

CITY OF LAREDO

CITY COUNCIL MEETING

A-2011-R-12

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

JULY 5, 2011

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 June 1, 2011, June 20, 2011 & June 27, 2011

V. COMMUNICATIONS AND RECOGNITIONS

Recognitions

- a. Recognition of Laredo Police Department Officers Alberto Tijerina and Gerardo Dimas for their heroic efforts in saving a precious life.
- b. Recognizing the following individuals who recently accepted baseball scholarships at various colleges/universities:
 - Homero Ortiz-United High School
 - Mark Mitchell-United High School
 - Mario Maldonado-Alexander High School
 - Mauricio Granados-Alexander High School
 - Fernando Garza- Alexander High School

Citizen comments

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

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

- a. Appointment by Council Member Cynthia Liendo Espinoza of Ms. Virginia “Viky” Garcia to the Redistricting Committee.
- b. Appointment by Council Member Jorge A. Vera of Mr. Jose A. Valdez, Jr. to the Planning and Zoning Commission.
- c. Appointment of Council Member Jorge A. Vera to the Finance Committee replacing former Council Member Jose A. Valdez, Jr.

VII. PUBLIC HEARINGS

- 1. **Public hearing and introductory ordinance** amending Chapter 21, of the Code of Ordinances of the City of Laredo by re-adopting Article VII, 21-141 through 21-150, that establishes a juvenile day time and nighttime curfew, defines terms, offenses for minors, parents and guardians of minors, and business establishments violating curfew regulations, provides defenses, provides for enforcement by the Laredo Police Department, waiver by the Municipal Court of Jurisdiction over a minor when required under the Texas Family Code, provided for a penalty not to exceed \$500.00; providing for a review by the City Council of the effects of this ordinance, before the third anniversary of the date of adoption of this curfew ordinance; providing for a public hearing providing for severability clause; establishing an effective date, and providing for publication. **(Approved by Operations Committee)**
- 2. **Public hearing and introductory ordinance** amending the Code of Ordinances, Chapter 6, Animals and Fowl, Article VII of the Laredo Code of Ordinances, by specifically amending Section 6-116(e)(3) by adding Section (c). The fee for purchasing microchips is based on the actual cost of the chip plus any associated costs (shipping, handling fees and sales tax if appropriate). If the chip is used and inserted by the City of Laredo Health Department (CLHD) staff in addition to the costs of the chip (plus any associated costs), an additional administrative fee not to exceed \$12.00 will be added. Amending Section 6-119(a) by adding Sections (4) and (5). The microchip fee is the actual cost plus any associated costs. If the chip is inserted by the CLHD, an administrative fee not to exceed \$12.00 will be added in addition to the cost of the microchip; providing for publication and effective date. **(Approved by Operations Committee and as amended by Finance Committee)**
- 3. **Public hearing and introductory ordinance** amending the City of Laredo Code of Ordinances, Chapter 31, Article IV, Liquid Waste Transportation Division 1 through 4. This amendment is modifying definitions, permit requirements, responsibilities of transporters, enforcement and charges. It also provides for a severability clause, publication and establishing an effective date.
- 4. **Public hearing** allowing interested persons to comment on the proposed amendment to the City of Laredo’s 2010 Consolidated One-Year Action

Plan for the purpose of reprogramming Community Development Block Grant (CDBG) funds totaling \$891,380.00. It is proposed that the funds be utilized to create the following projects:

- (1) Santo Niño Elementary Park Improvements (\$143,425.00);
- (2) Vista Nueva Park Improvements (\$103,500.00);
- (3) Santa Fe Splash Park Project (\$210,700.00);
- (4) Taylor Park Parking Lot (\$79,000.00);
- (5) Sanchez Ochoa Park Shade Structure (\$75,000.00);
- (6) Dr. Cecilia Moreno Park Shade Structures (\$30,000.00);
- (7) Pepe Moreno Park Basketball Dome (\$214,755.00); and
- (8) Eistetter Toddler Basketball Court Shade Structure (\$35,000.00)

It is further proposed that the newly created projects be funded using a total of \$891,380.00, by cancelling projects that are no longer viable, and through the use of fund balances from completed projects from the 30th through 36th AY as listed below:

CDBG PROJECT FUND BALANCES

	<u>30th AY</u>	
Housing Rehabilitation Administration		\$1.00
Monterrey St. Acquisition		\$1.00
Lafayette Spray Park Improvements		<u>\$1.00</u>
Total 30th AY Fund Balances		\$3.00
	<u>31st AY</u>	
Lafayette Park Hockey Ring		<u>\$1.00</u>
Total 31st AY Fund Balances		\$1.00
	<u>32nd AY</u>	
Housing Rehabilitation Administration		\$141.00
Code Enforcement		<u>\$ 1.00</u>
Total 32nd AY Fund Balances		\$142.00
	<u>33rd AY</u>	
CD Administration		<u>\$272.00</u>
Total 33rd AY Fund Balances		\$272.00
	<u>34th AY</u>	
Graffiti Removal		\$ 1.00
Azteca Splash Park		<u>\$142.00</u>
Total 34th AY Fund Balances		\$143.00
	<u>35th AY</u>	
CD Administration		\$37,616.00
Housing Rehabilitation Administration		\$23,981.00
Code Enforcement		\$26,208.00
Graffiti Removal		<u>\$28,046.00</u>
Total 35th AY Fund Balances		\$115,851.00
	<u>36th AY</u>	
Hurricane Alex Emergency Assistance		<u>\$23,518.00</u>
Total 36th AY Fund Balances		\$23,518.00
 TOTAL FUND BALANCES		 \$139,930.00

CANCELLED PROJECTS

32nd AY

Heritage Park Improvements	\$ 50.00
Total 32nd AY Cancelled Projects	\$ 50.00

35th AY

Hurricane Alex Emergency Flood Repairs	\$140,000.00
Heritage Park Improvements	\$110,700.00
Santa Fe Secondary Baseball Field	\$210,700.00
Freddie Benavides Shade Structure	<u>\$ 75,000.00</u>
Total 35th AY Cancelled Projects	\$536,400.00

36th AY

Heritage Park Improvements	<u>\$215,000.00</u>
Total 36th AY Cancelled Projects	\$215,000.00

TOTAL CANCELLED PROJECTS **\$751,450.00**

TOTAL FUNDS TO BE REPROGRAMMED \$891,380.00

5. **Public hearing** allowing interested persons to comment on the 2011 Consolidated One Year Action Plan which identifies the projects proposed to be funded by the U.S. Department of Housing and Urban Development through \$3,290,569.00 in 37th Action Year Community Development Block Grant (CDBG) funds, and \$96,066 in CDBG Program Income; \$1,218,954.00 in 2011 HOME Investment Partnerships Program (HOME) funds, and \$20,016.00 in HOME Program Income; \$159,482.00 in 2011 Emergency Shelter Grant (ESG) funds; and \$70,000.00 through the Housing Rehabilitation Revolving Loan fund. The projects proposed to be funded are as follows:

37th AY Community Development Block Grant

Community Development Administration	\$619,077.00
Housing Rehabilitation Administration	\$240,722.00
Housing Rehabilitation Loan Program (\$96,066 in PI)	\$472,850.00
Code Enforcement	\$495,503.00
Hamilton Hotel - Section 108 Loan Repayment	\$100,462.00
Graffiti Removal Program	\$39,988.00
Construction of Sidewalks-District V	\$194,000.00
Construction of Sidewalks-District VII	\$100,000.00
Downtown Façade Restoration Improvements (VIII)	\$60,000.00
Anna Street Park Playscape (VII)	\$94,000.00
Slaughter Park Swimming Pool (III)	\$582,033.00
La Ladrillera Park Improvements (VIII)	\$194,000.00
Inner City Park Soft Walking Track (IV)	<u>\$194,000.00</u>
Total	\$3,386,635.00

Housing Rehabilitation Revolving Loan Program	\$29,830.00
Housing Rehabilitation Revolving Loan Administration	<u>\$40,170.00</u>
Total	\$70,000.00

HOME Investment Partnership Grant

HOME Program Administration	\$113,832.00
Downpayment Assistance (\$20,016 in PI)	\$602,294.00
Tenant-Based Rental Assistance	\$340,000.00
CHDO set aside	<u>\$182,844.00</u>
Total	\$1,238,970.00

Emergency Shelter Grant

ESG Program Administration	\$3,300.00
Homeless Prevention	\$33,000.00
Operations	\$83,396.00
Essential Services	<u>\$39,786.00</u>
Total	\$159,482.00

(Recess)
(Press Availability)

VIII. INTRODUCTORY ORDINANCES

6. Amending Chapter 19, Motor Vehicle and Traffic, Article II, Administration and Enforcement, Division 2, Transportation and Traffic Safety Advisory Committee, Section 19-49, Meetings, of the Code of Ordinances of the City of Laredo, to change the annual term of the election of officers from October 1 to April 1 and to provide for publication and effective date.
(Approved by Operations Committee)
7. Amending Ordinance 2010-O-17 Civil Service Commission for City employees (except employees who are subject to a Collective Bargaining Agreement) dated February 16, 2010 by adding language to Section 2, creation of commission, Sections 2 (A), 2(B), 2(C), 2(C)(i), and 2(D) to provide workable contingency plans for varying employee election results as they may occur so as to ensure a fully composed special trial board as needed for employee grievance dispositions; repealing any prior ordinances in conflict herewith; and, providing an effective date.

IX. FINAL READING OF ORDINANCES

8. **2011-O-085** Amending the City of Laredo Colonias Fund Budget in the amount of \$1,350,152.00. Texas Water Development Board (TWDB) issued amendment No. 12 to the existing Contract No.'s G13500/G13600/G17000, Project No. 10045 between the City of Laredo and TWDB in the amount of \$1,350,152.00 in order to reallocate these funds back into the EDAP program for reuse. Funding for the project was as a result of a \$3,200,000.00 savings in the grant received jointly from United States Environmental Protection Agency (USEPA) and the TWDB for the Colonias on Hwy 359. USEPA requested that all projects be completed by 2011.

2011-O-086 Amending the City of Laredo Colonias Fund Budget by \$1,653,864.00. NADBank issued an amendment to the existing grant agreement No. 23-48/00, Improvements to the Water and Wastewater Services in the Colonias Grant Agreement between the City of Laredo and NADBank in the amount of \$1,653,864.00 to allow the City to perform water and sewer hookups in the Mines Rd. area. Funding for the project was as a result of a \$3,200,000.00 savings in the grant received jointly from United States Environmental Protection Agency (USEPA) and the Texas Water Development Board (TWDB) for the Colonias on Hwy 359. USEPA requested that all projects be completed by 2011 and authorized the use of \$1,653,864.00 for the Mines Road House to Line project.

2011-O-087 Amending the City of Laredo FY 2010-2011 Waterworks Operations Fund by appropriating an additional \$1,375,144.00 from the opening balance. These funds are from the balance of the United Water Settlement which will be used to cover the cost of the improvements needed to house the Department's Billing Division at the City Hall Annex on Loop 20. The appropriation will be set up as a transfer out of the Capital Improvement Fund. The FY 2010-2011 Capital Improvement Fund budget will be amended and appropriated in the amount of \$1,375,144.00 for the City Hall Annex.

2011-O-088 Amending the Zoning Ordinance (Map) of the City of Laredo by repealing Ordinance No. 2006-O-230, a Conditional Use Permit issued for an adult day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard; and authorizing the issuance of a Conditional Use Permit for a child day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard; providing for effective date and publication.

2011-O-089 Amending Ordinance 2005-O-069 authorizing a Special Use Permit for oil and/or gas extraction on 4 acres, as further described by metes and bounds in attached Exhibit "A", located east of Highway 83 and north of Cielito Lindo Boulevard in order to reflect change of ownership; providing for publication and effective date.

2011-O-090 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 4, 5 & 6, Block 1074-A, Western Division, located at 4301 Santa Cleotilde Avenue, from R-3 (Mixed Residential District) to M-1 (Light Manufacturing District); providing for publication and effective date.

2011-O-091 Amending the City of Laredo Code of Ordinances, Chapter 33, Article I entitled "General" by deleting eight (8) year term limits in §33-1 "Citizen's Environmental Advisory Committee" (C) as per City Council request; providing for severability and an effective date.

X. RESOLUTIONS

9. **2011-R-060** Authorizing the removal of the traffic signal located at the intersection of Juarez Avenue and Hidalgo Street which is no longer

warranted according to the Texas Manual on Uniform Traffic Control Devices. **(Approved by Operations Committee)**

XI. MOTIONS

10. Consideration to reject all proposals received for RFP FY11-041 Vehicle Camera Kits and GPS Tracking System for the Solid Waste Services Department and authorization to secure new proposals with revised equipment specifications. Funding is available in the Solid Waste Services Budget. **(Approved by Operations Committee)**

XII. CONSENT AGENDA

Resolutions and Motions previously brought before Operations and Finance Committees may be approved by City Council categorically *EN MASSE*. At Council's request, specific items may be withheld from the consent agenda for individual treatment.

XII (a) MOTIONS

11. Consideration to award a contract in an amount not to exceed \$70,000.00 for Weatherization Assistance Program Assessment Services to Apple Energy Group, LLC from Austin, Texas. Funding is available in the Community Development A.R.R.A. Fund – Weatherization Assistance Program Grant. **(Approved by Operations & Finance Committees)**
12. Consideration to renew contract number FY09-070 to the low bidders, Staff Force, Laredo, Texas, and Manpower, Inc., Laredo, Texas, for providing temporary contract employees. Contracts will be awarded to a primary and secondary vendor in order to provide the City of Laredo with a quality labor pool for those departments that might require temporary staff members throughout the fiscal year. All services will be secured on an as needed basis and the estimated contract amount for this fiscal year would be \$800,000.00. Funding is available in the respective departmental budgets. **(Approved by Operations & Finance Committees)**
13. Consideration for approval of the Upgrades/Modifications for the Aircraft and Structural Fire Training Props and Facilities at the Laredo International Fire and Law Enforcement Training Center (Re-Bid) as complete, release of retainage and approval of final payment in the amount of \$65,871.12 to WRG Fire Training Simulation Systems, Inc., Sherwood, Oregon. Final construction contract amount is \$385,455.72. Funding is available in Fund 461 (2006 C.O.), Fund 462 (2007 C.O.) and Fund 463 (2008 C.O.). **(Approved by Operations & Finance Committees)**
14. Consideration to award contract FY11-059 to Gutierrez Machine Shop, Laredo, Texas, in the estimated amount of \$350,000.00 for professional welding services for the Utilities Department. The services requested include site repairs to various water and wastewater treatment plants, lift stations, and other municipal utility facilities. The City did receive a lower

bid from Pulsar Construction, Inc.; however, this firm would subcontract the personnel and would contract with an independent machine shop. Gutierrez Machine Shop has the experience, a machine shop, and personnel required for this service. Funding is available in the Utilities Department budget. **(Approved by Operations & Finance Committees)**

15. Consideration to authorize the purchase of ten (10), 72" riding mowers for the Parks and Leisure Services Department from John Deere Government & National Sales, Cary, North Carolina, through the State of Texas—TxMas contract no. 7-51V050 in the total amount of \$130,268.60. Funding is available from 2009 PFFCO Contractual Obligations Capital Outlay Expense Account. **(Approved by Operations & Finance Committees)**

END OF CONSENT AGENDA

XIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

16.

A. Request by Mayor Raul G. Salinas

1. Status report with possible action on the creation of a Blue Ribbon Committee for the collaboration of educational efforts between all local schools and the City's support of educational issues relating to the youth of our community. **(Co-Sponsored by Council Member Esteban Rangel & Council Member Cynthia Liendo Espinoza)**
2. Discussion with possible action regarding the need for and the importance of site addressing (address number display) as per the requirements of the City of Laredo Building Code.

B. Request by Council Member Esteban Rangel

1. Status report on the possibility of converting alternative fuel at the landfill which would lead to gas/electricity, with possible action.
2. Discussion with possible action regarding city-wide fire hydrant replacements, and the maintenance of railroad right-of-ways throughout the City of Laredo.
3. Discussion on the status of James and Maria Luisa Haynes Recreation Center and consideration for changes to the pool improvements, with possible action.
4. Discussion with possible action to direct the City Attorney to make changes as needed to existing ordinances that speak to the powers/duties of the Mayor Pro-Tempore so as to allow the Mayor Pro-Tempore to vote as a Council Member

whenever he/she presides at City Council in the absence of the Mayor. **(Co-Sponsored by Mayor Pro-Temp Johnny Rendon)**

C. Request by Council Member Charlie San Miguel

1. Discussion with possible action to address the lack of signage for northbound traffic at the San Isidro Parkway Boulevard exit #5 from IH-35.
2. Discussion with possible action regarding the Manadas Creek maintenance contract.
3. Discussion with possible action concerning the addition of a turning lane into the Plantation Subdivision at the Reserve Drive entrance.

D. Request by Council Member Jorge A. Vera

1. Discussion with possible action to conduct a feasibility study for the construction of a pedestrian bridge in the Farias/ Chicago area.

E. Request by Council Member Cynthia Liendo Espinoza

1. Discussion with possible action to enter into a memorandum of understanding to provide surplus milling material for the parking lot located at 413 Iturbide Street.

XIV. STAFF REPORTS

17. Presentation by Noe Hinojosa, Estrada Hinojosa Investment Bankers, of the Plan of Finance for the Proposed Bond Issuance.
18. Staff report by Mr. Tomas Rodriguez, Utilities Department Director, regarding city-wide water conservation.

XV. 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.

XVI. RECESS AS THE LAREDO CITY COUNCIL AND CONVENE AS THE LAREDO PUBLIC FACILITY CORPORATION

19. Approval of the Minutes of the Meeting of October 18, 2010

20. Adoption of Bylaws

21. Authorizing a Resolution to approve a Tri-Party Memorandum of Understanding among the Corporation, NRP Holdings L.L.C. and EJIDO Holdings, L.L.C., regarding La Terraza del Sol Apartments Project.

XVII. ADJOURN AS THE LAREDO PUBLIC FACILITY CORPORATION AND RECONVENE AS THE LAREDO CITY COUNCIL AND ADJOURN

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Wednesday, June 29, 2011 at 7:00 p.m.

Gustavo Guevara, Jr.
City Secretary

COUNCIL COMMUNICATION

DATE: 7/5/11	SUBJECT: PUBLIC HEARING/INTRODUCTORY ORDINANCE AMENDING CHAPTER 21, OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO BY RE-ADOPTING ARTICLE VII, 21-141 THROUGH 21-150, THAT ESTABLISHES A JUVENILE DAY TIME AND NIGHTTIME CURFEW, DEFINES TERMS, OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS, PROVIDES DEFENSES, PROVIDES FOR ENFORCEMENT BY THE LAREDO POLICE DEPARTMENT, WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE, PROVIDED FOR A PENALTY NOT TO EXCEED \$500.00; PROVIDING FOR A REVIEW BY THE CITY COUNCIL OF THE EFFECTS OF THIS ORDINANCE, BEFORE THE THIRD ANNIVERSARY OF THE DATE OF ADOPTION OF THIS CURFEW ORDINANCE; PROVIDING FOR A PUBLIC HEARING PROVIDING FOR SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR PUBLICATION.	
INITIATED BY: Cynthia Collazo Deputy City Manger	STAFF SOURCE: Carlos Maldonado Chief of Police	
PREVIOUS COUNCIL ACTION: City Council approved Ordinance No. 2001-O-252		
BACKGROUND: The City Council passed Ordinance No. 2001-O-252 on November 13, 2001 establishing a juvenile day-time and night-time curfew, defining terms, creating offenses for minors, parent and guardians of minors, and business establishments violating curfew regulations, providing defenses, providing for enforcement by the Police Department, providing for a waiver by the Municipal Court of jurisdiction over a minor when required under the Texas Family Code, providing for a penalty not to exceed \$500.00, providing for classification of any offense listed herein as a Class "C" misdemeanor, providing for a savings clause, providing for a severability clause		
FINANCIAL IMPACT: N/A		
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: Recommends the approval of this Public Hearing.	

AN ORDINANCE

AMENDING CHAPTER 21, OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO BY RE-ADOPTING ARTICLE VII, 21-141 THROUGH 21-150, THAT ESTABLISHES A JUVENILE DAY TIME AND NIGHTTIME CURFEW, DEFINES TERMS, OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS, PROVIDES DEFENSES, PROVIDES FOR ENFORCEMENT BY THE LAREDO POLICE DEPARTMENT, WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE, PROVIDED FOR A PENALTY NOT TO EXCEED \$500.00; PROVIDING FOR A REVIEW BY THE CITY COUNCIL OF THE EFFECTS OF THIS ORDINANCE, BEFORE THE THIRD ANNIVERSARY OF THE DATE OF ADOPTION OF THIS CURFEW ORDINANCE; PROVIDING FOR A PUBLIC HEARING PROVIDING FOR SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR PUBLICATION.

