

CITY OF LAREDO

CITY COUNCIL MEETING

A-2010-R-04

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

February 16, 2010

5:30 P.M.



DISABILITY ACCESS STATEMENT



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

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

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. MINUTES

Approval of the minutes of February 1, 2010

V. COMMUNICATIONS AND RECOGNITIONS

Recognitions

- a. Recognizing Chelsea Morgensen for being crowned Miss Texas Teen USA.

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 COMMITTEE

- a. Appointment by Mayor Raul G. Salinas to the International Trade Blue Ribbon Committee.
- b. Appointment by Mayor Pro-Tempore Mike Garza of Mr. Peter Venegas to the Citizens Environmental Advisory Committee.

VII. PUBLIC HEARINGS

1. **Public hearing and introductory ordinance** amending the City of Laredo FY 2010 Airport Construction Budget to recognize additional revenues from a grant received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-60-09 in the amount of \$2,000,000.00 for noise mitigation under FAR PART 150 Noise Abatement Program at the Laredo International Airport and appropriating said grant revenue and local match to the appropriate expenditure accounts and authorizing the City Manager to implement said budget amendment. The City's local match of five (5%) percent in the amount of \$100,000.00 is available as follows: \$82,795.00 through the land purchased in FY2006 (Rash Tract) and the amount of \$17,205.00 is available in the Airport Construction Fund. **(Approved by Operations & Finance Committees)**
2. **Public hearing and introductory ordinance** amending Chapter 25 entitled Plumbing of the Code of Ordinance of the City of Laredo by adding a new division III entitled irrigation systems which requires permits and minimum standards for the installation of irrigation systems within the corporate limits of the city; and requiring the registration of irrigation contractors; providing for a penalty for violation of any provisions, hereof; containing a cumulative clause; containing a saving and severability clause; ordering publication; providing for an effective date; and providing for other matters related to the subject. **(Approved by Operations Committee)**
3. **Public hearing and introductory ordinance** amending the City Of Laredo Fiscal Year 2010 Full Time Equivalent positions (FTE) by adding two (2) positions, one (1) Civil Engineer II (P.E.) grade 42 and one (1) Construction Inspector grade 32; These two (2) positions will be mainly responsible for project management, engineering/construction monitoring and quality control of the waterline replacement and sanitary sewer system rehabilitation improvement projects. Total cost for these positions, including benefits, is \$94,000.00 and funding is available in the 2008 Utility Bonds. **(Approved by Operations & Finance Committees)**
4. **Public hearing and introductory ordinance** amending the City of Laredo 2009-2010 Utilities Bond by appropriating revenues and expenditures in the amount of \$848,180.00 for the Cuatro Vientos Water and Wastewater Improvements. The Texas Department of Transportation (State) and the City of Laredo (City) executed a Standard Utility Agreement for the relocation of the TXDot Water and Wastewater Utilities Relocation LP20/SH359 Project. The State will reimburse the City an amount not to exceed of \$848,179.61, which consists of \$746,398.06 to the 2009 Water Bond and \$101,781.55 to the 2009 Sewer Bond. **(Approved by Operations & Finance Committees)**

(Recess)

(Press Availability)

VIII. FINAL READING OF ORDINANCES

5.

2010-O-017 Creating a civil service commission for city employees (except employees who are subject to a collective bargaining agreement); providing for the appointment of members to the commission; setting forth its purposes, powers and functions; providing a classified service for city employees and for exceptions; abolishing at-will employment; providing for severability; providing for the manner in which this ordinance can be amended and providing an effective date.

2010-O-018 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a tire shop on Lots 1 & 2, Block 355, Eastern Division, located at 2901 & 2903 Springfield Avenue. Staff supports the application and the Planning and Zoning Commission has recommended approval of the Conditional Use Permit.

2010-O-019 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for an oriental food, liquor, and beer store, and professional offices, on Lot 4, Block 666, Eastern Division, located at 1219 Bustamante Street. Staff supports the application and the Planning and Zoning Commission has recommended approval of the Conditional Use Permit with the addition of the following provision: alcohol sales are prohibited.

2010-O-020 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 5, 6, and 7, Block 1, San Isidro Business Park, located at 402, 406, and 410 Crossroads Street, from B-4 (Highway Commercial District) to M-1 (Light Manufacturing District). Staff supports the application and the Planning and Zoning Commission has recommended approval of the zone change.

2010-O-021 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning .72 acres, as further described by metes and bounds in attached Exhibit "A," located west of F.M. 1472 and north of Pico Road, from AG (Agricultural District) to B-3 (Community Business District). Staff supports the zone change and the Planning and Zoning Commission has recommended approval of the zone change.

2010-O-022 Amending City of Laredo Ordinance No. 96-186 to provide an exception for Laredo Convention & Visitors Bureau Advisory Committee members to allow for excused absences.

