)

INITIATED BY:	STAFF SOURCE:
Horacio A. De Leon, Jr. Asst. City Manager	Hector F. Gonzalez, M.D., M.P.H. Health Director

PREVIOUS COUNCIL ACTION: On November 5, 2007 Council held public hearing introducing ordinance and instructed staff to proceed with final.

BACKGROUND:

The University of Texas Health Science Center at San Antonio (UTHSCSA) as a result of a grant to the UTHSCSA from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) has contracted with the City of Laredo to provide primary care and prevention public health services to residents of Laredo and Webb County through the City of Laredo Health Department.

The City of Laredo Health Department through these funds will provide comprehensive case management services and mental health/substance abuse assessment to sixty-one (61) Title IV-eligible women, infants, children, and youth to ensure that those presently in care remain in care, to bring newly diagnosed with HIV into care, and to return to care those who currently receive no medical and psychosocial care for their HIV/AIDS disease.

BUDGET ON NEXT PAGE

FINANCIAL: The City of Laredo will receive $24,750 from UTHSCSA for the HIV/AIDS South Texas Family AIDS Network grant award to the City of Laredo Health Department for the period beginning August 1, 2007, through July 31, 2008. The revenue account is 226-0000-326-2001 and expenditure account is 226- 6050.

RECOMMENDATION:	STAFF: Recommends that Council approve the ordinance.

UTHSCSA -South Texas Family AIDS Network
226-6050

BUDGET

CATEGORIES		APPROVED BUD.
REVENUES		
UTHSCSA GRANT REVENUE	$	24,750
PROGRAM INCOME		0
TOTAL REVENUES	$	24,750
EXPENSES		
PERSONNEL	$	18,741
FRINGE BENEFITS		5,628
TRAVEL		319
EQUIPMENT		0
SUPPLIES		0
CONTRACTUAL		0
OTHER		62
SUB-TOTAL	$	24,750
INDIRECT CHARGES		0
RESERVE (PROGRAM INC.)		0
TOTAL	$	24,750

ORDINANCE 2007-O-234

AMENDING THE CITY OF LAREDO HEALTH DEPARTMENT FY 2007-2008 ANNUAL BUDGET BY DECREASING THE GRANT AWARD AMOUNT BY $250.00, CHANGING THE TOTAL AMOUNT AWARDED TO $24,750.00 FROM THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO FOR THE CONTINUATION OF THE DEPARTMENT'S SOUTH TEXAS FAMILY AIDS NETWORK GRANT AWARD, PERIOD BEGINNING AUGUST 1, 2007 THROUGH JULY 31, 2008 TO PROVIDE PATIENT CARE FOR HIV/AIDS PATIENTS. (AS AMENDED)

WHEREAS, The University of Texas Health Science Center at San Antonio (UTHSCSA) as a result of a grant to the UTHSCSA from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) has contracted with the City of Laredo to provide primary care and prevention public health services to residents of Laredo and Webb County through the City of Laredo Health Department.

WHEREAS, The City of Laredo Health Department through these funds will provide comprehensive case management services and mental health/substance abuse assessment to sixty-one (61) Title IV-eligible women, infants, children, and youth to ensure that those presently in care remain in care, to bring newly diagnosed with HIV into care, and to return to care those who currently receive no medical and psychosocial care for their HIV/AIDS disease.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Amending the City of Laredo Health Department FY 2007-2008 annual budget by decreasing $250, changing the total amount awarded to $24,750, from the University of Texas Health Science Center at San Antonio (UTHSCSA) for the Department's South Texas Family AIDS Network, term from August 1, 2007 through July 31, 2008.

Section 2: Revenue line item 226-0000-326-2001 funded by the UTHSCSA is hereby reduced by $250.

Section 3: Expenditure division 226-6050 is reduced by $250.

Section 4: The City Manager is hereby authorized to accept additional funds from the University of Texas Health Science Center at San Antonio in support of the activities funded by these grants.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
Raul Casso, City Attorney

Valeria M. Acevedo
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL READING ORDINANCE NO. 2007-O-235
11/19/2007	Ratifying City Manager's acceptance of a grant by the United States Environmental Protection Agency's (USEPA) Border 2012 Grant program in the amount of $50,000.00 with the City designating $12,695.00 in matching funds for a total of $62,695.00 and amending the City of Laredo's FY 2007-2008 Annual Budget for the Environmental Services Fund by appropriating the said grant revenue to the appropriate expenditure accounts. Funds will be used for the production of the Dos Laredos Non-Point Source Pollution Early Childhood Education Video.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon, Jr. Assistant City Manager	Riazul Mia, P.E., Director Environmental Services Department

PREVIOUS COUNCIL ACTION:
Council passed Resolution 2007-R-053 on July 9, 2007 authorizing the City Manager to submit said grant application to the USEPA

BACKGROUND:

This grant is the Phase II of the City's Los Dos Laredo's Environmental Educational Program. Phase I (also funded by EPA) of the program involved production of environmental heroes and villains and a comic book and audio CD that was distributed to all of the early childcare centers in Laredo and Nuevo Laredo.

The grant funds will be used to create a 15-30 minute cartoon video of the City of Laredo's environmental education characters of Inspector McCloud and Stormy and the environmental villains Oil Slick Willie, Burnt Ciggy, Lucy Litter, Tommy Treadless Tire, and Dirty Diaper Dan. The cartoon video will be incorporated in the Environmental Services Department's Texas Environmental Excellence Award-winning education program. The video will also be aired on the City's Public Access Channel.

FINANCIAL IMPACT:
249-0000-323-6013 Revenue.....$50,000.00
249-3856 Expenditures.....$62,695.00

RECOMMENDATION:	STAFF RECOMMENDATION:
	Introduction of the ordinance

ORDINANCE 2007-O-235

RATIFYING CITY MANAGER'S ACCEPTANCE OF A GRANT BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (USEPA) BORDER 2012 GRANT PROGRAM IN THE AMOUNT OF $50,000.00 WITH THE CITY DESIGNATING $12,695.00 IN MATCHING FUNDS FOR A TOTAL OF $62,695.00 AND AMENDING THE CITY OF LAREDO'S FY 2007-2008 ANNUAL BUDGET FOR THE ENVIRONMENTAL SERVICES FUND BY APPROPRIATING THE SAID GRANT REVENUE TO THE APPROPRIATE EXPENDITURE ACCOUNTS. FUNDS WILL BE USED FOR THE PRODUCTION OF THE DOS LAREDOS NON-POINT SOURCE POLLUTION EARLY CHILDHOOD EDUCATION VIDEO.

WHEREAS, the City of Laredo has applied for a grant with the USEPA and,

WHEREAS, the City of Laredo was awarded $50,000.00 in grant monies ; and,

WHEREAS, the City of Laredo's Environmental Services Department will use the grant monies for the production of the Dos Laredos Non-point Source Pollution Early Childhood Education Video, and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Authorizing the City Manager's acceptance of grant monies from the USEPA in the amount of $50,000.00

Section 2: Amending the City of Laredo's FY 2007-2008 Annual Budget for the Environmental Services Fund by increasing the budget in the amount of $50,000.00.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____DAY OF _____, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

BY: _____
VALERIA ACEVEDO,
ASST. CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL READING OF ORDINANCE NO. 2007-O-236
11/19/07	AMENDING THE CITY OF LAREDO FY 2007-2008 ANNUAL BUDGET FOR THE PARKING METERS FUND BY APPROPRIATING EXPENDITURES IN THE AMOUNT OF $300,000 FROM FUND BALANCE FOR THE RIVERFRONT PARKING LOT RESTRUCTURING PROJECT.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Roberto Murillo, P.E., P.T.O.E., Traffic Safety Director Jesus Olivares, Asst. City Manager

PREVIOUS COUNCIL ACTION: First Reading of Ordinance approved by City Council on 11-05-07.

BACKGROUND:

The Parking Enforcement Division had originally budgeted $250,000 during fiscal year 2006-2007 for the restructuring of the Riverfront Parking Lot, which was opened in December 2001. Due to its significant amount of usage with vehicles and tractor trucks who park for short or long term basis, the parking lot is in dire need of improvements. When first opened, a used parking attendant booth was obtained from the Bridge Dept. This booth is only 3' by 8' in size which is small for operation of the parking lot. At certain times during the day, two (2) tellers need to work together making it extremely difficult and very uncomfortable in carrying out their duties. In addition, this booth also holds security cameras and associated equipment. It also holds a small vault where the money is temporarily secured since this parking lot operates 24 hours a day, seven days a week. The booth is equipped with neither sewer nor water connections. Tellers use a portable toilet located within close proximity to the booth which creates an uncomfortable and unsafe situation especially late at night and during bad weather. Tellers must leave the booth locked but unattended at that time. Lighting has also become an issue with the expansion of Bridge I El Portal Project. There is not enough adequate lighting for the entire parking lot. This is an important safety concern for the protection of our patrons, tellers, and vehicles since parking lot is located near the river. The booth has too many electrical plugs for all our supply usage including a window air conditioning unit or electric heaters plus other equipment such as the cash register, camera equipment, etc. The fence has sustained damages mainly due to the tractor trucks backing up and damaging it.

The Riverfront Parking Lot provides much needed parking availability to service our citizens and especially tourists that visit Laredo and Mexico. The Riverfront Parking Lot collects more than $500,000 annually in revenues.

The proposed improvements to the parking lot include: reconfiguration of parking lot spaces to properly accommodate trucks, buses, and passenger vehicles, new parking lot attendant booth with a toilet facility, improved parking lot lighting, new fence, security cameras and resurfacing of the entire parking lot.

Foster Engineering is currently working on the design for the proposed parking lot improvements and is about 80% complete. Funding is needed to implement these proposed parking lot improvements.

FINANCIAL IMPACT:

	Original Budget FY 2007-2008	Budget FY 2007-2008	Amended Proposed Amendment
Opening Balance:	346,761	346,761	346,761
Revenues:	1,705,594	1,705,594	1,705,594
Total Available:	2,052,355	2,052,355	2,052,355
Expenses			
Parking Meters:	1,558,239	1,858,239	1,858,239
Permits:	147,355	147,355	147,355
Total Expenses:	1,705,594	2,005,594	2,005,594
Ending Balance	346,761	46,761	46,761

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	Staff recommends approval of this ordinance.

ORDINANCE NO. 2007-O-236

AMENDING THE CITY OF LAREDO FY 2007-2008 ANNUAL BUDGET FOR THE PARKING METERS FUND BY APPROPRIATING EXPENDITURES IN THE AMOUNT OF $300,000 FROM FUND BALANCE FOR THE RIVERFRONT PARKING LOT RESTRUCTURING PROJECT.

WHEREAS, the City Council previously approved the Parking Enforcement Division budget on September 2007, and

WHEREAS, the City of Laredo FY 2007/2008 Annual Budget needs to be amended following city Council's approval to begin restructuring of the Riverfront Parking Lot located on Pedregal and Santa Maria, and

WHEREAS, this parking lot is opened 24 hours a day, seven days a week, and provides essential parking not only to the citizens of Laredo but also to tourists who visit Laredo and Mexico on a short or long term basis, and

WHEREAS, funding is available within the parking meter fund balance to implement the proposed parking lot improvements,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

SECTION 1. AMENDMENT

AMENDING THE CITY OF LAREDO FY 2007/2008 ANNUAL BUDGET, SPECIFICALLY THE PARKING METER FUND BUDGET, TO MAKE THE FOLLOWING ADDITION TO RESTRUCTURE THE RIVERFRONT PARKING LOT:

	Original Budget FY 2007-2008	Amended Budget FY 2007-2008	Proposed Amendment
Opening Balance:	346,761	346,761	346,761
Revenues:	1,705,594	1,705,594	1,705,594
Total Available:	2,052,355	2,052,355	2,052,355
Expenses			
Parking Meters:	1,558,239	1,858,239	1,858,239
Permits:	147,355	147,355	147,355
Total Expenses:	1,705,594	2,005,594	2,005,594
Ending Balance	346,761	46,761	46,761

SECTION. 2 SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof of provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity and all provisions are declared severable for that purpose.

SECTION. 3 PUBLICATION

This Ordinance shall be published once in accordance with the provisions set for in Section 2.09 (d) of the City Charter.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____DAY OF _____, 2007.

_____

RAUL SALINAS
MAYOR

ATTEST:

_____

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

_____

MELISSA SALDAÑA
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL READING OF ORDINANCE NO. 2007-O-237
11-15-07	Authorizing the City Manager to execute a Foreign-Trade Zone Operations Agreement with International Trade & Commerce, Inc., as Zone Site Operator of Site 1-D, located at 309 NAFTA Blvd., effective February 1, 2007, and ending on March 31, 2009. Providing for activation, administration and transaction fees to be paid to the City; providing for an effective date.

INITIATED BY: Jesus M. Olivares, Assistant City Manager

STAFF SOURCE: Jose L. Flores, Airport Director

PREVIOUS ACTION: On November 5, 2007, Ordinance was introduced by City Council, and Staff was instructed to proceed.

BACKGROUND: A Foreign-Trade Zone (FTZ) is a secured specialized area, in or adjacent to the U. S. Port of Entry, which is considered to be outside the Customs Territory of the United States. Both foreign and domestic merchandise may be admitted to a Zone with no duty paid on the foreign merchandise unless and until it leaves the Zone for domestic consumption. If the merchandise is exported, no duties are paid to U. S. Customs.

International Trade & Commerce, Inc. owns an approximate 1.10 acre compound located at 309 NAFTA Blvd., and designated as Site 1-D.

International Trade & Commerce, Inc., will be required to post a FTZ Operators Bond with the U. S. Customs Service in the amount of $100,000, a Foreign-Trade Zone Indemnification Bond (Grantee/Operator) in the amount of $100,000 naming the City of Laredo, Grantee of FTZ No. 94, as Obligee, as well as provide Public Liability Insurance in the amount of One Million Dollars for the benefit of the City of Laredo, naming the City of Laredo as additional insured.

FINANCIAL: The Operators Agreement provides the following fees:

Account No. 242-0000-361-1065:
- (a) $500.00 (Initial Activation Fee in the amount of $0.02 per activated square foot with a $500 Minimum/$5,000 Maximum); and
- (b) $150.00 Per Year (Annual Administration Fee of $0.03 per activated square foot); and
- (c) $2.00 Activity Fee (U. S. Customs Transaction CF 214, CF 216 or their equivalent).

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
On January 17, 2006, the Airport Advisory Committee recommended approval.	Recommend that the City Manager be authorized to execute an FTZ Operations Agreement with International Trade & Commerce, Inc.

ORDINANCE NO. 2007-O-237

AUTHORIZING THE CITY MANAGER TO EXECUTE A FOREIGN-TRADE ZONE OPERATIONS AGREEMENT WITH INTERNATIONAL TRADE & COMMERCE, INC., AS ZONE SITE OPERATOR OF SITE 1-D, LOCATED AT 309 NAFTA BLVD., EFFECTIVE OCTOBER 1, 2007, AND ENDING ON MARCH 31, 2009. PROVIDING FOR ACTIVATION, ADMINISTRATION AND TRANSACTION FEES TO BE PAID TO THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Airport Director recommends that the City Council approve the proposed Foreign-Trade Zone Operations Agreement between the City of Laredo, as Zone Grantee of Foreign-Trade Zone No. 94, and International Trade & Commerce, Inc., as Zone Site Operator of Site 1-D, located at 309 NAFTA Blvd., as a contract and in furtherance of the development of the Laredo International Airport and as a support to the maintenance and operation of the Laredo International Airport;

WHEREAS, the Airport Advisory Committee finds that said agreement is in the best interest of the Airport and recommends that the City Council approve the proposed agreement; and

WHEREAS, the City Council of the City of Laredo having heard the recommendations of the Airport Director and of the Airport Advisory Committee agrees with same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager be and is hereby authorized to execute a Foreign-Trade Zone Operations Agreement between the City of Laredo, Zone Grantee of Foreign-Trade Zone No. 94 and International Trade & Commerce, Inc., as Zone Site Operator of Site 1-D, located at 309 NAFTA Blvd., a copy of which contract is attached hereto as Exhibit A, and incorporated herein as if set out at length.

Section 2: This Ordinance shall become effective upon passage hereof.

PASSED BY THE CITY COUNCIL AND APROVED BY THE MAYOR ON THIS THE ____ DAY OF _____, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

BY:_____
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL READING ORDINANCE 2007-O-238
11/19/2007	ESTABLISHING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENTS BY THE CITY OF LAREDO; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

INITIATED BY:	STAFF SOURCE:
Cynthia Collazo Deputy City Manager	Elizabeth Martinez, RTA Tax-Assessor Collector

PREVIOUS COUNCIL ACTION:

Ordinance was introduced November 5, 2007.

BACKGROUND:

Since 1998, the City of Laredo has offered a tax abatement program. In the past, the director of the Laredo Development Foundation indicated that companies who were considering locating in Laredo asked if the City of Laredo has a tax incentive program. In 1998, the Laredo Development Foundation ("LDF") recommended that tax abatement incentives be initiated in the City of Laredo. As a result, the City of Laredo adopted through Ordinance No. 98-O-141 Guidelines and Criteria as prepared by the Laredo Development Foundation.

In 2005, minor modifications were done to the guidelines in order to remain competitive and accommodate the capital intense businesses who do not create the number of jobs due to specialization.

The City of Laredo has to re-adopt the guidelines and criteria every two years, in accordance with state law.

FINANCIAL:

Less tax revenue if City Council approves future tax abatement agreements.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	Approval of Ordinance

ORDINANCE NO. 2007-O-238

ESTABLISHING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENTS BY THE CITY OF LAREDO; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Laredo Development Foundation recommends that tax abatement incentives be initiated in the City of Laredo; and

WHEREAS, the City Council finds that tax abatements, in accordance with the "Guidelines and Criteria Governing Tax Abatements by the City of Laredo," attached hereto as **Exhibit "A"** and incorporated herein for all purposes, contributes to the economic development of the City in furtherance of the policies and objectives of the City as authorized in Chapter 312 of the Texas Tax Code and Section 380.001 of the Texas Local Government Code, and will assist the City in achievement of its objectives to create jobs for the citizens of the City, build the tax base of the City, and provide an attractive inducement to companies to build capital intensive projects in the City.

WHEREAS, state law requires re-adoption of guidelines governing tax abatements every two years.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1. **Guidelines and Criteria Governing Tax Abatements Adopted.**

In accordance with the requirements in Section 312.002 of the Texas Tax Code, the City of Laredo hereby adopts the "Guidelines and Criteria Governing Tax Abatements by the City of Laredo" attached hereto as **Exhibit "A"** and incorporated for all purposes.

Section 2. **No Limits.**

Adoption of the guidelines and criteria stated in Section 1 herein does not:

(1) Limit the discretion of the City Council to decide whether to enter into a specific tax abatement agreement;

(2) Limit the discretion of the City Council to delegate to its employees the authority to determine whether or not the City Council should consider a particular application or request for tax abatement; or

(3) Create any property, contract, or other legal right in any person to have the City Council consider or grant a specific application or request for tax abatement.

Section 3. **Effectiveness of Guidelines.**

The guidelines and criteria adopted in section 1 herein shall be effective for two (2) years from the effective date of this ordinance. During that period, the said guidelines and criteria governing tax abatements may be amended or repealed only by a vote of three-fourths of the members of the City Council.

Section 4. **Effective Date.**

This ordinance shall become effective upon passage and approval.

Section 5. **Severability**

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstance is for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other person or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity, and all provisions are declared severable for that purpose.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this the _____ day of November, 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO, IV
CITY ATTORNEY

BY: _____
V. MELISSA SALDANA
ASSISTANT CITY ATTORNEY

GUIDELINES & CRITERIA GOVERNING
TAX ABATEMENTS
BY THE CITY OF LAREDO
Effective November 20, 2007 through November 20, 2009

1. General Provisions.

1.1 Purpose.

Chapter 312 of the Texas Tax Code allows, but does not obligate or require, the City to grant a tax abatement on the value added to a particular property on account of a specific development project that meets the eligibility requirements set forth in this policy. In order for the City to participate in tax abatement, the City is required to establish guidelines and criteria governing tax abatement agreements. This policy is intended to set forth those guidelines and criteria for persons or entities interested in receiving a tax abatement from this City. This policy shall expire on November 20, 2009.

1.2 Objective

The City of Laredo is committed to the promotion of high quality development in all parts of the City; and to an ongoing improvement in the quality of life for its citizens. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, the City of Laredo, will on a case-by-case, give consideration to providing tax abatement as a stimulation for economic development in Laredo. It is the policy of the City of Laredo to make available tax abatement for both new facilities and for the expansion or modernization of existing buildings and structures. It is the policy of the City of Laredo that said consideration will be provided in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Laredo is under any obligation to provide tax abatement to any applicant.

1.3 General Eligibility Criteria.

A tax abatement can only be granted to persons or entities eligible for tax abatement pursuant to Section 312.204(a) of the Texas Tax Code, which persons or entities as of the effective date of this Policy are (i) the owner of taxable real property located in a tax abatement reinvestment zone; or (ii) the owner of a leasehold interest in tax-exempt real property located in a tax abatement reinvestment zone.

1.4 General Exclusions and Limitations

1.4.1 Leases of Real Property.

A person or entity seeking tax abatement on real property that is leased from a third party should be advised that, pursuant to state law, the City can only abate taxes on the increased value of the taxable leasehold interest in the real property, if any, and the increase in value of taxable improvements and tangible personal property located on the real property and subject to the leasehold interest, if any. Before applying for a tax abatement from the City, such persons or entities should seek professional and legal guidance, and may wish to consult with the appraisal district having jurisdiction over the property

in question, as to whether their development projects will result in a taxable leasehold interest in the property and, if so, the anticipated value of that leasehold interest.

2. Definitions.

As used within these guidelines and criteria, the following words or phrases shall have the following meanings:

2.1 "Abatement" or "Tax Abatement" – The temporary, full or partial exemption from ad valorem taxes of certain Added Value to eligible taxable real and in some cases tangible personal property located in a Reinvestment Zone.

2.2 "Added Value" – The increase in the assessed value, as compared to base year value, of an eligible property as a result of expansion or modernization of an existing facility or construction of a new facility.

2.3 "Agreement"- A contractual agreement between a property owner and/or lessee and the City of Laredo for the purpose of tax abatement.

2.4 "Base Year Value" – The assessed value of eligible property as of the January 1 preceding the execution of an Agreement, as determined by the Webb County Appraisal District.

2.5 "Expansion" – The addition of buildings, structures, fixed machinery or equipment for the purposes of increasing capacity.

2.6 "Facility" – Property improvements completed or in the process of construction which together compromise an integral whole.

2.7 "Modernization" – The replacement and upgrading of existing facilities which increase the productive input or output, updates the technology or substantially lowers the unit cost of the operation, and extends the economic life of the facilities. Modernization may result from the construction, alteration, or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, repairing or completion of deferred maintenance.

2.8 "New Facility" – Property previously undeveloped which is placed into service by means other than or in conjunction with an expansion or modernization.

2.9 "Owner" – means the owner of a facility subject to abatement. If the Facility is constructed on a leased property, the owner shall be the party which owns the property subject to tax abatement. The other party to the lease shall join in the execution of agreement but shall not be obligated to assure performance of the party receiving abatement.

2.10 "Permanent full-time job" means a new employment position created by a business that provides a regular work schedule of at least 35 hours per week or 1820 hours of regular employment per year to a City of Laredo resident and maintains the employment position during the term of the abatement agreement.

3. Abatement Authorized

3.1 Authorized Facilities

Abatement may be granted for New Facilities and improvements to existing facilities for the purpose of Modernization or Expansion.

3.2 Creation of New Value

Abatement may only be granted for the Added Value of eligible property improvements based on valuations as determined by the Webb County Appraisal District and subject to and listed in an abatement agreement between the City and the property owner and lessee, if required, subject to such limitations as said jurisdiction may require.

3.3 Eligible Property

Abatement may be extended to the Added Value of real and tangible personal property as noted in Section 3.6.

3.4 Ineligible Property

The following types of property shall be fully taxable and ineligible for abatement: land or intangible personal property.

3.5 TYPE OF INDUSTRIES:

In keeping with the broad based approach to economic development, agreements will not be restricted to any particular type of industry. Preference will, however, be given to manufacturing and any other type of industry which provides relatively higher wages. In keeping with obtaining the highest cost-benefit, tax abatements will be granted on the basis of (a) new jobs and (b) additional investments, for a maximum term of 5 years.