Whereas, the City Council has determined that the City of Laredo's juvenile curfew ordinance was enacted in order to reduce the amount of juvenile violent crimes, gang activity and other such crimes committed by juveniles; and

Whereas, total number of citations filed with the City of Laredo Municipal Court from January 1, 2009 to May 17, 2011 is 1,308; 636 cases are non-adjudicated meaning the defendant has not appeared in court and the case remains active; 672 cases have been adjudicated and have either reached final disposition or they are on a current adjudication status; and the total amount of fines collected during this time frame is \$13,353.40, however, the majority of the curfew cases are assigned to complete community service hours or to attend family counseling programs in lieu of fines; and

Whereas, the City Council has determined that although the City of Laredo's juvenile curfew ordinance has been quite effective in reducing the number of criminal cases involving juveniles, it continues to be necessary in our community in order to maintain control over the proliferation of such crimes; and

Whereas, it is in the best interest of the public health, safety, morals and general welfare of the citizens of Laredo to attain the foregoing objectives and to diminish the undesirable impact of juvenile adult crime on the citizens of the City of Laredo.

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

SECTION 1: Chapter 21, Article VII, of the Code of Ordinances be amended as follows:

Sec. 21-141. Definitions.

For purposes of this article, the following words and phrases shall have the meanings ascribed to them as indicated:

Curfew hours means:

(1) 8:30 a.m. on any Monday, Tuesday, Wednesday, Thursday, and Friday, until 3:30 p.m. of that same afternoon while school is in regular session.

(2) 12:01 a.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 6:00 a.m. of the same day.

Direct route means the shortest path of travel through public places to reach the destination without detours or additional stops at any other destinations along the way.

Emergency means an unforeseen circumstance, or combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, an automobile accident or any situation requiring immediate action or immediate medical care to prevent serious bodily injury or loss of life to himself or another person.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian means:

- (1) Any person to whom custody, or guardianship of a minor has been given by a court order; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor means any person seventeen (17) years of age or under.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The terms shall include the members or partners of an association or partnership and the officers of a corporation.

Parent means a parent who is the natural or adoptive parent, or grandparent of another person seventeen (17) years of age and under. As used herein parent shall also include a court-appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order or by the court-appointed guardian to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to: streets, alleys, highways, sidewalks, playgrounds, parks, plazas or places used or open to members of the public or any public buildings, places of business, amusement or entertainment, and the common areas of schools, hospitals, apartment houses, office buildings, public and private transportation facilities and shops.

Religious activity means any function or event sponsored by a religious organization that has received tax exemption under section 501(C)(3) of U.S.C.

Remain means to:

- (1) Linger or stay; or
- (2) Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person who is in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 21-141- Offenses.

- (a) It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or upon any public place within the city limits of the city between the hours of 8:30 a.m. and 3:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, and Friday, while school is in regular session.
- (b) It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or upon any public place within the city limits of the City or Laredo between the hours of 12:01 a.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and 6:00 a.m. of the same day.
- (c) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of any provisions of the curfew imposed by this Code.
- (d) A parent or guardian commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (e) It shall be unlawful for any person to induce, encourage, or to assist any person seventeen (17) years of age or under to do any act in violation of any provisions of this article.
- (f) The owner, operator, or any employee of an establishment commits an offense if he knowingly, and habitually allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 21-143 - Defenses.

- (a) It is a defense to prosecution under chapter 21, article VII, section 21-142, subsections (b), (c), (d), (e), or (f), of the Code of Ordinances of the City of Laredo that:

 - (1) The minor is accompanied by his or her parent or legal guardian or spouse.
 - (2) The minor is upon an errand by his or her parent or spouse, or one made necessary by an emergency.
 - (3) The minor is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through a curfew area is the most direct route.
 - (4) The presence of the minor is connected with or required with respect to a religious activity or a business, trade, profession or occupation in which such minor is lawfully engaged.
 - (5) The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
 - (6) The minor is married or had been married or has had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.
 - (7) The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Laredo, a civic organization, or other similar entity that takes responsibility for the minor, or is going to or returning from without any detour or stop, an official school, religious, or other recreational activity supervised by adults and

sponsored by the City of Laredo, a civic organization, or another similar entity that takes responsibility for the minor.

- (8) The minor is moving by a direct route through a curfew area or to his or her home or school in a curfew area.
- (9) The minor is on the sidewalk of the place where such minor resides or on the sidewalk of either next-door neighbor and who is not communicating an objection or complaint as to the presence of the minor to the police officer.
- (10) The minor has a duly authorized and signed written permission to leave campus endorsed by a school official or administrator.
- (11) The minor has a duly authorized and signed school issued off-campus pass, endorsed by a school official or administrator.
- (b) It is a defense to prosecution under subsections 21-142(e) or (f) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and had refused to leave.
- (c) With respect to the hours between 8:30 a.m. and 3:30 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday only, it is a defense that the school which the minor attends was not in regular session, or is on a school authorized and permitted off campus lunch period, or that the minor is a high school graduate or has equivalent certification, or that the minor is on an excused absence from his or her place of schooling.
- (d) It is not a defense to prosecution under subsection 21-142(a) of the Code of Ordinances of the City Laredo that the minor has been expelled from school by a properly authorized school official or administrator in accordance with that school or school districts policies and procedures.

Sec. 21-144 – Enforcement procedure.

Before taking any enforcement action under this section, a police officer shall first ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defenses as set out in section 21-143 are present.

Sec. 21-145 – Penalties.

- (a) Any person who violates a provision of this article is guilty of a separate offense for each day or part of each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00) or reasonable community service. Any person convicted of violating the provisions of this article shall be guilty of a class "C" misdemeanor.
- (b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 21-142 subsections (a), (b), or (c), of this article and shall refer the minor to juvenile court, and shall be dealt with in accordance with the provisions of Texas Family Code Ann., Title 3 (Vernon 1975).
- (c) The parents of a minor, or any person, or any establishment or operator interfering with the enforcement of this article or violating this article shall be cited to appear before the municipal court, and upon conviction, shall be guilty of a class "C" misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

SECTION 2: That if any provision, section, sentence, clause or phrase to 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 in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

SECTION 3: Effective Date and Publication. That this ordinance shall become effective upon its passage, and publication one time in the newspaper.

ASSESSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011.

RAUL SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO

CITY ATTORNEY

BY: Valeria M. Acevedo
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

<p>DATE: 07/05/2011</p>	<p>SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 6, ANIMALS AND FOWL, ARTICLE VII OF THE LAREDO CODE OF ORDINANCES, BY SPECIFICALLY AMENDING SECTION 6-116(e)(3) BY ADDING SECTION (c). THE FEE FOR PURCHASING MICROCHIPS IS BASED ON THE ACTUAL COST OF THE CHIP PLUS ANY ASSOCIATED COSTS (SHIPPING, HANDLING FEES AND SALES TAX IF APPROPRIATE). IF THE CHIP IS USED AND INSERTED BY THE CITY OF LAREDO HEALTH DEPARTMENT (CLHD) STAFF, IN ADDITION TO THE COSTS OF THE CHIP (PLUS ANY ASSOCIATED COSTS), AN ADDITIONAL ADMINISTRATIVE FEE NOT TO EXCEED \$12.00 WILL BE ADDED. AMENDING SECTION 6-119(a) BY ADDING SECTIONS (4) AND (5). THE MICROCHIP FEE IS THE ACTUAL COST PLUS ANY ASSOCIATED COSTS. IF THE CHIP IS INSERTED BY THE CLHD, AN ADMINISTRATIVE FEE NOT TO EXCEED \$12.00 WILL BE ADDED IN ADDITION TO THE COST OF THE MICROCHIP. PROVIDING FOR PUBLIC HEARING, PUBLICATION AND EFFECTIVE DATE.</p>
<p>INITIATED BY: Cynthia Collazo Deputy City Manager</p>	<p>STAFF SOURCE: Hector F. Gonzalez, M.D., M.P.H. Health Director</p>
<p>PREVIOUS COUNCIL ACTION: On March 15, 2010, Council approved Ordinance 2010-O-029.</p>	
<p>BACKGROUND: The City of Laredo has rules and regulations for disease control and prevention as per the state public health act and local ordinances, in particular for zoonosis and rabies control, animals and fowl, livestock and wild animals. The proposed revised ordinance reiterates the obligation of registration of pets through microchip to improve pet responsibility. The registration of pets will allow the City of Laredo Health Department to establish a database of all owners to track for rabies vaccination and other preventive measures.</p> <p>The fee for the microchip is established as the actual cost of the chip (including shipping, handling, and sales tax, if applicable). An administrative fee will be added to this charge if the implementation of the chip is done by Health Department staff.</p> <p>Therefore, Chapter 6, Animals and Fowl, Article VII, Section 6-116(e)(3), and Section 6-119 are amended as follows:</p> <p><u>Sec. 6-116.</u> - Spayed or neutered dog or cat registration required; intact dog or cat registration required.</p> <p>(e) <i>Registration</i> <i>Microchip fee shall become effective on September 7, 2011.</i></p> <p>(3) Effective August 1, 2011, a dog or cat may only be registered by having the dog or cat microchipped and the microchip number and all appropriate registration data submitted to the health department. A veterinarian or authorized entity can also send the owner to register the pet at the health department.</p> <p>a. Fees collected by entities other than the department if they register the pet will be collected by the entity and fifty (50) percent of collection will be</p>	

provided to the department.

b. All authorized entities registering a spayed, neutered or intact dog/cat must provide the registration to the department within thirty (30) days.

c. Fee for the microchip is established as the actual cost of the chip plus any associated costs (shipping, handling fees and sales tax if appropriate) and if inserted by the City of Laredo Health Department, an additional administrative fee not to exceed \$12.00 will be added.

Sec. 6-119. - Registration, vaccination and permit fees.

Registration fees will not go into effect until August 1, 2011.

Microchip fees shall become effective on September 7, 2011.

- (a) (1) Spayed Or Neutered Dog Or Cat Registration Fee 2.00
(2) Intact Dog Or Cat Registration Fee 5.00
(3) Registration If Microchipped Free
(4) Microchip Fee Is the Actual Cost plus any associated costs (shipping, handling and sales tax if appropriate).
(5) An administrative Fee not to exceed \$12.00 will be added (if chip is inserted by health department) in addition to the cost of the microchip.

FINANCIAL: Revenues collected will be deposited into account number 226-0000-373-2069.

RECOMMENDATION:

STAFF: Recommends that Council introduce the Ordinance.

ORDINANCE

AMENDING THE CODE OF ORDINANCES, CHAPTER 6, ANIMALS AND FOWL, ARTICLE VII OF THE LAREDO CODE OF ORDINANCES, BY SPECIFICALLY AMENDING SECTION 6-116(e)(3) BY ADDING SECTION (c). THE FEE FOR PURCHASING MICROCHIPS IS BASED ON THE ACTUAL COST OF THE CHIP PLUS ANY ASSOCIATED COSTS (SHIPPING, HANDLING FEES AND SALES TAX IF APPROPRIATE). IF THE CHIP IS USED AND INSERTED BY THE CITY OF LAREDO HEALTH DEPARTMENT (CLHD) STAFF, IN ADDITION TO THE COSTS OF THE CHIP (PLUS ANY ASSOCIATED COSTS), AN ADDITIONAL ADMINISTRATIVE FEE NOT TO EXCEED \$12.00 WILL BE ADDED. AMENDING SECTION 6-119(a) BY ADDING SECTIONS (4) AND (5). THE MICROCHIP FEE IS THE ACTUAL COST PLUS ANY ASSOCIATED COSTS. IF THE CHIP IS INSERTED BY THE CLHD, AN ADMINISTRATIVE FEE NOT TO EXCEED \$12.00 WILL BE ADDED IN ADDITION TO THE COST OF THE MICROCHIP. PROVIDING FOR PUBLIC HEARING, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, The City of Laredo has rules and regulations for disease control and prevention as per the state public health act and local ordinances, in particular for zoonosis and rabies control, animals and fowl, livestock and wild animals. The proposed revised ordinance reiterates the obligation of registration of pets through microchip to improve pet responsibility. The registration of pets will allow the City of Laredo Health Department to establish a database of all owners to track for rabies vaccination and other preventive measures; and

WHEREAS, Chapter 6, Animals and Fowl, Article VII, Section 6-116(e)(3), and Section 6-119 are amended as follows: the fee for the microchip is established as the actual cost of the chip (including shipping, handling, and sales tax, if applicable). An administrative fee will be added to this charge if the implementation of the chip is done by Health Department staff.

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

Section 1: The Code of Ordinances is amended as follows:

Sec. 6-116. - Spayed or neutered dog or cat registration required; intact dog or cat registration required.

(c) *Registration*
Microchip fee shall become effective on September 7, 2011.

- (3) Effective August 1, 2011, a dog or cat may only be registered by having the dog or cat microchipped and the microchip number and all appropriate registration data submitted to the health department. A veterinarian or authorized entity can also send the owner to register the pet at the health department.
- a. Fees collected by entities other than the department if they register the pet will be collected by the entity and fifty (50) percent of collection will be provided to the department.
 - b. All authorized entities registering a spayed, neutered or intact dog/cat must provide the registration to the department within thirty (30) days.
 - c. *Fee for the microchip is established as the actual cost of the chip plus any associated costs (shipping, handling fees and sales tax if appropriate) and if inserted by the City of Laredo Health Department, an additional administrative fee not to exceed \$12.00 will be added.*

Sec. 6-119. - Registration, vaccination and permit fees.

Registration fees will not go into effect until August 1, 2011.

- (a) (1) Spayed Or Neutered Dog Or Cat Registration Fee 2.00
- (2) Intact Dog Or Cat Registration Fee 5.00
- (3) ~~Registration If Microchipped Free~~
- (4) *Microchip Fee Is the Actual Cost plus any associated costs (shipping, handling and sales tax if appropriate).*
- (5) *An administrative Fee not to exceed \$12.00 will be added (if chip is inserted by health department) in addition to the cost of the microchip.*

Section 2: Revenues collected will be deposited into account number 226-0000-373-2069.

Section 3: The City Manager is hereby authorized to make transfers within the budget to meet the necessary costs to accomplish the scope of work for the project.

Section 4: This ordinance shall become effective no less than sixty (60) days from the date of public hearing on this Ordinance, in accordance with 2.09 (b) of the City Charter.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2011.

RAUL G. SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 7/05/2011	SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE Amending the City of Laredo Code of Ordinances, Chapter 31, Article IV, Liquid Waste Transportation Division 1 through 4. This amendment is modifying definitions, permit requirements, responsibilities of transporters, enforcement and charges. It also provides for a severability clause, Publication and establishing an effective date.	
INITIATED BY: Jesus M. Olivares, Asst. City Manager		STAFF SOURCE: Tomas M. Rodriguez, Jr., P.E. Utilities Director
PREVIOUS COUNCIL ACTION: On 10/16/95 City Council approved Ordinance No. 95-226. On 08/17/98 City Council amended Ordinance No. 95-226 by approving Ordinance No. 98-209.		
BACKGROUND: The requirements of this ordinance are to enforce Texas Commission of Environmental Commission rules as well as preserving the health of our community.		
FINANCIAL IMPACT:		
COMMITTEE RECOMMENDATION: Finance & Operations Committee		STAFF RECOMMENDATION: Conduct Public Hearing and Introduce this Ordinance

AN ORDINANCE

AMENDING THE CITY OF LAREDO CODE OF ORDINANCES, CHAPTER 31, ARTICLE IV-LIQUID WASTE TRANSPORTATION, DIVISIONS 1 THROUGH 4, RELATING TO NEW AND REVISED DEFINITIONS, ADDITIONAL PERMIT REQUIREMENTS AND RESPONSIBILITIES OF TRANSPORTERS, AND ENFORCEMENT; INCREASING MINIMUM PENALTY TO \$500.00 INCREASING ONE-TIME APPLICATION FEE FROM \$50.00 TO \$100.00, ANNUAL REGISTRATION FEE PER TRUCK FROM \$25.00 TO \$75.00, AND MANIFEST BOOKLET COST FROM \$4.00 TO \$10.00; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; ESTABLISHING AN EFFECTIVE DATE.

Whereas, the City of Laredo, Water Utilities Department (the “Department”) has initiated programs adopted by ordinance that prevent and reduce the quantities such as grease, grit, and special waste from being disposed of in prohibited locations such as the wastewater collection system, storm sewer system, and other water bodies that could contaminate further sources of water resource or public safety; and

Whereas, the City currently operates under the Liquid Waste Transporters Program which provides operating guidelines for the collecting, transporting and discharge of special wastes within the city’s jurisdiction; and

Whereas, the Department provides for enforcement of these specific guidelines and requirements in compliance with state standards under the Texas Commission on Environmental Quality; and

Whereas, the Department has undergone a review of the practices and requirements established by this ordinance and determined amendments are necessary to provide for safer and more effective specifications delineating types of equipment necessary to operate within the City limits; and

Whereas, it has been determined additional insurance requirements are necessary to assure appropriate liability coverage is in place for emergency events; and

Whereas, the current costs for inspection, permitting, and documentation need to be updated through this amendment.

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

SECTION 1: AMENDMENT.

Chapter 31-142 through 31-188, Divisions 1 through 4, relating to Liquid Waste Transportation in the Code of Ordinances is amended as follows:

ARTICLE IV. LIQUID WASTE TRANSPORTATION

DIVISION 1. GENERALLY

Sec. 31-142. Definitions.

As used in this article:

City means the City of Laredo, Texas, as represented by the official acts of the city council and representatives.

Commercial vehicle wash. A business enterprise in a fixed location at which vehicle washing (conveyorized, self service, or roll-over/automatic) is offered to the public for a fee, and which utilizes wastewater pretreatment (i.e. grit trap(s)) to process wastewater prior to discharge into the public sanitary sewer collection system.

Control authority means the City of Laredo Water Utilities Department.

Department means the City of Laredo Water Utilities Department, *also referred to as the Utilities Department.*

Director means the director of the department of water utilities or his or her designated representative or agent.

Discharge means the unpermitted disposal, deposit, dumping, spilling, leaking or placing of any liquid waste including but not limited to solid or semisolid grease trap waste, grit trap waste, and/or septic tank waste into or on any land, water, sanitary or storm sewer facilities so as to cause such waste or any constituent thereof to adversely enter the environment, or be adversely emitted into the air or into any water including ground waters.

Disposal site (land application) means a permitted or registered facility or part of a permitted or registered facility at which liquid waste, including but not limited to grease trap waste is intentionally placed into or on any land where it is intended that said waste shall remain after closure of said facility.

Disposal site means a permitted facility of part or a permitted facility, including but not limited to collection sewers, where sludge is handled, collected, transported, treated, and intentionally disposed of by conveyance to receiving water and/or lands. These types of facilities must be classified as either Type I (landfill) or Type V (other, i.e. liquid processing) municipal solid waste facility as defined under 40 CFR part 257 and TAC, part IX, chapter 330, subchapter D, section 330.41(b) and section 330.41(f).

Disposal site operator means a person, firm, corporation, municipal corporation, or utility permitted or registered by the appropriate state and/or federal regulatory agencies to engage in receiving, storing, processing and/or ultimately disposing of liquid waste, including but not limited to, grease trap waste, grit trap waste, and septage.

Generator means a person who causes, creates, generates, stores or otherwise produces liquid waste, including but not limited to grease trap waste, grit trap waste and septage as a by-product of some domestic or nondomestic activity.

GPS means Global Positioning System. It is a satellite-based navigation system that provides reliable and accurate location and time information to its users.

Grease trap means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of organic, greasy or fatty liquid, semiliquid, and/or solid wastes into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grit trap means a receptacle utilized by commercial or industrial generator of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewer to which the receptacle is directly or indirectly connected. This definition includes waste oil recovery traps and sumps that are designed to recover waste oils and intercept the passage of oils and solids generated from a commercial operation into the sanitary sewer system.

Grit trap waste means inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal. This definition includes wastes removed from a waste oil recovery trap, excluding oils recovered for recycling.

Hazardous waste means a solid waste, or combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or their environment when improperly treated, sorted, transported, or disposed of, or otherwise managed.

Liquid waste means water-borne solids and liquids containing dissolved or suspended waste materials, including but not limited to, septage and wastes from grease traps and grit traps.

Manifest means the written, multipart documentation required to be in the possession of the transporter enabling disposal or hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site as provided for in section 31-167 of this division.

Manifest system means a record keeping and accounting system consisting of a multipage manifest booklet and other forms used to document specific date regarding the point of generation, transportation, volume and disposal of grit trap waste, grease trap waste, and septage.

Manager and or Owner means the person responsible for documenting, supervising, managing or representing the business activities of a generator or transporter.

