

# **CITY OF LAREDO CITY COUNCIL MEETING**

**A-2017-R-07**

**CITY COUNCIL CHAMBERS**

**1110 HOUSTON STREET**

**LAREDO, TEXAS 78040**

**May 1, 2017**

**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 Heberto "Beto" L. Ramirez, Acting 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.

Pursuant to the Texas Penal Code (trespass by holder of license to carry a handgun), a person licensed under Subchapter H, Chapter 411, Government Code (Concealed Handgun Law or Handgun Licensing Law), may not enter into the City Council Chamber while City Council is in session with a concealed or openly-carried handgun.

### **I. CALL TO ORDER**

### **II. PLEDGE OF ALLEGIANCE**

### **III. MOMENT OF SILENCE**

### **IV. ROLL CALL**

### **V. MINUTES**

**Approval of the minutes of April 17, 2017**

### **VI. COMMUNICATIONS AND RECOGNITIONS**

## **Communiqués**

1. Presentation by Frank Roftnosky on National Bike Month-Ride of Silence.

## **Recognitions**

1. Recognizing the Cigarroa Middle School Orchestra for competing at the annual UIL & Sight Reading Contest in Corpus Christi, Texas. The CMS Honors Orchestra was the only middle school orchestra, out of 15 schools from Laredo, Corpus Christi, and Victoria, that earned the Sweepstakes Award. This is the 13th consecutive year they earn straight ones in the sight-reading portion of the contest and their 12th Sweepstakes overall.
2. Recognizing Police Week as May 13 - May 19, with a local "Thumbs Up Laredo PD" campaign and the unveiling of the fallen hero, Pablo Albidrez Jr. (+), monument at Slaughter Park .

## **Citizen comments**

Citizens are required to fill out a witness card and submit it to the City Secretary no later than 5:45 p.m. and identify themselves at the microphone. Comments are limited to three (3) minutes per speaker. No more than three (3) persons will be allowed to speak on any side of an issue. Should there be more than three (3) people who wish to speak on a particular issue, they need to select not more than three (3) representatives to speak for them and the presiding officer may limit the public comments further in the interest of an orderly meeting. Speakers may not pass their minutes to any other speaker. Comments should be relevant to City business and delivered in a professional manner. No derogatory remarks will be permitted.

## **VII. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES**

1. Appointment by Mayor Pro-Tempore Alex Perez of Carlos Garcia to the Transportation & Traffic Advisory Committee.
2. Appointment by Mayor Pro-Tempore Alex Perez of to the Third Party Funding Advisory Committee.
3. Appointment by Council Member Alberto Torres, Jr. of Dr. Martha E. Villarreal to the Fine Arts & Culture Commission.
4. Appointment by Council Member Alberto Torres, Jr. of Esmeralda R. "Mellie" Hereford to the Third Party Funding Advisory Committee.
5. Appointment by Council Member Alberto Torres, Jr. of Louis P. Lavaude to the Old Mercy Ad Hoc Committee.

6. Appointment by Council Member Charlie San Miguel of Sandra E. Solis to the Animal Care Facility Committee.
7. Appointment by Mayor Pete Saenz of Roberto Reyes to the Facility Naming and Recognition Commission.
8. Appointment by Mayor Pete Saenz of Guillermo Castro to the Para Transit Advisory Committee.
9. Appointment by Mayor Pete Saenz of Adrienne Goodman Trevino to the Airport Advisory Board.
10. Appointment by Mayor Pro-Tempore Alejandro "Alex" Perez of Margarita Ariza to the Old Mercy Ad Hoc Committee.
11. Appointment by Mayor Pro-Tempore Alejandro "Alex" Perez of to the Planning and Zoning Commission.
12. Appointment by Council Member Roberto Balli of to the Old Mercy Ad Hoc Committee.
13. Appointment by Mayor Pete Saenz of himself to the Old Mercy Ad Hoc Committee.
14. Appointment by Council Member Nelly Vielma of Maria Fonseca to the Historic District/Landmark Board.
15. Appointment by Council Member Nelly Vielma of Pedro Alfaro to the Transportation & Traffic Safety Advisory Committee.
16. Appointment by Council Member Nelly Vielma of Robert Simpson Del Valle to the Animal Care Facility Committee.