3.6 Period and Percentage of Abatement

THE BASIC FORMULA:

New Permanent Full time Jobs	Added Value in Real ~~or Tangible Personal~~ Property, as assessed by Webb County Appraisal District	Percent of Abatement	Term
50 to 100 jobs	$1 million up to $2.5 million	25%	5 years
101 to 150 jobs	over $2.5 million up to $5 million	50%	5 years
151 to 200 jobs	over $5 million up to $10 million	75%	5 years
Over 200 jobs	Over $10 million	100%	5 years

New Permanent Full time Jobs	Added Value in Real and Tangible Personal Property, as assessed by Webb County Appraisal District	Percent of Abatement	Term
Over 200 jobs	Over $20 million	100%	5 years

EXHIBIT A

In cases where the required additional investment exceeds $10 million and the number of jobs is not expected to be met, an abatement may be allowed utilizing the following criteria:

New Permanent Full Time Jobs	Added Value in Real ~~or Tangible Personal~~ Property~~,~~ as assessed by Webb County Appraisal District	Percent of Abatement	Term
At least 10 jobs	Over $10 million	100% 80% 60% 40% 20%	Year 1 Year 2 Year 3 Year 4 Year 5

3.7 Living Wage Requirement

In order to count as a permanent full-time job under this tax abatement program, the job should pay employees wages at a minimum level which is equal to two dollars ($2.00) above the U.S. minimum wage in effect at the time of the agreement. Additional compensation, such as commissions and mileage, will be taken into consideration and will be included in the wages. However, overtime will not be considered.

3.8 Other General Guidelines

(a.) Companies shall pay permanent full time employees with at least 50% of their health benefits.

(b.) They must be offered to local companies for the expansion of existing facilities as well as new facilities.

(c.) They must be "performance based" to provide cost benefit advantages to Laredo and Webb County.

(d.) They must not permit outside companies to unfairly compete with local companies in the same business in the local market: competing companies may be considered if 75% of their customers are outside Laredo/Webb County, or if any other measures are offered which are judged to make the companies compatible with Laredo interests.

(e.) They must be negotiated quickly and in good faith by representatives of all concerned local entities.

(f.) They must be contractual and fully and accurately disclosed to the public.

(g.) The contracts must be effectively protected by cancellation, recalibration and "claw-back" provisions which would insure the return of the community's funds if the companies default on their part of the agreement. There should however, be no levy of penalties above repayment of actual local costs.

3.9 OTHER CONSIDERATIONS:

(a.) Depending upon the applicant, tax abatement agreements may be negotiated with consideration of cost benefit, company's financial statements or D&B rating, past business history, nature of the production process, environmental hazards, cost breakdown of the investment into land, building, equipment, probable project status at the end of 5 years, percent of hiring of local workers, and benefits to be paid to local workers.

(b.) City Council reserves the right to vary the term and percent of abatement, on a case per case basis, where the applicant shows unique circumstances that meets the economic development goals and objectives of the City of Laredo.

COUNCIL COMMUNICATION

DATE:	SUBJECT: **Final Reading 2007-O-239**
November 19, 2007	Amending the Code of Ordinance of the City of Laredo, Chapter 2, Article V. Boards, Commissions, Councils, etc., Division 4. Convention & Visitors Bureau Advisory Board, Sec. 2-223; Membership criteria; term of office; method of appointment; ex-officio members; by amending Sections (a) and (b); This clarifies ordinance to specify that the committee be converted to a nine-person standing committee composed of appointees selected by each City Council member and an appointee at large by the Mayor. **(as amended)**

INITIATED BY:	STAFF SOURCE:
Horacio de Leon, Jr., Assistant City Manager	Blasita Lopez Laredo Convention & Visitors Bureau Acting Director

PREVIOUS COUNCIL ACTION:

On Nov. 5, 2007, the Laredo City Council moved to approve the ordinance as amended.
In May 2007, the Laredo City Council moved that the Convention & Visitors Bureau Advisory Committee be converted to a nine person standing committee composed of appointees by Mayor and Council Members. In June 2007, the Laredo City Council approved the ordinance amendment deleting the language requiring an ad hoc nominating committee of Mayor and the members of City Council to recommend appointees to the board.

BACKGROUND:

Current Ordinance, Section, 2-223 wording reads that the advisory committee shall be comprised of 11 voting members, appointed by City Council from various tourism industry sectors including hospitality industry, restaurateurs, civic, business and community organizations, the Laredo Chamber of Commerce, and retail merchants.

On May 14, 2007, a motion of the Laredo City Council eliminated the Ad Hoc Nominating Committee to CVB Advisory Committee and directed that the advisory committee be converted to a nine-person standing committee composed of appointees from each City Council district and an appointee at large by the Mayor. Therefore, the ordinance is being amended to reflect action taken by the Council during this special called meeting. Further, on November 5, 2007, the Laredo City Council moved to amend the ordinance to allow for the current membership of the committee to be sponsored by the Mayor and each respective member of the City Council; and thereby, modifying the corresponding committee members' term that it coincide with that of the Mayor and the sponsoring elected member of the City Council. Those members of the committee that are not sponsored will remain on the board as per the terms of the ordinance on their attendance and until their original appointment term expires.

Committee members that have been selected to be sponsored as of the date of this final reading include:
Sandra Rocha-Taylor- sponsored by Council Member Juan Chavez, District VII
Clema Owen- sponsored by Council Member Juan Ramirez, District VII
Lisa Morales- sponsored by Council Member Hector Garcia, District II
Guillermo "Memo" Treviño- sponsored by Council Member Mike Garza, District I

FINANCIAL IMPACT:

Acceptance of this proposal does not incur any cost to the City of Laredo.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	Staff recommends that the final reading as amended be approved.

ORDINANCE No. 2007-O-239

AMENDING THE CODE OF ORDINANCE OF THE CITY OF LAREDO, CHAPTER 2, ARTICLE V. BOARDS, COMMISSIONS, COUNCILS, ETC., DIVISION 4. CONVENTION & VISITORS BUREAU ADVISORY BOARD, SEC. 2-223; MEMBERSHIP CRITERIA; TERM OF OFFICE; METHOD OF APPOINTMENT; EX-OFFICIO MEMBERS; BY AMENDING SECTIONS (A) AND (B); THIS CLARIFIES ORDINANCE TO SPECIFY THAT THE COMMITTEE BE CONVERTED TO A NINE-PERSON STANDING COMMITTEE COMPOSED OF APPOINTEES SELECTED BY EACH CITY COUNCIL MEMBER AND AN APPOINTEE AT LARGE BY THE MAYOR. (AS AMENDED)

WHEREAS, on October 1996, City Council authorized the establishment and creation of the City of Laredo Convention & Visitors Bureau Advisory Board; and

WHEREAS, on May 14, 2007, the City of Laredo City Council eliminated the Ad Hoc Nominating Committee to CVB Advisory Committee by abolishing all standing and ad hoc committees comprised of members of the Laredo City Council ; and

WHEREAS, on May 14, 2007, the City of Laredo City Council moved that the Convention & Visitors Bureau Advisory Committee be converted to a nine person Standing Committee composed of appointees by Mayor and Council Members; and

WHEREAS, on November 5, 2007, the Laredo City Council moved to amend the ordinance to allow for the current membership of the committee to be sponsored by the Mayor and each respective member of the City Council; and thereby modifying the corresponding committee members' term that it coincide with that of the Mayor and the sponsoring elected member of the City Council. Those members of the committee that are not sponsored will remain on the board as per the terms of the ordinance on their attendance and until their original appointment term expires; and

WHEREAS, the City Council accepts the recommendation of City of Laredo Convention & Visitors Bureau staff and finds the amendment to the Ordinance to be reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

PART 1: Amendment. Section 2-227. Meetings of Chapter 2 of the Code of Ordinance is amended to read as follows

Sec. 2-223. Membership criteria; term of office; method of appointment; ex-officio members.
(a) The membership of the Convention and Visitors Bureau advisory board shall be comprised of ~~eleven (11)~~ nine (9) voting members who shall be citizens of the city, and who shall be appointed by the City Council. ~~The nominations from the following listed organizations shall be submitted for review and consideration for a~~ Appointment by the City Council shall be from the following categories: ~~Four (4)~~ Three (3) appointees shall be representatives of the hotel/~~motel~~ lodging association; ~~three (3)~~ two (2) appointees shall be representatives of ~~the~~ retail merchants; ~~two (2)~~ (1) appointees shall ~~be~~

~~representatives from~~ represent a community, civic, or business organizations; one (1) appointee shall be a representative from ~~the~~ a City restaurant business ~~association~~; one (1) appointee shall be a member of the chamber of commerce; and one (1) appointee shall be a representative of the sports community.

(b) ~~The initial board shall draw lots to determine their initial terms of office. The advisory board's initial staggered terms of office shall consist of five (5) members serving two-year terms and six (6) members serving four-year terms. After the advisory board's initial term of office,~~ All ~~board~~ members shall serve a four-year term of office corresponding to their respective sponsoring elected official's term.

(c) In the event that a board member's position becomes vacant due to death, discontinuance of the board member's eligibility to serve, or the board member's incapacity or unwillingness to serve for any reason whatsoever, the City Council shall fill the vacancy for that board member, by appointing a new board member, upon submittal of a recommendation by the LCVB staff.

(d) An advisory board member shall be entitled to serve ~~no more than~~ two (2) terms, or eight (8) years, ~~whichever is greater~~.

(e) The City Manager, the president of the chamber of commerce, the president of the hotel/~~motel~~ lodging association, the director of the ~~City~~ State of Texas travel information center, the representative of the Nuevo Laredo tourism office, and the president of the Laredo Development Foundation, or their designees, shall all serve as ex-officio non voting members of the Convention and Visitor's Bureau advisory board, but said ex-officio members may not serve as the chairperson of the Convention and Visitors Bureau advisory board.

(Ord. No. 96-186, § 3, 10-28-96)

PART 2: Effective Date. This Ordinance shall become effective the day of this City Council meeting upon approval.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2007

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM BY:
RAUL CASSO
CITY ATTORNEY

BY: Valeria M. Acevedo
for MELISSA SALDAÑA
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 11/19/2007	SUBJECT: FINAL READING OF ORDINANCE NO. 2007-O-240 AMENDING CHAPTER 19, ARTICLE XI, TRUCK TRAFFIC, DIVISION 2, TRUCK ROUTES, SECTION 19-415 (A) (2), DEPARTURE FROM AND RETURN TO A DESIGNATED TRUCK ROUTE; THEREBY ELIMINATING EXISTING CONFLICT IN THE ORDINANCE LANGUAGE REGARDING THE POSTING OF "NO TRUCKS" SIGNS ON STREETS THAT ARE NOT DESIGNATED AS TRUCK ROUTES; PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Roberto Murillo, P.E., P.T.O.E., Traffic Director Jesus Olivares, Assistant City Manager

PREVIOUS COUNCIL ACTION: First Reading of Ordinance approved by City Council on 11-05-07.

BACKGROUND:

The Police Dept in enforcing the truck route ordinance has regularly encountered a difficulty in properly enforcing the use of non designated streets as truck routes by tractor trailers in making deliveries through out the city. Section 19-415 (A) (2) of the truck route ordinance states that a truck can deviate from a truck in making a delivery, without being cited, by taking the shortest more direct route from the nearest truck route. However, this same section of the ordinance states that if a "NO Truck" sign is posted on that particular street, that it is illegal for trucks to use the street even if it is the shortest more direct route from the nearest truck route. The City of Laredo Traffic Dept. has installed the "NO Truck" signs at significant number of locations in response to citizen complaints of trucks utilizing non designated truck route streets. Many of these signs are located on major streets where business are located and where deliveries are necessary but where streets are not designated as truck routes.

The proposed ordinance amendment will delete the section of the language in the ordinance that is in conflict.

This item was presented to the Transportation & Traffic Safety Advisory Committee meeting on 10/11/07 and the Committee recommended approval as presented. Representative from the Police Department, Traffic Division were present and were in agreement with the proposed amendment. .

FINANCIAL IMPACT: None.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
Transportation/Traffic Safety Advisory Committee recommended approval.	Staff recommends approval of this ordinance.

ORDINANCE NO. 2007-O-240

AMENDING CHAPTER 19, ARTICLE XI, TRUCK TRAFFIC, DIVISION 2, TRUCK ROUTES, SECTION 19-415 (A) (2), DEPARTURE FROM AND RETURN TO A DESIGNATED TRUCK ROUTE; THEREBY ELIMINATING EXISTING CONFLICT IN THE ORDINANCE LANGUAGE REGARDING THE POSTING OF "NO TRUCKS" SIGNS ON STREETS THAT ARE NOT DESIGNATED AS TRUCK ROUTES; PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the truck transportation industry is one of the largest industries in the City of Laredo, and therefore results in an immense amount of trucks on streets and bridges throughout the City of Laredo; and,

WHEREAS, there is a need to clarify the existing language in the truck route ordinance by eliminating the section of the language in the ordinance that is in conflict regarding the posting of "No Truck" signs on streets not designated as truck routes; and,

WHEREAS, the City Council of the City of Laredo is of the same opinion,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1: Chapter 19, Article XI, Truck Traffic, Division 2, Truck Routes, Section 19-415 (a) (2), Departure from and return to a designated truck route, of the City of Laredo Code of Ordinances is hereby amended as follows:

Sec. 19-415 Section (a) (2). Departure from and return to a designated truck route.
Such departure from a designated truck route must start at the turning off point leading and proceeding to the ultimate destination of the vehicle by the shortest and most direct route [~~except when such route is sign posted as "No Trucks'~~]; and

Section 2:
This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3:
This ordinance shall become effective as and from the date of publication specified in Section 2.

Section 4: **Severability**

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidances or invalidity of another portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE_____ DAY OF _____ 2007.

_____
RAUL G. SALINAS
MAYOR

ATTEST:

_____
GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

_____
BY: MELISSA SALDAÑA
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: FINAL READING OF ORDINANCE NO. 2007-O-241
11/19/07	CITY OF LAREDO CODE ORDINANCES AS FOLLOWS: 1. CODE OF ORDINANCES, SECTION 32-28(A), RENEWAL OF ANNUAL PERMIT, OF THE CODE OF ORDINANCES, IN ORDER TO CLARIFY SECTION; AND 2. SECTION 32-33 (3), SUBSTITUTE OR REPLACE TAXICABS, IN ORDER TO ADD AND CLARIFY SECTION; AND 3. SECTION 32-37, TERM AND RENEWAL, IN ORDER TO CLARIFY SECTION; AND 4. SECTION 32-43.1., SUSPENSION AND REVOCATION OF A TAXICAB LICENSE, AMENDING SUBSECTION (b) AND ADDING A NEW SUBSECTION (12); AND 5. SECTION 32-65.1., PARKING OF TAXICABS, OF THE CODE OF ORDINANCE, IN ORDER TO CLARIFY SECTION; AND 6. SECTION 32-70, PROPERTY LEFT IN TAXICAB, IN ORDER TO CLARIFY SECTION; AND 7. SECTION 32-71, TAXIMETERS-REQUIRED, ADDING SUBSECTIONS (C) AND (D); AND 8. SECTION 32-74, VEHICLE REQUIREMENTS AND INSPECTIONS, IN ORDER TO ADD SUBSECTION (10); PROVIDING SEVERABILITY AND FOR AN EFFECTIVE DATE AND PUBLICATION.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Roberto Murillo, P.E., P.T.O.E., Traffic Safety Director Jesus Olivares, Asst. City Manager

PREVIOUS COUNCIL ACTION:
First Reading of Ordinance approved by City Council on 11-05-07.

BACKGROUND:
It is necessary to amend ordinance to clarify some of its sections and to properly enforce taxicab operation regulations. The proposed amendments to these sections (1 thru 7) of the Vehicles for Hire Ordinance were presented to the Transportation/Traffic Safety Advisory Committee on September 13, 2007 and Section 8 on October 11, 2007 where they recommended approval. The proposed ordinance amendments are as follows:

(Continued on next page)

FINANCIAL IMPACT: None.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
Transportation/Traffic Safety Advisory Committee recommended approval.	Staff recommends approval of this ordinance.

BACKGROUND:
(Continued from Page 1)

Sec. 32-28(a) Renewal of annual permit. Will clarify the fulfillment of requirements for a renewal of annual permit by establishing within the ordinance the permit deadline, which is the last day of February of each year.

Sec. 32-33(3) Substitute or replace taxicabs. Clarify to specify two (2) magnetic taxicab insignias will be provided by the City for temporary use and will also add a $15 charge should they be lost, stolen, or damaged.

Sec. 32-37. Term and Renewal. Will clarify that the fulfillment of all requirements set forth on section 32-35 shall apply for renewal of a taxicab driver's license.

Sec. 32-43.1.Suspension and Revocation of a taxicab license. Will add new subsection (12) that will reduce suspension of a taxicab driver's license, for a driver who is guilty of a major violation, from a range of 45 to 90 days, to a range of 30 to 90 days and will also add a new major violation where a driver shall turn on taximeter once a passenger(s) aboard the taxicab and not before.

Sec. 32-65.1. Parking of Taxicabs. Will clarify that taxicabs shall not be parked at parking meters at anytime, unless taxicab is out of service and the driver is conducting personal business at which a conspicuous sign with the words "OUT OF SERVICE" shall be displayed.

Sec. 32-70. Property left in taxicab. Will clarify that all property left on taxicab shall be turned in to the police department within twenty-four (24) hours at no cost to passenger(s).

Sec. 32-71. Taximeters-Required. Will add new subsection c , within the ordinance, in which it shall be unlawful for a taximeter to be covered with objects/items which obstruct display of the actual fare to a passenger requiring taximeter fare to remain visible at all times and subsection d, making it unlawful to turn on taximeter prior to passenger(s) being aboard taxicab.

Sec. 32-74. Vehicle requirements and inspections. Will add new subsection (10) establishing that no vehicle(s) which are more than (15) years old may be placed into service for use as taxicabs and allowing a two (2) year grace period from date ordinance amendment is approved before requirement goes into effect.

ORDINANCE NO. 2007-O-241

1. **CODE OF ORDINANCES, SECTION 32-28(A), RENEWAL OF ANNUAL PERMIT, OF THE CODE OF ORDINANCES, IN ORDER TO CLARIFY SECTION; AND**
2. **SECTION 32-33 (3), SUBSTITUTE OR REPLACE TAXICABS, IN ORDER TO ADD AND CLARIFY SECTION; AND**
3. **SECTION 32-37, TERM AND RENEWAL, IN ORDER TO CLARIFY SECTION; AND**
4. **SECTION 32-43.1., SUSPENSION AND REVOCATION OF A TAXICAB LICENSE, AMENDING SUBSECTION (b) AND ADDING A NEW SUBSECTION (12); AND**
5. **SECTION 32-65.1., PARKING OF TAXICABS, OF THE CODE OF ORDINANCE, IN ORDER TO CLARIFY SECTION; AND**
6. **SECTION 32-70, PROPERTY LEFT IN TAXICAB, IN ORDER TO CLARIFY SECTION; AND**
7. **SECTION 32-71, TAXIMETERS-REQUIRED, ADDING SUBSECTIONS (C) AND (D); AND**
8. **SECTION 32-74, VEHICLE REQUIREMENTS AND INSPECTIONS, IN ORDER TO ADD SUBSECTION (10); PROVIDING SEVERABILITY AND FOR AN EFFECTIVE DATE AND PUBLICATION.**

WHEREAS, it is necessary to amend ordinance to add and clarify some of its sections and to properly enforce taxicab operation regulations; and

WHEREAS, the Transportation and Traffic Safety Advisory Committee has recommended approval of the proposed Vehicle for Hire ordinance amendments; and

WHEREAS, it is in the opinion of the City Council that it is in the best interest of the city to apply the best and fairest method to maintain taxicab operations throughout the city recognizing that increased regulation constitutes a benefit to the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

SECTION 1. AMENDMENT

Chapter 32, "Vehicles for Hire" , Article II; Sections 32-28(A) Renewal of annual permit, Section 32-33 (3) Substitute or replace taxicabs, Section 32-37 Term and renewal, Section 32-43.1.(12) and (B) Suspension and revocation of a taxicab license, Section 32-65.1. Parking of taxicabs, Section 32-70 Property left in taxicab, Section 32-71 (C) and (D)Taximeters-required, and Section 32-74 (10) Vehicle requirements and inspections, of the Code of Ordinances of the City of Laredo is hereby amended as follows:

Sec. 32-28. Renewal of annual permit.

(a) [~~An initial annual permit is automatically renewed~~], *The renewal of an annual permit shall be granted* upon payment of the fee set forth in section 32-34 below *and the fulfillment of requirements in section 32-22, except for 32-22 (c), by the permit deadline which is the last day of February of each year,* unless the city manager notifies the holder before the renewal date of the city manager's intention to recommend denial of the renewal based on his determination that:

(1) The holder is not in compliance with the permit or fit, willing or able to continue to operate taxicab service in accordance with the permit and applicable provisions of this article, taxicab regulations, and applicable laws; and

(2) Public convenience and necessity no longer requires the taxicab service.

(b) If the city manager determines that a denial of a permit renewal or material change in the conditions of the permit is required by public convenience and necessity, or if a holder requests a material change in the conditions of the permit, the city manager shall submit to the city council a written report containing his recommendations for denial or his recommendations on the proposed or requested change, together with supporting findings of fact. Upon action being taken by the city council, the city manager shall issue a denial of permit renewal or renew the permit, as directed by the city council. In the case of renewal, he shall incorporate such changes as authorized by the city council.

(c) If the permit expires at no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the city council.

Sec. 32-33. Substitute or replace taxicabs.

(a) Substitutions or replacements of taxicabs within the total number of authorized taxicabs of any holder may be made from time to time, but every such substitution and replacement shall be approved by the city manager or authorized representative after the holder has requested, in writing, the substitution or replacement.

(b) Replacement taxicabs will meet all the mechanical, equipment and safety requirements as outlined in section 32-71 and section 32-74.

(c) Substitute taxicabs will be limited to the following conditions:

(1) Substitution of taxicabs will be limited to two (2) times per calendar year per permit holder.

(2) Substitutions will be for two (2) weeks or less based on the nature of the mechanical breakdown provided that the permit owner provides a notarized affidavit that the vehicle is in need of repairs. The city manager representative has the right to verify the statement if needed.

(3) [Two (2)] magnetic taxicab insignias provided by the city manager or authorized representative will be affixed to the driver and passenger front doors. [There shall be a fifteen dollars ($15.00) charge for each magnetic taxicab insignia that is lost, stolen or damaged.]

(4) The substitute taxicab must meet the liability insurance requirements.

(5) Substitute taxicabs will meet all the mechanical and safety requirements as outlined in section 32-74.

(6) Other substitution of vehicle will be verified by the city manager or authorized representative as appropriate.

(7) City will charge ten dollars ($10.00) inspection fee for temporary permit.

Sec. 32-37. Term and renewal.

A city taxicab driver's license shall remain in effect for twelve (12) months after the date of issuance unless earlier suspended or revoked. The license may be renewed upon application, accompanied by a renewal charge of twenty five dollars($25.00) for processing of the application, and [the fulfillment of all requirements set forth in section 32-35,] unless the original license was revoked for good cause or expired for failure to renew prior to expiration in accordance to Section 32-35 of this ordinance.

Sec. 32-43.1. Suspension and revocation of a taxicab license.

The following shall apply to the suspension or revocation of a taxicab license:
(a) The city manager's authorized representative shall **suspend** a license in accordance with the following table:

TABLE INSET:

Offense	Violation Category

1. Intentionally interferes with the city manager or other law enforcement agency in the enforcement of any city ordinance, state, or federal law . . . Major

2. The driver's Texas driver's license is suspended . . . Major

3. The driver receives two (2) to four (4) citations for violations pertaining to this chapter or to other traffic violations, in one (1) calendar year . . . Major

4. The driver consumes alcoholic beverages while on duty . . . Major

5. The driver forged or is in the possession of a forged, altered or counterfeit taxicab license . . . Major

6. The driver operates a taxicab without proof of insurance . . . Major

7. The driver is soliciting passengers at a terminal or public place . . . Major

8. The driver fails to charge the correct fare by using the approved methods as outlined in the ordinance . . . Major

9. The driver fails to conducts himself or herself in a safe and prudent manner where he or she endangers the safety and welfare of others . . . Major

10. The driver refuses to convey a person who requests service and section 32-55 does not apply . . . Minor

11. The driver operates a taxicab without a city taxicab license in his or her possession ... Minor

12. [The driver shall turn "on" taximeter once passenger(s) is/are aboard the taxicab and not before]

(b) Drivers guilty of a **major** violation may be suspended from thirty (30) ~~forty-five (45)~~ to ninety (90) days.

Drivers guilty of a **minor** violation may be suspended from one (1) to forty-five (45) days.

(c) Suspensions are administrative in nature and may be issued in conjunction with written citations.

(d) The city manager's authorized representative shall **revoke** a license if it is determined that the

driver has:

1. The driver's Texas driver's license is revoked.

2. The driver receives five (5) or more citations for violations pertaining to this chapter or other traffic violations within one (1) calendar year.

3. The driver is charged or convicted of operating a vehicle while under the influence of alcohol.

4. The driver is charged or convicted of operating a vehicle while under the influence of drugs.

5. The driver has been convicted of a violation of any city, state, or federal law, which violation reflects unfavorably on the fitness of the driver to perform a public transportation service.

6. The driver operates a taxicab while under a suspension for a previous violation.

(e) The driver will be notified in writing by certified mail of the date, time and location of the hearing to determine the suspension or revocation of his or her taxicab license.