Mobile processing vehicle means a liquid waste transportation vehicle which is designed to separate water from the liquid waste while the vehicle is in transit.

Mobile waste generator means the owner or operator of a vehicle on which liquid waste is generated and stored in a holding tank, including commercial passenger buses.

Non Motorized Vehicle– Any Vehicle “non-self propelled” known as a trailer.

Permit means the formal written control document issued by the city to a transporter which entitles such transporter to collect, transport and dispose of grease trap waste, grit trap waste and septage at a permitted or registered treatment storage, or disposal site or facility, and regulates said activities, with the exception of city vehicles performing these activities under emergency situations, and those contracted by the City of Laredo.

Permittee means a person issued a permit under this division.

Person means any individual, corporation (including a governmental subdivision or agency), political subdivision or a state, interstate agency or body, business, trust, partnership, association, firm company, joint stock company, commission, or any other legal entity.

power takeoff (PTO) is a driveshaft, that can be used to provide power to an attachment or separate machine or pump.

Regional agent boundary means the geographic area within which the City of Laredo Water System is the designated responsible governmental agency to construct, operate, and maintain regional sanitary sewage systems pursuant to the authority of Texas Water Quality Board Order No. 72-0120-11 passed and approved on January 20, 1972, as may be amended.

Sanitary sewer means a system of pipes, conduit, and treatment facilities owned and/or operated by the city which collects, transport, and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

Secondary transporter means a person who collects waste from other transporters and transports the waste from the city to other cities or out of state to an authorized disposal, beneficial use or processing site.

Septage means liquid wastes and sludge containing sufficient liquid content, normally more than eighty-five (85) percent, to permit flow by gravity or minimal pumping, which is removed from a portable toilet, septic tank (as used herein), or cesspool. Septage does not include nondomestic wastes from commercial or industrial establishments.

Tank means a receptacle device or structure designed to contain an accumulation of liquid waste including but not limited to grease trap waste, grit trap waste, and septage which is constructed of materials (e.g., concrete, steel, alloy, fiberglass, plastic, etc.) manufactured to provide appropriate structural support for the containment.

~~[TNRCC means the Texas Natural Resource Conservation Commission.]~~

TCEQ means the Texas Commission on Environmental Quality.

Transfer station. A fixed facility used for transferring liquid waste from collection vehicles to long haul vehicles (one transportation unit to another transportation unit), which must be registered or permitted through TCEQ.

Transporter means a person who utilizes a vehicle to transport liquid waste by roadway which is:

- (1) Disposed of within the regional agent boundary;
- (2) Transferred within the regional agent boundary for the purpose of disposal; or
- (3) Collected from a generator or waste transporter within the regional agent boundary.

Vehicle means a mobile receptacle or device in which or by which liquid waste may be transported upon a public street or highway.

Vehicle wash grit drying facility means a facility that is constructed and maintained at a commercial vehicle wash that is designed to dry grit trap wastes from commercial vehicle wash facilities and which has registered with the city's water system's resource compliance division to perform such activity.

DIVISION 2. PERMIT REQUIREMENTS

Sec. 31-143. [Offense] General

~~[A person will be in violation of this article if he operates or causes the operation of a vehicle for the purpose of transporting grease trap waste, grit trap waste or septage without first obtaining a permit from the water utilities director or his or her designate.]~~*Any transporter using the streets and/or rights-of-way of the city to transport liquid waste must exercise reasonable, prudent and sufficient care when undertaking such activity in order to preserve the health, safety and general welfare of the community. In order to engage in such activity the transporter must obtain all necessary documents, and comply with all procedures required by local, state and federal regulations.*

Sec. 31-143.1. Offense.

A person will be in violation of this article if he operates or causes the operation of a vehicle on the city streets or public rights-of-way for the purpose of collecting, transporting, or disposing of grease trap waste, grit trap waste, septage, or other liquid wastes without first obtaining a liquid waste transportation permit from the water utilities director or his or her designee. For the purpose of this section, each instance of transporting, collecting, or disposal of such wastes without a permit shall be considered a separate violation, with the exception of city vehicles performing these activities under emergency situations, and those contracted by the city.

Sec. 31-144. Permit application.

In addition to complying with the proper registration procedures established by the state, any transporter intending to engage in the activity of transporting grit trap waste, grease trap waste or septage must first submit a permit application to the city water utilities department, division of water pollution control with the following information and documentation:

- (1) Name (s), business address, and telephone number of the applicant (manager/owner).
- (2) Trade name under which the applicant intends to transport liquid waste.
- (3) For each vehicle requesting permitting the person must provide:
 - a. Type of vehicle, including the designated type of waste to be hauled (separate vehicles per type of waste) for instance grease, grit, portable toilet, chemical toilet, etc. and each tank volume(s). The minimum tank capacity is specified in Exhibit 1 of section 31-150.
 - b. General physical description or manufacturers trade description.
 - c. A sworn notarized affidavit of applicant stating that the transport vehicles meet the minimum specifications and maintenance provisions set forth in section 31-150.
 - d. Application and registration assigned by the state ~~[(TNRCC)]~~. (TCEQ).

e. Photocopy of the driver's license of all vehicle operators under the employ of the applicant.

(4) The period of time the applicant has been engaged in the activity of transporting liquid waste, and the daily hours of operation.

(5) To include a [A] statement setting out any record of criminal convictions against the applicant, or anyone under his employ, resulting from the unlawful operation of a vehicle used to transport liquid waste, including grease trap waste, grit trap waste, and septage within the state, and outside the state.

(6) ~~Documentation that the applicant has obtained the necessary insurance required under section 31-146.~~ Criminal background information for any person conducting transporter's businesses. No employee may have been convicted of the following crimes with in the last ten years: Fraud, tampering with government documents.

(7) ~~[Any additional requested information from the director or his/her designated representative, which is relevant to the evaluation of the applicant.]~~ Official documentation the company is up-to-date on taxes and fees.

(8) Official driving record for each company's driver.

(9) Documented proof that the applicant has obtained the necessary insurance required under section 31-146.

(10) A document granting access to the truck's GPS; this system shall be compatible to city's GPS system and includes a PTO sensor. Each truck shall have a GPS tracking device installed allowing the city to monitor the truck's activities including location and PTO and pump activities.

Sec. 31-145. Investigation of information.

The staff of the water utilities department may conduct an investigation to determine the accuracy of the information supplied by the applicant prior to the issuance of a permit.

Supplying false information to the department shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The transporter shall update information contained in the application, in writing, to reflect any changes in the information required by the initial application prior to making these operational changes.

Sec. 31-146. Insurance requirements.

a) Prior to issuance of a permit, the applicant must file with the city water utilities department, evidence of a policy of public liability insurance and thereafter keep same in full force and effect with an insurance company authorized to do business in the state.

The transporter is required to provide an insurance which meets the minimum state requirements and is licensed in the State of Texas and has a "Best's Key Rating" as follows:

An insurance rated A, and for the amount of one million dollars (\$1,000,000.00).

b) The vehicle insurance provisions of such policy shall provide a minimum amount of coverage in the policy as to each and every transporter vehicle to be not less than one million dollars (\$1,000,000.00) for bodily injury or death of any one (1) person, for bodily injury or death in any one (1) accident, for the damage to, or destruction of, property in any one (1) accident.

Coverage is to include the pollution liability endorsement with limits not less than one million dollars (\$1,000,000.00). Such coverage shall be endorsed to cover the upset, overturn, and remediation of the load in transport. Both policies shall name the City of Laredo as an additional insured.

c) The certificate of insurance required by this ordinance shall contain a provision requiring that the City of Laredo's Utilities Department must be notified in writing, of cancellation or material change in the policy. In the event of cancellation or material change in the transporter's policy,

the permit shall be suspended until such time as the transporter can again secure appropriate coverage.

Sec. 31-147. Permit fees.

(a) Prior to application and issuance of a permit the applicant shall tender to the city water utilities department the current application and registration fees in accordance with the fee permit schedule. In addition during the process of reissuance of a permit, the applicant shall tender the current registration fee to the city water utilities department.

(b) The permittee disposing waste at a city owned and authorized disposal site will be charged a monthly wastewater treatment recovery cost at the end of every month. This charge will be calculated in accordance of section 31-99, and on a minimum 500 gallons per trip basis.

Sec. 31-148. Vehicle inspection.

(a) Prior to issuance of a permit, the department shall require the applicant to submit, for inspection by the department, each vehicle which will be utilized to transport grit trap waste, grease trap waste, and/or septage. The department or its agents shall determine if the transport vehicle is constructed and equipped in accordance with section 31-150 of this division and the tanks, valves, and hoses on the vehicle are in good repair, prior to permit issuance.

(b) In addition to the initial department inspection prior to the issuance of a permit, ~~{D}~~designated departmental employees are hereby authorized to reinspect the vehicles periodically in order to observe that the vehicles are generally maintained in good repair so as not to constitute a public health hazard under the provisions of this division. These inspections may take place at any reasonable and safe location during normal business hours.

(c) These inspections are in no way meant to take the place of any state and/or federally mandated motor vehicle requirements.

(d) All transport vehicles shall have a valid DPS inspection sticker properly displayed, as well as the transportation registration stickers issued by TCEQ and the control authority.

(e) Each vehicle shall be equipped with a GPS device allowing the City to monitor the truck's activities, including location and PTO and pump activities, to ensure compliance with the provisions of this ordinance.

(f) Each vehicle shall be equipped with a measuring device at the tank indicating the depth of liquid on a scale accurate to 1" calibrated against a graph indicating the volume of liquid in the tank in gallons.

Sec. 31-149. Issuance of permit.

(a) Upon satisfying the requirements set out under section 31-144, the department shall issue a permit to the applicant with specific permit number assignments for each truck requesting registration. The permit will be valid for a one-year period and terminating on ~~[August 31]~~ December 31st of the year of issuance or reissuance. The permit requirements set out in section 31-144 must again be met prior to reissuance.

The city water system specifically excludes and prohibits the transporting, discharge, or disposal of hazardous wastes in vehicles permitted hereunder to carry liquid waste. Transporters carrying hazardous waste from, within or through, the regional agent boundary must first obtain the special applicable TCEQ or EPA permit(s) and use the appropriate hazardous waste transportation and disposal manifest system.,

It is the responsibility of permittee to affix stickers to three (3) sides of the holding tanks indicating waste being hauled.

(b) Prior to the operation of any vehicle regulated by this article, each permitted liquid waste transportation truck ~~[must display]~~ *shall permanently mark such vehicle displaying* on both sides and the rear of each vehicle, in a color clearly contrasting with the background, in three-inch letters or larger, the business or trade name of the transporter contained in the permit ~~[and]~~ , the city assigned permit number specified for each truck ~~[registered]~~.

(c) In addition to the display of the city permit number, every registered truck will be issued a decal displaying the year of active registration *and the type of waste permitted to be hauled*. This decal shall be displayed on both sides of the tank, in an easily viewed but unobstructed area ~~[on]~~ *of the registered [truck] vehicle* by an inspector from this department. *Also another decal with phone number for complaints about truck activities must be placed at the rear of the tank.*

(d) A permit issued under this division is nontransferable, and may be revoked by the city for violations by the permittee of the terms of the permit or of this ~~[division]~~ *ordinance*.

Sec. 31-150. Vehicle specifications and maintenance requirements.

All liquid waste transportation vehicles transporting waste within the regional agent boundary by roadway shall conform to the following vehicle specifications and maintenance requirements.

(1) *Vehicle specifications.*

a. The vehicle must be equipped with ~~[tank(s)]~~ *one single tank with dual capacity to include water for one single type of waste*, that is ~~[(are)]~~ firmly, securely and permanently attached to the ~~[primary structure]~~ *chassis* of the vehicle in such a manner as to assure that the tank~~(s)~~ will not loosen or dislodge during the transport of liquid waste~~s-~~ *and that meets all applicable federal, state and local laws with a total capacity as listed in Exhibit 1 of this section. Non Motorized Vehicles, [V]*vehicles with portable or removable tank(s), or other containers temporarily attached or affixed to vehicles are prohibited.

b. All piping, valves, and connectors shall be permanently attached to the tank(s) and/or vehicles.

c. The tanks must be liquid tight. *The minimum tank capacity is specified in Exhibit 1 of this section.*

d. The tank(s) must be constructed so that every interior and exterior portion can be thoroughly cleaned.

e. All piping, valves, and connectors shall be accessible and easy to clean.

f. The inlet, or the opening of the tank(s) shall be constructed and located so that collected waste shall not spill during filling, transfer or transport.

g. Outlet connections shall be constructed so that no liquid waste shall discharge, leak, run or spill out from the tank(s). All outlets shall be prominently marked as discharge valves, be visible and readily accessible.

h. Outlets are to be of design and type suitable for the liquid waste to be safely removed and be capable of controlling outflow without discharge, spillage, spray, or flooding of immediate surroundings while in use.

i. Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported and removed, be capable of operation without discharge, spillage, spray or leakage, and be easily disassembled for cleaning.

Exhibit 1

Tank Size (total gallons)	Waste/Fresh Gallons	Tank Material	Minimun GVW	Minimun Rear Axle Rating	Minimun Front Axle Rating
2200	1600/600	Aluminum	29,000 lbs.	21,000 lb	10,000 lb
				19,000 lb	10,000 lb
				19,000 lb	10,000 lb
				19,000 lb	10,000 lb
				19,000 lb	10,000 lb
2000	1500/500	Aluminum	26,000 lb	17,500 lb	8500 lb
				17,500 lb	8500 lb
				17,500 lb	8500 lb
				17,500 lb	8500 lb
				17,500 lb	8500 lb
1500	1100/400	Aluminum	19,500 lb	14000 lb	7000 lb
				14000 lb	7000 lb
				14000 lb	7000 lb
				14000 lb	7000 lb
1700	1300/400	Stainless Steel	26,000 lb	17,500 lb	8500 lb
				17,500 lb	8500 lb
				17,500 lb	8500 lb
				17,500 lb	8500 lb
				17,500 lb	8500 lb
1350	950/400	Stainless Steel	19,500 lb	14000 lb	7000 lb
				14000 lb	7000 lb
				14000 lb	7000 lb
				14000 lb	7000 lb

(2) *Maintenance requirements.*

- a. A liquid waste transporter shall maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good operation and repair and free from leaks.
- b. Provide a safety plug or cap for each inlet and outlet tank valve.
- c. Cause the vehicle exterior to be clean, vector free and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle exterior and wash outs of tank interiors as necessary to maintain the above conditions at all times.
- d. The permittee shall remove the control authority authorization sticker, and the control authority permit number from the vehicle when it is no longer permitted to collect, transport or dispose of liquid waste or when the vehicle ownership changes.

Secs. 31-151--31-165. Reserved.

DIVISION 3. RESPONSIBILITIES

Sec. 31-166. Liquid waste transporters responsibilities.

All liquid waste transporters shall conform to the following terms and conditions in collecting, transporting, and disposing of liquid waste. Any liquid waste transporter failing to comply with the responsibilities and requirements set forth below shall be in violation of this division. Each instance of non-compliance shall constitute a separate violation.

(a) *Determining nature of material.*

(1) Prior to accepting a load of liquid waste for transportation, a liquid waste transporter shall, to the best of his ability, determine the volume, nature and classification of the material to be transported and that his/her permit, vehicle and equipment are sufficient to legally and properly accept, transport, and dispose of the load without discharge, spillage, leakage of the material, or release of malodorous fumes.

(2) Upon delivery of the waste to the disposal site, the transporter shall inform the disposal site operator of the content of the waste.

(3) At the discretion of the department of the disposal site operator, the liquid waste presented for disposal may be sampled and tested prior to disposal to verify the classification, quality, concentration, character or volume of the liquid waste. The city cost for conducted any positive, conforming test resulting in verification of unpermitted transport or prohibited discharge shall be paid by the permittee.

(b) *Interceptor evacuation.* A liquid waste transporter shall completely evacuate all grease, liquid, semi-solid, and solids from all grease or grit traps and other interceptors during servicing. Further, the discharge of liquid, semi-solids, or solids back into an interceptor after servicing is strictly prohibited. Mobile processing vehicles shall not discharge separated water back into the interceptor or into the wastewater collection system.

(c) *No mixing of different types of waste.* ~~[A liquid waste transporter shall not mix different classifications of wastes in the same tank load. A transporter permitted by the city to transport grease trap waste, grit trap waste or septage shall not mix waste of one (1) of these waste classifications in the same tank load with another of these waste classifications.]~~ The transporter shall use exclusively the permitted truck by the city to transport just the permitted waste.

(d) *Storage of liquid wastes.* The storage of liquid wastes in unpermitted temporary storage tanks by liquid waste transporters is prohibited. Collected waste must be disposed of within four (4) days of collection date.

(e) *Utilize appropriate disposal sites.* All liquid waste transporters shall only dispose of liquid waste at disposal sites approved, designated, or permitted by the appropriate federal, state or local regulatory agency to receive the particular classification of waste being transported.

(f) *Utilization of manifest system by transportation of grease, trap waste, grit trap waste, and septage.* All liquid waste transporters holding a city permit for transporting grease trap waste, grit trap waste, and septage shall utilize the manifest system set out in section 31-167. It is the responsibility of the permittee to assure that all manifests are completely and accurately filled out in a timely manner. Generators who fail to sign a liquid waste manifest will be considered in violation of this ordinance.

(g) ~~[Change in operations. It will be the responsibility of all liquid waste transporters to supply the city with documentation of any change in business operation and all changes affecting the services to the generators and the city liquid waste transporter permit.]~~

A person who engage in the secondary transportation of waste (meaning receiving waste from other vehicles and transporting the waste to a disposal site) or any person choosing to transfer waste from one transport vehicle into another transport vehicle shall transfer the waste only at a registered or permitted type V transfer station. Emergency transfers may occur with prior approval from the director or his designee.

(h) Liquid waste transporters may accept commercial vehicle grit trap waste for transportation to a registered vehicle wash grit drying facility. This facility may either be located onsite or it may be located within fifty (50) miles of the interceptor if the offsite facility is owned by the same generator. The transporter shall follow the manifest procedures found in section 31-167 anytime the liquid waste is shipped from a commercial vehicle wash interceptor location to an offsite vehicle wash drying facility. The registered vehicle wash grit drying facility should be indicated on the manifest as the disposal site. A liquid waste transporter shall verify that the vehicle wash grit drying facility is registered prior to accepting or discharging commercial vehicle wash grit trap waste. Verification shall be accomplished by reviewing a copy of the registration issued by the control authority. Disposal of commercial vehicle wash grit trap wastes within the regional agent boundary at a drying facility that is not registered by the control authority will be a violation of this division.

(i) Change in operations. It will be the responsibility of all liquid waste transporters to supply the city with documentation of any change in business operation and all changes affecting the services to the generators and the city liquid waste transporter permit.

(j) Spills. In the event of a spill during collection or transport, the transporter shall immediately telephone the City of Laredo Utilities Department, at the telephone number listed in the permit. Notifications made pursuant to this section shall, at a minimum, provide the following:

- ___ (a) The time the discharge occurred;
- ___ (b) The location of the discharge;
- ___ (c) The type of waste discharged (including its concentration, volume, known dangerous characteristics, etc.);
- ___ (d) Any corrective actions, if any, taken by the transporter;
- ___ (e) Any other conditions, factors or circumstances that would indicate any need for expeditious, specialized or unique response to the discharge.

The transporter shall take any and all action as may be required by local, state, or federal officials having jurisdiction so that the discharge will not present a public health or environmental hazard. Such action may include vacuuming, flushing, applying chemical agents or otherwise neutralizing the discharge.

Failure to promptly and properly notify the appropriate jurisdictional authorities of a spill and take such action as required by said authorities shall constitute a violation of this division.

Sec. 31-167. Manifest system.

(a) A manifest system consisting of manifest booklets shall be used by all transporters holding a city liquid waste transporter permit. Each manifest shall thoroughly document the following information:

- (1) The quantity and type of waste being transported.
- (2) The generator's name, telephone number, address, date collected and signature at the point of receipt of liquid wastes by the transporter.
- (3) The transporter's corporate, business or trade name, address and telephone number.
- (4) The transporter's vehicle operator's name with signature.
- (5) The transporter's permit number issued by the city.
- (6) The registration number assigned to the transporter's vehicle by the state.
- (7) The time of disposal.
- (8) The signature of the disposal site operator.

(b) Manifest booklets shall be purchased from the city water utilities department in accordance with the fee schedules currently in effect.

(c) A transporter must complete one (1) manifest for each generator location services, with the exception of chemical/portable toilet companies servicing their own units.

(d) Chemical/toilet companies servicing their own units which may be located at various locations shall be required to complete one (1) manifest for each vehicle load transported.

(e) Each individual carbonless, print-trace manifest shall consist of five (5) parts.