## VIII. PUBLIC HEARINGS

1. **Public Hearing and Introductory Ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 1 through 6, Blk 1000 and Lots 2 through 9, Block 1001, Western Division, as further described by metes and bounds in attached Exhibit "A", located north of Philadelphia St. and west of Lee Ave., from M-1 (Light Manufacturing District) to R-3 (Mixed Residential District).  
ZC-25-2017

Staff does not support the application and the Planning and Zoning Commission recommends approval of the Zone Change.  
District VIII

2. **Public Hearing and Introductory Ordinance** authorizing the City Manager to allow the City of Laredo Utilities Department to sell sanitary sewer LUEs (Living Unit Equivalent) in the amount of \$710.63/LUE to the development community; the development community is responsible to address the lack of capacity on the existing sanitary sewer system and to do the improvements in lieu of payment of the sanitary sewer LUEs and amending the Wastewater Construction Fund Annual Budget 2016-2017 by appropriating revenues and expenditures in the amount of \$250,000.00. This 16" force main will provide extra capacity to the McPherson Lift Station service area and will start from the McPherson Lift Station to the 18" Chacon Creek Interceptor. The purpose of selling sanitary sewer LUEs is to allow additional flows to the McPherson Lift Station from the development community and be able to discharge the flows to the South Laredo Wastewater Treatment Plant. The LUEs will be enforced to the development community during the recordation of the platting process that includes the interest from the bond. The bond was estimated to be paid in 20 years at 4% interest. Properties requesting an increase in sanitary sewer LUEs beyond those designated in the original plat will be subjected to the additional sanitary sewer LUEs. The estimated cost of the improvements including the interest will be \$2,242,441.32. The Utilities Department recommends increasing the cost per LUE every year by adding the percentage of the sewer rate increase on October 1st of every year. Fees collected will be set aside to cover the cost of the McPherson Lift Station 16" Force Main. Providing for publication; and declaring an effective date.

(Recess)

(Press Availability)

## **IX. INTRODUCTORY ORDINANCES**

3. Authorizing the City Manager to execute all documents to convey the "Surface Only" of 3002 Anna Street in the amount of \$126,818.00 to Mr. Pedro Venegas, the sole bidder thru recently published public land sale. The vacant tract of land contains 69,440 square feet (1.594 acres) more or less, and identified as all of block number seven hundred twelve (712), in the Western Division, of the City of Laredo, recorded in the map records of Webb County.

## **X. FINAL READING OF ORDINANCES**

4. **2017-O-056** amending Chapter 19, Article VIII, Section 19-355 (administrative adjudication of stopping, standing, parking), subsections (c) and (d), of the municipal code of ordinances granting the administrative hearing officer discretionary authority to dismiss certain disabled parking offenses without assessing an administrative fee, or for a \$25.00 administrative fee for the first offense, \$50 for the second offense, and \$100 for the third offense; providing a repealing clause; providing for severability; providing for publication, and declaring an effective date.
5. **2017-O-057** Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 8, 9 and Pt. of 10, Block 350, Western Division, located at 11 Iturbide St., from B-1 (Limited Business District) to B-3 (Community Business District).  
ZC-28-2017
6. **2017-O-058** Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning approximately .87 acres, as further described by metes and bounds in attached Exhibit "A", located south of State Highway 359 and west of Veterans Blvd., from R-2 (Multifamily Residential District) to B-3 (Community Business District).  
ZC-26-2017
7. **2017-O-059** Authorizing the City Manager to execute a lease with City of Laredo, Community Development, Municipal Housing Division, for the approximately 22,500 sq. ft. warehouse located at 5511 Thomas Avenue at the Laredo International Airport. Lease term is for ten (10) years commencing on April 1, 2017, and ending on March 31, 2027, which may be extended for one (1) five (5) year term ending on March 31, 2032. Initial rent shall be \$9,278.00 per month and shall be adjusted annually according to changes in the consumer price index and further adjusted by fair market value appraisal on the 5th and 10th anniversaries.
8. **2017-O-060** Amending Chapter 19, Motor Vehicle and Traffic, Article VIII, Stopping, Standing, or Parking, of the Code of Ordinances, City of Laredo, specifically adding Sub-Section 19-364 (21) which establishes the south side of the 800 block of Nafta Boulevard, from 850 feet east of McPherson Rd. to 400 feet west of Delta Drive, as a "No Parking/Tow Away" zone, providing severability and for an effective date and publication.