(f) Upon revocation of a license the driver shall be ineligible for a new license for a period of two (2) years.

(g) After suspension or revocation of a license the driver may file with the city manager a written appeal within ten (10) days to the city manager for reinstatement of the license. The city manager may as determined appropriate, reinstate the license or deny reinstatement.

Sec. 32-65.1. Parking of taxicabs.

Taxicabs shall not be left parked overnight at public taxicab stands unless the taxicab is in service with a driver in the taxicab. Taxicabs shall not be parked at parking meters at anytime, unless the taxicab is out of service and the driver is conducting personal business <u>at which a conspicuous sign with the words "OUT OF SERVICE" shall be displayed.</u>

Sec. 32-70. Property left in taxicab.

It shall be the duty of every taxicab driver to return, without delay, to the owner any luggage, merchandise or other property whatsoever left in his taxicab, with a complete report as to when it was left in the taxicab and the circumstances relating thereto. Every article so delivered shall be tagged. Such property shall be turned over to the police department within twenty-four (24) hours <u>at no cost to passenger(s).</u>

Sec. 32-71. Taximeters--Required.

(a) It shall be unlawful for any taxicab to be operating for public hire unless it is equipped with a taximeter to be used as provided in this division, unless the permit holder has requested in writing to the city manager or authorized representative permission to operate the taxicab without a taximeter and the permit holder has received written approval from the city manager or authorized representative to operate said taxicab.

(b) It shall be unlawful for any taxicab to be operated unless a taximeter is used in determining the fare to be charged and no fare shall be charged other than the fare recorded on such taximeter for any trip, unless the permit holder has written approval from the city manager or authorized representative to operate the taxicab without a taximeter at which time the driver will use the zone fares approved by city council.

(c) <u>It shall be unlawful for taximeter to be covered with objects/items which obstruct display of the actual fare to a passenger. Taximeter fare shall remain visible at all times.</u>

(d) <u>It shall be unlawful to turn on taximeter before passenger(s) is/are aboard taxicab.</u>

Sec. 32-74. Vehicle requirements and inspections.

(a) The city shall, through regulation, establish requirements for size, age, condition and accessories for taxicabs used by permit holders.

(b) The city shall inspect each taxicab before it is placed in service and at other times when determined to be necessary, for compliance with this article. No taxicab shall be operated which does not comply with all of the following standards and requirements:

(1) Meet minimum state safety standards and have a current state inspection sticker.

(2) The interior of each taxicab shall be reasonably clean with no noticeable accumulation of dirt, rubbish or clutter. The seats, floor, dash board and any other area within the interior of the vehicle will be clear of any items not required by this ordinance. The trunk area will be clean and provide adequate space to accommodate baggage. All portions of the interior upholstery (including, but not limited to seat coverings, door panels, head liner, floor coverings and trim) must match in color and be free of tears, holes, cracks or other damage. Any missing, broken or significantly damaged interior parts (including, but not limited to, dash board, door handles, window cranks, arm rests and seat supports) must be repaired or replaced.

(3) The exterior and interior paint shall not be rusted, flaked, scraped or discolored. Any interior or exterior paint damage must be repaired. Vinyl tops will be free of tears, holes, cracks and the color must not be discolored. Any damage must be repaired or replaced.

(4) Vehicles will have matching wheel covers or wheels. Any missing or damaged body molding or trim must be repaired or replaced. Any ripped or torn body parts must be repaired or replaced. Any body part dent that covers an area of five (5) square inches or more must be repaired.

(5) Any cracked or damaged side and rear windows or mirrors must be repaired or replaced.

(6) Each vehicle shall be equipped with a one-quart chemical type fire extinguisher mounted in the front seat area in reach of the driver.

(7) Each vehicle shall be equipped with operational air conditioning and heating systems.

(8) Each vehicle shall be mechanically sound, free of any oil or fluid leaks from the engine, transmission or brakes. The vehicle's exhaust system shall be free of holes, excessive noise or emission of excessive fumes. Each vehicle shall be equipped with a spare tire, jack and lug nut wrench.

(9) City will charge an annual inspection fee of twenty dollars ($20.00).

(10) [No vehicle(s) which are more than fifteen (15) years old at the time it is placed into service, may be used as taxicab vehicles. The age of the vehicle shall be calculated from the first day of January of the model year.]

(a). Same requirement applies when replacing vehicle(s), replacement vehicle(s) shall not be more than (15) years old at the time it is placed into service.

[For purpose of this article, changes shall take effect two (2) years after being approved by City Council.]

(c) If a holder fails to make a taxicab available for inspection or if the city determines that a taxicab is not in compliance, the city manager or authorized representative may order the taxicab removed from service until it is made available for inspection and brought into compliance.

SECTION. 2 SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof of provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity and all provisions are declared severable for that purpose.

SECTION. 3 PUBLICATION

This Ordinance shall be published once in accordance with the provisions set for in Section 2.09 (d) of the City Charter.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____DAY OF _____, 2007.

_____

RAUL SALINAS
MAYOR

ATTEST:

_____

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

_____

MELISSA SALDAÑA
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE:	SUBJECT: A RESOLUTION NO. 2007-R-088 EXPRESSING THE CITY OF LAREDO'S SUPPPORT FOR THE CONSTRUCTION OF A BORDER SAFETY INSPECTION FACILITY (BSIF) BY THE TEXAS DEPARTMENT OF TRANSPORTATION AT THE WORLD TRADE INTERNATIONAL BRIDGE IN THE GENERAL LOCATION AND IN THE BASIC CONFIGURATION AS SHOWN ON ATTACHMENT A.
11/19/07	

INITIATED BY:	STAFF SOURCE:
Texas Department of Transportation / City of Laredo	Jesus M. Olivares, Assistant City Manager Keith Selman, Director of Planning

PREVIOUS COUNCIL ACTION:
None

BACKGROUND:

The Texas Department of Transportation is currently in the process of building an inspection station to be located within the City of Laredo's corporate limits and adjacent to the World Trade International Bridge (See Attachment A). Prior to May 22, 2007 the Texas Department of Transportation had the authority to choose the site of the border inspection stations without consultation or approval from the affected municipality.

However, H.B. 3594, which took effect on May 22, 2007, clarifies that if a facility that serves a bridge that had more than 900,000 commercial border crossings during the fiscal year ending August 31, 2002, and is to be located within a municipality or a municipality's extraterritorial jurisdiction, that municipality may choose the location of the facility.

FINANCIAL IMPACT:
None.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
Not applicable.	Staff recommends approval.

Resolution No. 2007-R-088

EXPRESSING THE CITY OF LAREDO'S SUPPORT FOR THE CONSTRUCTION OF A BORDER SAFETY INSPECTION FACILITY (BISF) BY THE TEXAS DEPARTMENT OF TRANSPORTATION AT THE WORLD TRADE INTERNATIONAL BRIDGE IN THE GENERAL LOCATION AND IN THE BASIC CONFIGURATION AS SHOWN ON ATTACHMENT A.

WHEREAS, the City of Laredo continues to experience unprecedented growth in population, trade, industry, and economic development; and,

WHEREAS, the World Trade International Bridge Border Safety Inspection Facility (BSIF) will facilitate the movement of commerce within the City and expedite the movement of loaded cargo to and from Mexico;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1: THE CITY OF LAREDO SUPPORTS THE CONSTRUCTION OF A BORDER SAFETY INSPECTION FACILITY (BSIF) BY THE TEXAS DEPARTMENT OF TRANSPORTATION AT THE WORLD TRADE INTERNATIONAL BRIDGE IN THE GENERAL LOCATION AND IN THE BASIC CONFIGURATION AS SHOWN ON ATTACHMENT A.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____ DAY OF _____ 2007.

_____
RAUL G. SALINAS
MAYOR

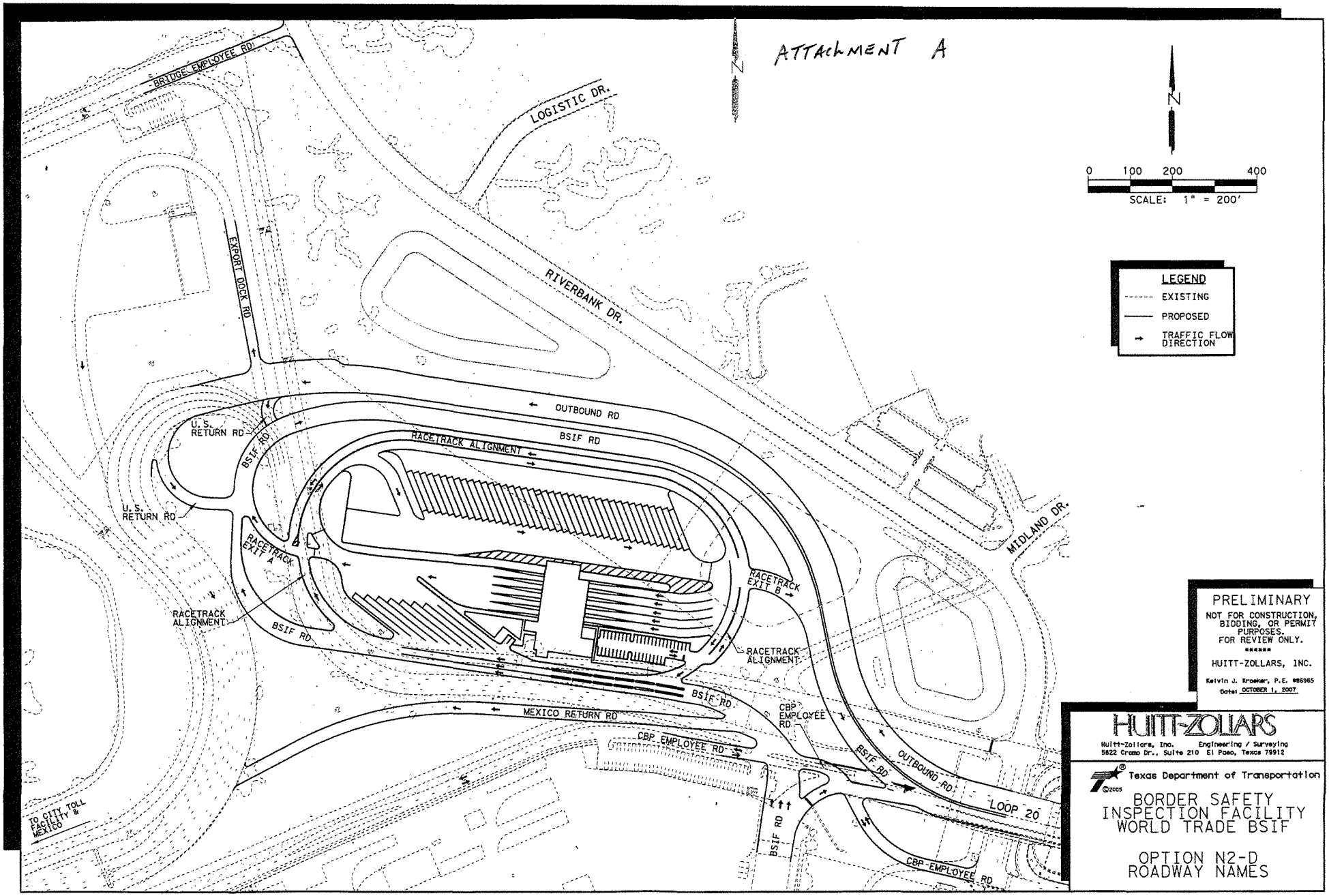
ATTEST:

_____
GUSTAVO GUEVARA JR.
CITY SECRETARY

APPROVED AS TO FORM:

_____
ANTHONY MCGETTRICK
ASSISTANT CITY ATTORNEY

ATTACHMENT A



PRELIMINARY
NOT FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.
FOR REVIEW ONLY.
******
HUITT-ZOLLARS, INC.
Kelvin J. Kroeker, P.E. #86965
Date: OCTOBER 1, 2007

HUITT-ZOLLARS
Huitt-Zollars, Inc. Engineering / Surveying
5622 Cromo Dr., Suite 210 El Paso, Texas 79912

Texas Department of Transportation
©2005

BORDER SAFETY INSPECTION FACILITY
WORLD TRADE BSIF

OPTION N2-D
ROADWAY NAMES

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/2007	Consideration to authorize change order number 1 in the total amount of $34,316.00 to contract FY07-153 awarded to Texas Wired Music, Inc., for the purchase of additional audio visual equipment needed for the City Council chambers. The revised contract total will be $206,519.60. Funding is available in the Information Technology and Support Services – Public Education and Government (PEG) Fee fund.

INITIATED BY:	STAFF SOURCE:
Cynthia Collazo, Deputy City Manager	Heberto Ramirez, Information Technology and Support Services Director Francisco Meza, Purchasing Agent

PREVIOUS COUNCIL ACTION: Approved contract FY07-153 with Texas Wired Music Inc., on 8/06/07 for the purchase of audio video equipment for the City Council chambers.

BACKGROUND: The audio visual equipment installed at the City Council chambers included the installation of replacement video cameras, a microphone system with voting and parliamentary features, a video interface system with the current City Council chamber personal computers and video monitors. Once installed staff realized that additional equipment was needed to enhance the video and audio quality. This change order will replace an analog video mixer with a (FSR Eagle) digital mixer to match up video resolution to the new digital cameras that were purchased. In addition, an audio equipment processor (Biamp Digital Signal Processor) will be purchased to help regulate microphone levels that are too loud or too soft to produce a more consistent audio recording of the city council meetings.

Bid Summary

Texas Wired Music, Inc.	
Original contract total:	**$172,203.60**
Change order No. 1:	
FSR Eagle Mixer	$ 29,848.00
Audio Processor	$ 4,468.00
Revised Contract Total:	$206,519.60

FINANCIAL IMPACT: Funds for the purchase and installation for the audio visual equipment are available from the following line item budget:

PEG Fee Fund – Capital Outlay Machinery & Equipment
Account Number: 246-5545-555-9001

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	It is recommended that this change order be approved.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTIONS
11/19/07	Consideration to authorize the purchase of: a) one 2007 GMC three ton crew cab utility truck in the amount of $69,345.00; b) one 2008 GMC cab and chassis with crane in the amount of $129,538.00; from Rush Truck Centers of Texas L.P., through the Houston Galveston Area Council of Governments (H-GAC) and Buyboard's cooperative purchasing program. This equipment will be assigned to the Utilities Department. Funding is available from the 2008 Utilities Budget.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon, Assistant City Manager Jesus Olivares, Assistant City Manager	Tomas Rodriguez, P.E., Utilities Department Director Jessica N. Hein, Communications and Support Services Department Director Francisco Meza, Purchasing Agent

PREVIOUS COUNCIL ACTION: Authorized participation in the H-GAC and Buyboard's cooperative purchasing program.

BACKGROUND: Authorization is requested to purchase one three ton crew cab truck and one cab and chassis truck with crane for the Utilities Department. These trucks will be assigned to the Utilities Department for daily operations and construction projects. This equipment will be purchased from Rush Truck Center utilizing the H-GAC and Buyboard's cooperative purchasing program contract pricing.

Vendor: Rush Truck Center	Equipment	Unit Price
Wastewater Collection	2008 GMC Cab and Chassis with Crane	$ 128,538.00
	H-GAC Administrative Fee	$ 2,000.00
		$ 129,538.00
Wastewater Collection	2007 GMC three ton crew cab utility truck	$ 68,945.00
	Buyboard Administrative Fee	$ 400.00
		$ 69,345.00

FINANCIAL IMPACT: Funding for this equipment is available in the 2008 Capital Equipment Outlay

Department	Line item	Expense Account	Amount
Utilities-Wastewater Collection	Capital Outlay	559-4220-535-9004	$ 198,883.00

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	It is recommended that this contract be approved.

COUNCIL COMMUNICATION

DATE: 11/19/07	SUBJECT: MOTION Consideration to exercise the renewal option for contract number FY07-096 awarded to Double R Construction, Laredo, Texas, in the estimated amount of $275,000.00 for asphalt repairs. The contract pricing is based on a fixed square footage rate of $2.75 for asphalt repairs required due to utility repairs. The term of this contract will be for a one year period. Funding is available in the Water and Sewer Funds.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon, Assistant City Manager Jesus Olivares, Assistant City Manager	Tomas Rodriguez, P.E., Utilities Department Director Francisco Meza, Purchasing Agent

PREVIOUS COUNCIL ACTION: The City Council approved contract FY07-096 on 5/07/2007.

BACKGROUND: Bid pricing includes all necessary equipment, personnel, and materials needed to repair streets damaged by water and wastewater line repairs. Double R Construction has agreed to and signed the contract renewal notice to extend the term of this contract for one additional year. This is the last extension for this contract. As per all supply contracts, the intent of this contract is to secure a fixed cost for these services during the contract period.

Contract Award

	Est. Qty.	Double R Construction
Asphalt Repairs	100,000 sq. ft.	$2.75

FINANCIAL IMPACT: The purpose of this contract is to establish prices for the commodities or services needed, should the City need to purchase these commodities or services. The City's obligation for performance of an annual supply contract beyond the current fiscal year is contingent upon the availability of appropriated funds from which payments for the contract purchases can be made. If no funds are appropriated and budgeted during the next fiscal year, this contract becomes null and void.

Sewer Fund, maintenance of line,	Account number: 559-4220-533-2015
Water Fund, maintenance of line,	Account number: 557-4130-533-2015

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that this contract be approved.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/07	Consideration to authorize the City Manager to transfer to previous sale of surplus equipment from Rio Bravo sold on April 4, 2007 to our Sister City of Lampazos de Naranjo, Nuevo Leon which Rio Bravo was not able to purchase. The equipment consists of one 1995 Mack Refuse Truck with a sale value of $4,500 and one 1993 GMC Sweeper with a sale value of $375.00

INITIATED BY:
Carlos Villarreal
City Manager

STAFF SOURCE:
Gustavo Guevara, Jr.
City Secretary

PREVIOUS COUNCIL ACTION:

The City of Laredo has previously sold surplus vehicles to various sister cities and other municipalities such as: Encinal, Texas; Rio Bravo; El Cenizo; Dimmit County; Tlahualilo, Durango; Nuevo Laredo, Tamaulipas; Cienega de Flores, Nuevo Leon; Guadalupe, Nuevo Leon; Monclova, Coahuila; San Miguel de Allende, Guanajuato; Acambaro, Guanajuato; Montemorelos, Nuevo Leon; Leon, Guanajuato; Lampazos de Naranjo, Nuevo Leon; and Mexticacan, Jalisco.

BACKGROUND:

The surplus equipment was sold as follows:

Rio Bravo					Salvage Value	Sale Value
6105	MACK	1995	Refuse Truck	1M2P296C25M023804	$18,000	$4,500
6090	GMC	1993	Sweeper	1GDM7H1J3PJ513178	$ 1,500	375

These vehicles will be sold at 25% of appraised value.

FINANCIAL:

Account: Automobile Equipment 991-0000-167-0000

RECOMMENDATION:

Staff recommends motion approval.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/07	Consideration to authorize the City Manager to donate a 1994 Chevy Suburban to Cienega de Flores due to the fact that this vehicle must be exported to Mexico. This suburban is a confiscated vehicle.

INITIATED BY:
Carlos Villarreal
City Manager

STAFF SOURCE:
Gustavo Guevara, Jr.
City Secretary

PREVIOUS COUNCIL ACTION:

City Council approved the transfer of the suburban on September 4, 2007 from Torreon, Coahuila to Cienega de Flores, Nuevo Leon.

This is a Mexican confiscated vehicle which needs to be exported and can not be sold due to the fact this vehicle is composed of two different Mexican vehicles. This vehicle has the body of a 1994 Chevy Suburban, but the engine belongs to some other vehicle which has not been able to be identified. Due to this issue, Mexico can only receive it as a donation and not as a purchase.

BACKGROUND:

Vehicle	V.N.	Salvage value	Sale price
1716 CHEVY 1994 Suburban	3GCEC25K8RM105431	$3,275	$818.75

This vehicle will be sold at 25% of appraised value.

FINANCIAL:

Account: Automobile Equipment 991-0000-167-0000

RECOMMENDATION:

Staff recommends motion approval.

COUNCIL COMMUNICATION

DATE	SUBJECT: MOTION
11-19-07	Authorizing the City Manager to acquire through negotiations, the "Surface Only" of Lot 4, Block 2, at 3507 East Ash Street, in an amount not to exceed $36,000.00, plus approximately $850.00 in incidental expenses; Lot 5, Block 2, at 3509 East Ash Street, in an amount not to exceed $121,000.00, plus approximately $1,300.00 in incidental expenses; and Lot 6, Block 2 at 3511 East Ash Street, in an amount not to exceed $135,000.00, plus approximately $1,400.00 in incidental expenses; for the North Heights Subdivision, Phase II, Drainage Improvements Project, and authorizing additional future parcel acquisitions, as deemed necessary in said subdivision, for the completion of said Drainage Improvements Project. These will be voluntary transactions. Funding is available in North Heights Subdivision, Phase II, Drainage Improvements Project/2007 Certificate of Obligation Bond Issue.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon Assistant City Manager	Ronnie Acosta CD Director

PREVIOUS COUNCIL ACTION:
On August 6, 2007, the City Council authorized the acquisition of the above-referenced parcels.

BACKGROUND:
The City of Laredo plans to construct drainage improvements in the North Heights Subdivision, Phase II, in order to alleviate periodic flooding in that area.

In order to construct drainage improvements to alleviate periodic flooding in the North Heights Subdivision, Phase II, area, it is necessary for the City of Laredo to acquire the "Surface Only" of the above-referenced parcels of land.

These will be voluntary transactions.

FINANCIAL IMPACT:
Funding for this project is available in Account # 249-3891-545-9531-North Heights Subdivision, Phase II, Drainage Improvements Project/2007 Certification of Obligation Bond Issue.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A	Staff recommends approval of Motion.

COUNCIL COMMUNICATION

DATE: 11/19/2007	**SUBJECT: MOTION** Approving monthly adjustments to the tax roll. The amounts to be adjusted for the month of October 2007, represent a decrease of $4,574.65. These adjustments are determined by Webb County Appraisal District and by court orders.

INITIATED BY: CYNTHIA COLLAZO, DEPUTY CITY MANAGER	**STAFF SOURCE:** ELIZABETH MARTINEZ TAX ASSESSOR-COLLECTOR

PREVIOUS COUNCIL ACTION:
Approves tax roll each year.

BACKGROUND:
Under Section 26.09, Calculation of Tax, paragraph (e) of the Texas Property Tax Code, "the Assessor shall enter the amount of tax determined as provided by this section in the appraisal roll and submit it to the governing body of the unit for approval. The appraisal roll with amount of tax entered as approved by the governing body constitutes the unit's tax roll. It was the recommendation of the City Attorney and the Tax Collections Attorney, that adjustments be approved each month, in addition to the tax roll being accepted with adjustments.

FINANCIAL IMPACT:
Potential revenues will decrease due to a decrease in levy in the amount of $4,574.45.

COMMITTEE RECOMMENDATION:	**STAFF RECOMMENDATION:** Approval

TAX ADJUSTMENT LISTING
10/01/07 - 10/31/07
BY TRANSACTION DATE
RECAP TOTALS BY ENTITY/YEAR

ENTITY/YR	+ BASE	PAYMT REF	PYMT VOID	- BASE	CR REF	+/-TX DUE	TRANS FRM	TRANS TO
INT5 06	.00	.00	.00	.00	.00	.00	49.05	.00
INT5 TOTALS	.00	.00	.00	.00	.00	.00	49.05	.00
LARE 48	.00	.00	.00	12.36-	.00	.00	.00	.00
LARE 49	.00	.00	.00	34.21-	.00	.00	.00	.00
LARE 50	.00	.00	.00	34.21-	.00	.00	.00	.00
LARE 51	.00	.00	.00	34.21-	.00	.00	.00	.00
LARE 52	.00	.00	.00	21.09-	.00	.00	.00	.00
LARE 53	.00	.00	.00	21.09-	.00	.00	.00	.00
LARE 54	.00	.00	.00	21.69-	.00	.00	.00	.00
LARE 55	.00	.00	.00	22.42-	.00	.00	.00	.00
LARE 73	.00	.00	.00	14.29-	.00	.00	.00	.00
LARE 75	.00	.00	.00	29.31-	.00	.00	.00	.00
LARE 76	.00	.00	.00	29.31-	.00	.00	.00	.00
LARE 77	.00	.00	.00	25.94-	.00	.00	.00	.00
LARE 01	.00	.00	.00	.00	.00	.00	337.90	.00
LARE 02	.00	.00	.00	.96-	.00	.00	.00	15.08-
LARE 03	.00	.00	.00	.00	.00	.00	50.83	14.92-
LARE 04	.00	.00	.00	.00	.00	.00	15.26	37.87-
LARE 05	.00	.00	.00	.00	.00	.00	873.54	693.26-
LARE 06	.00	.00	7420.53	3594.03-	618.53	.00	34044.60	13242.00-
LARE 07	11197.98	.00	.00	40791.97-	391.15	.00	12313.92	33827.21-
LARE TOTALS	11197.98	.00	7420.53	44687.09-	1009.68	.00	47636.05	47830.34-
OMIT 02	2748.06	.00	.00	.00	.00	.00	.00	.00
OMIT 03	2796.98	.00	.00	.00	.00	.00	.00	.00
OMIT 04	3014.98	.00	.00	.00	.00	.00	.00	.00
OMIT 05	3958.37	.00	.00	.00	.00	.00	.00	.00
OMIT 06	9325.86	.00	.00	.00	.00	.00	19.46	.00
OMIT TOTALS	21844.25	.00	.00	.00	.00	.00	19.46	.00
OM07 05	.00	.00	.00	.00	.00	.00	31.01	.00
OM07 TOTALS	.00	.00	.00	.00	.00	.00	31.01	.00
RP06 06	.00	.00	.00	.00	.00	.00	115.18	.00
RP06 TOTALS	.00	.00	.00	.00	.00	.00	115.18	.00
RP07 07	.00	.00	.00	3.92-	.00	.00	.00	3.17-
RP07 TOTALS	.00	.00	.00	3.92-	.00	.00	.00	3.17-
RTN 07	125.00	.00	.00	.00	.00	.00	.00	25.00-
RTN TOTALS	125.00	.00	.00	.00	.00	.00	.00	25.00-
SUPP 02	207.50	.00	.00	.00	.00	.00	.00	.00
SUPP 03	670.44	.00	.00	.00	.00	.00	.00	.00
SUPP 04	669.03	.00	.00	.00	.00	.00	.00	.00
SUPP 05	701.43	.00	.00	.00	.00	.00	.00	.00
SUPP 06	5110.03	.00	.00	284.10-	.00	.00	149.81	142.05-
SUPP TOTALS	7358.43	.00	.00	284.10-	.00	.00	149.81	142.05-
TOTALS	40525.66	.00	7420.53	44975.11-	1009.68	.00	48000.56	48000.56-

[3,895.12]

CONT: . . .