(1) The white original of the manifest shall be signed by the transporter and generator at the time of the liquid waste collection.

(2) The green copy shall be given to the generator once signed by both the transporter and generator.

(3) The white original of the manifest shall be signed by the disposal site operator at the time of disposal and the yellow copy maintained by the disposal site operator.

(4) The pink copy of the manifest shall be maintained by the transporter for five (5) years. They shall be readily accessible for inspection by appropriate personnel of the department or be submitted to the department upon request.

(5) The gold copy shall be returned to the generator and the white original copy to the department within fifteen (15) days upon completion of the above steps.

(f) It shall be the responsibility of the liquid waste transporter to return the gold copy to the generator and the white original copy to the department within fifteen (15) days of disposal.

(g) The director may make administrative modifications of the manifest form used. Each manifest booklet shall contain thirty (30) manifests serially numbered. The department may issue more than one (1) manifest booklet to any transporter, at the department's discretion, based on volume of business, number of trucks, etc. additional manifest booklets may be purchased only after previously issued and completed manifests have been properly returned to the department as set forth in this section.

(h) In the event that a manifest booklet is lost or stolen, the permittee shall submit a sworn and notarized affidavit stating the circumstances surrounding the loss of the booklet, the probable contents of the wastes transported and disposed of, and efforts made to locate the booklet. After reasonable investigation by the department indicates no fraudulent or wrongful acts by the permittee, the department shall not unreasonably deny continued purchase of manifest booklets. Excessive instances of lost manifest books will be a violation of this ordinance. More than two (2) lost books in one (1) permit year will be considered excessive.

(i) Unlawful use of manifests. Falsification of any information required in a manifest shall be grounds for immediate suspension or revocation of the control authority liquid waste transportation permit and each instance of falsification shall be considered a separate violation of this division. The physical transfer of manifests by a permit holder to anyone other than the permittee's transportation vehicle operators or the department is prohibited. Purchase and/or resale of manifests from any source other than the department is prohibited. Each instance of purchase, transfer, or resale of manifests shall constitute a separate violation of this division.

(j) Maintenance of manifest records. All permittees shall maintain all transporter manifest copies for a period of five (5) years. All generators shall maintain generator manifest copies for a period of five (5) years. All disposal site operators shall maintain all disposal site manifest copies for a period of five (5) years. The department shall maintain all department manifest copies for a period of five (5) years. Should any pending administrative law proceeding or litigation mandate that such records be preserved for more than five (5) years, affected persons shall adhere to the dictates of those proceedings.

(k) Manifest discrepancies. A facility which receives waste must note any significant discrepancies on each copy of the manifest ticket. Manifest discrepancies are differences between the quantity or type of waste designated on the manifest, and the quantity or type of waste a facility actually received. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis. Significant discrepancies in quantity are:
(a) For bulk weight, variations greater than ten (10) percent in weight; and
(b) For liquids, any variation greater than fifteen (15) percent in gallons. Upon discovering a significant discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator or owner or operator of the receiving facility (e.g., with telephone conversations). If the discrepancy is not resolved within fifteen (15) days after discovery, the transporter must immediately submit to the control authority a letter describing the discrepancy and attempts to reconcile it, and a copy of the trip ticket(s).

Sec. 31-168. Disposal site procedures.

All liquid waste transporters permitted hereunder shall follow the procedures required by the appropriate city, state, or federal authority when disposing of liquid waste in a registered or permitted disposal site under the jurisdiction of such authority. Additionally, the following procedures must be followed by liquid waste transporters holding city permits when disposing of liquid waste at one (1) of the approved liquid waste disposal sites.

Sec. 31-169. Disposal procedures.

- (a) City liquid waste transporter permit holders will not dispose of waste at the disposal site until authorized disposal personnel have done the following:
- (1) Inspected the permit holder's permit to see if it is still valid.
 - (2) Verified that the manifest being presented by the permittee's employee is appropriate for both the classification of waste being transported and the vehicle tank capacity being used.
 - (3) Signed the manifest and received the disposal site operator's copy of same.
 - (4) Verified and collected the appropriate volume stated on the manifest.
 - (5) Collected sample when required and documented for laboratory analysis.
- [(b) Reserved.]

Sec. 31-170. Responsibilities of generator and disposal site operator.

- (a) It shall be unlawful and an offense under this section for a generator to fail to do the following:
- (1) It shall be the responsibility of every generator of liquid waste to:
 - a. Know or ascertain the contents, characteristics and classifications of wastes;
 - b. Have liquid waste removed from his premises by a transporter holding the proper city, state, and/or federal permits or registrations required to collect and transport such waste; and
 - c. Make a determination that the waste to be transported under this division is nonhazardous, as required.

(2) A generator of hazardous waste, or liquid waste in combination with hazardous waste, shall only have such waste removed from his premises by a transporter holding the applicable city, state or federal permit or registration to transport wastes.

(3) A generator of liquid waste shall have traps serviced as frequently as necessary to prevent bypass or overflow and to insure proper operation of the trap. Such generators shall ~~[have traps,]~~ at minimum, have traps serviced quarterly or as approved by the director in accordance with all other provisions of this division.

(4) A generator of liquid waste shall sign the manifest presented by the liquid waste transporter holding a city liquid waste transporter permit and shall keep the manifest for a period of ~~[three (3)]~~ five (5) years. Appropriate department personnel may inspect such manifests during normal business hours.

(5) A generator shall, in addition to the requirements above, be responsible for performing the following:

a. Install or provide a collection point for liquid waste of size and type specified by the appropriate city, state, or federal authority, if any such specification exists.

b. Continuously maintain the collection point in an accessible, clean, safe and proper operational condition.

c. Supervise the proper maintenance of the collection point.

d. Report discharges, spills or accidents involving collection point which pose a threat to the public health or potential damage to the environment involving the collection point to the utilities department immediately.

e. Recover all accidental spills and discharges immediately and have such waste disposed of by a transporter holding a valid permit, license, or registration from the appropriate city, state or federal authority.

(6) It is the responsibility of every generator to hire and supervise the maintenance of their grease trap, grit trap or septage tank for proper cleaning and procedures. Any dissatisfaction with service must be discussed with the contracted liquid waste transporter. If high surcharge bills continue although regular trap maintenance, it is the responsibility of the generator to hire and supervise the maintenance to their satisfaction.

(7) Grit trap waste generators that choose to dry their waste before disposal shall construct an onsite drying facility specified and approved by the director. The waste shall be transported and disposed of by a transporter holding a city permit to an authorized and permitted disposal site.

(b) It shall be unlawful and an offense under this section for disposal site operators to fail to do the following:

(1) Liquid waste disposal site operator which accepts liquid waste from a transporter permitted by the city shall comply with this division and receive waste from a transporter holding a city permit issued hereunder according to the requirements of the permit and the division. Every disposal site operator shall maintain the operator's copy of a manifest from a city liquid waste transporter permit for a period of ~~[three (3)]~~ five (5) years. The appropriate department personnel may inspect such manifests during normal business hours.

Sec. 31-171. Secondary transporters.

Secondary transporters shall comply with all the requirements for transporters contained in section 31-142 through section 31-188.

Secs. 31-172--31-185. Reserved.

DIVISION 4. ENFORCEMENT AND CHARGES*

Sec. 31-186. Enforcement.

~~[Violations, penalties and legal action will be in correlation with section 1-6 of this Code.]~~

31-186.1 Administrative Enforcement

(1) Notification of violation. Whenever the director believes that any person or permittee has violated or is violating this ordinance, the director may serve (either personally or by certified mail) the person or permittee with a written notice stating the nature of the alleged violation. Within fifteen (15) working days of the receipt of this notice, an explanation of the violation and plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the permittee to the director. The permittee may contest the finding(s) set forth in the notice of violation. Nothing in this section shall limit the authority of the director to take action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(1) If the person or permittee denies responsibility for the alleged violation, the person or permittee must submit a letter to the director explaining in detail why responsibility is being contested.

(2) If the recipient of an alleged violation notice fails to respond in writing to the director within fifteen (15) working days response period, the director may:

- a. Refer the violation to the city attorney for prosecution and / or,
- b. Exercise any of the administrative remedies enumerated below, including denial, suspension, and revocation of a permit.

(b) Legal action.

(1) The city has all remedies afforded it by the penal and civil laws of the State of Texas, of the United States of America, and in equity to enforce this article.

(c) Criminal penalty.

Each instance of non-compliance constitutes a separate violation.

Each day of continuing violation constitutes a separate offense.

The penalty for violation of this ordinance shall be a fine of not less than five hundred dollars (\$500.00), nor more than two thousand dollars (\$2000.00).

Sec. 31-186.2 Denial, suspension, and revocation of permit.

(a) Authority to deny, suspend, and revoke permits. The director may deny, suspend, or revoke a permit if determines that a permittee:

1. Is not qualified under this article.
2. Violates any of the provisions of this article, any procedural or operational rule or regulation promulgated by the director to implement this article, or applicable provisions of the city code or state law.
3. Has failed to pay a required fee or fine.
4. Has failed to comply with the inspection required.
5. Has failed to deliver required manifest(s) or manifests booklets to the city.
6. Has failed to timely respond to a notice of violation or alleged violation.

(b) Any violation or non-compliance of Sec. 31-144, and or 31-146, and or 31-150 will result in the automatic denial, suspension, and revocation of permit.

(c) Reinstatement of suspended or revoked permit:

After suspension or revocation under this section, a permit may file a request for reinstatement of the permit.

If the director determines that the permittee is again qualifies after all fines have been paid, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, the director may reinstate a permit.

A permit whose permit is suspended or revoked may not collect, transport, or dispose any liquid waste materials within the territorial jurisdiction of the city.

Sec. 31-187. Right of revision.

The city reserves the right to amend this article at any time to establish more stringent specific limitations or requirements on disposal to the regional wastewater transportation and treatment system if deemed necessary by the city to protect the collection, treatment operations and processes or to cure or prevent an effluent quality problem in potential landfill leachates, treated wastewater and/or resulting sludges. The city reserves the right to amend this article to comply with the general objectives and purposes.

Sec. 31-188. Fees.

The following schedule of fees to be charged by the city is hereby adopted and ordered into effect:

(1) *Application.* One-time cost for each company. This fee will not be assessed more than once unless the company fails to renew registration by specific date and again is requesting city registration.

~~{a. Clerical work; filing . . . \$10.00
b. Truck operator training . . . 20.00
c. Application verification . . . 20.00
Total \$50.00 }~~

\$ 100.00

(2) *Registration.* Annual cost per truck requesting registration. Registration expires at end of year.

~~{a. Truck inspections and decal . . . 10.00
b. Clerical work . . . 5.00
c. Manifest verification . . . 10.00
Total \$25.00 }~~

\$ 75.00

(3) *Manifests.* Manifests will be in quantities of thirty (30) per booklets. One booklet per truck

~~{a. Costs of booklets . . . \$4.00}~~
Total per booklet \$ 10.00

SECTION 2: SEVERABILITY. That if any provision, section, sentence, clause or phrase to 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 in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 3. PUBLICATION.

That this ordinance shall be published one time in a local newspaper, pursuant to the City Charter 2.09 (D).

Section 4. EFFECTIVE DATE.

That this ordinance shall take effect and be in force from and after its publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011.

RAUL 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: 07-05-11	SUBJECT: PUBLIC HEARING Allowing interested persons to comment on the proposed amendment to the City of Laredo's 2010 Consolidated One-Year Action Plan for the purpose of reprogramming Community Development Block Grant (CDBG) funds totaling \$891,380.00. It is proposed that the funds be utilized to create the following projects: (1) Santo Niño Elementary Park Improvements (\$143,425); (2) Vista Nueva Park Improvements (\$103,500); (3) Santa Fe Splash Park Project (\$210,700); (4) Taylor Park Parking Lot (\$79,000); (5) Sanchez Ochoa Park Shade Structure (\$75,000); (6) Dr. Cecilia Moreno Park Shade Structures (\$30,000); (7) Pepe Moreno Park Basketball Dome (\$214,755); and (8) Eistetter Toddler Basketball Court Shade Structure (\$35,000) It is further proposed that the newly created projects be funded using a total of \$891,380, by cancelling projects that are no longer viable, and through the use of fund balances from completed projects from the 30 th through 36 th AY as listed below:
CDBG PROJECT FUND BALANCES	
<u>30th AY</u>	
Housing Rehabilitation Administration	\$1.00
Monterrey St. Acquisition	\$1.00
Lafayette Spray Park Improvements	<u>\$1.00</u>
Total 30th AY Fund Balances	\$3.00
<u>31st AY</u>	
Lafayette Park Hockey Ring	<u>\$1.00</u>
Total 31st AY Fund Balances	\$1.00
<u>32nd AY</u>	
Housing Rehabilitation Administration	\$141.00
Code Enforcement	<u>\$ 1.00</u>
Total 32nd AY Fund Balances	\$142.00
<u>33rd AY</u>	
CD Administration	<u>\$272.00</u>
Total 33rd AY Fund Balances	\$272.00
<u>34th AY</u>	
Graffiti Removal	\$ 1.00
Azteca Splash Park	<u>\$142.00</u>
Total 34th AY Fund Balances	\$143.00
<u>35th AY</u>	
CD Administration	\$37,616.00
Housing Rehabilitation Administration	\$23,981.00
Code Enforcement	\$26,208.00
Graffiti Removal	<u>\$28,046.00</u>
Total 35th AY Fund Balances	\$115,851.00
<u>36th AY</u>	
Alex Emergency Assistance	<u>\$23,518.00</u>
Total 36th AY Fund Balances	\$23,518.00
TOTAL FUND BALANCES	\$139,930.00

COUNCIL COMMUNICATION

CANCELLED PROJECTS

32nd AY

Heritage Park Improvements	\$ 50.00
Total 32nd AY Cancelled Projects	\$ 50.00

35th AY

Alex Emergency Flood Repairs	\$140,000.00
Heritage Park Improvements	\$110,700.00
Santa Fe Secondary Baseball Field	\$210,700.00
Freddie Benavides Shade Structure	<u>\$ 75,000.00</u>
Total 35th AY Cancelled Projects	<u>\$536,400.00</u>

36th AY

Heritage Park Improvements	<u>\$215,000.00</u>
Total 36th AY Cancelled Projects	<u>\$215,000.00</u>

TOTAL CANCELLED PROJECTS **\$751,450.00**

TOTAL FUNDS TO BE REPROGRAMMED **\$891,380.00**

INITIATED BY:

Cynthia Collazo
Deputy City Manager

STAFF SOURCE:

Ronnie Acosta
Community Development Director

PREVIOUS COUNCIL ACTIONS:

NONE

BACKGROUND:

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.

Staff is proposing an amendment to the City's 2010 Consolidated One-Year Action Plan by reprogramming a total of \$891,380.00 in Community Development Block Grant (CDBG) funds for the following projects:

- Santo Niño Elementary Park Improvements - (\$143,425.00) to design, purchase and install field equipment, backstops, a playground with shade structure, perimeter fencing, benches and other amenities.
- Vista Nueva Park Improvements - (\$103,000.00) to design, purchase and install field equipment, a shade structure for the playground, two concrete walking trails, and other amenities.
- Eistetter Park Toddler Basketball Court Shade Structure- (\$35,000) to purchase and install a metal shade structure over the existing basketball court and other amenities.
- Taylor Park Parking Lot- (\$79,000) to construct a parking lot on the north side of the existing baseball field.
- Santa Fe Splash Park – (\$210,700) to design and install a splash park at the existing park and other amenities as deemed necessary.
- Dr. Cecilia Moreno Park Shade Structures – (\$30,000) to purchase and install two (2) metal shade

COUNCIL COMMUNICATION

structures adjacent to the existing splash park and other amenities as deemed necessary.

- Sanchez Ochoa Park Shade Structure – (\$75,000) to purchase and install a metal shade structure to cover the existing playground, lighting, and other amenities as deemed necessary.
- Pepe Moreno Park Basketball Dome – (\$214,755) to purchase and install a metal shade structure to cover the existing basketball court to include lighting and basketball goals, and other amenities as deemed necessary.

It is further proposed that the newly created projects be funded by cancelling projects that are no longer viable, and through the use of fund balances from completed projects from the 30th through 36th AY.

In adherence with the Citizens Participation Plan, citizens are being given 30 days, beginning June 26, 2011 through July 26, 2011 to provide oral and/or written comments.

FINANCIAL IMPACT: Funds to be Reprogrammed:

Total 30th AY CDBG fund balances	\$ 3.00
Total 31st AY CDBG fund balances	\$ 1.00
Total 32nd AY CDBG fund balances	\$ 142.00
Total 33rd AY CDBG fund balances	\$ 272.00
Total 34th AY CDBG fund balances	\$ 143.00
Total 35th AY CDBG fund balances	\$115,851.00
Total 36th AY CDBG fund balances	\$ 23,518.00

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TOTAL FUND BALANCES	\$139,930.00

Total 32nd AY CDBG Cancelled Projects	\$ 50.00
Total 35th AY CDBG Cancelled Projects	\$536,400.00
Total 36th AY CDBG Cancelled Projects	\$215,000.00

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TOTAL CANCELLED PROJECTS	\$751,450.00

TOTAL FUNDS TO BE REPROGRAMMED:	\$891,380.00
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COMMITTEE RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
That this Public Hearing be held.

COUNCIL COMMUNICATION

DATE:
07/05/11

SUBJECT: PUBLIC HEARING

Allowing interested persons to comment on the 2011 Consolidated One Year Action Plan which identifies the projects proposed to be funded by the U.S. Department of Housing and Urban Development through \$3,290,569 in 37th Action Year Community Development Block Grant (CDBG) funds, and \$96,066 in CDBG Program Income; \$1,218,954 in 2011 HOME Investment Partnerships Program (HOME) funds, and \$20,016 in HOME Program Income; \$159,482 in 2011 Emergency Shelter Grant (ESG) funds; and \$70,000 through the Housing Rehabilitation Revolving Loan fund. The projects proposed to be funded are as follows:

37th AY Community Development Block Grant

Community Development Administration	\$619,077
Housing Rehabilitation Administration	\$240,722
Housing Rehabilitation Loan Program (\$96,066 in PI)	\$472,850
Code Enforcement	\$495,503
Hamilton Hotel - Section 108 Loan Repayment	\$100,462
Graffiti Removal Program	\$39,988
Construction of Sidewalks-District V	\$194,000
Construction of Sidewalks-District VII	\$100,000
Downtown Façade Restoration Improvements (VIII)	\$60,000
Anna Street Park Playscape (VII)	\$94,000
Slaughter Park Swimming Pool (III)	\$582,033
La Ladrillera Park Improvements (VIII)	\$194,000
Inner City Park Soft Walking Track (IV)	<u>\$194,000</u>
Total	\$3,386,635
Housing Rehabilitation Revolving Loan Program	\$29,830
Housing Rehabilitation Revolving Loan Administration	<u>\$40,170</u>
Total	\$70,000

HOME Investment Partnership Grant

HOME Program Administration	\$113,832
Downpayment Assistance (\$20,016 in PI)	\$602,294
Tenant-Based Rental Assistance	\$340,000
CHDO set aside	<u>\$182,844</u>
Total	\$1,238,970

Emergency Shelter Grant

ESG Program Administration	\$3,300
Homeless Prevention	\$33,000
Operations	\$83,396
Essential Services	<u>\$39,786</u>
Total	\$159,482

INITIATED BY:
Ms. Cynthia Collazo
Deputy City Manager

STAFF SOURCE:
Ms. Ronnie Acosta
CD Director

COUNCIL COMMUNICATION

PREVIOUS COUNCIL ACTION:

05/02/2011– A Public Hearing was held at City Council Chambers to allow the public and City Council to submit any recommendations for projects for the 2011 Consolidated One-Year Action Plan.

BACKGROUND:

The City of Laredo is recognized as an entitlement City by HUD and is eligible in the next fiscal year to receive \$3,290,569 in 37th Action Year Community Development Block Grant (CDBG) funds, \$1,218,954 through the HOME Investment Partnership Program, and \$159,482 through the Emergency Shelter Grant. An additional \$96,066 is anticipated to be received through CDBG program income, \$70,000 through the Housing Rehabilitation Revolving Loan funds, and \$20,016 in HOME program income. The award of funds is contingent on the submission and approval of a One-Year Action Plan which specifically details the activities/projects to be funded with HUD Program funds.

Accordingly, seven neighborhood meetings and one public hearing were held prior to the preparation of the draft plan. Comments received included the need for more recreational parks and public facilities, lighting in parks and neighborhoods, additional code enforcement, sidewalks, and additional amenities at existing parks.