9. **2017-O-061** Amending Article III, Section 24.59.3.1 through 24.59.3.3 of the City of Laredo Land Development Code; by revising the drainage standards for: finished floor requirements; open channels; floatable controls; fee in lieu of detention; lakes and dams; and freeboard and emergency spillway; amending appendix a to add the definition of special drainage easement; providing for related matters; providing for a repealing clause; providing for severability; providing for publication; and providing for an effective date.
10. **2017-O-062** Authorizing the City Manager to execute a lease and restaurant concession agreement with Carlos Bella D/B/A Villa Laredo restaurant for approximately 1,116 square feet constituting suite number 101 on the first (1<sup>st</sup>) floor of the airport passenger terminal to include the approximate 550 Sq. Ft. located at the second floor level of the passenger terminal building located at 5210 Bob Bullock Loop at the Laredo International Airport. Lease term is for five (5) years commencing on June 1, 2017, and ending on May 31, 2022. Monthly rent shall be \$3,990.00, and will be adjusted annually according to changes in enplaned revenue passengers.
11. **2017-O-063** Amending the City of Laredo's Code of Ordinance Chapter 2 (Administration), Article II (Departments, Officers, and Employees), Division 6 (Pay Administration) by revising the days a vacant position must be advertised prior to being filled and closed from at least 5 (five) working days to at least 5 (five) calendar days.
12. **2017-O-064** Setting the new speed limit on sections of SH359, within the city limits of Laredo, Webb County, Texas, to 45 MPH, between US83 and 153 feet east of Floral Blvd., with a 30 MPH school zone, when flashing beacons activated, in the vicinity of the intersection of Concord Hills Blvd.; 55 MPH from 153 feet east of Floral Blvd. to 500 feet east of Willcox Rd. and 65 MPH from 500' East of Willcox Rd. to approximately 1,832 feet east of Botello Rd., as defined in the Texas Department of Transportation control section map CS 0086-01 providing for the installation of appropriate signs to indicate new speed changes in the designated areas and providing for publication and effective date.

## **XI. CONSENT AGENDA**

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

## **XI (a) RESOLUTIONS**

13. **2017-R-51** Authorizing the City Manager to accept a grant in the amount of \$9,000.56 from the Texas Department of Transportation for the Enforcement of Vehicle Occupant Protection during the "Click It or Ticket" Campaign. This grant period will begin May 2, 2017 through June 10, 2017. This grant is for overtime and fringe benefits and is funded 100% by the Texas Department of Transportation.
14. **2017-R-53** A resolution of the City Council of the City of Laredo, Texas, objecting to the acquisition by the federal government, or any other public entity, of the old mercy hospital for use as a federal, state or local detention center; and providing an effective date.