2007	(29,593.99)
Prior	(3,895.12)
OMIT	21,844.25
Supp	7,074.33
RP07	(3.92)
RTN	125.00
	(4,449.45)

2007	(29,593.99)	
Prior	(3,895.12)	
OMIT	21,844.25	
Supp	7,074.33	
RP07	(3.92)	
	(4,574.45)	C.C. AGENDA
RTN	125.00	
	(4,449.45)	

TAX ADJUSTMENT LISTING
10/01/07 - 10/31/07
BY TRANSACTION DATE
PAYMENT RECAP TOTALS BY ENTITY/YEAR

ENTITY/YR	BASE TAX	PENALTY	INTEREST	COLL FEE	DISCOUNT	UNAPPLIED	TOTAL	
INT5 06	.00	.00	.00	.00	.00	49.05	49.05	TRANSFERS FROM
INT5 TOTALS	.00	.00	.00	.00	.00	49.05	49.05	
LARE 01	164.15	19.70	109.98	44.07	.00	.00	337.90	TRANSFERS FROM
LARE 02	7.85-	.94-	4.32-	1.97-	.00	.00	15.08-	TRANSFERS TO
LARE 03	28.52	3.42	12.26	6.63	.00	.00	50.83	TRANSFERS FROM
LARE 03	8.52-	.98-	3.52-	1.90-	.00	.00	14.92-	TRANSFERS TO
LARE 04	.00	.00	.00	.00	.00	15.26	15.26	TRANSFERS FROM
LARE 04	23.03-	2.76-	7.14-	4.94-	.00	.00	37.87-	TRANSFERS TO
LARE 05	366.28	43.94	75.42	72.83	.00	315.07	873.54	TRANSFERS FROM
LARE 05	457.94-	54.96-	89.94-	90.42-	.00	.00	693.26-	TRANSFERS TO
LARE 06	5371.58	644.44	436.79	967.72	.00	.00	7420.53	PAYMENT VOID
LARE 06	.00	.00	.00	.00	.00	618.53	618.53	CREDIT REFUND
LARE 06	8064.86	611.66	410.20	870.33	.00	24087.55	34044.60	TRANSFERS FROM
LARE 06	7754.30-	902.08-	585.86-	1310.35-	.00	2689.41-	13242.00-	TRANSFERS TO
LARE 07	.00	.00	.00	.00	.00	391.15	391.15	CREDIT REFUND
LARE 07	3232.47	.00	.00	.00	.00	9081.45	12313.92	TRANSFERS FROM
LARE 07	33231.91-	.00	.00	.00	.00	595.30-	33827.21-	TRANSFERS TO
LARE TOTALS	24255.69-	361.44	353.87	552.00	.00	31224.30	8235.92	
OMIT 06	.00	.00	.00	.00	.00	19.46	19.46	TRANSFERS FROM
OMIT TOTALS	.00	.00	.00	.00	.00	19.46	19.46	
OM07 05	.00	.00	.00	.00	.00	31.01	31.01	TRANSFERS FROM
OM07 TOTALS	.00	.00	.00	.00	.00	31.01	31.01	
RP06 06	.00	.00	.00	.00	.00	115.18	115.18	TRANSFERS FROM
RP06 TOTALS	.00	.00	.00	.00	.00	115.18	115.18	
RP07 07	3.17-	.00	.00	.00	.00	.00	3.17-	TRANSFERS TO
RP07 TOTALS	3.17-	.00	.00	.00	.00	.00	3.17-	
RTN 07	25.00-	.00	.00	.00	.00	.00	25.00-	TRANSFERS TO
RTN TOTALS	25.00-	.00	.00	.00	.00	.00	25.00-	
SUPP 06	142.05	.00	.00	.00	.00	7.76	149.81	TRANSFERS FROM
SUPP 06	142.05-	.00	.00	.00	.00	.00	142.05-	TRANSFERS TO
SUPP TOTALS	.00	.00	.00	.00	.00	7.76	7.76	
TOTALS	24283.86-	361.44	353.87	552.00	.00	31446.76	8430.21	

5,743.75

(29,999.44)

2007 (29,999.44)
Prior 5,743.75
RP07 (3.17)
Supp06 ~~0~~
RTN (25.00)

(24,283.86)

TAX ADJUSTMENT LISTING
10/01/07 - 10/31/07
BY TRANSACTION DATE
RECAP TOTALS BY ADJUSTMENT CODE

ADJ CODE	+ BASE	PAYMT REF	PYMT VOID	- BASE	CR REF	+/-TX DUE	TRANS FRM	TRANS TO
APCR	.00	.00	.00	.00	.00	.00	33167.86	33167.86-
CBR	.00	.00	.00	.00	1009.68	.00	.00	.00
CITY	.00	.00	.00	301.09-	.00	.00	.00	.00
DA	.00	.00	.00	565.28-	.00	.00	.00	.00
ENV	713.23	.00	.00	.00	.00	.00	.00	.00
EP	.00	.00	.00	2029.42-	.00	.00	.00	.00
LHS	.00	.00	.00	263.60-	.00	.00	.00	.00
NSF	.00	.00	7420.53	.00	.00	.00	.00	.00
OTAX	21844.25	.00	.00	.00	.00	.00	76.44	76.44-
OTHR	.00	.00	.00	284.10-	.00	.00	9206.95	9206.95-
OV65	.00	.00	.00	4153.98-	.00	.00	.00	.00
PROT	.64	.00	.00	22970.55-	.00	.00	.00	.00
REND	.00	.00	.00	3.92-	.00	.00	286.65	286.65-
RTN	125.00	.00	.00	.00	.00	.00	.00	.00
SCE	141.55	.00	.00	194.39-	.00	.00	.00	.00
SCP	142.05	.00	.00	.00	.00	.00	.00	.00
SDA	.00	.00	.00	502.78-	.00	.00	975.88	975.88-
SENV	580.40	.00	.00	.00	.00	.00	.00	.00
SEP	.00	.00	.00	602.07-	.00	.00	23.91	23.91-
SO65	.00	.00	.00	2186.50-	.00	.00	191.10	191.10-
SPLT	10484.11	.00	.00	10729.52-	.00	.00	.00	.00
SSPT	6494.43	.00	.00	.00	.00	.00	.00	.00
SVET	.00	.00	.00	108.29-	.00	.00	367.74	367.74-
TRNF	.00	.00	.00	.00	.00	.00	2936.34	2936.34-
VET	.00	.00	.00	79.62-	.00	.00	767.69	767.69-
TOTALS	40525.66	.00	7420.53	44975.11-	1009.68	.00	48000.56	48000.56-

YR/ADJ CODE	BASE TAX	PENALTY	INTEREST	COLL FEE	DISCOUNT	UNAPPLIED	TOTAL	
07 TOTALS	.00	.00	.00	.00	.00	.00	.00	
49 TOTALS	.00	.00	.00	.00	.00	.00	.00	
50 TOTALS	.00	.00	.00	.00	.00	.00	.00	
51 TOTALS	.00	.00	.00	.00	.00	.00	.00	
52 TOTALS	.00	.00	.00	.00	.00	.00	.00	
53 TOTALS	.00	.00	.00	.00	.00	.00	.00	
54 TOTALS	.00	.00	.00	.00	.00	.00	.00	
55 TOTALS	.00	.00	.00	.00	.00	.00	.00	
73 TOTALS	.00	.00	.00	.00	.00	.00	.00	
75 TOTALS	.00	.00	.00	.00	.00	.00	.00	
76 TOTALS	.00	.00	.00	.00	.00	.00	.00	
77 TOTALS	.00	.00	.00	.00	.00	.00	.00	
01 TRNF	164.15	19.70	109.98	44.07	.00	.00	337.90	TRANSFERS FROM
01 TOTALS	164.15	19.70	109.98	44.07	.00	.00	337.90	
02 OTHR	7.85-	.94-	4.32-	1.97-	.00	.00	15.08-	TRANSFERS TO
02 TOTALS	7.85-	.94-	4.32-	1.97-	.00	.00	15.08-	
03 OTHR	8.52-	.98-	3.52-	1.90-	.00	.00	14.92-	TRANSFERS TO
03 TRNF	28.52	3.42	12.26	6.63	.00	.00	50.83	TRANSFERS FROM
03 TOTALS	20.00	2.44	8.74	4.73	.00	.00	35.91	
04 APCR	.00	.00	.00	.00	.00	15.26	15.26	TRANSFERS FROM
04 TRNF	23.03-	2.76-	7.14-	4.94-	.00	.00	37.87-	TRANSFERS TO
04 TOTALS	23.03-	2.76-	7.14-	4.94-	.00	15.26	22.61-	
05 APCR	.00	.00	.00	.00	.00	346.08	346.08	TRANSFERS FROM
05 OTHR	292.38	35.09	61.40	58.33	.00	.00	447.20	TRANSFERS FROM
05 OTHR	292.38-	35.09-	58.48-	57.89-	.00	.00	443.84-	TRANSFERS TO
05 TRNF	73.90	8.85	14.02	14.50	.00	.00	111.27	TRANSFERS FROM
05 TRNF	165.56-	19.87-	31.46-	32.53-	.00	.00	249.42-	TRANSFERS TO
05 TOTALS	91.66-	11.02-	14.52-	17.59-	.00	346.08	211.29	
06	2689.41	.00	.00	.00	.00	.00	2689.41	TRANSFERS FROM
06	.00	.00	.00	.00	.00	2689.41-	2689.41-	TRANSFERS TO
06 APCR	.00	.00	.00	.00	.00	24279.00	24279.00	TRANSFERS FROM
06 APCR	38.69-	2.30-	.38-	.00	.00	.00	41.37-	TRANSFERS TO
06 CBR	.00	.00	.00	.00	.00	618.53	618.53	CREDIT REFUND
06 NSF	5371.58	644.44	436.79	967.72	.00	.00	7420.53	PAYMENT VOID
06 OTHR	4698.70	530.45	369.59	750.54	.00	.00	6349.28	TRANSFERS FROM
06 OTHR	5885.62-	706.27-	484.46-	1061.46-	.00	.00	8137.81-	TRANSFERS TO

TAX ADJUSTMENT LISTING
10/01/07 - 10/31/07
BY TRANSACTION DATE
PAYMENT RECAP TOTALS BY YEAR/ADJUSTMENT CODE

YR/ADJ CODE	BASE TAX	PENALTY	INTEREST	COLL FEE	DISCOUNT	UNAPPLIED	TOTAL	
06 TRNF	818.80	81.21	40.61	119.79	.00	.00	1060.41	TRANSFERS FROM
06 TRNF	1972.04-	193.51-	101.02-	248.89-	.00	.00	2515.46-	TRANSFERS TO
06 TOTALS	5682.14	354.02	261.13	527.70	.00	22208.12	29033.11	
07 APCR	.00	.00	.00	.00	.00	8527.52	8527.52	TRANSFERS FROM
07 APCR	33126.49-	.00	.00	.00	.00	.00	33126.49-	TRANSFERS TO
07 CBR	.00	.00	.00	.00	.00	391.15	391.15	CREDIT REFUND
07 OTHR	2410.47	.00	.00	.00	.00	.00	2410.47	TRANSFERS FROM
07 OTHR	.00	.00	.00	.00	.00	595.30-	595.30-	TRANSFERS TO
07 TRNF	822.00	.00	.00	.00	.00	553.93	1375.93	TRANSFERS FROM
07 TRNF	133.59-	.00	.00	.00	.00	.00	133.59-	TRANSFERS TO
07 TOTALS	30027.61-	.00	.00	.00	.00	8877.30	21150.31-	
TOTALS	24283.86-	361.44	353.87	552.00	.00	31446.76	8430.21	

	PREVIOUS BALANCES	TRANSACTIONS THIS PERIOD: ORIGINAL TRANSACTIONS	ADJUSTMENTS TO ORIGINAL	ADJUSTMENTS TO PREVIOUS	NET ADJUSTMENTS	ENDING BALANCES
BASE TAX BILLED	.00	59,703,763.25	29,472.91-	.00	29,472.91-	59,674,290.34
- BASE TAX PAID	.00	2,790,735.98	1,477.80-	31,505.41	30,027.61	2,820,763.59
- BASE PAID FROM DEFERRED	.00	.00	.00	.00	.00	.00
+/- ADJUSTMENTS TO UNPAID TAX	.00		.00	.00	.00	.00
= OUTSTANDING BASE TAX	.00					56,853,526.75
CHARGES LEVIED						
- CHARGES PAID						
+/- ADJUSTMENTS TO UNPAID CHARGES						
= OUTSTANDING CHARGES						
OTHER PAID:						
PENALTY	.00	.00	.00	.00	.00	.00
INTEREST	.00	.00	.00	.00	.00	.00
COLLECTION FEE	.00	.00	.00	.00	.00	.00
DISCOUNT	.00	.00	.00	.00	.00	.00
UNAPPLIED	8,017.37	3,276.72	901.74-	7,975.56-	8,877.30-	2,416.79
DEFERRED	.00	.00	.00	.00	.00	.00
TOTAL PAID	8,017.37	2,794,012.70	2,379.54-	23,529.85	21,150.31	2,823,180.38

	PREVIOUS BALANCES	ORIGINAL TRANSACTIONS	TRANSACTIONS THIS PERIOD ADJUSTMENTS TO ORIGINAL	ADJUSTMENTS TO PREVIOUS	NET ADJUSTMENTS	ENDING BALANCES
BASE TAX BILLED	487,659,478.97	59,703,763.25	10,071.16-	5,621.71	4,449.45-	547,358,792.77
- BASE TAX PAID	483,198,210.79	3,060,518.55	438.63-	24,722.49	24,283.86	486,283,013.20
- BASE PAID FROM DEFERRED	.00	.00	.00	.00	.00	.00
+/- ADJUSTMENTS TO UNPAID TAX	2,734.03-		.00	.00	.00	2,734.03-
= OUTSTANDING BASE TAX	4,458,534.15					61,073,045.54
CHARGES LEVIED						
- CHARGES PAID						
+/- ADJUSTMENTS TO UNPAID CHARGES						
= OUTSTANDING CHARGES						
OTHER PAID:						
PENALTY	14,791,739.84	27,013.43	124.86	486.30-	361.44-	14,818,391.83
INTEREST	2,261,898.13	40,700.46	62.30	416.17-	353.87-	2,302,244.72
COLLECTION FEE	6,118,067.99	43,923.55	184.14	736.14-	552.00-	6,161,439.54
DISCOUNT	.00	.00	.00	.00	.00	.00
UNAPPLIED	7,313.36	3,314.12	932.67-	30,514.09-	31,446.76-	20,819.28-
DEFERRED	.00	.00	.00	.00	.00	.00
TOTAL PAID	506,377,230.11	3,175,470.11	1,000.00-	7,430.21-	8,430.21-	509,544,270.01

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/07	Consideration for approval to award a professional services contract to Brinkley Sargent Architects, Dallas, Texas, for an amount not to exceed $330,500.00 for Phase I – Development of program and master plans for Northwest Center Park Site and Phase II – Design and Construction of Recreation Center for the Northwest Recreation Center Park to be located on a 7.027 acre site in Villas San Agustin Subdivision, Unit 3. Design work is to be on a fast track basis. Funding is available in the 2005 CO Bond – Northwest Recreation Center/Pool.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Rogelio Rivera, P.E., City Engineer

PREVIOUS COUNCIL ACTION:
None.

BACKGROUND:
Three (3) firms responded to the request for qualifications on Friday, February 16, 2007, at 4:00 P.M., as follows:

1. Frank Architects, Inc., Laredo, Texas
2. Harry Jewett Associates, Laredo, Texas
3. Brinkley Sargent Architects, Dallas, Texas

Scope of services include, but are not limited to:

Surveys, design, preparation of plans and specifications, construction observation phase services, and project close out for the above referred project which includes a recreation center (approximately 16,000 square foot building) with multi-purpose room, gymnasium, exercise/weight room, office space, kitchen, library, restrooms and storage facilities. Outdoor facilities include a swimming pool, bath house, shade, mister system, parking, proper lighting, landscape, irrigation, playground, basketball court, pavilion, walking trail, benches, picnic tables, drinking water fountains, trash receptacles, proper signage and other park amenities. The project shall be in compliance with local, state, and federal regulations and in coordination with Parks and Recreations Staff, Utilities and other City Staff relevant to the orderly completion of the work. Attached is a location map so that each interested party may visit the site at any time, or you may call the City Engineering or Parks and Recreations Department for Directions.

The Staff Committee composed of several City Departments evaluated the submittals and based on the City's standard selection criteria (capability to perform, professional background, quality of projects, etc.) Brinkley Sargent Architects, Dallas, Texas, is recommended.

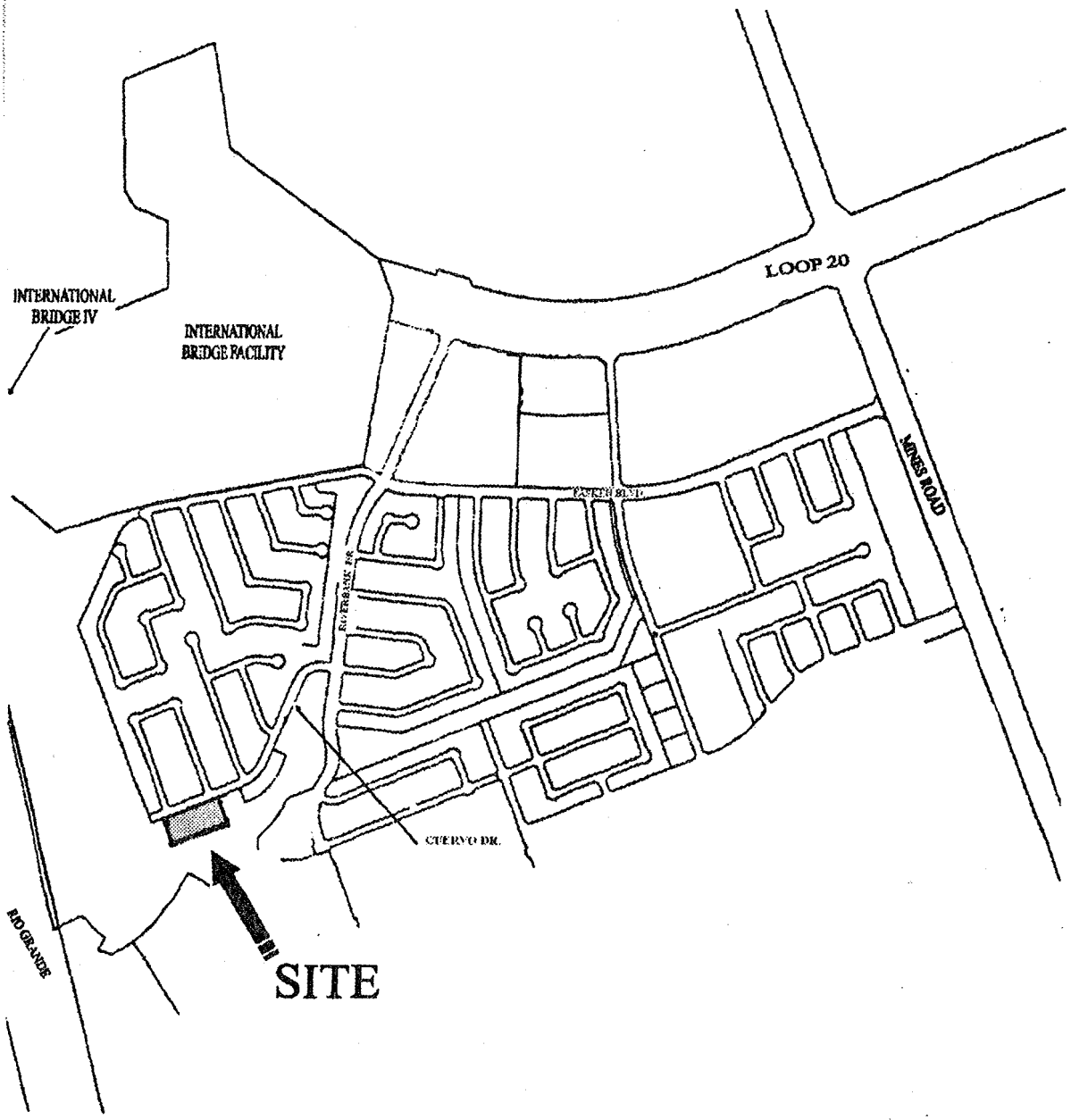
Fee breakdown is as follows:

Phase I – Development of program and master plans for Northwest Center Park Site.....$57,500.00
(Site visit and kick-off meeting in Laredo - $7,500.00, Base data and site Assessments - $7,000.00, Analysis presentation and programming workshop in Laredo - $5,500.00, Concept master plan - $16,000.00, Schematic master plan, cost projection, and phasing plan - $18,000.00, Master plan and phasing presentation in Laredo -$3,500.00)
Phase II – Design and Construction of Recreation Center.....$265,000.00
Reimbursable Allowance Expenses.....$ 8,000.00
Total A/E Fee.....$330,500.00

Design work is to be done on a fast track basis.

FINANCIAL IMPACT:
Funding is available in the 2005 CO Bond – Northwest Recreation Center/Pool.
Account No. 460-9822-535-4237

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A.	Approval of Motion.



CONSIDERATION FOR APPROVAL TO AWWARD A PROFESSIONAL SERVICE CONTRACT FOR PHASE I- DEVELOPMENT OF PROGRAM AND MASTER PLANS FOR THE NORTHWEST CENTER PARK SITE AND PHASE II-DESIGN AND CONSTRUCTION OF RECREATION CENTER FOR THE NORTHWEST RECREATION CENTER PARK TO BE LOCATED ON A 7.027 ACRE SITE IN VILLAS SAN AGUSTIN SUBDIVISION, UNIT 3

City Council Meeting November 19, 2007	**CITY OF LAREDO** **ENGINEERING DEPARTMENT** 1110 HOUSTON ST P.O. BOX 579 PH. 791-7346 FAX (210) 791-7496	AGENDA ITEM

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/07	Consideration for approval of change order no. 1 a decrease of $20,117.00 for the balance of quantities actually constructed in place and to add twenty-six (26) working days to the construction contract time due to rain delays and holidays, acceptance of the Police Substation for Fire Station No. 14 at Cielito Lindo Blvd. and approval of final payment in the amount of $32,334.80 to Zertuche Construction Company, Laredo, Texas. Final construction contract amount is $310,433.00. Funding is available in the 2006 C.O. Bond.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Rogelio Rivera, P.E., City Engineer

PREVIOUS COUNCIL ACTION:
On December 4, 2006, City Council awarded a construction contract to the lowest qualified bidder Zertuche Construction Company, Laredo, Texas, in the bid amount of $330,550.00 for the Police Substation for Fire Station No. 14 at Cielito Lindo Blvd.

BACKGROUND:
The work of this contract comprised the general construction of a Police Substation at Fire Station No. 14, Cielito Lindo Blvd., approximately 1,080 square feet in Laredo, Texas, Webb County, for the City of Laredo.