As a point of reference, CDBG funds are intended to assist in the development of viable urban communities, by providing decent housing, creating a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. All CDBG assisted activities must either benefit low and moderate-income persons, aid in the prevention or elimination of slums and blight; and/or address other community development needs that present a serious and immediate threat to the health or welfare of the community. HOME funds are intended to expand the supply of affordable housing for very low income and low-income persons. ESG funds are intended to provide shelter, supportive services and other assistance to homeless persons and persons on the verge of becoming homeless.

The Consolidated Planning Process requires that citizens be provided an opportunity to comment on the proposed the use of funds listed for 2011 and that a public hearing be held to receive comments.

The Consolidated Plan is currently available for public review and comment for a period of 30 days beginning June 19, 2011 and ending July 19, 2011 at the offices of the City Secretary, the Department of Community Development, at the Main Public Library, and on the City of Laredo's website: www.ci.laredo.tx.us. Comments received will be incorporated into the final document, which will be presented for City Council approval at the August 1, 2011 meeting.

FINANCIAL IMPACT:

37 th AY Community Development Block Grant	\$3,290,569
2011 HOME Investment Partnerships Program	\$1,218,954
2011 Emergency Solutions Grant	\$159,482
Proposed CDBG Program Income	\$96,066
Propose HOME Program Income	\$20,016
Proposed Housing Rehabilitation Loan fund	<u>\$70,000</u>
Total	\$4,855,087

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

That interested persons be provided an opportunity to comment on the draft 2011 Consolidated One-Year Action Plan.

COUNCIL COMMUNICATION

DATE: 07/05/2011	SUBJECT: INTRODUCTORY ORDINANCE Amending Chapter 19, Motor Vehicle and Traffic, Article II, Administration and Enforcement, Division 2, Transportation and Traffic Safety Advisory Committee, Section 19-49, Meetings, of the Code of Ordinances of the City of Laredo, to change the annual term of the election of officers from October 1 to April 1 and to provide for publication and effective date.	
INITIATED BY: Carlos Villarreal, City Manager		STAFF SOURCE: Roberto Murillo, P.E., P.T.O.E., Traffic Manager Jesus Olivares, Asst. City Manager
PREVIOUS COUNCIL ACTION: None.		
BACKGROUND: Chapter 19, Motor Vehicle and Traffic, Article II, Administration and Enforcement, Division 2, Transportation & Traffic safety Advisory Committee, Section 19-49, Meeting of the Code of Ordinances of the City of Laredo currently establishes the election of officers be held October 1 st or as soon thereafter as practical every year. The recent change of city council elections in November instead of May, it is recommended now that election of officers be on April 1 st , of each year, to provide for adequate time for vacant council member seats to be filled and new appointments to the committee be made. Item presented to the Transportation & Traffic Safety Advisory Board and recommended approval at their meeting held on June 8, 2011.		
FINANCIAL IMPACT: None.		
COMMITTEE RECOMMENDATION: .Transportation & Traffic Safety Advisory Committee approved recommendation.		STAFF RECOMMENDATION: Staff recommends Introduction of ordinance.

INTRODUCTORY ORDINANCE

AMENDING CHAPTER 19, MOTOR VEHICLE AND TRAFFIC, ARTICLE II, ADMINISTRATION AND ENFORCEMENT, DIVISION 2, TRANSPORTATION AND TRAFFIC SAFETY ADVISORY COMMITTEE, SECTION 19-49, MEETINGS, OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO, TO CHANGE THE ANNUAL TERM OF THE ELECTION OF OFFICERS FROM OCTOBER 1 TO APRIL 1 AND TO PROVIDE FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, it is necessary to amend ordinance to clarify some of its sections in regards to the duties and functions of the Transportation and Traffic Safety Advisory Committee; and

WHEREAS, due to recent changes in city council elections held on November of last year to May 2011, it is recommended that elections of office be made in on April 1, of each year, to provide adequate time for vacant city council seats be filled and new appointments to the committee be made; and

WHEREAS, the Transportation and Traffic Safety Advisory Committee has recommended in favor of amending election of officers be held from October 1 to April 1; and

WHEREAS, the Transportation and Traffic Safety Advisory Committee has requested these amendments; 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 THAT:

SECTION 1: AMENDMENT

Chapter 19, Motor Vehicle and Traffic, Article II, Administration and Enforcement, Division 2, Transportation and Traffic Safety Advisory Committee, Section 19-49, Meetings, of the Code of Ordinances of the City of Laredo is hereby amended as follows:

Section 19-49. Meetings.

A) When the Mayor and Council Members have appointed the persons to compose the membership of the advisory committee, those persons shall meet, organize and select one of its members as chairman, and one its members vice-chairman, and may also select a secretary. The terms of office shall be for one (1) year, and an annual election of officers shall be held on ~~October 1~~ April 1 or as soon thereafter as practical. It shall be the duty of the chairman to preside at all meetings of the transportation and traffic safety advisory committee, and of the vice-chairman to preside in the absence of the chairman. If both the chairman and the vice-chairman are absent, a quorum of the advisory committee may elect a temporary chairman for the meeting. At the organizational meeting, the advisory committee shall adopt rules and regulations pertaining to its meetings, organizational setup, time and place of meetings, and related matters. A record shall be kept of all proceedings, and minutes shall be delivered to the city manager and city council as soon as possible after each meeting.

SECTION 2: SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, of the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any other reason unenforceable, the validity of the remaining portion of this ordinance of 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 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.

SECTION 3: PUBLICATION

This ordinance shall be published one time in an official newspaper in the City of Laredo; and

SECTION 4:

That this Ordinance shall take effect at expiration of thirty (30) days after adoption, provided there has been publication as provided in Section 2.09 (D) of the Laredo City Charter, and shall supersede any prior ordinances for the sections described.

APPROVED BY THE MAYOR ON THIS _____ DAY _____, 2011.

Raul G. Salinas, Mayor

Attest:

Gustavo Guevara, Jr.
City Secretary

APPROVED AS TO FORM:

Raul Casso
City Attorney

By: 

Kristina L. Hale
Assistant City Attorney

COUNCIL COMMUNICATION

DATE: 07-05-11	SUBJECT: INTRODUCTORY ORDINANCE 2011-O- AMENDING ORDINANCE 2010-O-17 CIVIL SERVICE COMMISSION FOR CITY EMPLOYEES (EXCEPT EMPLOYEES WHO ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT) DATED FEBRUARY 16, 2010 BY ADDING LANGUAGE TO SECTION 2. CREATION OF COMMISSION, SECTIONS 2 (A), 2(B), 2(C), 2(C)(i), AND 2(D) TO PROVIDE WORKABLE CONTINGENCY PLANS FOR VARYING EMPLOYEE ELECTION RESULTS AS THEY MAY OCCUR SO AS TO ENSURE A FULLY COMPOSED SPECIAL TRIAL BOARD AS NEEDED FOR EMPLOYEE GRIEVANCE DISPOSITIONS; REPEALING ANY PRIOR ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING AN EFFECTIVE DATE.	
INITIATED BY:	STAFF SOURCE: Daniel E. Migura, Jr. Human Resource Director	
PREVIOUS COUNCIL ACTION: During the June 21, 2011 Civil Service Ad Hoc Committee, by motion of the committee to proceed as instructed. Civil Service Ad Hoc Committee (Current Members: Cm. Mike Garza-Chair; Cm. Jose Valdez, Cm. J. Narvaez, Rene de la Viña, Daniel E. Migura, Jr., Israel Reyna, Jesus Olivares) directed the changes as reflected in the amendments to the ordinance in order to provide for election outcomes.		
BACKGROUND The first appointed Civil Service Ad Hoc Committee was formed on July 2007.		
FINANCIAL IMPACT: None.		
COMMITTEE RECOMMENDATION: Approve amended ordinance as presented.	STAFF RECOMMENDATION: Approve amended ordinance as presented.	

ORDINANCE NO. 2010-0-__

AMENDING ORDINANCE 2010-O-17 CIVIL SERVICE COMMISSION FOR CITY EMPLOYEES (EXCEPT EMPLOYEES WHO ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT) DATED FEBRUARY 16, 2010 BY ADDING LANGUAGE TO SECTION 2. CREATION OF COMMISSION, SECTIONS 2 (A), 2(B), 2(C), 2(C)(i), AND 2(D) TO PROVIDE WORKABLE CONTINGENCY PLANS FOR VARYING EMPLOYEE ELECTION RESULTS AS THEY MAY OCCUR SO AS TO ENSURE A FULLY COMPOSED SPECIAL TRIAL BOARD AS NEEDED FOR EMPLOYEE GRIEVANCE DISPOSITIONS; REPEALING ANY PRIOR ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 16, 2010 the City of Laredo adopted Ordinance No. 2010-0-17 establishing a Civil Service Commission for City employees as per the requirements of the Laredo City Charter §12.03; and,

WHEREAS, attempts by staff to conduct elections for employee civil service commissioners resulted in situations that must be provided for by way of the contingency plans in the ordinance; and,

WHEREAS, amendments to the ordinance are advisable so as to provide for contingency plans for varying employee election results as they may occur so as to ensure a fully composed Special Trial Board as needed for employee grievance dispositions,

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

SECTION 1. The following amendments to Ordinance No. 2010-0-17 be made by adding language to Section 2. Creation of Commission, Sections 2 (a), 2(b), 2(c), 2(c)(i), and 2(d) to provide workable contingency plans for varying employee election results as they may occur so as to ensure a fully composed special trial board as needed for employee grievance dispositions, to-wit:

Section 2. Creation of Commission

(A) There is hereby established a Civil Service Commission, which shall consist of fourteen members. Members of the Commission must be appointed by the City Council, nine (9) members (one nominated by each Council Member and Mayor) and five (5) members nominated by City employees and may be confirmed for appointment by City Council. The term of office of each member of such Commission shall be for four (4) years for the members appointed from the City employee nominees and two (2) years for the members appointed from the City Council nominees or until a successor is appointed. No member shall serve more than a cumulative total period of 8 years. Any vacancies in such Commission caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten days after appointment, shall be filled in the manner above specified for the unexpired term of the retiring member or of the City Council appointee failing to qualify; however, for City employee's nominated members, *candidates for*

vacancies to be filled shall be obtained from the list of alternates composed of the next five (5) nominees in order of votes received. If there are no alternates available, then the Employee Liaison committee shall be responsible for replacing any employee nominated commissioner that is unable to continue serving due to death, resignation or otherwise, or by failure of any appointee to qualify within ten days after appointment. The Employee Liaison Committee may only replace employee nominated commissioners who have been confirmed by City Council.

(B) The City Secretary shall be responsible to conduct the election of nominees by City employees every four (4) years. No person may be a candidate unless nominated by a petition signed by a minimum of ~~twenty-five (25)~~ ten (10) city employees filed with the City Secretary within the forty-five (45) day period prior to the date of close of candidate nominations, together with the candidate's verified application. A list of City employees shall be produced and maintained by the City Secretary fifteen (15) days before the first day of the nominations period. Sample ballots will be made available 15 days prior to the first date of elections which shall be for five (5) consecutive work days, the last day for employees previously unable to vote. Employees may sign only one candidate's petition and allowed one (1) hour to vote during work hours. Final resolution of any election disputes shall be decided by the Employee Liaison Committee.

(C) Where employee's elections fail to yield a sufficient number of candidates, then, the following procedure must be followed:

(i) In any event, where employee's efforts to obtain employee nomination by petition yields less than five candidates for services as Members of the Commission, the Civil Service Commission may proceed with the proper conduct of its business with a separate trial board composed in accordance with §2(I), infra, except where the employee election process results in two or less employee nominee commissioners confirmed by City Council, then both or one of those must serve on the separate trial board at its every meeting so as to ensure that an employee nominated commissioner participate at every meeting of the separate trial board. In the event that either or both of such employee nominated commissioners fail to participate in a meeting of the separate trial board, the separate trial board may nevertheless proceed with the conduct of its business provided there is quorum.

(D) Where employee efforts to obtain employee nominees by petition yields five or less candidates for services as members of the Commission, the necessity of an election shall be dispensed with and such candidates shall be forwarded to City Council as nominees who may be confirmed for appointment by City Council for service on the Commission.

(J) Any prior ordinances in conflict with provisions of this Civil Service Ordinance are repealed.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage by the City Council of the City of Laredo in accordance with the ordinance provisions set forth in the City Charter, as amended.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____ 2011.

RAUL G. SALINAS, MAYOR

ATTESTED:

GUSTAVO GUEVARA
City Secretary

APPROVED AS TO FORM:

RAUL CASSO
City Attorney

COUNCIL COMMUNICATION

DATE: 7/05/2011	SUBJECT: ORDINANCE No. 2011-O-085 Amending the City of Laredo Colonias Fund Budget by reallocating revenues and expenditures in the amount of \$1,350,152. Texas Water Development Board (TWDB) issued amendment No. 12 to the existing Contract No.'s G13500/G13600/G17000, Project No. 10045 between the City of Laredo and TWDB in the amount of \$1,350,152 in order to reallocate these funds back into the EDAP program for reuse.																										
INITIATED BY: Jesus M. Olivares, Asst. City Manager		STAFF SOURCE: Tomas M. Rodriguez, Jr., P.E. Utilities Director																									
PREVIOUS COUNCIL ACTION: On 11/20/00 City Council approved grant through resolution 2000-R-157; on 11/18/02 approved amend. No. 1-2002-R-104; on 9/4/07 amend no. 5 – 2007-R-072; on 5/5/08 amend no. 6 – 2008-O-87; on 11/17/08 amend no. 7 – 2008-R-133; on 3/16/09 issued resolution 2009-R-022 to amend resolution 2008-R-133; on 7/6/09 issued resolution 2009 R-078 to amend resolution 2009-R-022.																											
BACKGROUND: The City of Laredo signed a grant agreement with Texas Water Development Board (TWDB) on August 16, 2000. This was comprised of \$1,451,000 in loans and \$15,319,920 in grant funds from the Economically Distressed Program (EDAP) account for water and wastewater system improvements. The project was to provide first time service to five unincorporated subdivisions in the Mines Rd. area and ten unincorporated subdivisions in the SH 359 area, all within the City's extraterritorial jurisdiction. In 2007, TWDB increased its EDAP funding commitment to \$25,370,151 in grant funds and \$2,366,000 in loan funds. The grant funds made available for this project were part of the Colonia Wastewater Treatment Assistance Program (CWTAP). Construction of all projects was completed in May 2010. Approximately \$3.2 million in savings was achieved for the construction of the project from the estimates at the time of commitment. The City requested use of \$1,851,267 of this surplus to do hookups in the SH 359 area and requested reinstatement of \$121,817 for water treatment capacity buy-in. TWDB will place the remaining funds back into the EDAP program for reuse.																											
FINANCIAL IMPACT:																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Original Budget</th> <th style="width: 20%;">Amendment</th> <th style="width: 30%;">Amended Budget</th> </tr> </thead> <tbody> <tr> <td>Colonias Fund</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Revenues:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>TWDB Grant</td> <td style="text-align: right;">\$25,370,152</td> <td style="text-align: right;">(\$1,350,152)</td> <td style="text-align: right;">\$24,020,000</td> </tr> <tr> <td>Expenditures:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Division 8310</td> <td style="text-align: right;">\$25,370,152</td> <td style="text-align: right;">(\$1,350,152)</td> <td style="text-align: right;">\$24,020,000</td> </tr> </tbody> </table>					Original Budget	Amendment	Amended Budget	Colonias Fund				Revenues:				TWDB Grant	\$25,370,152	(\$1,350,152)	\$24,020,000	Expenditures:				Division 8310	\$25,370,152	(\$1,350,152)	\$24,020,000
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Division 8310	\$25,370,152	(\$1,350,152)	\$24,020,000																								
COMMITTEE RECOMMENDATION: Finance & Operations Committee		STAFF RECOMMENDATION: Approval of this Ordinance																									

ORDINANCE 2011-O-085

AMENDING THE CITY OF LAREDO COLONIAS FUND BUDGET BY REALLOCATING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$1,350,152. TEXAS WATER DEVELOPMENT BOARD (TWDB) ISSUED AMENDMENT NO. 12 TO THE EXISTING CONTRACT NO.'S G13500/G13600/G17000. PROJECT NO. 10045 BETWEEN THE CITY OF LAREDO AND TWDB IN THE AMOUNT OF \$1,350,152 IN ORDER TO REALLOCATE THESE FUNDS BACK INTO THE EDAP PROGRAM FOR REUSE.

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

Colonias Fund is amended as follows:

	Original Budget	Amendment	Amended Budget
Colonias Fund			
Revenues:			
TWDB Grant	\$25,370,152	(\$1,350,152)	\$24,020,000
Expenditures:			
Division 8310	\$25,370,152	(\$1,350,152)	\$24,020,000

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011

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: 7/05/2011	SUBJECT: ORDINANCE No. 2011-O-086 Amending the City of Laredo Colonias Fund Budget by \$1,653,864. NADBank issued an amendment to the existing grant agreement No. 23-48/00, Improvements to the Water and Wastewater Services in the Colonias Grant Agreement between the City of Laredo and NAD Bank in the amount of \$1,653,864 to allow the City to perform water and sewer hookups in the Mines Rd. area. Funding for the project was as a result of a \$3,200,000 savings in the grant received jointly from USEPA and the TWDB for the Colonias on Hwy 359. USEPA requested that all projects be completed by 2011 and authorized the use of \$1,653,864 for the Mines Road House to Line project.																										
INITIATED BY: Jesus M. Olivares, Asst. City Manager		STAFF SOURCE: Tomas M. Rodriguez, Jr., P.E. Utilities Director																									
PREVIOUS COUNCIL ACTION: On December 18, 2000, City Council approved Resolution 2000-R-142 authorizing the City Manager to receive a grant from the North American Development Bank (NADB) in the amount in the amount of \$6,231,450.																											
BACKGROUND: The City of Laredo received a grant from the North American Development Bank (NADBank) on 12/18/2000 in the amount of \$6,231,450. Concurrently, the City of Laredo received funds from Texas Water Development Board (TWDB). Due to the downfall of the economy, the City was able to complete all the projects funded by TWDB at a cost that was lower than the amount that was budgeted. As a result, there were surplus funds. The U.S. Environmental Protection Agency (USEPA) requested completion of all CWTAP projects, including hookups. Therefore, to expedite the completion of this project, the USEPA committed additional Border Environment Infrastructure Funds through the North American Development Bank for the completion of water and wastewater hook-ups in the Mines Road project areas. The water infrastructure in the Mines Road area was funded as part of the TWDB's project.																											
FINANCIAL IMPACT:																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Original Budget</th> <th style="width: 20%;">Amendment</th> <th style="width: 30%;">Amended Budget</th> </tr> </thead> <tbody> <tr> <td>Colonias Fund</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Revenues:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>NAD Bank Grant</td> <td style="text-align: right;">\$6,231,450</td> <td style="text-align: right;">\$1,653,864</td> <td style="text-align: right;">\$7,885,314</td> </tr> <tr> <td>Expenditures:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Division 8311</td> <td style="text-align: right;">\$6,231,450</td> <td style="text-align: right;">\$1,653,864</td> <td style="text-align: right;">\$7,885,314</td> </tr> </tbody> </table>					Original Budget	Amendment	Amended Budget	Colonias Fund				Revenues:				NAD Bank Grant	\$6,231,450	\$1,653,864	\$7,885,314	Expenditures:				Division 8311	\$6,231,450	\$1,653,864	\$7,885,314
	Original Budget	Amendment	Amended Budget																								
Colonias Fund																											
Revenues:																											
NAD Bank Grant	\$6,231,450	\$1,653,864	\$7,885,314																								
Expenditures:																											
Division 8311	\$6,231,450	\$1,653,864	\$7,885,314																								
COMMITTEE RECOMMENDATION: Finance & Operations Committee		STAFF RECOMMENDATION: Approval this Ordinance																									

ORDINANCE 2011-O-085

AMENDING THE CITY OF LAREDO COLONIAS FUND BUDGET BY APPROPRIATING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$1,653,864 NADBANK ISSUED AN AMENDMENT TO THE EXISTING GRANT AGREEMENT NO. 23-48/00, IMPROVEMENTS TO THE WATER AND WASTEWATER SERVICES IN COLONIAS GRANT AGREEMENT BETWEEN THE CITY OF LAREDO AND NADBANK IN THE AMOUNT OF \$1,653,864 TO ALLOW THE CITY TO PERFORM WATER AND SEWER HOOKUPS IN THE MINES RD AREA.