#### **XI (b) MOTIONS**

15. Consideration for acceptance of the Neighborhood Recreational Swimming Pool (5,330 S.F.) at Bartlett Avenue Soccer Field Complex located at 6002 Thomas Avenue as complete, release of retainage and approval of final payment in the amount of \$58,820.00 to Sunset Pools, Inc., Laredo, Texas, in association with South Texas Testing Laboratories, Inc., Laredo, Texas, Aquatic Excellence, Georgetown, Texas, and Williams Architects/Aquatics, Itasca, IL. Final construction contract amount is \$1,176,400.00. Funding is available in the 2009 C.O, 2010 C.O., 2014 C.O., and 2015 C.O.
16. Consideration for approval of the selection of consultant O'Connor Engineering and Science, Inc., Laredo, Texas, for the Asbestos Containing Building Materials Investigations/Abatement Fiscal Year 2017 and authorization to negotiate a professional services contract for each respective project assigned. Funding is to be available from each project account.
17. Consideration for approval to award a professional services contract to Lockwood, Andrews & Newnam, Inc., Houston, Texas, for an amount not to exceed \$153,825.00 for updates to the design, utilities coordination, preparation of plans and specifications, and construction services for the Flores Street Drainage and Utility Improvements - Phase II. Preliminary and design work is to be approximately one hundred sixty five (165) calendar days. Funding is available in the Environmental Services 2016 CO and Utilities 2015 Water Revenue Bond.

18. Consideration to authorize the City Manager to donate a 2009 Peterbuilt Side Loader Refuse Truck to the City of El Cenizo, Texas. Unit has reached the end of its useful life for our Solid Waste Department.
19. Consideration to renew the existing annual contract FY14-048 to Southern Sanitation, Laredo, Texas, in an amount up to \$73,627.44, to provide trash collection services for large volume containers. These services will be required for various city operations such as the Airport, Bridge System, Parks and Leisure, Public Access, Fleet Management, Traffic, Transit, Municipal Housing, Environmental Engineering, Utilities, and Solid Waste Departments. The contract vendor is also required to provide these containers for special events such as the Household Collection Event. There will be no price increase during this extension period. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. This is the third of five extension periods. Funding for these services are available in various departmental funds.
20. Consideration to affirm the selection of the top three ranked engineering consultant firms: LNV Engineering, Laredo, TX, Crane Engineering, Laredo, TX and Dunaway Associates, Austin, TX based on FY17-037 Request for Qualifications (RFQ) submittals received, following TXDOT's procurement process as per Resolution 2017-R-036 approved by City Council on March 20, 2017, and authorizing the City Manager to request proposals/interviews from these selected firms, interview and negotiate a contract with the best option/firm for the Upper Zacate Multi-Use Bicycle & Pedestrian Trail Project.
21. Consideration to select a consulting firm and negotiate contract FY17-029 for Updating of the Parks Open Space Master Plan. Best value criteria was considered by the evaluation committee to review all submittals; after review, the committee's top recommendation was Halff Associates Inc., Austin, TX. Funding for this project is available in the Parks & Leisure Services Budget.
22. Authorizing the City Manager to award an engineering professional service contract in the amount of \$120,440.00 to Crane Engineering Corp., Laredo, Texas for the design of the San Dario Avenue Waterline Replacement from Calle Del Norte to Hillside Road including plans, specifications, cost estimate and easment surveys and construction phase. Funding is available in the 2015 Water Revenue Bond.



23. Consideration to ratify the Change order #1 in the amount \$114,521.86 to the emergency purchase order issued to United Rentals, Laredo, Texas for the time extension of the rental of five (5) 10 inch pumps, all associated hoses, and fittings at the El Pico Water Treatment Plant Raw Water Pump Station. The initial emergency purchase order was for the amount \$49,550.00, issued on December 16, 2016. The total amount with the change order is \$164,071.86. Funding is available in the Water Construction Fund.
24. Authorizing the City Manager to approve Amendment No. 3, to the architectural/engineering contract with Metaform Studio Architects of Laredo, Texas in the amount of \$63,537.66 for a total amount of \$345,181.66 for final adjustment on consultancy fees based on final construction cost of the Water Education and Learning Center in the Administration Building of Jefferson Water Treatment Plant. Funding is available in the 2015 Water Revenue Bond.
25. Consideration and acceptance of the City of Laredo Water Education and Learning Center Project and ratifying City Manager's approval for Change order #6, a net decrease on the contract amount of (\$97,625.34) for credits and allowances to Vision Construction. The final contract amount will be \$4,602,422.17. Also, release of retainage in the amount of \$230,121.11, less liquidated damages in the amount of (\$17,000.00) which will be deducted from the final retainage payment. The final retainage payment shall be \$213,121.11. Disbursement of final payment is contingent upon the Contractor's submission of supporting documentation, including release of waivers of liens from subcontractors and materials and equipment suppliers. Funding is available in the Water Fund retainage account..

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### **END OF CONSENT AGENDA**

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## **XII. STAFF REPORTS**

26. Presentation by Ms. Charlene Heydinger of the Texas on Property Assessed Clean Energy (PACE) Authority regarding financing.
27. Presentation by Internal Audit on the summary findings and recommendations of the Max Mandel Municipal Golf Course Leasehold / Management Agreements Audit.

### **XIII. EXECUTIVE SESSION**

The Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

28. Request for Executive Session pursuant to Texas Local Government Code 551.071(1)(A) to consult with attorney on pending litigation in Cause No. 2016CVF003042-D3; *Laredo Jet Center, LLC v. City of Laredo*; In the 341<sup>st</sup> District Court, Webb Texas, Laredo Division; and return to open session for possible action.

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

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

### **GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS**

29.

#### **A. Request by Mayor Pete Saenz**

1. Discussion with possible action: on status of FBI Investigation.
2. Discussion with possible action: in light of numerous ongoing investigations what legal and/or ethical impact, if any, will it have on ongoing City Operations; and on traditional roles by, between and among City Attorney, Management, Staff, Mayor and Council.
3. Discussion with possible action: whether to retain qualified outside Counsel to guide Mayor, Council and Management navigate through potential ethical and/or legal pitfalls, if any.

**B. Request by Council Member Alberto Torres, Jr.**

1. Discussion with possible action to reconsider action taken on March 20, 2017 as it pertains to the item: Discussion with possible action to create Consejo Bi-Nacional Dos Laredos and to clarify and/or establish the appointment process for membership on said council or "consejo"; and any other matters incident thereto. (**Co-Sponsored by Mayor Pro-Tempore Alex Perez, Council Member Charlie San Miguel, and Council Member Vidal Rodriguez**)
2. Discussion with possible action to review the convenience fees being charged for online payments as it relates to City Services and Taxes; and any other matters incident thereto. (**Co-Sponsored by Council Member Nelly Vielma**)

**C. Request by Council Member Nelly Vielma**

1. Discussion with possible action on widening the 2600 Block of East Del Mar Blvd. to add a turning lane and sidewalk and any matters incident thereto.
2. Discussion with possible action to rescind any contracts or negotiations with Dannenbaum Engineering including but not limited to the Traffic Signal Synchronization Study.

**D. Request by Council Member Charlie San Miguel**

1. Discussion with possible action to have staff locate and designate 1.5 Acres of land to be used for an inline hockey rink and all items related thereto.
2. Discussion with possible action to have staff designate a 5K and 10K route at Vietnam Veterans Memorial at North Central Park and all items related thereto.
3. Discussion with possible action to request that State Rep Richard Raymond place HB3438 from 2011 via an existing bill amendment for consideration. This bill amendment would allow the voters of the City of Laredo to decide whether or not they would like to convert the Sports Venue Tax to the more flexible economic development tool of a 4A - 4B before it Sunsets. (**Co-Sponsored by Council Member Nelly Vielma**)

**E. Request by Council Member George Altgelt**

1. Discussion with possible action regarding status of insurance claim filed and review of forensic report from insurance engineer regarding design and construction failures of Pico Road Water Plant and whether the city tax payer received the full benefit of the 99 million dollars paid to dannenbaum engineering.
2. Presentation of The Asset Management Plan for the Utilities Department with possibility to implement Citywide.
3. Discussion with possible action to acknowledge and recognize the Laredo Cycling Association and its junior high and high school teams as the official City of Laredo Cycling Team and Association.
4. Discussion with possible action to advise all city employees of their whistle blower rights should they come forward regarding current FBI investigation without fear of retaliation in the workplace. **(Co-Sponsored by Council Member Charlie San Miguel)**

**XVI. 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 Thursday, April 27, 2017 at 6:45 p.m.



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Heberto "Beto" L. Ramirez  
Acting City Secretary