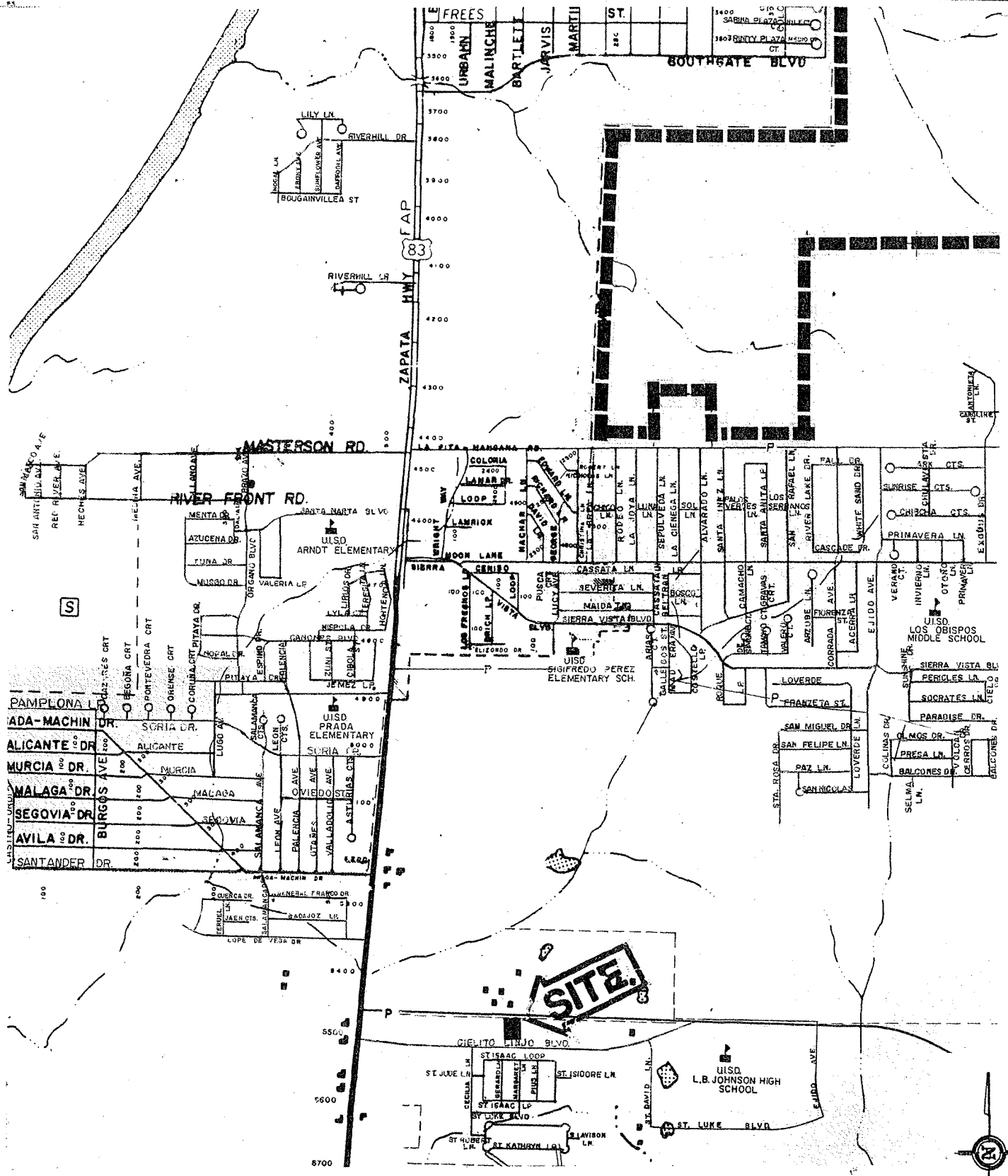
Plans and specifications were prepared by Sepulveda Associates Architects, Inc., Laredo, Texas.

This change order no. 1 is for the balance of quantities actually construction in place and to add twenty-six (26) working days to the construction contract time due to rain delays and for holidays as allowed per project specifications.

Original construction contract amount.....$330,550.00
(Awarded by City Council on December 4, 2006)
This change order no. 1.....$(20,117.00)
Final construction contract amount.....$310,433.00

FINANCIAL IMPACT:
Funding is available in the 2006 C.O. Bond.
Account No. 461-9854-535-4892

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A.	Approval of Motion.



CONSIDERATION FOR APPROVAL OF CHANGE ORDER No. 1, AND ACCEPTANCE OF THE POLICE SUBSTATION FOR FIRE STATION No. 14 AT CIELITO LINDO BLVD. AND APPROVAL OF FINAL PAYMENT

City Council Meeting November 19, 2007	**CITY OF LAREDO** **ENGINEERING DEPARTMENT** 1110 HOUSTON ST. P.O. BOX 579 PH. 791-7346 FAX (210) 791-7496	AGENDA ITEM

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION (S)
11/19/07	Consideration to authorize the purchase of turnstile spare equipment in the amount of $79,369.76 from sole source provider, Transcore L.P., for the electronic toll collection system. Funding is available in the Bridge System Fund.

INITIATED BY:	STAFF SOURCE:
Jesus M. Olivares, Assistant City Manager	Mario I. Maldonado, Jr., Bridge Director

PREVIOUS COUNCIL ACTION:
On July 02, 2007, Council authorized the purchase of turnstile spare equipment from the sole source provider Transcore L.P. Equipment is used to provide preventative maintenance and repair to toll collection equipment at Bridge of the Americas, "El Portal".

BACKGROUND:

On July 28, 2004 Council approved to award a construction contract to Leyendecker Construction for the City of Laredo Bridge of the Americas Modification Project "El Portal". A critical part of the Modification Project was the upgrading of our electronic toll collection systems (Hardware & Software) primarily for the pedestrian traffic. The project included the installation and integration of new pedestrian subsystem consisting of thirteen automatic pedestrian gates, four point of sale terminals and two ticket vending machines.

Due to volume of pedestrian traffic and the use of such equipment, the purchase of spare equipment is necessary in order to continue to provide preventative maintenance and repair toll collection equipment in a timely manner. The existence of such equipment in inventory will reduce the repair process therefore minimizing delays in the processing of pedestrian traffic.

FINANCIAL IMPACT:
Funding is available in the Bridge System Fund, Repairs to Machinery and Equipment, Acct. 553-4010-532-3030.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A	Approval of motion.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTIONS
11/19/07	Consideration to authorize the purchase of one service truck from Rush Truck Centers of Texas L.P., in the total amount of $98,985.00 through the Houston Galveston Area Council of Governments (H-GAC) cooperative purchasing program's contract pricing. These trucks will be assigned to the Fleet Maintenance Division. Funding is available in the Fleet Maintenance fund budget.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon, Assistant City Manager Jesus Olivares, Assistant City Manager	Jessica N. Hein, Communications and Support Services Department Director Francisco Meza, Purchasing Agent

PREVIOUS COUNCIL ACTION: Authorized participation in the Houston Galveston Area Council of Governments (H-GAC) cooperative purchasing program.

BACKGROUND: Authorization is requested to purchase a service truck for the Fleet Maintenance operation. The cab and chassis will be purchased from Rush Truck Center will include a lube maintenance body, utilizing the H-GAC cooperative purchasing program contract pricing.

Vendor	Equipment	Unit Price	Total
Rush Truck Center	2008 GMC Cab and Chassis	$97,985.00	$97,985.00
	H-GAC Admin Fee		$ 1,000.00
			$98,985.00

FINANCIAL IMPACT: Funding for this equipment is available in the Fleet Maintenance budget

Department	Expense Account	Amount
Automotive Equipment Capital Outlay	593-2810-535-9004	$98,985.00

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	It is recommended that this contract be approved.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/07	Motion authorizing the City Manager to execute a Fiscal Year 2008 Third Party Funding contract with the Laredo Animal Protective Society providing $300,000 for shelter operations funded through the General Fund.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon Assistant City Manager	Ronnie Acosta, CD Director

PREVIOUS COUNCIL ACTION:

9/17/07 – Council increased the proposed funding for the Laredo Animal Protective Society to $300,000 and allocated $100,000 for capital improvements funded through Council Member Discretionary funding, specifically $10,000 from Dist. I, $50,000 from Dist. II, $10,000 from Dist. III, $5,000 from Dist. IV, $10,000 from Dist. V, $5,000 from Dist. VI, and $10,000 from Dist. VII

BACKGROUND:

The Laredo Animal Protective Society (LAPS) provides a much needed service in the community related to the care, safety, and impoundment of homeless animals and the quarantine of animals deemed to be a threat to the population. As such, Laredo's City Council a the meeting of September 17, 2007 deemed it appropriate to award $300,000 to LAPS to offset operational costs of the animal shelter and to provide an additional $100,000 for on-site capital improvements.

Staff has met on various occasions with representatives of the Laredo Animal Protective Society to draft a contract document that appropriately addresses the responsibilities of each party and outlines the use and required accountability of funds.

The award of capital improvements will be brought forth at a later date.

FINANCIAL IMPACT:

Laredo Animal Protective Society/ General Fund Account #: 101-3010-543.54-31 - $ 300,000

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
	That this motion be passed.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/2007	MOTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE GEO GROUP IN THE AMOUNT OF $250,000.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Rosario Cabello, Financial Services Director

PREVIOUS COUNCIL ACTION:

None

BACKGROUND:

The GEO Group has been awarded a federal contract to build a privately-owned Detention Center and has donated $250,000 to the City of Laredo.

FINANCIAL:

Donation of $250,000 will be recorded in the General Fund.

COMMITTEE RECOMMENDATION:	RECOMMENDATION:
N/A	Staff recommends the approval of this motion.

COUNCIL COMMUNICATION

DATE: 11/19/07	SUBJECT: MOTIONS Consideration to award a contract to the low bidder Southwest Business Corporation in the estimated amount of $250,126 for credit card processing fees. The City of Laredo accepts payments by credit card for various fees due to the City. The following Departments / Divisions accept payment by credit card: Utilities, Tax, Bridge, Landfill, Health Department and others. Credit card processing will be used in connection with the Voice Response System, Click2Gov System and credit card terminals. Funding is available in the respective departmental expense line items.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager Cynthia Collazo, Deputy City Manager	Elizabeth Martinez, Tax Assessor & Collector Rosario C. Cabello, Finance Director

PREVIOUS COUNCIL ACTION: None

BACKGROUND: The City received bids for credit card processing fees. The amount of the contract is contingent upon the dollar amount and number of transactions processed by the various departments. The City currently accepts VISA and MasterCard, American Express and Discover credit cards. Fees are based on interchange rates set by VISA and MasterCard plus a processing fee charged by Southwest Business Corporation. The following companies responded to our Request for Proposals (RFP) for credit card processing:

	Estimated Cost based on estimated sales
First National Merchant Solutions	$298,548
Laredo National Bank	$372,015
First National Bank	$226,726
Falcon International Bank	$285,391
Automated Merchant Systems	$342,285
Payment Transaction Systems	$334,624
Southwest Business Corporation	$250,126
Bank of America	$308,922

The following were disqualified because the solution offer was different then what the RFP require or was incomplete:

Laredo National Bank
First National Bank
First Data Merchant Services

The credit card fees depend on the type of credit card used and the amount of the transaction. Based on the response to the RFP and estimated transactions, the average estimated fees is $1.52 per transaction or a 1.99% of the payment amount processed.

FINANCIAL IMPACT: Funding for the credit card processing fees is available in the respective departmental expense line items.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that contract be awarded to the low bidders.

COUNCIL COMMUNICATION

DATE: 11-19-07	**SUBJECT: MOTION** to amend the 2007 Consolidated One-Year Action Plan by reprogramming a total of $825,000 of 33rd Action Year (AY) 2007 Community Development Block Grant (CDBG) funds for the purpose of funding the Chacon Creek/Guatemozin Street Acquisition and Relocation project by redirecting funding for the following projects: Canizalez Park Pavilion and Improvements project ..... $100,000 Cielito Lindo Park project ..... $225,000 Shade Structures along Zacate Creek..... $100,000 Slaughter Park project.....$400,000 **Total Funds Reprogrammed.....$825,000** The Chacon Creek/Guatemozin Street Acquisition and Relocation project will enhance the floodplain and provide safety to the residents that will be relocated. The park projects are proposed to be funded through 2007 Certificate of Obligation Bond funds.

INITIATED BY:	**STAFF SOURCE:**
Horacio de Leon Assistant City Manager	Ronnie Acosta Community Development Director

PREVIOUS COUNCIL ACTION:

11/05/2007: A public hearing was held to allow interested persons to comment on the proposed amendment to the 2007 Consolidated One-Year Action Plan by reprogramming a total of $825,000 of 33rd Action Year (AY) 2007 Community Development Block Grant (CDBG) funds for the purpose of funding the Chacon Creek/Guatemozin Street Acquisition and Relocation project by redirecting funding for the Canizalez Park Pavillion and Improvements, the Cielito Lindo Park, Shade Structures along Zacate Creek and the Slaughter Park project.

BACKGROUND:

As a result of the recent flooding in City of Laredo and the subsequent damage to nine residences on the 3100 and 3200 Blocks of Guatemozin, the City has declared the public necessity to acquire the properties on these blocks and has authorized staff to negotiate with the owners for the acquisition of their properties.

This project consists of the acquisition, relocation and clearance of eight lots on the 3100 and 3200 blocks of Guatemozin St. to provide green space and recreational park area with hiking and bike trails. This project will enhance the floodplain and provide safety to the residents that will be relocated.

Background Continued on page 2

FINANCIAL IMPACT:

Canizalez Park Pavilion and Improvements- 211-9380-555-1403-	$100,000
Cielito Lindo Park project- 211-9380-555-1397-	$225,000
Shade Structures along Zacate Creek- 211-9380-555-1399-	$100,000
Slaughter Park project - 211-9380-555-1398-	$400,000
Total fund to be reprogrammed -	**$825,000**

COMMITTEE RECOMMENDATION:	**STAFF RECOMMENDATION:**
N/A	That this motion be passed.

Background Continued from page 1

In order to fund this project, staff is proposing to reprogram a total of $825,000 of 33rd Action Year (AY) 2007 Community Development Block Grant (CDBG) funds by redirecting funding for the Canizalez Park Pavilion and Improvements ($100,000), the Cielito Lindo Park ($225,000), the Shade Structures along Zacate Creek ($100,000), and the Slaughter Park project ($400,000). The park projects are proposed to be funded through 2007 Certificate of Obligation Bond funds.

A substantial amendment regarding the use of CDBG funds requires that citizens be informed of the proposed changes and be provided an opportunity to comment.

In adherence with the Citizens Participation Plan, citizens were given 30 days, beginning October 15, 2007 through November 15, 2007 to provide oral and/or written comments. No comments were received.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION
11/19/07	Authorizing the City Manager to enter into contract and award 2007 Emergency Shelter Grant funds (ESG) made available by the U.S. Department of Housing and Urban Development to the following non-profit agencies: (1) $60,000.00 to the Laredo Homeless Coalition (LHC) for operation of the Guadalupe and Lilia Martinez Resource Center (2) $40,000.00 to the Laredo Homeless Coalition to provide Essential Services (3) $9,479.00 to Casa De Misericordia (Casa) for operation of their shelter (4) $48,000.00 to Bethany House to provide Homeless Prevention assistance Funding is available in the 2007 Emergency Shelter Grant fund.

INITIATED BY:	STAFF SOURCE:
Mr. Horacio De Leon Asst. City Manager	Ms. Ronnie Acosta CD Director

PREVIOUS ACTION:

8/06/07- Council approved the submission of the 2007 One Year Action Plan to HUD that included the application for 2007 Emergency Shelter Grant funds in the amount of $160,079.00 and identified the agencies that were to be awarded ESG funding.

BACKGROUND:

As a result of the submission and approval of the 2007 One Year Action Plan, the City of Laredo was awarded $160,079.00 in Emergency Shelter Grant funds by the U.S. Department of Housing and Urban Development. These funds are strictly identified for use to provide assistance to homeless individuals/families, or those on the verge of becoming homeless. The ESG program requires that all funds be committed within 180 days of the October 1, 2007 award date.

Background Cont'd

FINANCIAL:

2007 Emergency Shelter Grant / Act.#'s:

Laredo Homeless Coalition – 219-9352-563-5566.....$60,000.00
Laredo Homeless Coalition – 219-9352-563-5581.....$40,000.00
Casa De Misericordia – 219-9352-563-5566.....$9,479.00
Bethany House – 219-9352-563-5562.....$48,000.00

STAFF:

That this motion be passed.

Background Continued Pg. 2

COUNCIL COMMUNICATION

Background Continued from Page 1

During the Consolidated Plan planning process, the City, through public notice, requested proposals from local homeless service providers for the use of ESG funds. A total of $2,600.00 (approx. 2%) has been allocated for program administration. The following service providers expressed an interest in obtaining the remaining funds of $157,479.00.

Name of Service Provider	Type of Funding Requested	Amount Requested	Amount Recommended by staff	How funds will be used
Laredo Homeless Coalition	Operation	$64,230.00	$60,000.00	Assistance with rent, repairs, utiliites, security, maintenance, fuel, equipment, insurance, food, and furnishings for the Guadalupe & Lilia Martinez Resource Center.
Laredo Homeless Coalition	Essential Services	$47,906.00	$40,000.00	Services for the homeless concerned with employment, health, drug abuse or education
Casa De Misericordia	Operation	$45,900.00	$ 9,479.00	Assistance with rent, repairs, utilities, security, maintenance, fuel, equipment, insurance, food, and furnishing for Casa De Misericordia
Bethany House	Homeless Prevention	$53,000.00	$48,000.00	Bethany House proposes to use funds to assist individuals or families on the verge of becoming homeless with utility, rent, or mortgage payments, or first month's rent and deposit.
			$157,479.00	

In addition, all service providers expressed their willingness to provide the required in-kind program match. A review committee comprised of staff from the Finance Department,the Non-Profit Management and Volunteer Center, and the Community Development Department, reviewed and scored all proposals and made recommendations for funding. Service providers who submitted proposals for ESG funds were identified for funding in the Consolidated Plan and the Consolidated Plan was approved by Council on August 6, 2007.

A CONTRACT
Between the
CITY OF LAREDO
and
CASA DE MISERICORDIA

The contract is made between the City of Laredo, a municipal corporation, (hereinafter called "CITY') and Casa De Misericordia, a non-profit organization (hereinafter called "Casa ") for shelter operations of Casa De Misericordia.

TERMS AND CONDITIONS

1. **CITY agrees to do the following**:

A. Contract a total of Nine Thousand Four Hundred Seventy-Nine and No/100 ($9,479.00) from 2007 Emergency Shelter Grant funds for shelter operations of Casa De Misericordia located at 1618 Hendricks, Laredo, Texas 78041 in order to accommodate homeless females with or without children.

B. Issue payments to Casa De Misericordia for operational expenses as they occur and/or are requested by Casa De Misericordia.

C. Monitor the expenditure of funds to insure compliance with federal rules and regulations.

2. **Casa agrees to do the following**:

A. Utilize 2007 Emergency Shelter Grant funds exclusively for Casa De Misericordia shelter's maintenance, operation, rent, repairs, security, fuel, equipment, insurance, food and furnishings, associated with emergency shelters for the homeless.

B. Provide an in-kind match of NineThousand Four Hundred Seventy-Nine and No/100 ($9,479,00) for the operation of Casa De Misericordia.

C. Provide a budget for the use of ESG funds for operation of Casa De Misericordia. **(Exhibit A)**

D. Insure that the operation of Casa De Misericordia is carried out in compliance with the Emergency Shelter Grant Regulations, as amended and defined in 24CFR Part 576 and attached as **Exhibit B,** and 42 USC Part B, attached as **Exhibit C**.

E. Comply with the record keeping requirements of the City to include maintaining and making

records available, as necessary for a period of three years, to include (but not limited to):

1. An accurate record of expenses supported by invoices and billing statements.

2. Data regarding population served. **(Exhibit D)**

3. Completed Homeless Eligibility Forms for each client. **(Exhibit E)**

3. Written policy regarding conflict of interest.

4. Written procedures regarding confidentialy of client records and the address location of the facility that serves domestic violence victims.

5. Annual internal audit report.

6. Written procurement or subcontracting procedures.

7. Property records for assets acquired with grant funds and safeguards for preventing loss, damage or theft of recipient held property.

F. Make the shelter available for monitoring visits by CITY and the U.S. Department of Housing and Urban Development or its design, for three (3) years from the execution of this contract.

G. Meet the requirement of having at least one homeless person or formerly homeless person participating in the policy decision making process regarding projects receiving ESG funds.

H. Meet the requirement of providing supportive services.

I. Expend the contract funds by June 1, 2009.

3. **Common Areas**

The Common areas of the shelter will be used exclusively for secular purposes and made available to all persons regardless of religion.

4. **Anti- Discrimination**

Casa De Misericordia will not discriminate against applicants for housing or other services on the basis of age, religion, race, sex, disability, veteran status, familial status, or national origin.

5. **Termination**

In the event that Casa De Misericordia fails to provide services in accordance with the provisions of this contract, CITY may upon written notice of default to Casa De Misericordia terminate the whole or any part of this contract, and such termination shall not be an exclusive remedy, but shall be in addition to any other rights and remedies provided by law or under this contract.

6. **Mutual Assurances**

The parties each agree to hold and save free and harmless each other for liability resulting from acts, omissions, and defaults by their employees, agents, or representatives and which cause damages or injuries to persons or property in conjunction with administration of the homeless assistance program.

7. **Entire Agreement Represented**

This contract and its exhibits represent the entire agreement of the parties. This contract may not be changed except by written agreement approved by the City Council and duly executed by all of the parties hereto.

8. **Multiple Counterparts**

This contract may be executed in several counterparts each of which shall be deemed an original and all of which when taken together shall constitute but one and the same contract.

9. **Notice**

Any and all notices or other communications required or permitted to be given pursuant to this contract shall be in writing and shall be considered as properly given if mailed by certified, return receipt requested mail, postage prepaid and addressed as follows:

Sister Rosemary Welsh
Executive Director
P.O. Box 430175
Laredo, TX 78041

Larry Dovalina
City Manager
P.O. Box 579
Laredo, TX 78040-0579

10. **Parties Bound**

This contract shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, legal representatives, successors and assigns.

11. **Representations**

No representations, promise, guarantees or warranties were made to induce the other party to the execution of this contract, or made in connection therewith, which are not expressly stated in the body of this contract.

12. **Severability**

If any provision of this contract shall for any reason be held violative of any applicable law, governmental rule or regulation or if said contract is held to be unenforceable or unconscionable, then the invalidity of such specific provisions herein shall not be held to invalidate the remaining provisions of this contract. Such other provisions and the entirety of this contract shall remain in full force and effect unless the removal of said invalid provision destroys the legitimate purpose of this contract, in which event this contract shall be null and void.

13. **State Law Applicable to this Contract**

This contract shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payments are due in performance and payable in Laredo Webb County, Texas.

(i) Complete Understanding

By execution and acceptance of this contract, the parties hereto acknowledge they have read the same and understand each provision, term and obligation contained in this contract. This contract although drawn by one party shall be construed fairly and reasonably and not more strictly against the drafting party that the non-drafting party.

(ii). Acceptance

This contract shall not be binding until it is executed by both parties to this contract.

(iii) Date and Effectiveness

This contract shall become effective upon execution whereupon the parties' obligations contained hereinabove shall be conclusive and binding upon all or the parties hereto and this contract shall no longer be considered executory.

(iv) Signatory clause

This contract is signed, accepted and agreed to by CITY and Casa De Misericordia by and through the parties or the parties' agents or authorized representatives and the same hereby acknowledge that they have read and understand this contract and the attachments and/or exhibits hereto and that all parties execute this legal document voluntarily and of their own free will.

Executed in duplicate originals, this _____ day of _____, 2007.