2010-O-023 Designating as a one-way westbound the 2400 and 2500 blocks of E. Elm Street, between N. Martin Avenue and N. Texas Avenue, as a one-way southbound the 3300 and 3400 block of N. Texas Avenue, between E. Montgomery Street and E. Elm Street, and as a one-way northbound the 3300 and 3400 block of N. Martin Avenue, between E.

Montgomery Street and E. Elm Street, during the peak hours of 7:30 a.m. to 8:30 a.m., and 2:30 p.m. to 3:30 p.m., Monday through Friday, during school days, providing for the installation of appropriate signage to indicate one-way traffic and providing for publication and effective date.

2010-O-024 Authorizing the City Manager to execute a budget amendment appropriating operating funds from the Federal Transit Administration Grant No. TX 90-X848 from fiscal year 2008-2009 in the amount of \$1,151,292.00 to be used for operating expenses in fiscal year 2009-2010, by increasing the federal contribution and decreasing the sales tax match in the El Metro fund and increasing the reserve appropriation in the transit sales tax fund by the said amount.

IX. RESOLUTIONS

6. **2010-R-006** Amending the City of Laredo Deferred Compensation Plan to allow employees to participate in a loan program, and providing for an effective date. **(Approved by Operations Committee)**
7. **2010-R-008** Authorizing the City Manager to amend a contract with the South Texas Development Council in the amount of \$6,630.00 for a total of \$426,080.00 for continuation of the Department's HIV/Ryan White Program which provides medical care, case management and supportive care for the term period beginning April 1, 2009 through March 31, 2010. **(Approved by Operations & Finance Committees)**
8. **2010-R-009** Authorizing the City Manager to submit a grant application in the amount of \$499,840.00 to the State of Texas for the purpose of funding the Recovery Act Edward Byrne Memorial JAG or Justice Assistance Grant for the period of June 1, 2010 through May 31, 2011. This grant will be 100% funded at no cost to the city and will be used to pay overtime for Police Border Security & Trafficking Project Operations. **(Approved by Operations & Finance Committees)**
9. **2010-R-010** Authorizing the City Manager to accept and execute a funding agreement with the Texas Department of Transportation in the amount of \$1,640,655.64 which includes a local match of \$158,377.05 for the proposed rehabilitation and or reconstruction of the airport industrial and truck route streets located as further identified in attached Exhibit "A". Funds are available in the Capital Grants Fund. **(Approved by Operations & Finance Committees)**
10. **2010-R-011** Authorizing the dedication of thirty six (36) acres of land in Independence Hills Regional Park, more particularly described in Exhibit A, as an open space area in accordance with the Texas Parks and Wildlife Department outdoor recreation grant; approving the terms and conditions of the agreement; repealing all resolutions in conflict; providing a severability clause, and providing an effective date.

X. MOTIONS

11. Authorizing the City Manager to execute a two (2) year property title & abstract services contract with Stewart Title Company in support of the Neighborhood Stabilization Program (NSP). The NSP is funded by the Texas Department of Housing and Community Affairs. Funding is available under the Neighborhood Stabilization Program. **(Approved by Operations Committee)**
12. Refund of property tax in the amount of \$1,435.32 to the following taxpayers;
 1. A refund in the amount of \$865.62 payable to Tax Ease Funding, LP due to an erroneous payment. Account #922-30005-100.
 2. A refund in the amount of \$569.70 payable to Maria Del Carmen Hernandez due to an overpayment. Account #905-00017-250.
13. Approving monthly adjustments to the tax roll. The amounts to be adjusted for the month of January 2010 represent a decrease of \$21,402.70. These adjustments are determined by the Webb County Appraisal District and by other court orders.
14. Consideration to award a software maintenance contract to the sole source provider, HTE Sungard, in the amount of \$285,582.68. This maintenance contract provides customer support and service for the HTE OSSI computer software system utilized by the Police and Fire Departments. The term of the contract is for twelve (12) months ending on December 31, 2010. Funding is available in the Police and Fire Department annual budgets. **(Approved by Operations & Finance Committees)**
15. Consideration to ratify the City Manager's approval of an emergency purchase authorization to Mickie Service Company, Inc., Houston, TX in the estimated amount of \$53,500.00 for emergency repairs on three broken butterfly valves located on Main and Scott Streets. The three valves were severely deteriorated and in need of replacement. Funding is available in the 2009 Utilities Bond, Series D. **(Approved by Operations & Finance Committees)**
16. Consideration to amend contract FY10-002 currently awarded to Rafter P. Transport, New Braunfels, Texas, in the amount of \$60,000.00 for providing additional hauling and disposal services of wastewater bio-solids for the Utilities Department. This service supplements the department's equipment capabilities and helps control wastewater bio-solids overflow during the rainy season. The bid price is based on a per load rate. Funding is available in the Utilities Department—Wastewater Division budget. **(Approved by Operations & Finance Committees)**
17. Consideration to award contract FY10-012 to the low bidder Closner Construction Co., Laredo, Texas, in the estimated amount of \$305,735.00 for the rehabilitation of eighty one (81) manholes for the Utilities

Department. The rehabilitation shall consist of manhole wall repairs, re-framing work and asphalt paving reconditioning. Funding for this project is available in the Utilities Department 2009 Series C Bond. **(Approved by Operations & Finance Committees)**

18. Authorizing the City Manager to execute amendment no. 2, an increase of \$60,000.00, to the professional engineering services contract with Porrás Nance Engineering, Laredo, Texas for the 24"/36" transmission water main. The consultant will provide engineering and surveying to develop reports, plans, specifications, bid documents, as-built drawings and cost estimates to extend the 24" water transmission main from Saunders to Bustamante; 12" diameter water main from the proposed 24" water main at the Clark bridge to the existing 12" waterline at Wal-Mart; 12" gravity sewer bypass with bore and casing from the Eastwood Lift Station to the existing 15" sanitary sewer south of Clark; and drainage improvements at the SH359 Booster Station. The total new contract amount is \$965,000.00. Funding is available in the 2009 Utility Bond, Series D. **(Approved by Operations & Finance Committees)**
19. Awarding a construction contract to the lowest bidder Qromex Construction, Granite Shoals, Texas, in the amount of \$85,187.70 for the Hwy 359 Booster Station and authorizing the City Manager to execute all related contract documents contingent upon receipt of insurance and bond documents. Funding is available in the 2009 Utility Bond, Series D. **(Approved by Operations & Finance Committees)**
20. Authorizing the City Manager to execute a contract to Howland Engineering and Surveying Co. of Laredo, Texas, in the amount of \$148,864.00 for construction materials testing services for the Jefferson Water Treatment Plant 65 MGD Process & Electrical Improvements Project. Funding is available in the 2008 Utility Bond. **(Approved by Operations & Finance Committees)**
21. Consideration for approval of change order no. 1 to Pesado Construction, Schertz, Texas, for the Hendricks, Milmo and Lyon Water Booster Pump Station Improvements Project. The construction time is amended from 330 calendar days (Substantial Completion) and 360 calendar days (Final Completion) to 236 Working Days (Substantial Completion) and 258 Working Days (Final Completion) to reflect the contact time approved in the original plans and specifications. There is no change to the original contract amount of \$3,966,115.00. The project is subject to Texas Water Development Board approval. **(Approved by Operations Committee)**
22. Consideration for the acceptance, release of retainage, and extension of 20 calendar days to SLC Construction, L.P. Conroe, Texas for the NADB-02 Mines Road Sanitary Sewer Collection System at Peñitas subject to North Development Bank (NADBANK). This extension of time is due to the installation of electricity by AEP. The new contract time including this change order is 445 calendar days. The total contract amount is for

\$2,900,933.39, funding is available in the Colonias Project Fund.
(Approved by Operations Committee)

23. Consideration for the acceptance, release of retainage, extension of 80 days and approval of final change order no. 6, a decrease in the amount of \$194.10 to Jimmy Closner and Sons Construction Co., Inc., Mercedes, Texas for the project on SH 359 Planning Area Water Distribution and Wastewater Collection Systems Work Order no. 3, subject to approval from the TWDB. This change order was due to delays of acquisition of the automatic meter devices. The credit reflects increases and decreases to match actual constructed quantities. The revised contract amount is \$5,572,060.19; the new construction time is 1,055 calendar days. Funding is available in the Colonias Project Fund. **(Approved by Operations Committee)**
24. Consideration for the acceptance and release of retainage, to CG Construction, Inc. DBA CC Construction Laredo, Texas for the Nadbank-2, Phase "B", Peñitas Wastewater Treatment Plant. This project is funded by the North American Development Bank (NADB) and is subject to their approval. The total contract amount is for \$1,387,119.98, funds are available in the 1998 Sewer Bond and the Colonias Project Fund. **(Approved by Operations Committee)**
25. Consideration for approval of the Laredo Street Drainage Improvements Phase III Project as complete and approval of change order no. 1 a decrease of \$40,107.00 for the balance of quantities actually constructed in place, release of retainage, and approval of final payment in the amount of \$51,078.50 to ALC Construction, Inc., Laredo, Texas. Final construction contract amount is \$282,635.00. Funding is available in the 2007 Environmental Services C.O. and 2008 Utilities Bond. **(Approved by Operations & Finance Committees)**
26. Consideration for approval of the Dryden Park Improvements Project as complete and approval of final change order no. 3, zero "net change" for the balance of quantities actually constructed in place and to add thirteen (13) working days to the construction contract time, release of retainage, and approval of final payment in the amount of \$24,950.82 to CG Construction, Inc., Laredo, Texas. Final construction contract amount is \$499,016.37. Funding is available in the Community Development Fund 30th, 32nd and 33rd Action Year and Capital Improvements Fund - District II Discretionary Funds. **(Approved by Operations Committee)**
27. Award of construction contract to the lowest bidder Zertuche Construction, LLC., Laredo, Texas, in the negotiated amount of \$2,500,000.00 for the Laredo Independence Hills Regional Park - Phase I with a construction contract time of one hundred eighty (180) calendar days; and authorizing the City Manager to execute all related contract documents contingent upon receipt and approval of insurance and bond documents. Funding is

available in the 2007 C.O., 2008 C.O., Capital Improvements Fund and Parks Capital Grants. **(Approved by Operations & Finance Committees)**

28. Ratification of the City Manager's approval on the issuance of a purchase order to Sanofi Pasteur through the Texas Department of State Health Services federal contract pricing for the purchase of 7,000 vaccines for the 2010-2011 flu season up to \$73,863.00. Funding is available in the Health Department budget for the Immunization Program to compensate for the cost of the vaccine that will protect those vulnerable persons against the flu and pneumonia. **(Approved by Operations & Finance Committees)**

XI. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

29.

A. Request by Mayor Raul G. Salinas

1. Presentation by Dr. Hector Gonzalez, Health Department Director informing the public on regulations for the Service Animals as authorized by the American Disabilities Act.
2. Report by Police Chief Carlos Maldonado on efforts to enforce speed limits in school zones in cooperation with LISD and UISD Police Departments and all other law enforcement agencies. **(Co-Sponsored by Mayor Pro-Tempore Mike Garza & Council Member Cynthia Liendo Espinoza)**

B. Request by Mayor Pro-Tempore Mike Garza

1. Discussion and presentation on revenue and actual crossings for all ports of entry in the State of Texas.
2. Update of the Merida Extension Project and the Ejido Extension Project, with possible action.

C. Request by Council Member Hector "Tito" Garcia

1. Status report on the potential purchase of the Paul Young Car Center located at Bob Bullock Loop to house various City Departments.
2. Discussion with possible action to have the Laredo City Council support and adopt a resolution to the Metropolitan Planning Organization to request transfer of Cross Border Initiative (CBI) funds to Webb County for the Loop 20 Stimulus Initiative. **(Co-Sponsored by Council Member Gene Belmares)**

D. Request by Council Member Gene Belmares

1. Discussion with possible action locating sites and funding for tournament complexes for baseball and softball.

2. Discussion with possible action on acquiring additional park land for Shiloh Crossing Park.
3. Discussion with possible action on improving the Police Department's Fleet Management and acquiring additional police units.

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

1. Discussion with possible action regarding the status of the Flecha Lane Realignment Project.

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

1. Discussion with possible action on constructing additional sidewalks in District VIII.

XII. STAFF REPORTS

30. Presentation by FirstCall, Inc., regarding emergency notification service for the City of Laredo.
31. Presentation of the fiscal year 2008-2009 Comprehensive Annual Financial Report (CAFR) prepared by the City of Laredo's Financial Services Department and audited by the Independent Audit Firm of Garza, Martinez, & Co.

XIII. EXECUTIVE SESSION

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

32. Request for executive session pursuant to Texas Government Code Section 551.071(1) (A) to consult with attorney on pending litigation: City of Laredo vs. Hilda Negrete; Appeal No. 04-08-00737-CV; Fourth Court of Appeals District of Texas, San Antonio; arising out of trial court cause no. 2006-CVQ-001879-D2; and return to open session for possible action.

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

33. **Staff Report:** Presentation by Mr. Joe Lyle, an independent contractor for First Transit, regarding the findings on the report of El Metro's fixed route service; and Mr. David Braun, Director of Business Development, to report on the findings of the El Lift paratransit service.
34. Consideration to award contract 010-006 to the low bidder Kone Inc., San Antonio, Texas the for a five (5) year elevator maintenance service contract.

The first year maintenance contract for FY 09-10 is for the amount of \$8,083.80. This contract will provide for monthly maintenance on the three elevators at the Laredo Transit Management Center. Funding is available in the Laredo Transit Management Inc. System Fund. **(Approved by Operations Committee)**

35. Consideration to exercise the renewal option for one (1) additional year for contract number FY06-023 awarded to Goodyear Tire and Rubber Company, Akron, Ohio in the estimated annual amount of \$100,000.00 for the leasing of tires used for the bus and para-transit vehicles. Funding is available in the Transit System budget. **(Approved by Operations & Finance Committee Agendas)**

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

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Wednesday, February 10, 2010 at 6:00 p.m.

Gustavo Guevara, Jr.

City Secretary