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

Colonias Fund is amended as follows:

	Original Budget	Amendment	Amended Budget
Colonias Fund			
Revenues:			
NADBank Grant	\$6,231,450	\$1,653,864	\$7,885,314
Expenditures:			
Division 8311	\$6,231,450	\$1,653,864	\$7,885,314

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
THE _____ DAY OF _____, 2011

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: 7/05/11	SUBJECT: FINAL READING ORDINANCE 2011-O-087 Amending the City of Laredo FY 2010-2011 Waterworks Operations Fund by appropriating an additional \$1,375,144.00 from the opening balance. These funds are funded from the balance of the United Water Settlement which will be used to cover the cost of the improvements needed for housing of the Department's Billing Division in the City Hall Annex on Loop 20. The appropriation will be set up as a transfer out to the Capital Improvement Fund. The FY 2010-2011 Capital Improvement Fund budget will be amended and appropriated in the amount of \$1,375,144.00 for the City Hall Annex.
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INITIATED BY: Jesus M. Olivares, Assistant City Manager	STAFF SOURCE: Tomas M. Rodriguez, Jr. P.E., Utilities Dir.
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PREVIOUS COUNCIL ACTION:
During the Budget Process Approval of FY 2011 Council authorized not to withhold (Restrict) the United Water Settlement any further and release the remaining \$1,375,144.00 of the original \$3,000,000 into the Water Fund balance.

BACKGROUND:
This appropriation of revenue is to be provided in the contribution of the Utilities Department cost in improvements needed for housing of the Departments Billing Division. Previously under the Budget Process of FY 2011, funds initially provided in settlement of United Water Laredo release of contract for the operations of the facilities was authorized to no longer hold as restricted and release in the Water Fund balance.

It is expected that substantial renovations and communication improvements will be necessary to modify the existing facility to house employees of the City of Laredo, Water Utilities Department, Billing Division and provide the necessary customer service expectations in providing customers with a location for providing payment, changes to account, and opening or closing their accounts.

FINANCIAL IMPACT:

	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget</u>
Waterworks			
Opening Balance	19,372,711	(1,375,144)	17,997,567
Transfer Out-CIF CIF	-	1,375,144	1,375,144
Transfer In-Waterworks	-	1,375,144	1,375,144
City Hall Annex	150,000	1,375,144	1,525,144

COMMITTEE RECOMMENDATION: Operations Committee Finance Committee	STAFF RECOMMENDATION: Introduce Ordinance
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ORDINANCE 2011-O-087

Amending the City of Laredo FY 2010-2011 Waterworks Operations Fund by appropriating an additional \$1,375,144.00 from the opening balance. These funds are funded from the balance of the United Water Settlement which will be used to cover the cost of the improvements needed for housing of the Department's Billing Division in the City Hall Annex on Loop 20. The appropriation will be set up as a transfer out to the Capital Improvement Fund. The FY 2010-2011 Capital Improvement Fund budget will be amended and appropriated in the amount of \$1,375,144.00 for the City Hall Annex.

WHEREAS, the City of Laredo will be entering into an Agreement to develop a new City Annex at the Paul Young Dealership in order to incorporate a location for customer service to include IT, Traffic Department, and Fleet Management, and;

WHEREAS, the cost of the new City Annex will house the Customer Service Section of the Utilities Department Billing division.

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

Section 1: Revenue appropriated is hereby amended as follows:

	Original <u>Budget</u>	<u>Amendment</u>	Amended <u>Budget</u>
Waterworks			
Opening Balance	19,372,711	(1,375,144)	17,997,567
Transfer Out-CIF CIF	-	1,375,144	1,375,144
Transfer In-Waterworks	-	1,375,144	1,375,144
City Hall Annex	150,000	1,375,144	1,525,144

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011.

RAUL G. SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.,
CITY SECRETARY

APPROVED AS TO FORM:

VALERIA ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

<p>Date: 7/05/2011</p>	<p>SUBJECT: FINAL READING OF ORDINANCE NO. 2011-O-088 Amending the Zoning Ordinance (Map) of the City of Laredo by repealing ordinance No. 2006-O-230, a Conditional Use Permit issued for an adult day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard; and authorizing the issuance of a Conditional Use Permit for a child day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard; providing for effective date and publication. District I ZC-26-2011</p>
<p>Initiated by: Veronica Ugalde Concord Hills Community Association</p>	<p>Staff source: Nathan R. Bratton, Interim Planning Director</p>
<p>Prior action: This item was introduced by Mike Garza at the regular Council meeting of June 20, 2011. A previous Conditional Use Permit (2006-O-230) for an Adult Day Care at this location was approved by City Council at their meeting of 09/18/2006.</p>	
<p>BACKGROUND</p> <p>Council District: I – The Honorable Mike Garza</p> <p>Proposed use: Child Day Care</p> <p>Site: The site is occupied by a vacant structure, formerly Amigos Adult Day Care Center and originally the community center for the Concord Hills Subdivision.</p> <p>Surrounding land uses: The site is surrounded by single family residences on the west, south and east. There is a strip of industrial uses further east, including EXTERRAN, NOV Distribution, Rosetta Resources, One Way Hauling, and Franks. To the north of the site is vacant land, The Education Center [child day care], and a Valero gas/Stripes convenience store. North of Highway 359 is the UISD Student Activity Center, a fire station, and a police substation.</p> <p>Comprehensive Plan: The Comprehensive Plan identifies this area as Medium Density Residential.</p> <p>Transportation Plan: The Long Range Thoroughfare Plan identifies Concord Hills Boulevard as a Major Collector; Minutemen Drive and Gage Loop are not identified on the Plan.</p> <p>Letters sent to surrounding property owners: 52 In Favor: 1 Opposed: 1</p>	
<p>STAFF COMMENTS</p> <p>Staff supports the proposed Conditional Use Permit at this location and recommends the following provisions be attached to the issuance of a C.U.P.</p> <ol style="list-style-type: none"> 1. The C.U.P. shall be issued to Veronica Ugalde and is nontransferable. 2. The C.U.P. is restricted to the site plan, Exhibit “A”, which is made part hereof for all purposes. 3. The C.U.P. is restricted to the activities described in letter, Exhibit “B”, which is made part hereof for all purposes. 4. Provide a seven (7) foot opaque wall adjacent to any residential uses or zones. 5. Provide parking spaces in compliance with the Laredo Land Development Code. 6. Provide and maintain seven (7) trees and twenty-one (21) shrubs in compliance with the Laredo Land Development Code. 7. Signage will be limited to 12 square feet attached to the building wall. 	
<p>P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a <u>5</u> to <u>0</u> vote, recommends approval of the Conditional Use Permit.</p>	<p>STAFF RECOMMENDATION: Staff supports the proposed Conditional Use Permit.</p>

ORDINANCE NO. 2011-O-088

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REPEALING ORDINANCE NO. 2006-O-230, A CONDITIONAL USE PERMIT FOR AN ADULT DAY CARE ON LOT 1, BLOCK 4, CONCORD HILLS COMMUNITY SUBDIVISION PHASE II, LOCATED AT 601 CONCORD HILLS BOULEVARD; AND AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A CHILD DAY CARE ON LOT 1, BLOCK 4, CONCORD HILLS COMMUNITY SUBDIVISION PHASE II, LOCATED AT 601 CONCORD HILLS BOULEVARD; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION.

WHEREAS, a request has been received for the issuance of a Conditional Use Permit for a child day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard; 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 June 2, 2011; 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 June 20, 2011, 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.

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 repealing Ordinance No. 2006-O-230, issuing a Conditional Use Permit for an adult day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard.

Section 2: The Zoning Map of the City of Laredo be and is hereby amended by authorizing the issuance of a Conditional Use Permit for a child day care on Lot 1, Block 4, Concord Hills Community Subdivision Phase II, located at 601 Concord Hills Boulevard.

Section 3: 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 Veronica Ugalde and is nontransferable.
2. The C.U.P. is restricted to the site plan, Exhibit "A", which is made part hereof for all purposes.
3. The C.U.P. is restricted to the activities described in letter, Exhibit "B", which is made part hereof for all purposes.
4. Provide a seven (7) foot opaque wall adjacent to any residential uses or zones.
5. Provide parking spaces in compliance with the Laredo Land Development Code.
6. Provide and maintain seven (7) trees and twenty-one (21) shrubs in compliance with the Laredo Land Development Code.
7. Signage will be limited to 12 square feet attached to the building wall.

Section 4: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 5: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 6: 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 _____, 2011.

 RAUL G. SALINAS
 MAYOR

ATTEST:

 GUSTAVO GUEVARA, JR.
 CITY SECRETARY

APPROVED AS TO FORM:

 RAUL CASSO
 CITY ATTORNEY

Address:
Location:

601 Concord Hills Blvd.

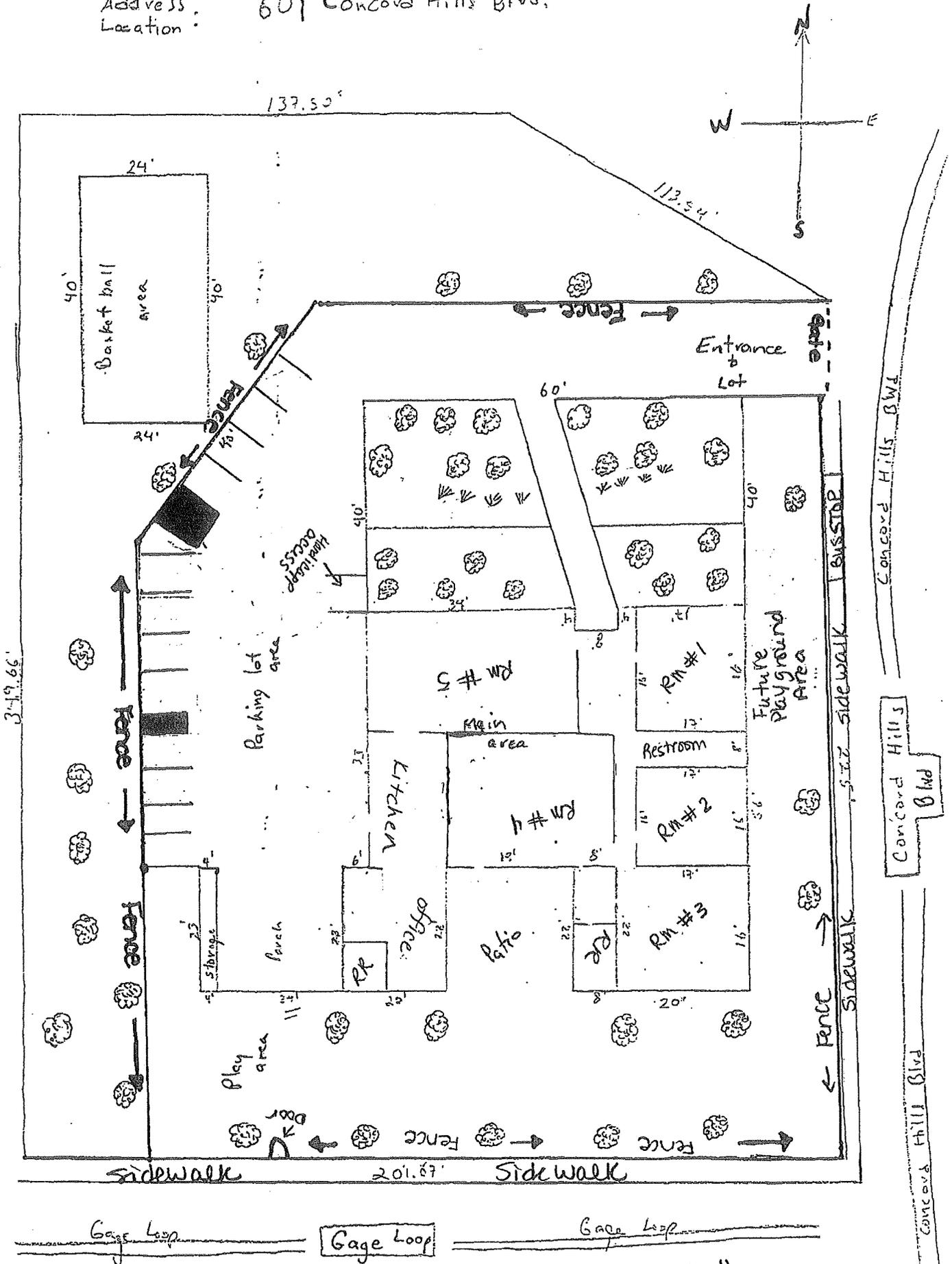


EXHIBIT "A"

May 16, 2011

KinderClub Learning Center, LLC.
Veronica Ugalde
504 Don Jose Dr.
Laredo, TX 78045

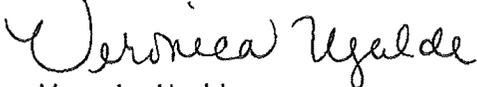
Re: Conditional Use Permit for 601 Concord Hills

To Whom It May Concern,

The building located on 601 Concord Hills will be solely used for a child daycare/learning center. The learning center's purpose is to offer a developmental early childhood program to children ages 6mth to 12 yrs of age, around the neighborhood and/or to the community who can benefit from this type of service. Center hours will be from 7:15am to 6:30pm. This business will employ approximately 4-10 employee's depending on the number of enrolled children and meeting the student-teacher ratio mandated by the state. Based on present approximation of square footage, the center will allow about 43-53 children and about 5 classrooms. Please keep in mind that these numbers are estimates only. Childcare licensing determines final capacity.

If there are any questions, please feel free to contact me at (956)319-5749.

Best Regards,

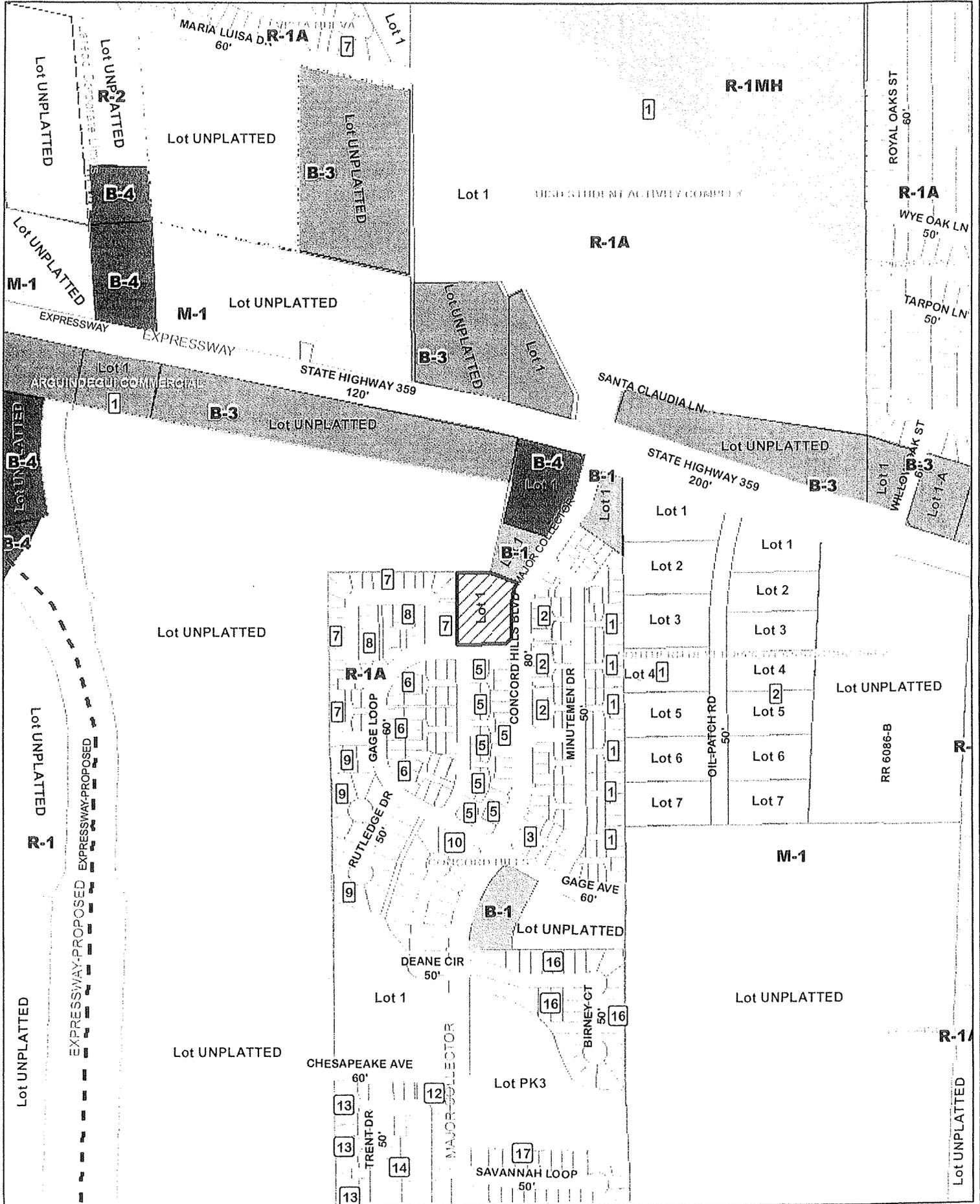


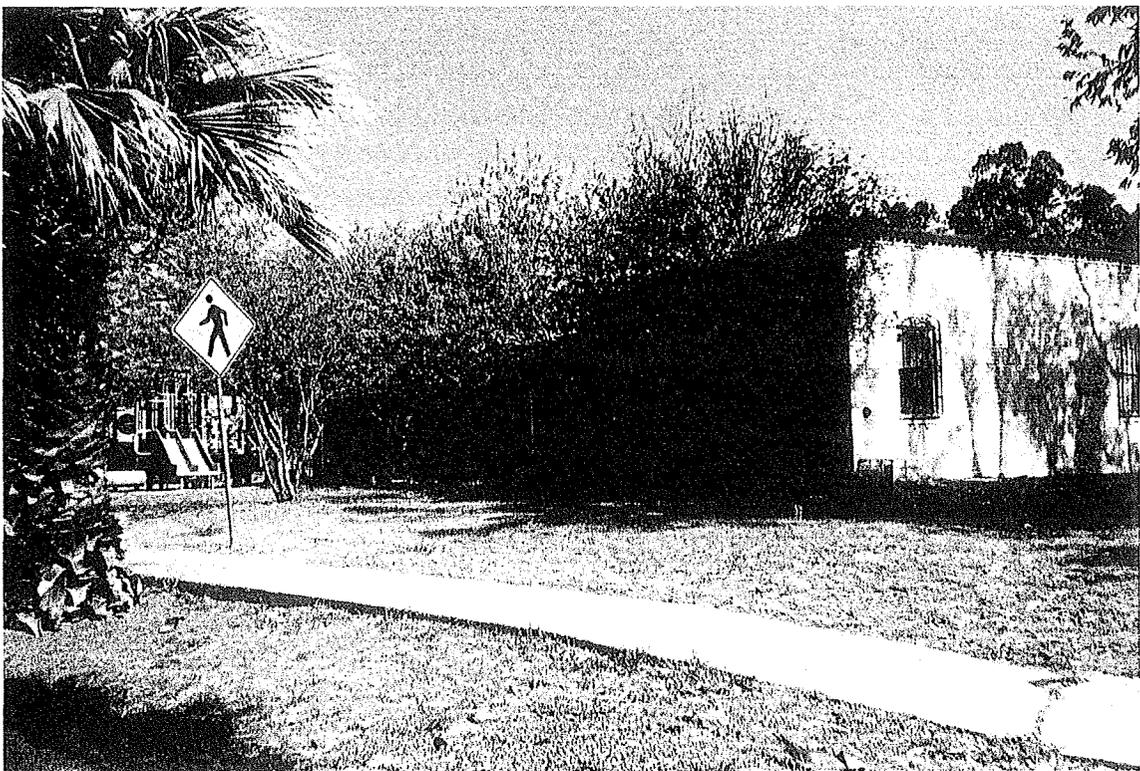
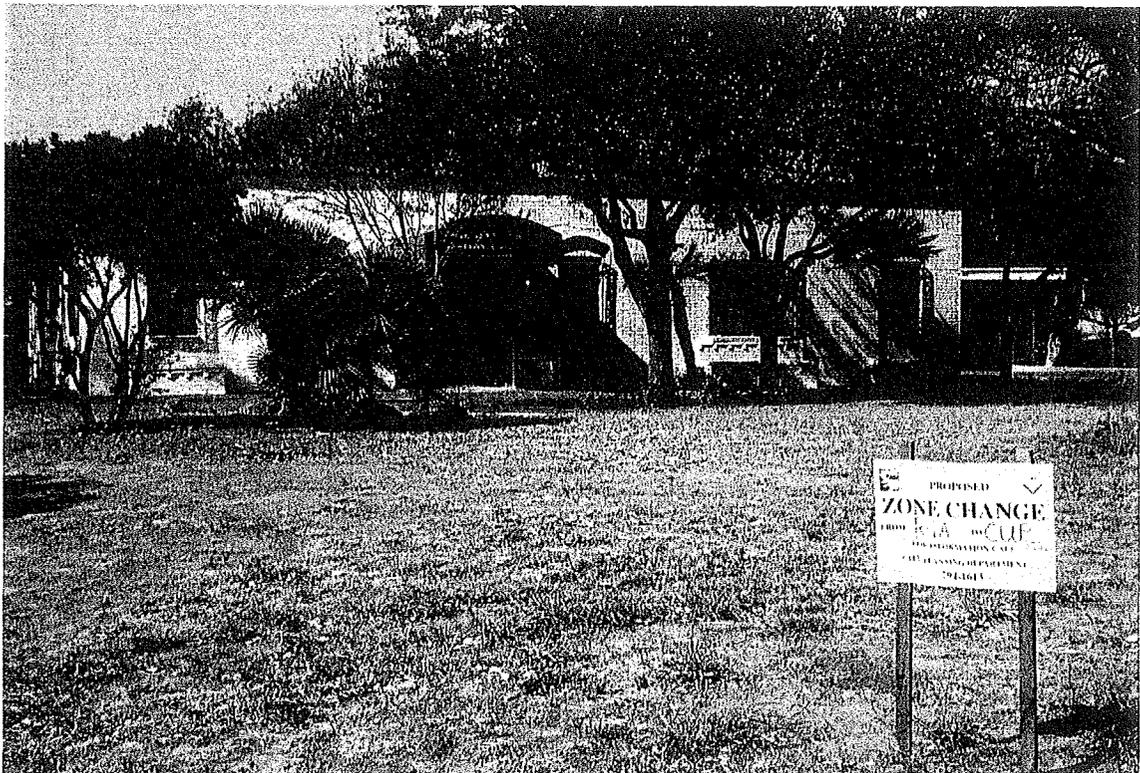
Veronica Ugalde
KinderClub Learning Center, LLC., Owner

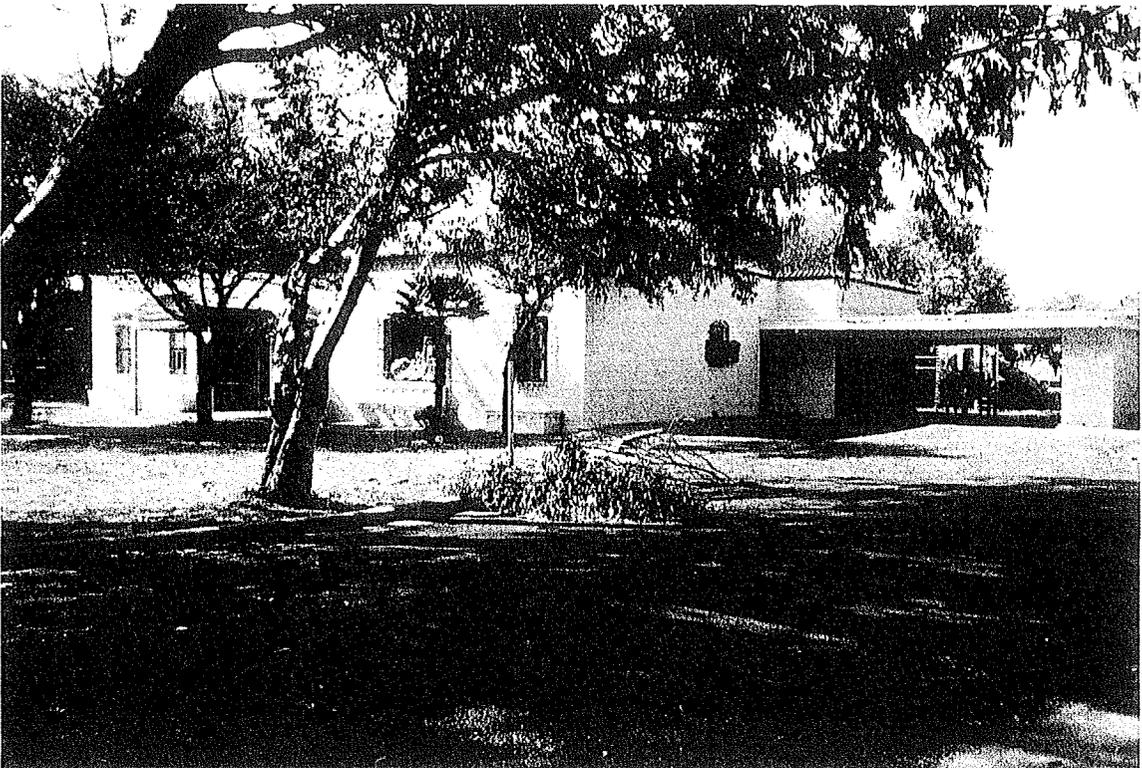
Days of operation: M - Sat.

EXHIBIT "B"

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







COUNCIL COMMUNICATION

<p>Date: 07/05/11</p>	<p>SUBJECT: FINAL READING OF ORDINANCE NO. 2011-O-089 Amending Ordinance 2005-O-069 authorizing a Special Use Permit for oil and/or gas extraction on 4 acres, as further described by metes and bounds in attached Exhibit "A", located east of Highway 83 and north of Cielito Lindo Boulevard in order to reflect change of ownership; providing for publication and effective date. ZC-16-2011</p>	
<p>Initiated by: Vernon E. Faulknor, Inc.</p>	<p>Staff source: Nathan R. Bratton, Interim Planning Director</p>	
<p>Prior action: This item was introduced by Mike Garza at the regular meeting of June 18, 2011.</p>		
<p>BACKGROUND</p> <p>Council District: I – The Honorable Mike Garza</p> <p>Proposed use: Oil and/or gas extraction</p> <p>Site: The site is currently vacant and undeveloped.</p> <p>Surrounding land uses: The land surrounding the site is predominantly vacant and undeveloped. The nearest uses are single-family residences to the north.</p> <p>Comprehensive Plan: The Future Land Use Map recognizes this area as Medium Density Residential.</p> <p>Transportation Plan: The Long Range Thoroughfare Plan identifies Highway 83 as an Expressway and Cielito Lindo Boulevard as a Major Arterial.</p> <p>Letters sent to surrounding property owners: 3 In Favor: 0 Opposed: 0</p>		
<p>STAFF COMMENTS</p> <p>Staff supports the issuance of the proposed Special Use Permit. The existing Special Use Permit meets Section 24.73, Oil and Gas Extraction and Production, of the Laredo Land Development Code. Specifically, no school, hospital, church, nor public building is located within six hundred (600) feet of the proposed wellhead. No residence is located within four hundred (400) feet of the site.</p> <p>Staff supports the proposed Special Use Permit and recommends the following conditions:</p> <ol style="list-style-type: none"> 1. The permit will be issued to Vernon E. Faulconer, Inc., and is nontransferable. 2. Lighting of drilling operations shall be screened to avoid adverse impact on adjacent residential neighborhoods. 3. The Special Use Permit is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes. 		
<p>P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 9 to 0 vote, recommended approval of the Special Use Permit.</p>	<p>STAFF RECOMMENDATION: Staff <u>supports</u> the proposed Special Use Permit.</p>	

ORDINANCE NO. 2011-O-89

AMENDING ORDINANCE 2005-O-069 AUTHORIZING A SPECIAL USE PERMIT FOR OIL AND/OR GAS EXTRACTION ON 4 ACRES, AS FURTHER DESCRIBED BY METES AND BOUNDS IN ATTACHED EXHIBIT "A", LOCATED EAST OF HIGHWAY 83 AND NORTH OF CIELITO LINDO BOULEVARD IN ORDER TO REFLECT CHANGE OF OWNERSHIP; PROVIDING FOR AN PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received for amending Ordinance 2005-O-069 authorizing a Special Use Permit for oil and/or gas extraction on 4 acres, as further described by metes and bounds in attached Exhibit "A", located east of Highway 83 and north of Cielito Lindo Boulevard in order to reflect change of ownership; 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 May 19, 2011; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the of a Special 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 June 20, 2011, on the request and finds the Special Use Permit appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, all conditions imposed by the Special Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Special 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.

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

Section 1: Amending Ordinance 2005-O-069 authorizing a Special Use Permit for oil and/or gas extraction on 4 acres, as further described in attached Exhibit "A", located east of Highway 83 and north of Cielito Lindo Boulevard, is hereby amended, to reflect change of ownership.

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: The Special Use Permit is further restricted to the following provision here-with adopted by the City Council:

1. The permit will be issued to Vernon E. Faulconer, Inc., and is nontransferable.
2. Lighting of drilling operations shall be screened to avoid adverse impact on adjacent resi-dential neighborhoods.
3. The Special Use Permit is restricted to the site plan, Exhibit "B", which is made part he-reof for all purposes.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011.

RAUL G. SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

COUNCIL COMMUNICATION

<p>Date: 07/05/11</p>	<p>SUBJECT: FINAL READING OF ORDINANCE NO. 2011-O-090 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 4, 5 & 6, Block 1074-A, Western Division, located at 4301 Santa Cleotilde Avenue, from R-3 (Mixed Residential District) to M-1 (Light Manufacturing District); providing for publication and effective date. ZC-22-2011</p>	
<p>Initiated by: Cesar Almanza</p>		<p>Staff source: Nathan R. Bratton Interim Planning Director</p>
<p>Prior action: This item was introduced by Jose A. Valdez, Jr. at the regular meeting of June 18, 2011.</p>		
<p>BACKGROUND</p> <p>Council District: VII – The Honorable Jorge Vera</p> <p>Proposed use: Commercial</p> <p>Site: Single-Family Residence</p> <p>Surrounding land uses: The property to the north includes Volz Transportation and a vacant warehouse. The property to the east includes Farias Elementary, Farias Recreation Center, City of Laredo Police Sub-station, and the Northwest Boys & Girls Club. South of the property includes single-family residences, manufactured homes and Jerry’s Drive Thru. West of the property includes E.Diaz Y CIA Agencia Aduanal, vacant lots, single-family residences, Century Export and Rapid Warehousing Service Inc.</p> <p>Comprehensive Plan: The Comprehensive Plan identifies this area as Light Industrial.</p> <p>Transportation Plan: The Long Range Thoroughfare Plan does not identify Santa Cleotilde.</p> <p>Letters sent to surrounding property owners: 5 In Favor: 0 Opposed: 0</p>		
<p>STAFF COMMENTS</p> <p>The proposed zone change is appropriate at this location. The change is consistent with the Comprehensive Plan’s designation for this area as Light Industrial, and is compatible with the surrounding industrial uses in the area.</p>		
<p>P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 9 to 0 vote, recommended approval of the zone change.</p>		<p>STAFF RECOMMENDATION: Staff <u>supports</u> the proposed zone change.</p>

COUNCIL COMMUNICATION

IMPACT ANALYSIS

M-1 (Light Manufacturing District): The purpose of the M-1 is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense and residential uses.

Is this change contrary to the established land use pattern?

No, there are other industrial uses in the vicinity.

Would this change create an isolated zoning district unrelated to surrounding districts?

No, there are other existing M-1 Districts along Santa Rita and in close proximity.

Will change adversely influence living conditions in the neighborhood?

No, this property is surrounded by the railroad on one side and industrial uses on the other.

Are there substantial reasons why the property can not be used in accord with existing zoning?

Yes, the existing zoning allows for only residential uses.

ORDINANCE NO. 2011-O-090

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING LOTS 4, 5 & 6, BLOCK 1074-A, WESTERN DIVISION, LOCATED AT 4301 SANTA CLEOTILDE AVENUE, FROM R-3 (MIXED RESIDENTIAL DISTRICT) TO M-1 (LIGHT MANUFACTURING DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a zone change has been requested by the owners of Lots 4, 5 & 6, Block 1074-A, Western Division, located at 4301 Santa Cleotilde Avenue, from R-3 (Mixed Residential District) to M-1 (Light Manufacturing District); 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 May 19, 2011, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the proposed zone change; 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 June 20, 2011, on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; 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.

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 rezoning Lots 4, 5 & 6, Block 1074-A, Western Division, located at 4301 Santa Cleotilde Avenue, from R-3 (Mixed Residential District) to M-1 (Light Manufacturing District).

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.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011.

RAUL G. SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
RAUL CASSO
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 07/05/2011	SUBJECT: 2011-O-091 AMENDING THE CITY OF LAREDO CODE OF ORDINANCES, CHAPTER 33, ARTICLE I ENTITLED "GENERAL" BY DELETING EIGHT (8) YEAR TERM LIMITS IN §33-1 "CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE" (C) AS PER CITY COUNCIL REQUEST; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
INITIATED BY: Jesus Olivares, Assistant City Manager	STAFF SOURCE: Riazul Mia, P.E., Director Environmental Services Department
PREVIOUS COUNCIL ACTION: On April 18, 2011 City Council made a motion to remove the limitations on time restrictions for the committee appointees.	
BACKGROUND: On April 18, 2011 City Council made a motion to remove the limitations on time restrictions for the committee appointees. Currently this ordinance restricts committee appointments to a term not to exceed eight (8) years. In order to bring this ordinance in alignment with the wishes of City Council, the ordinance needs to be amended by removing the term limits. The Citizens' Environmental Advisory Committee made a motion to amend this ordinance by removing the term limits and recommended passage by City Council.	
FINANCIAL IMPACT: None	
RECOMMENDATION: The ordinance amendment was recommended by the Citizen's Environmental Advisory Committee.	STAFF RECOMMENDATION: Approval of the ordinance.

2011-O-091

AMENDING THE CITY OF LAREDO CODE OF ORDINANCES, CHAPTER 33, ARTICLE I ENTITLED "GENERAL" BY DELETING EIGHT (8) YEAR TERM LIMITS IN §33-1 "CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE" (C) AS PER CITY COUNCIL REQUEST; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, on April 18, 2011 City Council made a motion to remove the limitations on time restrictions for the committee appointees, and;

Whereas, Chapter 33, Section I sets term limits for committee appointees, and;

Whereas, in order to bring Chapter 33, Section I in alignment with the wishes of City Council, the ordinance needs to be amended by removing the term limits;

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

Section 1: Amendment:

The amendment will be made to the Code of Ordinances, §33-01 (C) as follows:
ARTICLE I. IN GENERAL

SECTION 33-1. Citizen's Environmental Advisory Committee.

a. The Citizen's Environmental Advisory Committee (CEAC) is hereby established.

b. Definitions.

The following terms, words, and abbreviations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular words in the singular, include the plural, and the use of any gender shall be applicable to all genders. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined herein shall be given their common and ordinary meaning, except that technical words and terms used in the environmental engineering industry shall be given the meaning common to that industry.

1. "Chairperson" means the Chairperson of the Citizen's Environmental Advisory Committee where the context clearly indicates that the chairperson of a committee is intended.

2. "Committee" means the Citizen's Environmental Advisory Committee, as established by this Ordinance.
3. "Communications Officer" means the Environmental Manager or his designee.

c Membership, Term of Office, Method of Appointment, and Ex-officio Memberships.

1. The members of the Committee shall include nine (9) members who shall be a resident of the City of Laredo, appointed by the City Council.
2. All members shall serve a term concurrent with that of the mayor or council member appointing them, and they shall continue in office until their successors are duly appointed[, so long as this does not exceed eight years.]
3. If a committee member's position becomes vacant due to death, discontinuance of the committee member's eligibility to serve, or his/her incapacity or unwillingness to serve for any reason, the Council shall fill the vacancy for the un-expired term, by appointment.
4. [~~A member shall be entitled to serve more than one term so long as that term does not exceed eight years.~~]
- ~~5.~~4. The Environmental Manager shall serve, ex-officio, as non-voting member of the Committee, but may not serve as Chairperson of the Committee.

d. Chairperson and Other Officers, Committees.

1. The Chairperson shall be elected annually by majority vote, and shall serve for a calendar year, and shall be eligible for re-election.
2. The Committee may establish such other officer's, as the Committee may deem necessary.
3. The Committee may establish by motion such sub-committee's, as it deems necessary. The Chairperson shall appoint the members and chairpersons of all such sub-committees.

e Environmental Manager.

An environmental manager shall be appointed by the City Manager and shall serve as staff of the Committee.

f. General Authority.

1. The Committee shall have authority to request inquiries, surveys, investigations, and the like; to receive testimony of witnesses; hold public hearings; and may require any permittee or co-permittee to produce and submit any documents, papers, books of account, or other records pertaining to the environmental ordinances, regulations or policies of the City.
2. The Committee shall prepare and submit reports and recommendations to the City Manager or to the City Council, at its discretion.
3. The Committee shall advise the Environmental Manager or any permittee or co-permittee concerning any matter pertaining to environmental ordinances, regulations or policies of the City, including state and federal environmental laws.
4. The Committee shall have authority to seek advice or opinion of any city officer or department, including the City Attorney, regarding any question of law, fact or administrative procedure.

g. Duties with Regard to Environmental Protection.

1. The Committee shall ensure compliance with all provisions of local ordinances and state law and shall report any violations or failures of compliance to the City Council.
2. The purview of the Committee shall include all aspects of the environment including water, air, soil, watershed, wildlife, wetlands and native vegetation as they are affected by industrial, commercial and residential development; operations of manufacturing or packaging facilities; operations of transportation and storage facilities; waste disposal; and any other action that has an impact on the environment.
3. As deemed necessary, the Committee shall conduct surveys of the general population of the City, by such methods and procedures as the Committee may devise, to ascertain the public's interest, convenience, and need for environmental protection and similar environmental issues; and shall report the findings of such surveys to the City Council, with recommendations, if any, for action by the Council.
4. The Committee shall prepare and submit reports to the Council for use in the performance evaluation. Said reports shall contain information concerning the permittee or co-permittee's performance according to the provisions of local environmental ordinances, state and federal environmental laws; and such other matters as the Committee deems would warrant the Council's attention; and such recommendations as the Committee wishes to place before the Council. Said reports shall be submitted not less than thirty (30) days before the scheduled performance evaluation. Further, the Chairperson of the Committee shall appear during the performance evaluation, and shall present orally the significant findings of the Committee, and shall be prepared to answer the questions of the Council or the permittee or co-permittee.

5. The Committee shall from time to time conduct technical tests, by such methods and procedures as the Committee may devise, to ascertain if the permittee's or co-permittee's operations meet all current federal, state and local environmental laws and standards.
 6. The Committee shall receive complaints and grievances from citizens, concerning any matter relating to the operations of any permittee or co-permittee; shall advise the permittee and co-permittee on steps that may be taken to resolve such complaints, and shall report in summary form to the City Council on all complaints or grievances received and their resolutions.
 7. The committee shall also meet and rule on appeals according to section 33-54.
 8. The committee shall follow the adopted "Priority Procedures for the Mayor and City Council Laredo, Texas" for all the meetings.
- h. Budget.
- a. The Committee may solicit and acquire funds from diverse sources to support its various purposes. The Committee may seek grants from public agencies and private sources, subject to approval of the City Council.
 - b. All funds received by the commission from whatsoever source shall be transmitted to the City Finance Department. No disbursement shall be made except according to the annual budget as approved by City Council or for the specific purpose specified by the grantor.
- i. Meetings.
- a. The Committee shall meet not less than once each month at such time and place, as the Chairperson shall designate. Notice of each meeting shall be

- posted pursuant to the Texas Open Meetings Act.
- b. The Committee shall elect officers at its first meeting and then at its first meeting in January of every year thereafter. First officers may include a chairperson, vice-chairperson, and such other officers.
 - c. A quorum for any meeting shall be four members (not including any ex-officio non-voting member of the Committee).
 - d. All meetings shall be conducted according to Robert's Rules of Order. All members will familiarize themselves with Robert's Rules of Order so that the meeting can be conducted in an orderly and efficient manner.
 - e. The agenda for each meeting shall be established by the Chairperson in consultation with the Environmental Manager. Any member of the committee voting or non-voting shall have the right to place any proper items of business on the agenda, by so requesting of the Chairperson before notice of the meeting is published.
 - f. Attendance at regular and special called meetings of the Committee is mandatory. Any member who knows in advance that he or she will be unable to attend a meeting shall so notify the Chairperson. Any member who is absent with prior notice shall notify the Chairperson at the earliest possible time of the reason or the absence. The Committee shall determine the reasonableness and acceptability of any absence, and shall excuse any absence it considers unavoidable or reasonable.
 - g. The agenda for each regular meeting shall include Citizen Communications, and at the time reserved for this purpose any person may come before the committee. The Chairperson may limit the time allotted to each speaker, but not less than three minutes per speaker, and not in a manner that discriminates against any person.
 - h. A member may be removed from office before the end of his or her term by action of the City Council for any good cause, and in particular for any of the following causes:
 - (1) Failure to attend three or more regularly scheduled meetings of the Committee, without giving notice in advance of his intended absence (except when an emergency arises that makes the giving of notice impracticable), and without having an adequate excuse acceptable to the Committee;
 - (2) Having a vested interest in a permittee or co-permittee, whether or not such interest existed at the time of appointment, or having any

Committee illegal or improper;

- (3) Failure to attend properly to the duties of the Committee, to comply with the provisions of this Ordinance. If a member is removed from office, the office shall be filled in the manner provided above.

Sec. 33-2. Federal statutes and regulations adopted.

References to federal statutes and regulations which are specifically cited in this chapter are hereby adopted and incorporated by reference as fully and completely as if set forth herein.

Secs. 33-3--33-15. Reserved.

SECTION 2: Severability:

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

SECTION 3: Effective Date:

This Ordinance shall take effect after its passage by the City Council.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2011.

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: 07/05/2011	SUBJECT: RESOLUTION NO. 2011 – R – 060 AUTHORIZING THE REMOVAL OF THE TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF JUAREZ AVENUE AND HIDALGO STREET WHICH IS NO LONGER WARRANTED ACCORDING TO THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
INITIATED BY : Carlos Villarreal - City Manager	STAFF SOURCE: Jesus Olivares – Assistant City Manager, Acting Transportation Director Roberto Murillo, P.E., P.T.O.E., Traffic Safety Manager
PREVIOUS COUNCIL ACTION: None.	
BACKGROUND: <p>The traffic signal at the intersection of Hidalgo Street and Juarez Avenue suffered a knock-down after a vehicle collision in March, 2011. Traffic signal repair efforts proved too difficult and unfeasible with consideration to underground utilities, sidewalk space confinement and pedestrian accessibility. The intersection has been operating in an All-Way Stop condition since March, 2011. The existing All-Way Stop condition at the intersection functions at an acceptable level of service.</p> <p>The Traffic Safety Department has determined that the traffic signal at the intersection of Hidalgo Street and Juarez Avenue is no longer warranted according to the Texas Manual on Uniform Traffic Control Devices (TMUTCD). If changes in traffic patterns eliminate the need for a traffic control signal, consideration should be given to removing it and replacing it with appropriate alternative traffic control devices, if any are needed.</p> <p>It is in the best interest of the citizens of Laredo to have this traffic signal removed. Its removal will eliminate costs associated with traffic signal maintenance.</p> <p>Item presented to the Transportation & Traffic Safety Advisory Committee & recommended removal on June 8, 2011.</p>	
FINANCIAL IMPACT: None.	
COMMITTEE RECOMMENDATION: Transportation and Traffic Safety Advisory Committee approved this action.	STAFF RECOMMENDATION: It is recommended that this action be authorized.

A RESOLUTION 2011 – R – 060

AUTHORIZING THE REMOVAL OF THE TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF JUAREZ AVENUE AND HIDALGO STREET WHICH IS NO LONGER WARRANTED ACCORDING TO THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

WHEREAS, the City of Laredo, Transportation Department - Traffic Safety Division has determined that the traffic signal at the intersection of Hidalgo Avenue and Juarez Street no longer satisfies the conditions which merit a signalized intersection described within the Texas Manual on Uniform Traffic Control Devices (TxMUTCD); and

WHEREAS, the City of Laredo, Transportation Department - Traffic Safety Division has determined that the traffic signal at the intersection of Hidalgo Avenue and Juarez Street will save a significant amount of improvement costs in order to upgrade and incorporate the former signalized intersection into the traffic management network for Intelligent Transportation Systems; and

WHEREAS, the City of Laredo, Transportation Department - Traffic Safety Division has determined that the removal of the traffic signal at the intersection of Hidalgo Avenue and Juarez Street will save in regular maintenance costs; and

WHEREAS, the City of Laredo, Transportation Department - Traffic Safety Division, after proper analysis, has determined that better traffic flow will result at this intersection; and

WHEREAS, the City of Laredo, Transportation Department - Traffic Safety Division, has determined that the interest and safety of the citizens of Laredo will be improved by the removal of the traffic signal at the intersection of Hidalgo Avenue and Juarez Street;

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

The traffic signal at the intersection of Hidalgo Avenue and Juarez Street is no longer warranted according to the Texas Manual on Uniform Traffic Control Devices and has been removed by the City of Laredo, Transportation Department - Traffic Safety Division.

APPROVED BY THE THE MAYOR ON THIS DAY ____ OF _____, 2011.

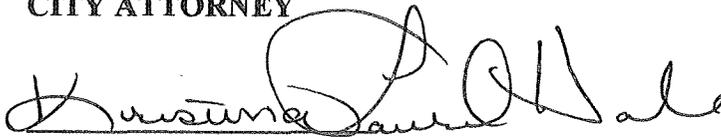
RAUL G. SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

A handwritten signature in cursive script, appearing to read "Kristina L. Hale".

KRISTINA L. HALE
ASST. CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 07/05/11	SUBJECT: MOTION Consideration to reject all proposals received for RFP FY11-041 Vehicle Camera Kits and GPS Tracking System for the Solid Waste Services Department and authorization is requested to secure new proposals with revised equipment specifications. Funding is available in the Solid Waste Services Budget.	
INITIATED BY: Jesus Olivares, Assistant City Manager	STAFF SOURCE: Rogelio Rivera, P.E. Engineering Department Director Stephen R Geiss, Solid Waste Services Manager Francisco Meza, Purchasing Agent	
PREVIOUS COUNCIL ACTION: None.		
BACKGROUND: The City received three proposals for awarding a contract to replace vehicle camera kits and GPS Tracking System to be used as replacements for the Solid Waste refuse trucks and other regular pick-up trucks. Modifications will be made to the proposal document in order to include additional technical specifications in order to obtain the equipment required by the department.		
FINANCIAL IMPACT: Account number: 556-2550-533-2030 – maintenance machinery and equipment		
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that this motion be approved.	

COUNCIL COMMUNICATION

DATE: 07/05/2011	SUBJECT: Motion Consideration to award a contract in an amount not to exceed \$70,000 for Weatherization Assistance Program Assessment Services to Apple Energy Group, LLC from Austin, Texas. Funding is available in the Community Development A.R.R.A. Fund – Weatherization Assistance Program Grant.		
INITIATED BY: Ms. Cynthia Collazo Deputy City Manager		STAFF SOURCE: Thelma V. Acosta Community Development Director	
PREVIOUS COUNCIL ACTION: None.			
BACKGROUND: The City of Laredo is in the process of implementing its Weatherization Assistance Program (WAP) to assist low-income persons achieve a prescribed level of energy efficiency in their dwellings. The City is sought proposals from certified weatherization assessor(s) to perform energy audits as they relate to the Weatherization Assistance Program and pursuant to the American Recovery and Reinvestment Act (ARRA) of 2009. The City of Laredo will be weatherizing approximately 136 homes and /or multi-family units (“Projects”) in Laredo to help reduce high energy consumption. WAP services will only be provided within the City of Laredo. Total project costs will not exceed \$6,500 per unit in weatherization services, which will include materials, labor, and program support for each unit. The duration of the contract will be for the duration of the City of Laredo’s contract with the Texas Department of Housing and Community Affairs which may be extended at the mutual agreement of the City in order to meet the City of Laredo’s WAP requirements. The City received proposals from three contractors for WAP assessment services. The pricing fee tabulation sheet is listed below:			
RFP: WAP Assessor (FY11-057)	Institute for Building Technology and Safety Herndon, Virginia	Apple Energy Group, LLC Austin, Texas	Integrity Energy Consulting Mission, Texas
Cost of Initial (Pre Assessment/Unit)	\$450	\$250	\$325
Cost of Intermediate Assessment/Unit (to verify CFM reduction)	\$175	\$140	\$100
Cost of Post Assessment/Unit)	\$250	\$170	\$150
Total Cost (for Pre/Post Assessments per units	\$875	\$560	\$575
Cost for Trip Fee (Client	\$50	\$45	\$50
All proposals were reviewed by a Committee composed from Building, Engineering and Community Development staff.			
FINANCIAL IMPACT: Weatherization Assistance Program Grant(Fund 262): Weatherization Grants: 262-8061-543-5587			
COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: That this motion be approved.	

Continued

The scope of work for each unit is determined by an Energy Audit and/or Priority List. The general scope of work and responsibilities required of the Assessor include, but are not limited to the following: (1) Building Weatherization Report (BWR) to include certification of final inspection; (2) Invoices of materials purchased and/or inventory removal sheets; (3) Invoices of labor; (4) Self-help Certification (TDHCA form), if applicable; (5) Notice of Denial (TDHCA form), if applicable; (6) Signed and dated Building TDHCA proper Assessment Form(s) to include Whole House Assessment required form and Dwelling diagram (shall include all open but covered areas attached to dwelling like porches), with a proper interior layout; (7) Attic Inspection; (8) Wall Inspection; (9) Justification for Omission of Priorities, if applicable; (10) Documentation of "pre" and "post" weatherization carbon monoxide readings for all combustible appliances; (11) Blower Door Data Sheet. (Initial, Intermediate and Final Reading(s)); (12) Copy of the cover sheet, SIR (Savings-To-Investment-Ratio) page, and Suggested Repairs and Measures page for the approved State of Texas Energy Audit; (13) A complete approved State of Texas Energy Audit on disk and a disk back-up for all units weatherized (unless using computer based audit); (14) Signed client receipt of Lead Safe Information (for homes built in 1978 or prior, contractor shall include proper assessment forms); (15) Refrigerator replacement form; and conduct required metering of all of units under the Priority List or as required under NEAT (2 Hr/reading). (16) Materials standards documentation for weatherization materials purchased under the WAP and in compliance with DOE Specifications. (17) Submission of color photographs for proper documentation of the assessed units (before, during and after weatherization measures are in place as required). (18) Prepare work orders based on NEAT or Priority List for designated City weatherization contractors based on assessment. Contractor shall use form designated by City of Laredo. (19) All other necessary forms documentation or other requirements from DOE and TDHCA to conduct assessments. (20) Signed client receipt of Mold Information (for all dwellings to include all TDHCA forms);

COUNCIL COMMUNICATION

DATE: 07/05/11	SUBJECT: MOTIONS Consideration to renew contract number FY09-070 to the low bidders, Staff Force, Laredo, Texas, and Manpower, Inc., Laredo, Texas for providing temporary contract employees. Contracts will be awarded to a primary and secondary vendor in order to provide the City of Laredo with a quality labor pool for those departments that might require temporary staff members throughout the fiscal year. All services will be secured on an as needed basis and the estimated contract amount for this fiscal year would be \$800,000.00. Funding is available in the respective departmental budgets.
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INITIATED BY: Horacio De Leon, Assistant City Manager	STAFF SOURCE: Rosario C. Cabello, Financial Services Department Director Francisco Meza, Purchasing Agent
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PREVIOUS COUNCIL ACTION: Authorized contract award for FY09-070 on 9/21/09.

BACKGROUND: The City received eight (8) bids for awarding a contract for providing temporary contract employees as needed by city departments. The intent of this contract is to secure a primary and secondary contract vendor to provide city departments with a quality temporary labor pool. The primary vendor will be Staff Force and the secondary vendor will be manpower, Inc. The term of this contract is for one year with an option to renew for two additional one year periods. This is the first contract renewal.

Summary Based on Bid Evaluation Criteria

	Contractor % Markup Range	Early Payment Discount Terms
Staff Force	23% - 25%	1% net 15 days
Manpower	24% - 30%	
Tri State Employer	25% - 29%	
BPR Staffing LC	19.5% - 31.5%	
Kelly Services	27% - 29%	
RM Personnel	25% - 35%	
Adecco	30%	
Telecom Staffing LLC	14% Plus 13% Federal/State Employer taxes	.5% net 20 days

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.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that this contract be approved.
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COUNCIL COMMUNICATION

DATE: 07/05/11	SUBJECT: MOTION Consideration for approval of the Upgrades/Modifications for the Aircraft and Structural Fire Training Props and Facilities at the Laredo International Fire and Law Enforcement Training Center (Re-Bid) as complete , release of retainage and approval of final payment in the amount of \$65,871.12 to WRG Fire Training Simulation Systems, Inc., Sherwood, Oregon. Final construction contract amount is \$385,455.72. Funding is available in Fund 461 (2006 C.O.), Fund 462 (2007 C.O.) and Fund 463 (2008 C.O.).	
INITIATED BY: Carlos Villarreal, City Manager		STAFF SOURCE: Rogelio Rivera, P.E., City Engineer Steve E. Landin, Fire Chief
PREVIOUS COUNCIL ACTION: On October 4, 2010, City Council awarded a construction contract to the lowest bidder WRG Fire Training Simulation Systems, Inc., Sherwood, Oregon, in the amount of \$377,087.00 for the Upgrades/Modifications for the Aircraft and Structural Fire Training Props and Facilities at the Laredo International Fire and Law Enforcement Training Center (Re-Bid) with a construction contract time of one hundred (100) working days; and authorizing the City Manager to execute all related contract documents contingent upon receipt and approval of insurance and bond documents.		
BACKGROUND: The original project consisted of all labor, equipment and material necessary for the construction of the Upgrades and Modifications to the Aircraft Prop and Structural Fire Training Prop and the Training Grounds as follows: <ol style="list-style-type: none">1. At the Structural Trainer Prop - Audible and visual high temperature warning systems, safety chains and locks at each access door openings, safety railing systems, jib crane to the roof, replacement of angle at burn room walls, and ceiling liner shields at burn rooms, at elevator shaft trainer provide signage, safety chains at each floor level.2. At Training Grounds - Install placarding to hydrocarbon and liquid propane systems and vessels at the control station, remove existing above ground liquid propane piping and electrical conduits and re-fit in the troughs to serve four point of service ports, rust inhibitor coating to all above ground conduits and plumbing piping, re-fit and anchor steel top caps at fuel catch pit containment stem walls and construct approximately 200 l.f. of concrete stem wall addition at the leading and rear sections of the containment pit, provide a Vehicle close Combat Live Fire Trainer and a Ventilation Trainer.3. Qualified Bidder must meet or exceed all applicable National Fire Protection Association, Underwriters Laboratories, National Electrical Code, Geographic Region Code, Uniform Building Code, Environmental Protection Agency, and Occupational Safety and Health Administration ratings and standards for all phases of work to be performed and materials to be furnished. Plans and specifications were prepared by Mejia Engineering Company, Laredo, Texas. <p style="text-align: center;">Page 1 of 2</p>		
FINANCIAL IMPACT: Funding is available in the Fund 461 (2006 C.O.) Account No. 461-9854-535-4893 - \$176,200.90 Fund 462 (2007 C.O.) Account No. 462-9854-535-9507 - \$211,528.00 Fund 463 (2008 C.O.) Account No. 463-9854-535-9507 - \$4,358.10		
COMMITTEE RECOMMENDATION: N/A.		STAFF RECOMMENDATION: Approval of Motion.

Original construction contract amount.....	\$377,087.00
(Awarded by City Council on October 4, 2010)	
Change order no. 1.....	\$8,368.72
(Approved by City Manager on March 29, 2011)	
To replace existing leaking or damaged equipment at the Laredo International Fire and Law Enforcement Training Center.	
Change order no. 2.....	\$ -0-
(Approved by the City Manager on June 8, 2011)	
To add a high output smoke machine, electrical and other upgrades at the structural training building. This work was necessary in order to replace the existing leaking and damaged equipment at the Laredo International Fire and Law Enforcement Training Center.	
Final construction contract amount.....	\$385,455.72

The project was completed within the contract time allotted.

COUNCIL COMMUNICATION

DATE: 07/05/11	SUBJECT: MOTIONS Consideration to award contract FY11-059 to Gutierrez Machine Shop, Laredo, Texas in the estimated amount of \$350,000.00 for professional welding services for the Utilities Department. The services requested include site repairs to various water and wastewater treatment plants, lift stations, and other municipal utility facilities. The City did receive a lower bid from Pulsar Construction, Inc.; however, this firm would subcontract the personnel and would contract with an independent machine shop. Gutierrez Machine Shop has the experience, a machine shop, and personnel required for this service. Funding is available in the Utilities Department budget.
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INITIATED BY: Jesus Olivarez, Assistant City Manager	STAFF SOURCE: Tomas Rodriguez, P.E., Utilities Department Director Francisco Meza, Purchasing Agent
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PREVIOUS COUNCIL ACTION: None.

BACKGROUND: The City received two (2) bids for the professional services welding contract. The services requested include site repairs to various water and wastewater treatment plants, lift stations, and other municipal utility facilities. Although Pulsar Construction, Inc. has the lower rates for base fee of a two man crew in machine shop service, Gutierrez machine shop has the experience, a machine shop, and personnel required for this service. The bids were evaluated using the criteria of pricing, bidder reputation, certified personnel, and specialized equipment. Based on the evaluation criteria, staff recommends that Gutierrez Machine Shop provides the best value to the city and should be awarded the contract. Pulsar Construction, Inc. would subcontract welders and the services of an independent machine shop that lacks the personnel and specialized equipment to comply with this contract.

	Gutierrez Machine Shop Laredo, TX	Pulsar Construction Laredo, TX
Description	Unit Price	Unit Price
Regular Pay Rate (8AM to 5PM)	\$ 45.00 /Hour	\$ 48.00 /Hour
Overtime Pay Rate (5:01PM to 7:59AM)	\$ 67.50 /Hour	\$ 68.00 /Hour
Holiday/Weekend Pay Rate	\$ 67.50 /Hour	\$ 68.00 /Hour
Service Call Pay Rate after 5:01 PM	\$ 67.50 /Hour	\$ 58.00 /Hour
Machine Shop Service (8:00 AM thru 5:00 PM)	\$ 40.00 /Hour	\$ 25.00 /Hour
Machine Shop Service (After 5:00 PM-Weekends, Holidays)	\$ 60.00 /Hour	\$ 28.00 /Hour
Work Site Service (8:00 AM thru 5:00 PM)	\$ 45.00 /Hour	\$ 30.00 /Hour
Work Site Service (After 5:00 PM-Weekends, Holidays)	\$ 67.50 /Hour	\$ 42.00 /Hour

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.

Funding is available in the Utilities Department budget.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that this contract be approved.
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COUNCIL COMMUNICATION

DATE: 07/05/2011	SUBJECT: MOTIONS Consideration to authorize the purchase of ten, 72” riding mowers for the Parks and Leisure Services Department from John Deere Government & National Sales, Cary, North Carolina, through the State of Texas - TxMas contract # 7-51V050 in the total amount of \$130,268.60. Funding is available from 2009 PPFCO Contractual Obligations capital outlay expense account.												
INITIATED BY: Horacio De Leon Jr., Assistant City Manager	STAFF SOURCE: Osbaldo Guzman, Director Parks and Leisure Services Department Francisco Meza, Purchasing Agent												
PREVIOUS COUNCIL ACTION: Authorized participation in the Tx-Mas Contract purchasing program.													
BACKGROUND: It is recommended that these riding mowers be purchased from John Deere Government & National Sales, Cary North Carolina, utilizing the State of Texas - TxMas purchasing program contract pricing. The servicing agent will be Neuhaus & Company, Weslaco, TX which is one of the John Deere dealers in this area.													
<table style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Equipment</th> <th style="text-align: center; border-bottom: 1px solid black;">Quantity</th> <th style="text-align: center; border-bottom: 1px solid black;">Unit Price</th> <th style="text-align: center; border-bottom: 1px solid black;">Extended Total</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px 10px;">72” Mowers ZTrack 997</td> <td style="text-align: center; padding: 2px 10px;">10</td> <td style="text-align: center; padding: 2px 10px;">\$ 13,026.86</td> <td style="text-align: center; padding: 2px 10px;">\$ 130,268.60</td> </tr> <tr> <td colspan="4" style="padding: 2px 10px;">TX-Mas Contract # 7-51V050</td> </tr> </tbody> </table>		Equipment	Quantity	Unit Price	Extended Total	72” Mowers ZTrack 997	10	\$ 13,026.86	\$ 130,268.60	TX-Mas Contract # 7-51V050			
Equipment	Quantity	Unit Price	Extended Total										
72” Mowers ZTrack 997	10	\$ 13,026.86	\$ 130,268.60										
TX-Mas Contract # 7-51V050													
FINANCIAL IMPACT: Funding for this purchase is available in the following line item budget: 401-9864-535-9004													
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that this contract be approved.												

Z TRACK DIESEL 72"
PARKS AND LEISURE SERVICES DEPARTMENT

Neuhaus & Company
Weslaco, Texas

Neuhaus & Company
Weslaco, Texas

Tractor City
Uvalde, Texas

Tractor City
Uvalde, Texas

Item	Description	Est. Qty.	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	997 Ztrack 72" Mower	10	\$ 13,026.86	\$ 130,268.60	\$ 13,282.90	\$ 132,829.00	\$ 13,382.90	\$ 133,829.00	\$ 13,501.48	\$ 135,014.80
			TXMAS Contract #TX-Mas 7-51V050		BuyBoard Prices BuyBoard # 373-11		Buyboard Prices Buyboard # 373-11		GSA Contract #GR 01-10	

PO to be issued to:
 John Deere government & National Sales
 2000 John Deere Run
 Cary, NC 27513