CASA DE MISERICORDIA

By: _____
Sister Rosemary Welsh
Executive Director

CITY OF LAREDO

By: _____
Carlos Villarreal
City Manager

ATTEST:

_____
Gutavo Guevara, Jr., City Secretary

APPROVED AS TO FORM:
Valeria Acevedo, Interim City Attorney

By: _____
Anthony C. McGettrick, Assistant City Attorney

3.1d CASA will hold at least three groups a month for the women and children residents and ex-residents, in 2007.
3.1f CASA will pursue at least three other funding streams to assist in the operation of the shelter, in 2007

4.1. **Project Budget**

Operational expenses	**City ESG Grant**	**CASA Match (In-kind)**
Electricity	$12,000	Professional and Non-Professional
Water	$ 4,300	Volunteer hours @ $45,900
Natural Gas	$ 500	
Telephone	$ 3,200	
Road Runner	$ 400	
Repairs & Maintenance	$ 7,000	
Insurance	$ 3,000	
Food	$12,000	
Housekeeping	$ 3,500	
Total	**$45,900**	**$45,900**

NOTE: Please see attachment for Casa's full operating budget

Sister Rosemary Welsh, RSM, RN

Sister Rosemary Welsh, RSM, RN
Executive Director

4-19-07
Date

EXHIBIT
A

Casa De Misericordia
Operating Budget
Fiscal Year 2007 (July 1, 2006 - June 30, 2007)

Revenue

Contributions & Grants		
Miscellaneous Donation	$48,200	
In-Kind	68,200	
Grant - Caritas	25,000	
Grant - Catherine's Legacy	50,000	
Grant - The City of Laredo	9,375	
Grant - City of Laredo ESG	15,000	awarded amount
Grant - The Canseco Foundation		$31,500
Grant - Health & Human Services	279,200	
Grant - Mitias De Llano	48,800	
Grant - OAG	50,000	not awarded
Grant - Other	33,000	
Grant - Regional Apostolic Fund	10,000	
Grant - United Way	55,000	
Grant - VOCA	40,000	
Total Contributions & Grants	$731,775	
Fundraising Events	75,000	
Investment Income	32,000	
Interest Income	15,000	
Total Revenue	$853,775	

Expenses

Client Assistance	131,500
Communication	13,550
Depreciation Expense	40,990
Employee Benefits	125,900
Insurance	6,000
Office Equipment Maintenance	5,900
Other Expenses	10,435
Postage	1,100
Printed Forms and Printing Supplies	500
Professional Fees	35,000
Rent	18,000
Repairs & Maintenance	15,000
Salaries & Wages	362,200
Supplies	52,800
Travel	2,500
Utilities	32,400
Total Expenses	$853,775
Net Income/Loss	-----

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PART 576_EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT--Table of Contents

Subpart A_General

Sec. 576.1 Applicability and purpose.

Subpart A_General

Sec.
576.1 Applicability and purpose.
576.3 Definitions.
576.5 Allocation of grant amounts.

Subpart B_Eligible Activities

576.21 Eligible activities.
576.23 Faith-based activities.
576.25 Who may carry out eligible activities.

Subpart C_Award and Use of Grant Amounts

576.31 Application requirements.
576.33 Review and approval of applications.
576.35 Deadlines for using grant amounts.

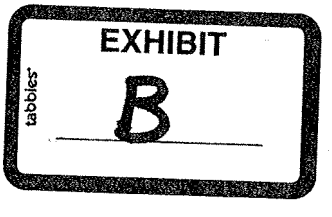
Subpart D_Reallocations

576.41 Reallocation; lack of approved consolidated plan--formula cities and counties.
576.43 Reallocation of grant amounts; lack of approved consolidated plan--States, territories, and Indian tribes.
576.45 Reallocation of grant amounts; returned or unused amounts.

Subpart E_Program Requirements

576.51 Matching funds.
576.53 Use as an emergency shelter.
576.55 Building standards.
576.56 Homeless assistance and participation.
576.57 Other Federal requirements.
576.59 Relocation and acquisition.

Subpart F_Grant Administration



576.61 Responsibility for grant administration.
576.63 Method of payment.
576.65 Recordkeeping.
576.67 Sanctions.

Authority: 42 U.S.C. 3535(d) and 11376.

Source: 54 FR 46799, Nov. 7, 1989, unless otherwise noted.

This part implements the Emergency Shelter Grants program contained in subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11371-11378). The program authorizes the Secretary to make grants to States, units of general local government, territories, and Indian tribes (and to private nonprofit organizations providing assistance to homeless individuals in the case of grants made with reallocated amounts) for the rehabilitation or conversion of buildings for use as emergency shelter for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless, and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness.

[61 FR 51548, Oct. 2, 1996]

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Subpart A_General

Sec. 576.3 Definitions.

The terms Grantee and HUD are defined in 24 CFR part 5.

Administrative costs means as the term is defined in Sec. 583.135(b) of this part, except that the exclusion relates to the costs of carrying out eligible activities under Sec. 576.21(a).

Consolidated plan means the plan prepared in accordance with part 91 of this title. An approved consolidated plan means a consolidated plan that has been approved by HUD in accordance with part 91 of this title.

Conversion means a change in the use of a building to an emergency shelter for the homeless under this part, where the cost of conversion and any rehabilitation costs exceed 75 percent of the value of the building after conversion.

Emergency shelter means any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

Essential services includes services concerned with employment, health, drug abuse, and education and may include (but are not limited to):

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(1) Assistance in obtaining permanent housing.
(2) Medical and psychological counseling and supervision.
(3) Employment counseling.
(4) Nutritional counseling.
(5) Substance abuse treatment and counseling.
(6) Assistance in obtaining other Federal, State, and local assistance including mental health benefits; employment counseling; medical assistance; Veteran's benefits; and income support assistance such as Supplemental Security Income benefits, Aid to Families with Dependent Children, General Assistance, and Food Stamps;
(7) Other services such as child care, transportation, job placement and job training; and
(8) Staff salaries necessary to provide the above services.

Formula city or county means a metropolitan city or urban county that is eligible to receive an allocation of grant amounts under Sec. 576.5.

Homeless means as the term is defined in 42 U.S.C. 11302.

Homeless prevention means activities or programs designed to prevent the incidence of homelessness, including (but not limited to):
(1) Short-term subsidies to defray rent and utility arrearages for

families that have received eviction or utility termination notices;

(2) Security deposits or first month's rent to permit a homeless family to move into its own apartment;

(3) Mediation programs for landlord-tenant disputes;

(4) Legal services programs for the representation of indigent tenants in eviction proceedings;

(5) Payments to prevent foreclosure on a home; and

(6) Other innovative programs and activities designed to prevent the incidence of homelessness.

Indian tribe means as the term is defined in 42 U.S.C. 5302(a).

Major rehabilitation means rehabilitation that involves costs in excess of 75 percent of the value of the building before rehabilitation.

Metropolitan city means a city that was classified as a metropolitan city under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which emergency shelter grant amounts are made available.

Nonprofit recipient means any private nonprofit organization providing assistance to the homeless, to which a State or unit of general local government distributes emergency shelter grant amounts.

Obligated means that the grantee or State recipient, as appropriate, has placed orders, awarded contracts, received services, or entered similar transactions that require payment from the grant amount. Grant amounts that a unit of general local government or State awards to a private nonprofit organization by a written agreement or letter of award requiring payment from the grant amount are obligated.

Private nonprofit organization means as the term is defined in 42 U.S.C. 11371.

Rehabilitation means the labor, materials, tools, and other costs of improving buildings, other than minor or routine repairs. The term includes where the use of a building is changed to an emergency shelter and the cost of this change and any rehabilitation costs does not exceed 75 percent of the value of the building before the change in use.

Renovation means rehabilitation that involves costs of 75 percent or less of the value of the building before rehabilitation.

Responsible entity means as the term is defined in Sec. 58.2 of this title, as applied though Sec. 58.1(b)(3) of this title and Sec. 576.57(e).

State means each of the several States and the Commonwealth of Puerto Rico.

Territory means each of the following: the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, Palau (Trust Territory of the Pacific), and any other territory or possession of the United States.

State recipient means any unit of general local government or nonprofit organization to which a State makes available emergency shelter grant amounts.

Unit of general local government means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

Urban county means a county that was classified as an urban county

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under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which emergency shelter grant amounts are made available.

Value of the building means the monetary value assigned to a building by an independent real estate appraiser, or as otherwise reasonably established by the grantee or the State recipient.

[54 FR 46799, Nov. 7, 1989, as amended at 56 FR 56128, Oct. 31, 1991; 60 FR 1918, Jan. 5, 1995; 61 FR 5210, Feb. 9, 1996; 61 FR 51548, Oct. 2, 1996]

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PART 576_EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT--Table of Contents

Subpart A_General

Sec. 576.5 Allocation of grant amounts.

(a) Territories. HUD will set aside for allocation to the territories an amount equal to 0.2 percent of the total amount of each appropriation under this part in any fiscal year. HUD will allocate this set-aside amount to each territory based upon its proportionate share of the total population of all territories.

(b) States, metropolitan cities, urban counties, and Indian tribes. HUD will allocate the amounts that remain after the set-aside to territories under paragraph (a) of this section, to States, metropolitan cities, urban counties, and Indian tribes, as provided in 42 U.S.C. 11373. HUD will subsequently distribute the amount set aside for Indian tribes under this paragraph as provided in Sec. 576.31.

(c) Notification of allocation amount. HUD will notify in writing each State, metropolitan city, urban county, and territory that is eligible to receive an allocation under this section of the amount of its allocation.

[61 FR 51549, Oct. 2, 1996]

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Subpart B_Eligible Activities

Sec. 576.21 Eligible activities.

(a) Eligible activities. Emergency shelter grant amounts may be used for one or more of the following activities relating to emergency shelter for the homeless:

(1) Renovation, major rehabilitation, or conversion of buildings for use as emergency shelters for the homeless;

(2) Provision of essential services to the homeless, subject to the limitations in paragraph (b) of this section;

(3) Payment for shelter maintenance, operation, rent, repairs, security, fuel, equipment, insurance, utilities, food, and furnishings. Not more than 10 percent of the grant amount may be used for costs of staff;

(4) Developing and implementing homeless prevention activities, subject to the limitations in 42 U.S.C. 11374(a)(4) and paragraph (c) of this section. Grant funds may be used under this paragraph to assist families that have received eviction notices or notices of termination of utility services only if the conditions stated in 42 U.S.C. 11374(a)(4) are met; and

(5) Administrative costs, in accordance with 42 U.S.C. 11378.

(b) Limitations on provision of essential services. (1) Grant amounts provided by HUD to units of general local government, territories, or Indian tribes, and grant amounts provided by a State to State recipients, may be used to provide an essential service under paragraph (a)(2) of this section only if the service is a new service, or is a quantifiable increase in the level of a service above that which the unit of general local government (or, in the case of a nonprofit organization, the unit of general local government in which the proposed activities are to be located), territory, or Indian tribe, as applicable, provided with local funds during the 12 calendar months immediately before the grantee or State recipient received initial grant amounts.

(2) Limits on the use of assistance for essential services established in 42 U.S.C. 11374(a)(2) are applicable even when the unit of local government, territory, or Indian tribe provides some or all of its grant funds to a nonprofit recipient. This limitation may be waived in accordance with 42 U.S.C. 11374.

(c) Limitation on homeless prevention activities. Limits on the use of assistance for homeless prevention activities established in 42 U.S.C. 11374(a)(4) are applicable even when the unit of local government, territory, or Indian tribe provides some or all of its grant

funds to a nonprofit recipient.

[61 FR 51549, Oct. 2, 1996]

[Code of Federal Regulations]
[Title 24, Volume 3]
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Subpart B_Eligible Activities

Sec. 576.23 Faith-based activities.

(a) Organizations that are religious or faith-based are eligible, on the same

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basis as any other organization, to participate in the Emergency Shelter Grants program. Neither the Federal government nor a State or local government receiving funds under Emergency Shelter Grants programs shall discriminate against an organization on the basis of the organization's religious character or affiliation.

(b) Organizations that are directly funded under the Emergency Shelter Grants program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the beneficiaries of the HUD-funded programs or services.

(c) A religious organization that participates in the Emergency Shelter Grants program will retain its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct Emergency Shelter Grants funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide Emergency Shelter Grants-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an Emergency Shelter Grants-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(d) An organization that participates in the Emergency Shelter Grants program shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

(e) Emergency shelter grants may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Emergency shelter grants may be used

for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, emergency shelter grants may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to emergency shelter grants in this part. Sanctuaries, chapels, or other rooms that an Emergency Shelter Grants-funded religious congregation uses as its principal place of worship, however, are ineligible for Emergency Shelter Grants-funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).

(f) If a State or local government voluntarily contributes its own funds to supplement federally funded activities, the State or local government has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

[68 FR 56406, Sept. 30, 2003]

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Subpart B_Eligible Activities

Sec. 576.25 Who may carry out eligible activities.

(a) Generally. As provided in 42 U.S.C. 11373 eligible activities may be carried out by all State recipients and grantees, except States.

(b) States. All of a State's formula allocation, except for administrative costs, must be made available to the following entities:

(1) Units of general local government in the State, which may include formula cities and counties even if such cities and counties receive grant amounts directly from HUD; or

(2) Private nonprofit organizations, in accordance with 42 U.S.C. 11373(c).

(c) Nonprofit recipients. Units of general local government, territories, and Indian tribes may distribute all or part

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of their grant amounts to nonprofit recipients to be used for emergency shelter grant activities.

[61 FR 51549, 51550, Oct. 2, 1996]

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Subpart C_Award and Use of Grant Amounts

Sec. 576.31 Application requirements.

Source: 54 FR 46799, Nov. 7, 1989, unless otherwise noted. Redesignated at 61 FR 51550, Oct. 2, 1996.

(a) Indian tribes. After funds are set aside for allocation to Indian tribes under Sec. 576.5, HUD will publish a Notice of Funding Availability (NOFA) in the Federal Register. The NOFA will specify the requirements and procedures applicable to the allocation and competitive awarding of these set-aside funds to eligible Indian tribe applicants.

(b) States, territories, and formula cities and counties. To receive emergency shelter grant amounts, a State, territory, or formula city or county must:

(1) Submit documentation required under this part, part 5 of this title, or any other applicable provisions of Federal law; and

(2) Submit and obtain HUD approval of a consolidated plan that includes activities to be funded under this part. This consolidated plan serves as the jurisdiction's application for funding under this part.

[61 FR 51550, Oct. 2, 1996]

[Code of Federal Regulations]
[Title 24, Volume 3]
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Subpart C_Award and Use of Grant Amounts

Sec. 576.33 Review and approval of applications.

(a) Conditional grant. HUD may make a conditional grant restricting the obligation and use of emergency shelter grant amounts. Conditional grants may be made where there is substantial evidence that there has been, or there will be, a failure to meet the requirements of this part. In such a case, the reason for the conditional grant, the action necessary to remove the condition, and the deadline for taking those actions will be specified. Failure to satisfy the condition may result in imposition of a sanction under Sec. 576.69, or in any other action authorized under applicable Federal law.

(b) Grant agreement. The grant will be made by means of a grant agreement executed by HUD and the grantee. HUD will not disburse funds before the grant agreement is fully executed.

[54 FR 46799, Nov. 7, 1989, as amended at 60 FR 1918, Jan. 5, 1995. Redesignated and amended at 61 FR 51550, Oct. 2, 1996]

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Subpart C_Award and Use of Grant Amounts

Sec. 576.35 Deadlines for using grant amounts.

(a)(1) States. Each State must make available to its State recipients all emergency shelter grant amounts that it was allocated under Sec. 576.5 within 65 days of the date of the grant award by HUD. Funds set aside by a State for homeless prevention activities under Sec. 576.21(a)(4) must be made available to State recipients within 180 days of the grant award by HUD.

(2) State recipients--(i) Obligation of grant funds. Each State recipient must have its grant amounts obligated (as that term is defined at Sec. 576.3) within 180 days of the date on which the State made the grant amounts available to the State recipient. In the case of grants for homeless prevention activities under Sec. 576.21(a)(4), State recipients are required to obligate grant amounts within 30 days of the date on which the State made the grant amounts available to the State recipient.

(ii) Expenditure of grant funds. Each State recipient must spend all of its grant amounts within 24 months of the date on which the State made the grant amounts available to the State recipient. In the case of grants for homeless prevention activities, State recipients must spend such sums within 180 days of the date on which the State made the grant amounts available to the recipient.

(b) Formula cities and counties, territories and Indian tribes--Expenditure of grant funds. Each formula city or county, territory, and Indian tribe must spend all of the grant amounts it was allocated or awarded under Sec. 576.5 or 576.31 within 24 months of the date of the grant award by HUD.

(c) Failure to meet deadlines. (1) Any emergency shelter grant amounts that are not made available or obligated within the applicable time periods specified in paragraph (a)(1) or (b) of

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this section will be reallocated under Sec. 576.45.

(2) The State must recapture any grant amounts that a State recipient does not obligate and spend within the time periods specified in paragraph (a)(2) of this section. The State, at its option, must make these amounts and other amounts returned to the State (except amounts referred to in Sec. 576.22(b)(6) available as soon as practicable to other units of general local government for use within the time period specified in paragraph (a)(2) of this section or to HUD for reallocation under Sec. 576.45.

[54 FR 46799, Nov. 7, 1989. Redesignated and amended at 61 FR 51550, Oct. 2, 1996]

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Subpart D_Reallocations

Sec. 576.41 Reallocation; lack of approved consolidated plan--formula cities and counties.

Source: 54 FR 46799, Nov. 7, 1989, unless otherwise noted. Redesignated at 61 FR 51550, Oct. 2, 1996.

(a) Applicability. This section applies where a formula city or county fails to submit or obtain HUD approval of its consolidated plan within 90 days of the date upon which amounts under this part first become available for allocation in any fiscal year.

(b) Grantee. HUD will make available to the State in which the city or county is located the amounts that a city or county referred to in paragraph (a) of this section would have received.

(c) Notification of availability. The responsible HUD field office will promptly notify the State of the availability of any reallocation amounts under this section.

(d) Eligibility for reallocation amounts. In order to receive reallocation amounts under this section, the State must:

(1) Execute a grant agreement with HUD for the fiscal year for which the amounts to be reallocated were initially made available.

(2) If necessary, submit an amendment to its application for that fiscal year for the reallocation amounts it wishes to receive. The amendment must be submitted to the responsible HUD field office no later than 30 days after notification is given to the State under paragraph (c) of this section.

(e) Amendment review and approval. (1) Section 576.33 governs the review and approval of application amendments under this section. HUD will endeavor to make grant awards within 30 days of the application amendment deadline, or as soon thereafter as practicable.

(2) Program activities represented by proposed amendments are subject to environmental review under Sec. 576.57 in the same manner as original proposals.

(f) Deadlines for using reallocated grant amounts. Section 576.35 governs the use of amounts reallocated under this section.

(g) Amounts that cannot be reallocated. Any grant amounts that cannot be reallocated to a State under this section will be reallocated as provided by Sec. 576.43. Amounts that are reallocated under this section, but that are returned or unused, will be reallocated under Sec. 576.45.

[54 FR 46799, Nov. 7, 1989, as amended at 56 FR 56128, Oct. 31, 1991; 60 FR 1918, Jan. 5, 1995. Redesignated and amended at 61 FR 51551, Oct. 2,

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Subpart D_Reallocations

Sec. 576.43 Reallocation of grant amounts; lack of approved consolidated plan--States, territori

(a) Applicability. This section applies when:

(1) A State, territory, or Indian tribe fails to obtain approval of its consolidated plan within 90 days of the date upon which amounts under this part first become available for allocation in any fiscal year; or

(2) Grant amounts cannot be reallocated to a State under Sec. 576.41.

(b) Grantees. (1) HUD will reallocate the amounts that a State or Indian tribe referred to in paragraph (a)(1) of this section would have received:

(i) In accordance with 42 U.S.C. 11373(d)(3); and

(ii) If grant amounts remain, then to territories that demonstrate extraordinary need or large numbers of homeless individuals.

(2) HUD will make available the amounts that a territory under paragraph (a)(1) of this section would have

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received to other territories that demonstrate extraordinary need or large numbers of homeless individuals.

(c) Notification of funding availability. HUD will make reallocations to States and Indian tribes under this section by direct notification or Federal Register notice that will set forth the terms and conditions under which amounts under this section are to be reallocated and grant awards made. In the case of reallocations to Territories, the responsible HUD field office will promptly notify each Territory of any reallocation amounts under this section, and indicate the terms and conditions under which reallocation amounts are to be made available and grant awards made.

(d) Eligibility for reallocation amounts. In order to receive reallocation amounts under this section, the formula city or county, State, territory, or Indian tribe must:

(1) Submit an amendment, in accordance with 24 CFR part 91, to its consolidated plan for that program year to cover activities for the reallocation amount it wishes to receive; and

(2) Execute a grant agreement with HUD for the fiscal year for which the amounts to be reallocated were initially made available.

(e) Review and approval. (1) Section 576.53, and such additional requirements as HUD may specify in the notification under paragraph (c) of this section, govern the review and approval of application

amendments under this section. HUD will rank the amendments and make grant awards under this section on the basis of the following factors:

(i) The nature and extent of the unmet homeless need within the jurisdiction in which the grant amounts will be used;

(ii) The extent to which the proposed activities address this need; and

(iii) The ability of the grantee to carry out the proposed activities promptly.

(2) HUD will endeavor to make grant awards within 30 days of the application amendment deadline, or as soon thereafter as practicable.

(f) Grant amounts. HUD may make a grant award for less than the amount applied for or for fewer than all of the activities identified in the application amendment.

(g) Deadlines for using reallocated amounts. Section 576.35 governs the use of amounts reallocated under this section.

(h) Amounts not reallocated. Any grant amounts that are not reallocated under this section, or that are reallocated, but are unused, will be reallocated under Sec. 576.45(d). Any amounts that are reallocated, but are returned, will be reallocated under Sec. 576.45(c).

[54 FR 46799, Nov. 7, 1989, as amended at 56 FR 56129, Oct. 31, 1991; 60 FR 1918, Jan. 5, 1995. Redesignated and amended at 61 FR 51551, Oct. 2, 1996]

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Subpart D_Reallocations

Sec. 576.45 Reallocation of grant amounts; returned or unused amounts.

(a) General. From time to time, HUD will reallocate emergency shelter grant amounts that are returned or unused, as those terms are defined in paragraph (f) of this section. HUD will make reallocations under this section by direct notification or Federal Register Notice that will set forth the terms and conditions under which the grant amounts are to be reallocated and grant awards are to be made.

(b) FEMA boards. HUD may use State and local boards established under the Emergency Food and Shelter Program administered by the Federal Emergency Management Agency, as a resource to identify potential applicants for reallocated grant amounts.

(c) Reallocation--returned grant amounts--(1) States and formula cities and counties. HUD will endeavor to reallocate returned emergency shelter grant amounts that were initially allocated under Sec. 576.5 to a State or a formula city or county, for use within the same jurisdiction. Reallocation of these grant amounts is subject to the following requirements:

(i) Returned grant amounts that were allocated to a State will be made available (A) first, to units of general local government within the State and (B) if grant amounts remain, then to other States.

(ii) Returned grant amounts that were allocated to a formula city or county will be made available:

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(A) First, for use in the city or county, to units of general local government that are authorized under applicable law to carry out activities serving the homeless in the jurisdiction;

(B) If grant amounts remain, then to the State in which the city or county is located;

(C) If grant amounts remain, to units of general local government in the State; and

(D) If grant amounts remain, to other States.

(2) Indian tribes. Returned grant amounts that were allocated to an Indian tribe will be made available to other Indian tribes.

(3) Territories. Returned grant amounts that were allocated to a territory will be made available, first, to other territories and, if grant amounts remain, then to States.

(4) Further reallocation: States, formula cities and counties, territories, and Indian tribes. HUD will reallocate under paragraph (e) of this section any grant amounts that remain after applying the

preceding provisions of paragraph (c) of this section or that are returned to HUD after reallocation under those provisions.

(5) The responsible HUD field office will announce the availability of returned grant amounts. The announcement will establish deadlines for submitting applications, and will set out other terms and conditions relating to grant awards, consistent with this part. The announcement will specify the application documents to be submitted.

(6) The responsible HUD field office may establish maximum grant amounts, considering the grant amounts available, and will rank the applications using the criteria in paragraph (e) of this section.

(7) HUD may make a grant award for less than the amount applied for or for fewer than all of the activities identified in the application, based on competing demands for grant amounts and the extent to which the respective activities address the needs of the homeless.

(8) HUD will endeavor to make grant awards within 30 days of the application deadline or as soon thereafter as practicable.

(9) Grants awarded under this section are subject to environmental review under Sec. 576.57.

(d) Reallocation--unused grant amounts. Unused grant amounts will be added to the appropriation for the fiscal year immediately following the fiscal year in which the amounts become available to HUD for reallocation, and will be allocated in accordance with the provisions of Sec. 576.5 of this part.

(e) Selection criteria. HUD will award grants under paragraph (c) of this section based on consideration of the following criteria:

(1) The nature and extent of the unmet homeless need within the jurisdiction in which the grant amounts will be used;

(2) The extent to which the proposed activities address this need; and

(3) The ability of the grantee to carry out the proposed activities promptly.

(f) Definitions--returned or unused grant amounts. (1) For purposes of this section, emergency shelter grant amounts are considered ``returned'' when they become available for reallocation because a jurisdiction does not execute a grant agreement with HUD for them.

(2) For purposes of this section, emergency shelter grant amounts are considered ``unused'' (i.e., Federal deobligation):

(i) When they become available for reallocation by HUD after a grantee has executed a grant agreement with HUD for those amounts; or

(ii) The amounts remain after reallocation under Sec. 576.43 or paragraph (c) of this section.

[54 FR 46799, Nov. 7, 1989, as amended at 57 FR 54507, Nov. 19, 1992; 60 FR 1918, Jan. 5, 1995. Redesignated and amended at 61 FR 51551, Oct. 2, 1996]

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Subpart E_Program Requirements

Sec. 576.51 Matching funds.

Source: 54 FR 46799, Nov. 7, 1989, unless otherwise noted. Redesignated at 61 FR 51550, Oct. 2, 1996.

(a) General. Each grantee, other than a territory, must match the funding provided by HUD under this part as set forth in 42 U.S.C. 11375. The first $100,000 of any assistance provided to a

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recipient that is a State is not required to be matched, but the benefit of the unmatched amount must be shared as provided in 42 U.S.C. 11375(c)(4). Matching funds must be provided after the date of the grant award to the grantee. Funds used to match a previous ESG grant may not be used to match a subsequent grant award under this part. A grantee may comply with this requirement by providing the matching funds itself, or through matching funds or voluntary efforts provided by any State recipient or nonprofit recipient (as appropriate).

(b) Calculating the matching amount. In calculating the amount of matching funds, in accordance with 42 U.S.C. 11375(a)(3), the time contributed by volunteers shall be determined at the rate of $5 per hour. For purposes of this paragraph, the grantee will determine the value of any donated material or building, or of any lease, using a method reasonably calculated to establish a fair market value.

[61 FR 51552, Oct. 2, 1996]

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Subpart E_Program Requirements

Sec. 576.53 Use as an emergency shelter.

(a)(1) Restrictions and definition. Period of use restrictions applicable to assistance provided under this part are governed by 42 U.S.C. 11375(a). Use of grant amounts for developing and implementing homeless prevention activities does not trigger period of use requirements.

(2) For purposes of the requirements under this section, the term same general population means either the same types of homeless persons originally served with ESG assistance (i.e., battered spouses, runaway children, families, or mentally ill individuals), or persons in the same geographic area.

(b) Calculating the applicable period. The 3- and 10-year periods applicable under paragraph (a) of this section begin to run:

(1) In the case of a building that was not operated as an emergency shelter for the homeless before receipt of grant amounts under this part, on the date of initial occupancy as an emergency shelter for the homeless.

(2) In the case of a building that was operated as an emergency shelter before receipt of grant amounts under this part, on the date that grant amounts are first obligated for the shelter.

[54 FR 46799, Nov. 7, 1989. Redesignated and amended at 61 FR 51552, Oct. 2, 1996]

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Subpart E_Program Requirements

Sec. 576.55 Building standards.

(a) Any building for which emergency shelter grant amounts are used for conversion, major rehabilitation, rehabilitation, or renovation must meet local government safety and sanitation standards.

(b) For projects of 15 or more units, when rehabilitation costs are:

(1) 75 percent or more of the replacement cost of the building, that project must meet the requirements of Sec. 8.23(a) of this title; or

(2) Less than 75 percent of the replacement cost of the building, that project must meet the requirements of Sec. 8.23(b) of this title.

[61 FR 51552, Oct. 2, 1996]

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Subpart E_Program Requirements

Sec. 576.56 Homeless assistance and participation.

(a) Assistance. (1) Grantees and recipients must assure that homeless individuals and families are given assistance in obtaining:

(i) Appropriate supportive services, including permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

(ii) Other Federal, State, local, and private assistance available for such individuals.

(2) Requirements to ensure confidentiality of records pertaining to the provision of family violence prevention or treatment services with assistance under this part are set forth in 42 U.S.C. 11375(c)(5).

(3) Grantees and recipients may, in accordance with 42 U.S.C. 11375(e), terminate assistance provided under this part to an individual or family who violates program requirements.

(b) Participation. (1) Each unit of local government, Indian tribe, and nonprofit recipient that receives funds under this part must provide for the participation of homeless individuals on its policymaking entity in accordance with 42 U.S.C. 11375(d).

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(2) Each State, territory, Indian tribe, unit of local government, and nonprofit recipient that receives funds under this part must involve homeless individuals and families in providing work or services pertaining to facilities or activities assisted under this part, in accordance with 42 U.S.C. 11375(c)(7).

[61 FR 51552, Oct. 2, 1996]

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Subpart E_Program Requirements

Sec. 576.57 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, use of emergency shelter grant amounts must comply with the following requirements:

(a) Nondiscrimination and equal opportunity. The nondiscrimination and equal opportunity requirements at 24 CFR part 5 are modified as follows:

(1) Rehabilitation Act requirements. HUD's regulations at 24 CFR part 8 implement section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). For purposes of the emergency shelter grants program, the term ``dwelling units'' in 24 CFR part 8 shall include sleeping accommodations.

(2) Use of emergency shelter grant amounts must also comply with the requirement that the grantee or the State recipient make known that use of the facilities and services is available to all on a nondiscriminatory basis. If the procedures that the grantee or recipient intends to use to make known the availability of the facilities and services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such facilities and services, the grantee or recipient must establish additional procedures that will ensure that such persons are made aware of the facilities and services. Grantees and recipients must also adopt procedures which will make available to interested persons information concerning the location of services and facilities that are accessible to persons with disabilities.

(b) Applicability of OMB Circulars. \1\ The policies, guidelines, and requirements of 24 CFR part 85 (codified pursuant to OMB Circular No. A-102) and OMB Circular No. A-87, as they relate to the acceptance and use of emergency shelter grant amounts by States and units of general local government, and Nos. A-110 and A-122 as they relate to the acceptance and use of emergency shelter grant amounts by private nonprofit organizations.

\1\ OMB Circulars referenced in this section are available at the Entitlement Cities Division, Room 7282, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

(c) The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42

U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, J, K, and R of this title apply to activities under this program.

(d) Conflicts of interest. In addition to the conflict of interest requirements in OMB Circulars A-102 and A-110, no person--

(1)(i) Who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, State recipient, or nonprofit recipient (or of any designated public agency) that receives emergency shelter grant amounts and

(ii) Who exercises or has exercised any functions or responsibilities with respect to assisted activities, or

(2) Who is in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure, or for one year thereafter. HUD may grant an exception to this exclusion as provided in Sec. 570.611 (d) and (e) of this chapter.

(e) Environmental review responsibilities--(1) Generally. Responsible entities must assess the environmental effects of each application under part 58 of this title. An applicant must include in its application an assurance that the applicant will assume all the environmental review responsibility that would otherwise be performed by HUD as the responsible Federal official

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under the National Environmental Policy Act of 1969 (NEPA) and related authorities listed in part 58 of this title. The grant award is subject to completion of the environmental responsibilities set out in part 58 of this title within a reasonable time period after notification of the award. This provision does not preclude the applicant from enclosing its environmental certification and Request for Release of Funds with its application.

(2) Awards to States. In the case of emergency shelter grants to States that are distributed to:

(i) Units of general local government, the unit of general local government shall be the responsible entity, and the State will assume HUD's functions with regard to the release of funds; or

(ii) Nonprofit organizations, the State shall be the responsible entity, and HUD will perform functions regarding release of funds under part 58 of this title.

(3) Release of funds. HUD will not release funds for an eligible activity if the grantee, recipient, or any other party commits emergency shelter grant funds before the grantee submits, and HUD approves, any required Request for Release of Funds.

(f) Audit. The financial management systems used by a State, formula city or county, governmental entity, or an Indian tribe that is a grantee under this program must provide for audits in accordance with part 44 of this title. A private nonprofit organization is subject to the audit requirements of OMB Circular A-133, as set forth in part 45 of this title. (OMB Circulars are available from the Executive Office of the President, Publication Service, 725 17th Street, NW., Suite G-2200, Washington, DC 20503, Telephone, 202-395-7332.)

(g) Audit. The financial management system used by a State or unit of general local government that is a grantee or State recipient must provide for audits in accordance with 24 CFR part 44. A private nonprofit organization is subject to the audit requirements of OMB Circular A-133, as set forth in 24 CFR part 45.

(h) Lobbying and disclosure requirements. The disclosure

requirements and prohibitions of 42 U.S.C. 3537a and 3545 and 31 U.S.C. 1352 (the Byrd Amendment), and the implementing regulations at parts 4 and 87 of this title.

(i) Davis-Bacon Act. The provisions of the Davis-Bacon Act (40 U.S.C. 276a-276a-5) do not apply to this program.

(j) Intergovernmental review. The requirements of Executive Order 12372 and the regulations issued under the order at 24 CFR part 52, to the extent provided by Federal Register notice in accordance with 24 CFR 52.3.

[54 FR 46799, Nov. 7, 1989, as amended at **57** FR 33256, July 27, 1992; 61 FR 5210, Feb. 9, 1996. Redesignated and amended at 61 FR 51552, Oct. 2, 1996; 64 FR 50226, Sept. 15, 1999]

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Subpart E_Program Requirements

Sec. 576.59 Relocation and acquisition.

(a) Minimizing displacement. Consistent with the other goals and objectives of this part, grantees and recipients must assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under this part.

(b) Relocation assistance for displaced persons. A displaced person (defined in paragraph (f)(1) of this section) must be provided relocation assistance at the levels described in, and in accordance with, 49 CFR part 24, which contains the government-wide regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655).

(c) Real property acquisition requirements. The acquisition of real property for a project is subject to the URA and the requirements described in 49 CFR part 24, subpart B.

(d) Responsibility of grantees and recipients. Each grantee and recipient must assure that it will comply with the URA, the regulations at 49 CFR part 24, and the requirements of this section. The cost of assistance required by this section may be paid from local public funds, funds provided in accordance with this part, or funds available from other sources.

(e) Appeals. A person who disagrees with the grantee's or recipient's determination concerning a payment or other assistance required by this section may file a written appeal of that

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determination with the grantee or recipient. The appeal procedures to be followed are described in 49 CFR 24.10.

(f) Definition--(1) Displaced person. (i) The term ``displaced person'' means a person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves personal property from real property, permanently and involuntarily, as a direct result of acquisition, rehabilitation, or demolition for a project assisted under this part. Permanent, involuntary moves for an assisted project include:

(A) A permanent move from the real property (building or complex) following notice by the grantee, recipient or property owner to move permanently from the property, if the move occurs on or after the date that the grantee or recipient submits to HUD an application for assistance that is later approved and funded;

(B) A permanent move from the real property that occurs before the submission of the application to HUD, if the grantee, recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project, or

(C) A permanent move from the real property by a tenant-occupant of a dwelling unit that occurs after the execution of the agreement between the recipient and HUD if:

(1) The tenant has not been provided a reasonable opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex following the completion of the project at a rent, including estimated average utility costs, that does not exceed the greater of the tenant's rent and estimated average utility costs before the initiation of negotiations, or 30 percent of gross household income; or

(2) The tenant has been required to relocate temporarily but the tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation or other conditions of the temporary relocation are not reasonable, and the tenant does not return to the building/complex; or

(3) The tenant is required to move to another unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move.

(ii) A person does not qualify as a ``displaced person'' if:

(A) The person has been evicted for cause based upon a serious or repeated violation of material terms of the lease or occupancy agreement and HUD determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;

(B) The person moved into the property after the submission of the application and, before commencing occupancy, received written notice of the expected displacement;

(C) The person is ineligible under 49 CFR 24.2(g)(2); or

(D) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

(iii) The grantee or recipient may, at any time, request a HUD determination of whether a displacement is or would be covered under this section.

(2) Initiation of negotiations. For purposes of determining the type of replacement housing payment to be made to a residential tenant displaced as a direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, the term ``initiation of negotiations'' means the execution of the agreement between the grantee and HUD.

(Approved by the Office of Management and Budget under OMB control number 2506-0089)

[54 FR 46799, Nov. 7, 1989, as amended at 54 FR 52397, Dec. 21, 1989. Redesignated at 61 FR 51553, Oct. 2, 1996]

[Code of Federal Regulations]
[Title 24, Volume 3]
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TITLE 24--HOUSING AND URBAN DEVELOPMENT

CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 576_EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT--Table of Contents

Subpart F_Grant Administration

Sec. 576.61 Responsibility for grant administration.

Source: 54 FR 46799, Nov. 7, 1989, unless otherwise noted. Redesignated at 61 FR 51550, Oct. 2, 1996.

Grantees are responsible for ensuring that emergency shelter grant amounts are administered in accordance with the requirements of this part and other applicable laws. The State, territory,

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Indian tribe, or unit of local government is responsible for ensuring that its recipients carry out the recipients' emergency shelter grant programs in compliance with all applicable requirements in the case of:

(a) A State making grant amounts available to State recipients; or

(b) A territory, Indian tribe, or unit of general local government distributing grant amounts to nonprofit recipients.

[54 FR 46799, Nov. 7, 1989. Redesignated and amended at 61 FR 51553, Oct. 2, 1996]

[Code of Federal Regulations]
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TITLE 24--HOUSING AND URBAN DEVELOPMENT

CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 576_EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT--Table of Contents

Subpart F_Grant Administration

Sec. 576.63 Method of payment.

Payments are made to a grantee upon its request after the grant agreement has been fully executed, and may include a working capital advance for 30 days' cash needs or an advance of $5,000, whichever is greater. Thereafter, the grantee will be reimbursed for the amount of its actual cash disbursements. If a grantee requests a working capital advance, it must base the request on a realistic, firm estimate of the amounts required to be disbursed over the 30-day period in payment of eligible activity costs.

[54 FR 46799, Nov. 7, 1989. Redesignated and amended at 61 FR 51553, Oct. 2, 1996]

[Code of Federal Regulations]
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TITLE 24--HOUSING AND URBAN DEVELOPMENT

CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 576_EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT--Table of Contents

Subpart F_Grant Administration

Sec. 576.65 Recordkeeping.

(a) Each grantee must ensure that records are maintained for a 4-year period to document compliance with the provisions of this part.

(b) Requirements to ensure confidentiality of records pertaining to the provision of family violence prevention or treatment services with assistance under this part are set forth in 42 U.S.C. 11375(c)(5).

[61 FR 51553, Oct. 2, 1996]

[Code of Federal Regulations]
[Title 24, Volume 3]
[Revised as of April 1, 2007]
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[CITE: 24CFR576.67]

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TITLE 24--HOUSING AND URBAN DEVELOPMENT

CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 576_EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT--Table of Contents

Subpart F_Grant Administration

Sec. 576.67 Sanctions.

(a) HUD sanctions. If HUD determines that a grantee is not complying with the requirements of this part or of other applicable Federal law, HUD may (in addition to any remedies that may otherwise be available) take any of the following sanctions, as appropriate:

(1) Issue a warning letter that further failure to comply with such requirements will result in a more serious sanction;

(2) Condition a future grant;

(3) Direct the grantee to stop the incurring of costs with grant amounts;

(4) Require that some or all of the grant amounts be remitted to HUD;

(5) Reduce the level of funds the grantee would otherwise be entitled to receive; or

(6) Elect not to provide future grant funds to the grantee until appropriate actions are taken to ensure compliance.

(b) State sanctions. If a State determines that a State recipient is not complying with the requirements of this part or other applicable Federal laws, the State must take appropriate actions, which may include the actions described in paragraph (a) of this section. Any grant amounts that become available to a State as a result of a sanction under this section must, at the option of the State, be made available (as soon as practicable) to other nonprofit organizations or units of general local government located in the State for use within the time periods specified in Sec. 576.35(a)(2), or to HUD for reallocation under Sec. 576.45(d).

(c) Reallocations. Any grant amounts that become available to HUD as a result of the imposition of a sanction under this section will be reallocated under Sec. 576.45(d).

[54 FR 46799, Nov. 7, 1989. Redesignated and amended at 61 FR 51553, Oct. 2, 1996]

-CITE-

42 USC Part B - Emergency Shelter Grants Program

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program
.

-HEAD-

Part B - Emergency Shelter Grants Program

-CITE-

42 USC Sec. 11371

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11371. Definitions

-STATUTE-

For purposes of this part:

(1) The term ''local government'' means a unit of general purpose local government.

(2) The term ''locality'' means the geographical area within the jurisdiction of a local government.

(3) The term ''metropolitan city'' has the meaning given such term in section 5302 of this title.

(4) The term ''operating costs'' means expenses incurred by a recipient operating a facility assisted under this part with respect to -

(A) the administration, maintenance, repair, and security of such housing; and

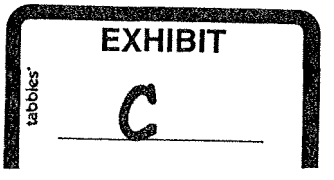
(B) utilities, fuels, furnishings, and equipment for such housing.

(5) The term ''private nonprofit organization'' means a secular or religious organization described in section 501(c) of title 26 that is exempt from taxation under subtitle A of title 26, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

(6) The term ''recipient'' means any governmental or private nonprofit entity that is approved by the Secretary as to financial responsibility.

(7) The term ''Secretary'' means the Secretary of Housing and Urban Development.

(8) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory



or possession of the United States.

(9) The term ''urban county'' has the meaning given such term in section 5302 of this title.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 411, July 22, 1987, 101 Stat. 495; Pub. L. 101-625, title VIII, Sec. 832(f)(1), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, Sec. 506(a)(1), Oct. 26, 1996, 110 Stat. 4044.)

-MISC1-

AMENDMENTS

1996 - Par. (10). Pub. L. 104-330 struck out par. (10) which read as follows: ''The term 'Indian tribe' has the meaning given such term in section 5302(a)(17) of this title.''

1990 - Par. (10). Pub. L. 101-625 added par. (10).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Section 506(c) of Pub. L. 104-330, as amended by Pub. L. 106-400, Sec. 2, Oct. 30, 2000, 114 Stat. 1675, provided that: ''The amendments under subsections (a) (amending this section and sections 11372 to 11376, 11382, 11401, 11403g, and 11408 of this title) and (b) (amending provisions formerly set out as a note under section 11301 of this title) shall apply with respect to amounts made available for assistance under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) and section 2 of the HUD Demonstration Act of 1993 (Pub. L. 103-120, former 42 U.S.C. 11301 note), respectively, for fiscal year 1998 and fiscal years thereafter.''

-TRANS-

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

-CITE-

42 USC Sec. 11372

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11372. Grant assistance

-STATUTE-

The Secretary of Housing and Urban Development shall, to the extent of amounts approved in appropriation Acts under section 11377 of this title, make grants to States and local governments

(and to private nonprofit organizations providing assistance to homeless individuals, in the case of grants made with reallocated amounts) in order to carry out activities described in section 11374 of this title.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 412, July 22, 1987, 101 Stat. 496; Pub. L. 101-625, title VIII, Sec. 832(f)(2), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, Sec. 506(a)(2), Oct. 26, 1996, 110 Stat. 4044.)

-MISC1-

AMENDMENTS

1996 - Pub. L. 104-330 struck out '', and for Indian tribes,'' after ''local governments''.

1990 - Pub. L. 101-625 substituted ''States and local governments, and for Indian tribes,'' for ''States and local governments''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 506(c) of Pub. L. 104-330, set out as a note under section 11371 of this title.

-CITE-

42 USC Sec. 11373

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11373. Allocation and distribution of assistance

-STATUTE-

(a) In general

The Secretary shall allocate assistance under this part to metropolitan cities, urban counties, and States (for distribution to local governments and private nonprofit organizations in the States) in a manner that ensures that the percentage of the total amount available under this part for any fiscal year that is allocated to any State, metropolitan city, or urban county is equal to the percentage of the total amount available for section 5306 of this title for such prior fiscal year that is allocated to such State, metropolitan city, or urban county.

(b) Minimum allocation requirement

If, under the allocation provisions applicable under this part, any metropolitan city or urban county would receive a grant of less

than 0.05 percent of the amounts appropriated to carry out this part for any fiscal year, such amount shall instead be reallocated to the State, except that any city that is located in a State that does not have counties as local governments, that has a population greater than 40,000 but less than 50,000 as used in determining the fiscal year 1987 community development block grant program allocation, and that was allocated in excess of $1,000,000 in community development block grant funds in fiscal year 1987, shall receive directly the amount allocated to such city under subsection (a) of this section.

(c) Distributions to nonprofit organizations

Any local government receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals. Any State receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.

(d) Reallocation of funds

(1) The Secretary shall, not less than twice during each fiscal year, reallocate any assistance provided under this part that is unused or returned or that becomes available under subsection (b) of this section.

(2) If a city or county eligible for a grant under subsection (a) of this section fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this part first become available for allocation during any fiscal year, the amount that the city or county would have received shall be available to the State in which the city or county is located if the State has obtained approval of its comprehensive plan. Any amounts that cannot be allocated to a State under the preceding sentence shall be reallocated to other States, counties, and cities that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(3) If a State fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this part first become available for allocation during any fiscal year, the amount that the State would have received shall be reallocated to other States and to cities and counties as applicable, that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(e) Allocations to territories

In addition to the other allocations required in this section, the Secretary shall (for amounts appropriated after July 22, 1987) allocate assistance under this part to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 413, July 22, 1987, 101 Stat. 496; Pub. L. 100-628, title IV, Sec. 421, Nov. 7, 1988, 102 Stat. 3231; Pub. L. 101-625, title VIII, Sec. 832(f)(3)-(5), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, Sec. 506(a)(3), Oct. 26, 1996, 110 Stat. 4044.)

-MISC1-

AMENDMENTS

1996 - Subsec. (a). Pub. L. 104-330, Sec. 506(a)(3)(A), struck out '', and to Indian tribes,'' after ''in the States)'' and '', or for Indian tribes'' after ''or urban county'' in two places.

Subsec. (c). Pub. L. 104-330, Sec. 506(a)(3)(B), struck out ''or Indian tribe'' after ''Any local government''.

Subsec. (d)(3). Pub. L. 104-330, Sec. 506(a)(3)(C)(ii), struck out '', or other Indian tribes,'' after ''cities and counties''.

Pub. L. 104-330, Sec. 506(a)(3)(C)(i), which directed amendment of par. (3) by striking '', or Indian tribe'' each place it appeared, was executed by striking ''or Indian tribe'' after ''State'' in two places to reflect the probable intent of Congress.

1990 - Subsec. (a). Pub. L. 101-625, Sec. 832(f)(3), inserted '', and to Indian tribes,'' after ''States)'' and '', or for Indian tribes'' after ''urban county'' in two places.

Subsec. (c). Pub. L. 101-625, Sec. 832(f)(4), inserted ''or Indian tribe'' after ''local government''.

Subsec. (d)(3). Pub. L. 101-625, Sec. 832(f)(5), inserted ''or Indian tribe'' after ''State'' in two places and '', or other Indian tribes, as applicable,'' after ''counties''.

1988 - Subsec. (a). Pub. L. 100-628, Sec. 421(a), inserted ''and private nonprofit organizations'' after ''local governments''.

Subsec. (c). Pub. L. 100-628, Sec. 421(b), inserted at end ''Any State receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.''

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 506(c) of Pub. L. 104-330, set out as a note under section 11371 of this title.

-TRANS-

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

-CITE-

42 USC Sec. 11374

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11374. Eligible activities

-STATUTE-

(a) In general

Assistance provided under this part may be used for the following activities relating to emergency shelter for homeless individuals:

(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

(2) The provision of essential services, including services concerned with employment, health, drug abuse, or education, if -

(A) such services have not been provided by the local government during any part of the immediately preceding 12-month period, or the use of assistance under this part would complement those services; and

(B) not more than 30 percent of the aggregate amount of all assistance to a State or local government under this part is used for activities under this paragraph.

(3) Maintenance, operation, insurance, utilities, and furnishings, except that not more than 10 percent of the amount of any grant received under this part may be used for costs of staff.

(4) Efforts to prevent homelessness, such as financial assistance to families who have received eviction notices or notices of termination of utility services if -

(A) the inability of the family to make the required payments is due to a sudden reduction in income;

(B) the assistance is necessary to avoid the eviction or termination of services;

(C) there is a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and

(D) the assistance will not supplant funding for preexisting homelessness prevention activities from other sources.

Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not more than 30 percent of the aggregate amount of all assistance to a State or local government under this part may be used for activities under this paragraph.

(b) Waiver authority

The Secretary may waive the 20 percent limitation on the use of assistance for essential services contained in subsection (a)(2)(B) of this section, if the local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 414, July 22, 1987, 101 Stat. 497; Pub. L. 100-628, title IV, Sec. 422, 423(a), Nov. 7, 1988, 102 Stat. 3231; Pub. L. 101-625, title VIII, Sec. 832(c), (d), (f)(6), Nov. 28, 1990, 104 Stat. 4360, 4361; Pub. L. 102-550, title XIV, Sec. 1402(e), Oct. 28, 1992, 106 Stat. 4013; Pub. L. 104-330, title V, Sec. 506(a)(4), Oct. 26, 1996, 110 Stat. 4044; Pub. L. 106-377, Sec. 1(a)(1) (title II, Sec. 229(b)), Oct. 27, 2000, 114 Stat. 1441, 1441A-31.)

AMENDMENTS

2000 - Subsec. (a)(4). Pub. L. 106-377 inserted comma after ''homelessness'' in introductory provisions and substituted ''Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not'' for ''Not'' in concluding provisions.

1996 - Subsec. (a)(2). Pub. L. 104-330 struck out ''or Indian tribe'' after ''local government'' in subpar. (A) and substituted ''or local government'' for '', local government, or Indian tribe'' in subpar. (B).

Subsec. (a)(4). Pub. L. 104-330 substituted ''or local government'' for '', local government, or Indian tribe'' in concluding provisions.

1992 - Subsec. (a)(3). Pub. L. 102-550 struck out ''(other than staff)'' after ''operation'' and inserted before period at end '', except that not more than 10 percent of the amount of any grant received under this part may be used for costs of staff''.

1990 - Subsec. (a)(2)(A). Pub. L. 101-625, Sec. 832(f)(6)(A), inserted ''or Indian tribe'' after ''local government''.

Subsec. (a)(2)(B). Pub. L. 101-625, Sec. 832(c), (f)(6)(B), substituted ''30 percent'' for ''20 percent'' and '', local government, or Indian tribe'' for ''or local government''.

Subsec. (a)(4). Pub. L. 101-625, Sec. 832(d), substituted sentence at end for ''Activities under this paragraph shall be treated as 'essential services' for the purpose of paragraph (2)(B).''

1988 - Subsec. (a)(2)(A). Pub. L. 100-628, Sec. 422(b), inserted before semicolon '', or the use of assistance under this part would complement those services''.

Subsec. (a)(2)(B). Pub. L. 100-628, Sec. 422(a), substituted ''20'' for ''15'' and ''the aggregate amount of all assistance to a State or'' for ''the amount of any assistance to a''.

Subsec. (a)(4). Pub. L. 100-628, Sec. 423(a), added par. (4).

Subsec. (b). Pub. L. 100-628, Sec. 422(a)(1), substituted ''20'' for ''15''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 506(c) of Pub. L. 104-330, set out as a note under section 11371 of this title.

REPORT BY COMPTROLLER GENERAL

Section 423(b) of Pub. L. 100-628 provided that: ''The Comptroller General of the United States shall conduct a study and report to the Congress not later than 1 year after the date of the enactment of this Act (Nov. 7, 1988) on various programs to prevent homelessness implemented by grantees, with particular focus on the different methods employed by grantees to determine eligibility for homelessness prevention assistance and restrictions or limitations,

if any, imposed under such programs. Such report shall include -

''(1) an examination of other homelessness prevention programs, including other Federal programs and State and local programs; and

''(2) recommendations for such legislation as the Comptroller General determines appropriate, including recommendations on how to prevent homelessness as a result of mortgage foreclosures.''

-SECREF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11372, 11375 of this title.

-CITE-

42 USC Sec. 11375

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11375. Responsibilities of recipients

-STATUTE-

(a) Matching amounts

(1) Except as provided in paragraph (2), each recipient under this part shall be required to supplement the assistance provided under this part with an equal amount of funds from sources other than this part. Each recipient shall certify to the Secretary its compliance with this paragraph, and shall include with such certification a description of the sources and amounts of such supplemental funds.

(2) Each recipient under this part that is a State shall be required to supplement the assistance provided under this part with an amount of funds from sources other than this part equal to the difference between the amount received under this part and $100,000. If the amount received by the State is $100,000 or less, the State may not be required to supplement the assistance provided under this part.

(3) In calculating the amount of supplemental funds provided by a recipient under this part, a recipient may include the value of any donated material or building, the value of any lease on a building, any salary paid to staff to carry out the program of the recipient, and the value of the time and services contributed by volunteers to carry out the program of the recipient at a rate determined by the Secretary.

(b) Administration of assistance

Each recipient shall act as the fiscal agent of the Secretary with respect to assistance provided to such recipient.

(c) Certifications on use of assistance

Each recipient shall certify to the Secretary that -

(1) it will -

(A) in the case of assistance involving major rehabilitation

or conversion, maintain any building for which assistance is used under this part as a shelter for homeless individuals and families for not less than a 10-year period;

(B) in the case of assistance involving rehabilitation (other than major rehabilitation or conversion), maintain any building for which assistance is used under this part as a shelter for homeless individuals and families for not less than a 3-year period; or

(C) in the case of assistance involving solely activities described in paragraphs (2) and (3) of section 11374(a) of this title, provide services or shelter to homeless individuals and families for the period during which such assistance is provided, without regard to a particular site or structure as long as the same general population is served;

(2) any renovation carried out with assistance under this part shall be sufficient to ensure that the building involved is safe and sanitary;

(3) it will assist homeless individuals in obtaining -

(A) appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

(B) other Federal, State, local, and private assistance available for such individuals;

(4) in the case of a recipient that is a State, it will obtain any matching amounts required under subsection (a) of this section in a manner so that local governments, agencies, and local nonprofit organizations receiving assistance from the grant that are least capable of providing the recipient State with such matching amounts receive the benefit of the $100,000 subtrahend under subsection (a)(2) of this section;

(5) it will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under this part and that the address or location of any family violence shelter project assisted under this part will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(6) activities undertaken by the recipient with assistance under this part are consistent with any housing strategy submitted by the grantee in accordance with section 12705 of this title; and

(7) to the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this part, in providing services assisted under this part, and in providing services for occupants of facilities assisted under this part.

(d) Participation of homeless individuals

The Secretary shall, by regulation, require each recipient that is not a State to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of such recipient, to the extent that such entity considers and makes policies and decisions regarding any facility, services, or other assistance of the recipient assisted under this part. The

Secretary may grant waivers to recipients unable to meet the requirement under the preceding sentence if the recipient agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

(e) Termination of assistance

If an individual or family who receives assistance under this part from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals affected, which may include a hearing.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 415, July 22, 1987, 101 Stat. 497; Pub. L. 100-628, title IV, Sec. 424, Nov. 7, 1988, 102 Stat. 3232; Pub. L. 101-625, title VIII, Sec. 832(e)(1), (2), (h), Nov. 28, 1990, 104 Stat. 4360, 4362; Pub. L. 102-550, title XIV, Sec. 1402(b)-(d), Oct. 28, 1992, 106 Stat. 4012, 4013; Pub. L. 104-330, title V, Sec. 506(a)(5), Oct. 26, 1996, 110 Stat. 4044.)

-MISC1-

AMENDMENTS

1996 - Subsec. (c)(4). Pub. L. 104-330 struck out ''Indian tribes,'' after ''local governments,''.

1992 - Subsec. (c). Pub. L. 102-550, Sec. 1402(b), in par. (1), substituted a semicolon for period at end, in par. (3), struck out ''and'' at end, in par. (4), inserted ''it will'' after ''State,'' and struck out ''and'' at end, in par. (5), inserted ''it will'' before ''develop'' and substituted a semicolon for period at end, redesignated par. (4), relating to consistency of activities undertaken with assistance under this part, as (6) and substituted ''; and'' for period at end, and added par. (7).

Subsec. (d). Pub. L. 102-550, Sec. 1402(c), added subsec. (d).

Subsec. (e). Pub. L. 102-550, Sec. 1402(d), added subsec. (e).

1990 - Subsec. (a)(1). Pub. L. 101-625, Sec. 832(e)(1)(A), substituted ''Except as provided in paragraph (2), each'' for ''Each''.

Subsec. (a)(2), (3). Pub. L. 101-625, Sec. 832(e)(1)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c)(2), (3). Pub. L. 101-625, Sec. 832(e)(2)(A), (B), (h)(1), (2), amended subsec. (c) identically, striking ''and'' at end of par. (2) and substituting ''; and'' for period at end of par. (3).

Subsec. (c)(4). Pub. L. 101-625, Sec. 832(h)(3), added (after par. (5)) par. (4) relating to consistency of activities undertaken with assistance under this part.

Pub. L. 101-625, Sec. 832(e)(2)(C), added par. (4) relating to matching funds obtained by State recipients of assistance under this part.

Subsec. (c)(5). Pub. L. 101-625, Sec. 832(e)(2)(C), added par. (5).

1988 - Subsec. (c)(1). Pub. L. 100-628 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''it will maintain any building for which assistance is used under this part as a shelter for homeless individuals for not less than a 3-year period or for not less than a 10-year period if such assistance is used for the major rehabilitation or conversion of such building;''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 506(c) of Pub. L. 104-330, set out as a note under section 11371 of this title.

-CITE-

42 USC Sec. 11376

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11376. Administrative provisions

-STATUTE-

(a) Regulations

Not later than 60 days after July 22, 1987, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this part. Such requirements shall be subject to section 553 of title 5. The Secretary shall issue requirements based on the initial notice before the expiration of the 12-month period following July 22, 1987. Prior to the issuance of such requirements in final form, the requirements established by the Secretary implementing the provisions of the emergency shelter grants program under the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall govern the emergency shelter grants program under this part.

(b) Initial allocation of assistance

Not later than the expiration of the 60-day period following the date of enactment of a law providing appropriations to carry out this part, the Secretary shall notify each State, metropolitan city, and urban county that is to receive a direct grant of its allocation of assistance under this part. Such assistance shall be allocated and may be used notwithstanding any failure of the Secretary to issue requirements under subsection (a) of this section.

(c) Minimum standards of habitability

The Secretary shall prescribe such minimum standards of habitability as the Secretary determines to be appropriate to ensure that emergency shelters assisted under this section are environments that provide appropriate privacy, safety, and sanitary and other health-related conditions for homeless persons and families. Grantees are authorized to establish standards of habitability in addition to those prescribed by the Secretary.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 416, July 22, 1987, 101 Stat. 498;

Pub. L. 101-625, title VIII, Sec. 832(f)(7), (g), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, Sec. 506(a)(6), Oct. 26, 1996, 110 Stat. 4044.)

-REFTEXT-

REFERENCES IN TEXT

The emergency shelter grants program under the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591, referred to in subsec. (a), means the emergency shelter grants program authorized by title V of H.R. 5313 (Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1987), as incorporated by reference by section 101(g) of Pub. L. 99-500 and 99-591, and enacted into law by section 106 of Pub. L. 100-202, which is set out as a note under section 11361 of this title.

-MISC2-

AMENDMENTS

1996 - Subsec. (b). Pub. L. 104-330 struck out ''Indian tribe,'' after ''State,''.

1990 - Subsec. (b). Pub. L. 101-625, Sec. 832(f)(7), inserted ''Indian tribe,'' after ''State,''.

Subsec. (c). Pub. L. 101-625, Sec. 832(g), added subsec. (c).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 506(c) of Pub. L. 104-330, set out as a note under section 11371 of this title.

-CITE-

42 USC Sec. 11377

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11377. Authorization of appropriations

-STATUTE-

There are authorized to be appropriated to carry out this part $138,000,000 for fiscal year 1993 and $143,796,000 for fiscal year 1994.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 417, July 22, 1987, 101 Stat. 498; Pub. L. 100-628, title IV, Sec. 425, Nov. 7, 1988, 102 Stat. 3232; Pub. L. 101-625, title VIII, Sec. 832(a), Nov. 28, 1990, 104 Stat. 4359; Pub. L. 102-550, title XIV, Sec. 1402(a), Oct. 28, 1992, 106

Stat. 4012.)

-MISC1-

AMENDMENTS

1992 - Pub. L. 102-550 amended section generally. Prior to amendment, section read as follows: ''There are authorized to be appropriated to carry out this part $125,000,000 for fiscal year 1991 and $138,000,000 for fiscal year 1992.''

1990 - Pub. L. 101-625, which directed the general amendment of the ''first sentence'' of this section, was executed by making the substitution for the only sentence of this section which read: ''There are authorized to be appropriated to carry out this part $120,000,000 for fiscal year 1989 and $125,000,000 for fiscal year 1990.''

1988 - Pub. L. 100-628 amended section generally. Prior to amendment, section read as follows: ''In addition to other amounts authorized by law, there are authorized to be appropriated for the emergency shelter grants program $100,000,000 for fiscal year 1987 and $120,000,000 for fiscal year 1988.''

-SECREF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11372 of this title.

-CITE-

42 USC Sec. 11378

01/22/02

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 119 - HOMELESS ASSISTANCE
SUBCHAPTER IV - HOUSING ASSISTANCE
Part B - Emergency Shelter Grants Program

-HEAD-

Sec. 11378. Administrative costs

-STATUTE-

A recipient may use up to 5 percent of any annual grant received under this part for administrative purposes. A recipient State shall share the amount available for administrative purposes pursuant to the preceding sentence with local governments funded by the State.

-SOURCE-

(Pub. L. 100-77, title IV, Sec. 418, as added Pub. L. 101-625, title VIII, Sec. 832(b)(1), Nov. 28, 1990, 104 Stat. 4359.)

PERFORMANCE REPORT
CASA DE MISERICORDIA
OPERATION
(2007 ESG GRANT - $9,479.00)

Please complete based on the population served.

(Do not leave any blank spaces. Insert N/A when non-applicable.)

INDICATE PROGRAM (S) AND SERVICE (S) WITH AND "X"

__ Emergency Shelter Facilities
__ Vouchers for Shelters
__ Drop-in Center
__ Food Pantry
__ Mental Health
__ Alcohol/Drug Program
__ Child Care
__ Other _____
__ Transitional shelter
__ Outreach
__ Soup Kitchen/Meal Distribution
__ Health Care
__ HIV/AIDS Services
__ Employment
__ Homeless Prevention

INDICATE TYPE OF ORGANIZATION CARRYING OUT THE ACTIVITY WITH AN "X"

__ Public Agency
__ Faith Based non-profit
__ Other non-profit

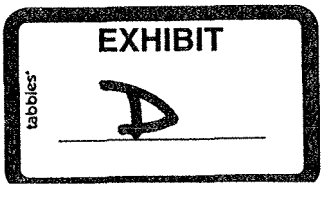
The numbers for the following questions should be based on the annual number of persons served.

RESIDENTIAL (EMERGENCY OR TRANSITIONA SHELTERS)

Annual No. of Adults Served : _____
Annual No. of Children served: _____
Total: _____

NON-RESIDENTIAL SERVICES
Annual No. of Adults and Children Served: _____

RACIAL/ETHNIC CHARACTERISTICS



ANNUAL NUMBER SERVED (INCLUDING RESIDENTIAL AND NON-RESIDENTIAL SERVICES)

	# Total	#Hispanic
White:	_____	_____
Black/African American	_____	_____
Asian	_____	_____
American Indian/Alaskan Native:	_____	_____
Native Hawaiian/Other Pacific Islander:	_____	_____
American Indian/Alaskan Native & White	_____	_____
Asian & White	_____	_____
Black/African American & White	_____	_____
Am. Indian/Alaskan Native & Black/African Am.	_____	_____
Other Multi-Racial	_____	_____
Total	_____	_____

ESG BENEFICIARIES

.EMERGENCY OR TRANSITIONAL SHELTERS

ANNUAL NUMBER OF INDIVIDUAL HOUSEHOLDS (SINGLES): TOTALS

Unaccompanied 18 and over.... Male: _____ Female: _____ _____

Unaccompanied under 18..... Male: _____ Female: _____ _____

ANNUAL NUMBER OF FAMILY HOUSEHOLDS WITH CHILDREN HEADED BY:

Single 18 and over ..... Male: _____ Female: _____ _____

Single under 18..... Male: _____ Female: _____ _____

Two Parents 18 and over .....: _____

Two Parents under 18.....: _____

ANNUAL NUMBER OF FAMILY HOUSEHOLDS WITH NO CHILDREN: ..._____

TOTAL: _____

EMERGENCY OR TRANSITIONAL SHELTERS

List the number of persons for each subpopulation you served. If you served subpopulations that fit more than one category, you may place overlapping numbers (duplicate persons) on the appropriate lines.

Chronically Homeless (Emergency shelter only) : _____

Severely Mentally Ill: _____

Chronic Substance Abuse: _____

Other Disability: _____

Veterans: _____
Persons with HIV/AIDS _____
Victims of Domestic Violence: _____
Elderly: _____

Annual number served in Emergency or Transitional Shelters

ESG HOUSING

SHELTER TYPE	NUMBER OF PERSONS HOUSED
Barracks:	_____
Group/Large House:	_____
Scattered Site Apartment:	_____
Single Family Detached House:	_____
Mobile Home/Trailer	_____
Hotel/Motel:	_____
Other:	_____
Total:	_____

HOMELESS ELIGIBILITY FORM

Client requesting services resides in one of the following places described below:

☐ In places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings, on the street.

(Documentation required: Service worker should sign and date a general certification verifying that services are going to homeless person and indicate where the person resides; have participant sign and date as well.)

☐ In an emergency shelter.

(Documentation required: Signed and dated written verification from the emergency shelter staff.)

☐ In transitional or supportive housing for homeless persons who originally came from the streets or emergency shelters.

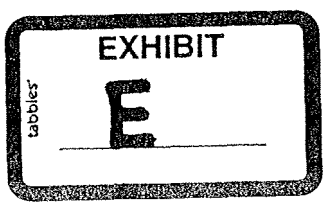
(Documentation required: Signed and dated verification from referring agency staff at transitional housing facility and verification that participant was living on the streets or in an emergency shelter or was discharged from an institution prior to living in transitional housing and would have been homeless if not for the transitional housing.)

☐ In any of the above places but is spending a short time (up to 30 days) in a hospital or other institution.

(Documentation required: Written and dated verification from institution staff stating that the participant has been residing at the institution for less than 31 days and information on the previous living situation.)

☐ Is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing or their housing has been condemned by housing officials and is no longer considered meant for human habitation.

(Documentation required: *Eviction from housing*—evidence of a formal eviction proceeding indicating that the participant was being evicted within the week before receiving homeless assistance; information on the income of the participant and what efforts were made to obtain housing and why, without homeless assistance, the client would be living on the streets or an emergency shelter. *Eviction from family member*—written and dated reason for eviction by family member; signed and dated statement by participant describing the situation; project sponsor must make efforts to verify validity of statement.)



☐ Is being discharged within a week from an institution in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.

(Documentation required: Written verification from institution staff indicating that participant has been residing in the institution for more than 30 days and information on the previous living situation; documentation of no subsequent residence and efforts made to attain them must be referenced in file.)

☐ Is fleeing a domestic violence housing situation and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.

(Documentation required: Dated and signed written verification from the participant indicating that he/she is fleeing a domestic violence situation; statement about previous living situation.)

STAFF SIGNATURE DATE CLIENT SIGNATURE DATE

VERIFICATION ATTACHMENTS REQUIRED.

INELIGIBLE PERSONS:

Ineligible persons are those who are not homeless. Some examples are those who are in one of the following situations:

- In housing, even though they are paying an excessive amount for their housing, the housing is substandard and in need of repair, or the housing is crowded.
- Incarcerated, but upon discharge the person is eligible if no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.
- Living with relatives or friends.
- Living in a board and care, adult congregate living facility, or similar place.
- Being discharged from an institution which is required to provide or arrange housing upon release.
- Wards of the State, although youth in foster care may receive supportive services which supplements, but does not substitute for, the state's assistance.

COUNCIL COMMUNICATION

DATE:	SUBJECT: MOTION OF THE LAREDO HOUSING CORPORATION
11/19/07	Consideration for approval of change order no. 1 a decrease of $12,895.65 for the balance of quantities actually constructed in place to the construction contract with ALC Construction, LLC., Laredo, Texas, and acceptance of the Re-Roofing Project at the Jose Flores Apartments (18 Duplexes Complex). Final construction contract amount is $91,104.35. Funding is available in the Laredo Municipal Housing Corporation Fund.

INITIATED BY:	STAFF SOURCE:
Carlos Villarreal, City Manager	Rogelio Rivera, P.E., City Engineer

PREVIOUS COUNCIL ACTION:
On May 21, 2007, City Council approved to award a construction contract to the lowest bidder ALC Construction, LLC., Laredo, Texas, in the amount of $104,000.00 for the Re-Roofing Project at the Jose Flores Apartments (18 Duplexes Complex).

BACKGROUND:
The original project consisted of the entire re-roofing (with fiberglass composition asphalt shingles) of 18 duplexes for the City of Laredo Jose Flores Apartments located on 559-B Poplar Lane, Laredo, Texas. The project consisted of approximately 60,000.00 sq. ft. of roof area, replacement of some perimeter and all intermediate fascia boards, damaged or missing vent stack, boot flashings, vent stack heads, replacement of damaged or un-level plywood deck or joists, tear-off and disposal of existing roof (including fascias, insulation, drains, etc.). This work included warranties, etc. including labor, materials, services, and equipment necessary for the completion of work described in the drawings and specifications.

Plans and specifications were prepared by Design Group International, Laredo, Texas.

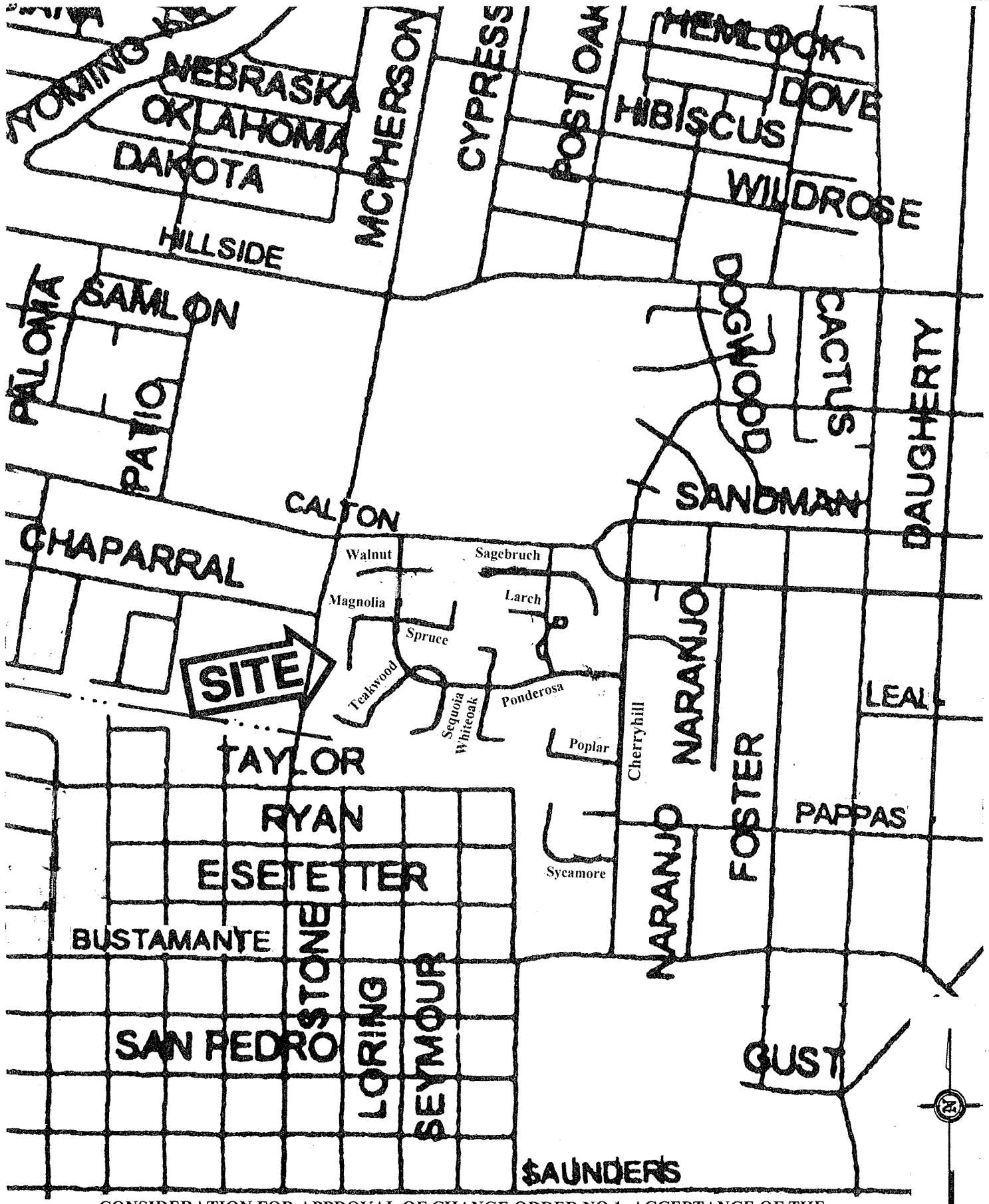
This change order no. 1 is for the balance of quantities actually constructed in place.

Original construction contract amount.....$104,000.00
(Approved by City Council on May 21, 2007)
This change order no. 1.....$ (12,895.65)
Final construction contract amount.....$ 91,104.35

The project was completed within the contract time allotted.

FINANCIAL IMPACT:
Funding is available in the Laredo Municipal Housing Corporation Fund.
Account No. 555-3910-543-2010

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
N/A.	Approval of Motion.



CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO.1, ACCEPTANCE OF THE RE-ROOFING PROJECT AT THE JOSE FLORES APARTMENT (18 DUPLEXES COMPLEX)

City Council Meeting November 19, 2007	**CITY OF LAREDO** **ENGINEERING DEPARTMENT** 1110 HOUSTON ST P.O. BOX 579 PH. 791-7346 FAX (210) 791-7496	AGENDA ITEM

COUNCIL COMMUNICATION

DATE: 11/19/07	SUBJECT: EXECUTIVE SESSION Request for Executive Session pursuant to Texas Government Code Section 551.071 (1) (B) to consult with Assistant City Attorney on settlement offer regarding Shade Concepts L.L.C., and return to open session for possible action.

INITIATED BY:	STAFF SOURCE:
Horacio De Leon Assistant City Manager	V. Melissa Saldaña Assistant City Attorney

PREVIOUS COUNCIL ACTION:
None

BACKGROUND:

FINANCIAL:

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: