

CITY OF LAREDO CITY COUNCIL MEETING

**A-2017-R-08
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
May 15, 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 May 1, 2017 and May 8, 2017.

VI. COMMUNICATIONS AND RECOGNITIONS

Communiqués

1. Presentation by Gil Wilson TxDOT - Rail Division on the Laredo Mobility Study.
2. Presentation by Sylvia O. Praesel to announce the launch of the City of Laredo's House Bill 5 Summer Internship Program in collaboration with UISD, LISD and Consortium for Apprenticeship Partners in Economic Development, (CAPED).
3. Presentation by Gabriel Lopez on the Texas Veterans Leadership Program.

Recognitions

1. Recognizing the Harmony School of Innovation Robotics Predatechs and Swatbots for sweeping the FIRST Lego League competition with 1st and 2nd place after receiving the highest scores in robot game this weekend at the Alamo Region Playoffs. The Predatechs and Swatbots finished the season and came back home as 2 of the top South Texas First Lego League Robotics (FLL) Teams. Recognizing the Girl of Steel for competing in the FLL World Championships competition in Houston, TX and receiving the most spirited award and the 3rd Grade boys Basketball team for being awarded City Champs for 3 consecutive years.
2. Recognizing the 2016-2017 TAMIU Men's Basketball team for recently being awarded the Heartland Conference Championship trophy.

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 Council Member George Altgelt of Paul Thomson to the Drug & Alcohol Commission.
2. Appointment by Council Member George Altgelt of Julia Rubio to the Facility

Naming & Recognition Commission.

3. Appointment by Council Member George Altgelt of Gayle Aker Rodriguez to the Fine Arts & Culture Commission.
4. Appointment by Mayor Pete Saenz of Gilbert Garcia to the South Texas Development Council.
5. Appointment by Mayor Pete Saenz of Yolanda Gutierrez Garcia to the Fine Arts & Culture Commission.
6. Appointment by Mayor Pete Saenz of Lulu Newman to the Animal Care Facility Advisory Committee.
7. Appointment by Council Member Nelly Vielma of Alfredo Gutierrez to the Facility Naming & Recognition Commission.
8. Appointment by Mayor Pro-Tempore Alejandro “Alex” Perez of to the Facility Naming & Recognition Commission.

VIII. PUBLIC HEARINGS

1. **Public Hearing and Introductory Ordinance** authorizing the City Manager to accept and enter into a continuation contract with the Health and Human Services Commission (HHSC) and amending the FY 2016-2017 budget by appropriating additional revenues and expenditures in the amount of \$405,010.00 for a total of \$810,020.00 for the City of Laredo Health Department (CLHD) Healthy Texas Women project to provide primary care, women’s preventive health care, prenatal care, family planning, chronic disease prevention, clinic services, diagnostic, and laboratory services to an additional 350 women for the term period from September 1, 2017 through August 31, 2019.
2. **Public Hearing and Introductory Ordinance** amending Chapter 28 Streets, Sidewalks and Public Places; Article V Commercial Use of Streets, Sidewalks and Other Public Places; Section 28-106 (a) of the City of Laredo Code of Ordinances providing hours of operation for motorized mobile vehicle vendors (Vendors cannot operate, play music, or loud sounds between the following hours: Sunday through Thursday 10:00 p.m. to 7:00 a.m. and Friday through Saturday 11:00 p.m. to 7:00 a.m.) and providing for publication and an effective date.

3. **Public Hearing and Introductory Ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a Commercial Billboard on Lot 4-A, Block 8-A, Las Brisas Del Mar Subdivision, located at 8602 McPherson Rd.
ZC-27-2017

Staff supports the application and the Planning and Zoning Commission recommends denial of the Conditional Use Permit. Therefore, the applicant has since then exercised the right to appeal this decision directly to City Council.
District VI

4. **Public Hearing and Introductory Ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for a Tattoo Shop on Lots 5 and 6, Block 30, Vista Hermosa Subdivision, located at 5309 McPherson Road, Suite 5.
ZC-29-2017

Staff does not support the application and the Planning and Zoning Commission recommends approval of the Special Use Permit.
District V

5. **Public Hearing and Introductory Ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 2 and South 2.7' of Lot 4, Blk 988, Western Division, located at 1320 Philadelphia St, from R-3 (Mixed Residential District) to R-1A (Single Family Reduced Area District).
ZC-30-2017

Staff supports the application and the Planning and Zoning Commission recommends approval of the zone change.
District VIII

(Recess)
(Press Availability)

IX. INTRODUCTORY ORDINANCES

6. An ordinance of the City of Laredo, Texas, amending Chapter 6, Animals and Fowl, Article III, Small Animals, of the Code of Ordinances, by amending section 6-42 to modify the number and setback requirements for the keeping of small animals and fowl; amending Chapter 6, Article IV, Large Livestock and Wild Animals, of the Code of Ordinances, by amending section 6-66 to add a special permit for operators of community gardens or

district gardens; providing that this ordinance shall be cumulative; providing a severability clause; providing a penalty clause; providing for publication; and declaring an effective date.

7. Amending Chapter 31 (Utilities), Article III, (WATER), Division 3 (RATES and CHARGES) by amending section 31-138.1 (Fees and Service Charges) by adding subsection title 31-138.1.1 (Fees) and creating subsection title 31-138.1.2 (Service Charges); clarifying the reconnect fees and amending the late fee by removing the \$5 and only keeping the 5% late fee on balances owed and also including an exemption for all veterans from late fees.

X. FINAL READING OF ORDINANCES

8. **2017-O-065** 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
9. **2017-O-066** 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.

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

10. **2017-R-54** Authorizing the City Manager to submit a Continued Grant Application for the FY2017-2018 grant year in the amount of \$1,028,713.00 to the Texas Auto Burglary & Theft Prevention Authority to fund the Laredo Auto Theft Task Force for the period of September 1, 2017 through August 31, 2018. This grant pays for salaries and supplies for the LPD Auto Theft Division. The city's local match is approximately 35% which is available as a transfer in from General Fund.
11. **2017-R-55** Authorizing the City Manager to submit a Modified Grant Application for the FY2018-2019 grant year in the amount of \$531,837.00 to the Texas Auto Burglary & Theft Prevention Authority to fund the Laredo Auto Theft Task Force for the period of September 1, 2017 through August 31, 2018. This grant pays for salaries, supplies and equipment for the LPD Auto Theft Division. The city's local match is approximately 22% which is available as a transfer in from General Fund.
12. **2017-R-56** Authorizing the City of Laredo to enter into Inter-Local Cooperative Purchasing Agreement with the GoodBuy Purchasing Cooperative and authorizing the City Manager to execute the membership agreement. The purpose of this agreement is to facilitate compliance with the State of Texas bidding requirements, to identify qualified vendors of commodities, goods and services, and to realize potential cost savings for the City of Laredo.
13. **2017-R-57** Authorizing the City Manager to accept the contract with the Women's Health and Family Planning Association of Texas (WHFPT) in the amount of \$103,003.00 for the continuation of the City of Laredo Health Department Title X Family Planning Women's Preventive Health Program for the term period from April 1, 2017 through March 31, 2018.

XI (b) MOTIONS

14. Authorizing the City Manager to enter into a professional engineering and consulting services contract with W.D. Schock of Nashville TN. for phase 12 of the Airport Residential Sound Reduction Program in the amount of \$574,199.00. Said contract provides engineering design and construction oversight for noise mitigation measures that are part of the Airport Noise Compatibility Program. Funding is available under Federal Aviation Administration (FAA) Airport Improvement (AIP), Grant No. 80.
15. Authorizing the City Manager to award a contract to Whisler Aviation, sole source provider, in the amount of \$64,650.00 to repair, paint and mount the T-38 aircraft for display at the Laredo International Airport. NASA and GSA donated the aircraft to the City of Laredo. Funding is available in the Airport budget.
16. Authorizing the City Manager to grant a public firework display permit for the Laredo Country Club, Max Mandel, and Uni-Trade on July 4, 2017. The technicians for this display will be Illumination Fireworks.
17. Authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Laredo Health Department (CLHD) and the counties of Webb and Zapata in the amount not to exceed \$25,000.00 to provide limited prevention vector control support for Zika prevention as per the Department of State Health Services (DSHS) Public Health Preparedness and Response Cooperative Agreement (PHPR) and the Epidemiology and Laboratory Capacity services for Infectious Disease program (Zika).
18. Authorizing the City Manager to approve the purchase of the laboratory equipment NucliSENS easyMAG System, from sole source BioMérieux in Hazelwood Missouri in the amount of \$66,202.18 for public health preparedness and response laboratory testing, specifically against the Zika virus. Funding is available in the Health Department budget.
19. Authorizing the City Manager to enter into an Agreement with the Laredo Pony Association to host/sponsor the 2017 Pony Team World Series Softball Tournament to be held on July 18-July 24, 2017 (allowing for one rain day). It is anticipated that over 100 teams will participate from throughout the United States and Mexico and between 25,000 to 30,000 team members and visitors will be in our city during this tournament. The Laredo hotels are expected to be at capacity and hotels in Cotulla and Zapata have been contracted to handle the overflow. This tournament will

produce an economic benefit for our local restaurants, hotels, entertainment venues and retail businesses.

20. Consideration to award annual service contract FY17-034 to the low bidder Laredo Mechanical Industrial Services, Laredo, TX, in an amount up to \$100,000.00 for the purchase of original equipment manufacturer (OEM) truck parts and service for the City's automated side and rear loader trucks. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. This contract may be extended for four (4) additional one year period upon mutual agreement. All services will be secured on an as needed basis. The City shall provide the parts. Funding is available in the Fleet Maintenance budget.

21. Consideration to award supply contract number FY17-033 to the following bidders:

1. Sections I, II, III, VII, and VIII to HD Supply Waterworks, Atlanta, Georgia in an amount up to \$102,715.84;
2. Section V to Ferguson Waterworks, Mission, Texas in an amount up to \$189,154.55;
3. Sections IV and VI to Aguaworks Pipe & Supply, Brownsville, Texas in an amount up to \$63,333.32.

for the purchase of rubber couplings, PVC pipe, and related materials for the Utilities Department. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. These materials shall be purchased on an as needed basis by the Utilities Department- Water Operations for construction and repair projects. The term of this contract shall be for a one year period. This contract may be extended for four additional one year periods each upon mutual agreement. Funding is available in the Utilities Department Fund.

22. Consideration to renew the existing annual contract FY13-036 to LSC Environmental Products, Appalachian, New York in an amount up to \$100,000.00 for the purchase of alternative daily cover material for the City Landfill. The materials are made of fiber and cement mortar used to replace the use of on-site soils for daily cover at the disposal area, as required by TCEQ. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. All material will be ordered on an as needed basis. This contract may be extended two additional periods-upon mutual agreement of parties. There will be no price increase during these extension periods. Funding is available in the Solid Waste

Services Department Fund.

23. Consideration to renew annual supply contract number FY13-056 to the following vendors:

1. Century Asphalt, Houston, Texas in an amount up to \$3,500,000.00 for the purchase of the following paving, and construction materials:

- a. Black base F.O.B., jobsite - \$61.95/ton
- b. Asphalt Type D hot mix, F.O.B jobsite - \$61.95/ton
- c. Asphalt Type D hot mix, 1% lime w/RAP F.O.B. vendors plant - \$52.00/ton
- d. Asphalt Type D hot mix, 1% lime, F.O.B jobsite - \$63.45/ton
- e. Asphalt Type D hot mix, 1% lime, F.O.B. vendors plant - \$56.45/ton
- f. Asphalt Type D hot mix, 1% lime, w/RAP F.O.B jobsite - \$59.00/ton;

2. S.C.C. Pure Materials, Laredo, Texas in amount up to \$249,500.00 for the purchase of the following paving, and construction materials:

- a. Flexible base Type D – Crushed Concrete, F.O.B. Public Works or Utilities Department Compound Job Site - \$20.63/cyd
- b. Flexible base Type D – Crushed Concrete, F.O.B. Vendors Plant - \$15.50/cyd

This contract is for the purchase of materials required for all City paving and construction projects. 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 fourth (4) of five (5) extension periods. There will be no price increase during this extension period. All materials are purchased on an as needed basis utilizing the Public Works Department, Utilities Department, and construction project budgets.

24. Consideration to award contract FY17-039 to lowest bidder Southern Tire Mart, Columbia, MS in an amount up to \$150,000.00 per year, for providing tire replacement and tire repair services for the Fire Department. This contract establishes regular and after hour service call rates for tire repair and replacement services along with the purchase of new tires. The term of this contract shall be for a period of two (2) years beginning as of the date of its execution. This contract may be extended for two (2) additional one (1) year renewals upon mutual agreement. Funding is available in the General Fund - Fire Department's Budget.

25. Refund of property tax in the amount of \$615.46 payable to Orange Coast Title of Texas due to an overpayment, Tax account # 922-50021-070.
26. Authorizing the City Manager to execute Amendment #2 in the amount of \$363,620.00 with LNV, Inc. of Laredo, Texas, to design upgrade to Unitec Wastewater Treatment Plant to bring the existing plant to 0.36 MGD capacity. The total contract sum including this amendment is at \$672,630.00. Funding is available in the 2010 & 2011 Sewer Revenue Bonds.
27. Appointment by the City Manager of the Clerk of the Municipal Court in accordance with §5.03 of the Laredo City Charter, with possible action.
28. Appointment by the City Manager of the City Attorney in accordance with §4.02 of the Laredo City Charter, with possible action.
29. Appointment by the City Manager of the City of Laredo Police Chief in accordance with §143.013 of the Texas Local Government Code, with possible action.

END OF CONSENT AGENDA

XII. STAFF REPORTS

30. Discussion with possible action on the potential impact of rescinding Dannenbaum Engineering from consideration of the Traffic Signal Synchronization Study contract award in light of TxDOT's procurement process for professional services required for local governments seeking federal reimbursement pursuant to 23 CFR 172, and restarting the procurement process, and any matter related thereto.
31. Discussion with possible action on the selection of outside legal counsel to review the City's operating and contracting policies and if necessary, to make recommendations on changes to the City's rules, procedures and ordinances to avoid any ethical and/or legal pitfalls, and any matter related thereto.

32. Status report on the conflict of interest review of all city committees, commissions and boards, and any matter related thereto.
33. Presentation by the Laredo Development Foundation regarding the economic development activities including events, prospects and any other matters incident thereto, with possible action.
34. Presentation on a proposed Street Maintenance Fee for paving of streets, in order to preserve street surfaces and to avoid costly reconstruction, with possible action.

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 above, 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).

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

35. Authorizing the City Manager to execute a grant application for the amount of \$247,069.00 to the Federal Transit Administration (FTA) for Fiscal Years 2015 and 2016 Section 5310 (Map-21) Grant Program for Enhanced Mobility of Seniors and Individuals with Disabilities. These funds will be used for the purchase of Capital for the Laredo Transit (El Lift) Paratransit Van Operations and Webb County Rural Transportation (El Aguila). The required local match for this grant is funded by Transit's Sales Tax and Operating funds from Webb County Rural Transportation.
36. Consideration to award a contract for the purchase of two (2) ADA Paratransit Vans for the El Lift Department in the amount of \$197,912.82 utilizing the TXSMARTBUY Cooperative Contract Pricing with Creative Bus Sales from Irving, Texas. Funding is available in the Federal Transit Administration Section 5310 Grant #TX-2017-024-00.

XV. RECESS AS THE LAREDO MASS TRANSIT BOARD AND CONVENE AS THE LAREDO PUBLIC FACILITY CORPORATION

37. Election of the following Officers to replace vacancies on the Laredo Public Facility Corporation (LPFC): President, Vice-President and Heberto L. Ramirez as Secretary for the LPFC.

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

GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

38.

A. Request by Mayor Pete Saenz

1. Discussion with possible action on whether to place City Manager, Jesus M. Olivares, on administrative leave with pay, until such time as outside counsel is retained to assess and make recommendations to Mayor and Council on this and/or other FBI investigation related matters.
2. Discussion with possible action on whether to appoint an Interim City Manager.
3. Discussion with possible action on the status of retaining outside counsel.

B. 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 schedule a workshop regarding a transition plan from Sports Venue to 4A-4B Taxation at the Laredo Public Library Multipurpose Room and any matters incident thereto.
(Co-Sponsored by Nelly Vielma)

C. Request by Council Member George Altgelt

1. Discussion and possible action to go out for bids regarding all baseball, softball, soccer and or other sports fields and their concession stands in order for the leagues, entities and individuals to operate, maintain, and manage the fields and in the alternative to charge them for day use, and night use fees in order to save the parks department money and apply those funds towards park maintenance personnel for merit based raises.
2. Discussion and possible action to direct staff to cease all use of park personnel from maintaining the Uni-Trade Stadium and Pony League activities.

D. Request by Council Member Vidal Rodriguez

1. Presentation by Dr. James O'Meara, Dean of Texas A&M International University College of Education on the free online learning program Skoolbo, with possible action to implement at all City recreation centers and public libraries.
2. Discussion with possible action to promote the Twelfth Annual National "Dump the Pump" Day for the transit system and the community to ride, not drive on June 15, 2017. **(Co-Sponsored by Council Member George Altgelt)**

E. Request by Mayor Pro-Tempore Alejandro "Alex" Perez

1. Discussion with possible action to replace all existing speed pad humps with asphalt speed humps.

F. Request by Council Member Alberto Torres, Jr.

1. Discussion with possible action to reconsider action taken at the April 11, 2017 Meeting as it pertains to the proposals on the Boulevard of the Americas Project; and any other matters incident thereto.
2. Status update with discussion and possible action on the Laredo Energy Arena naming rights contract; and any other matters incident thereto.

3. Discussion and possible action to clarify and authorize the Hearing Officer to apply discretion to pending handicap placard citations, retroactive to the date change was made to city ordinance; and any other matters incident thereto.

G. Request by Council Member Nelly Vielma

1. Discussion with possible action to modify the criteria and point system for selection of contractors to include but not limited to additional factors such as negative litigation history, negative compliance with contract terms history, criminal investigation history, history of deceptive actions, etc. and to avoid deducting points for lack of contracts with the city; and any other matters incident thereto.
2. Discussion with possible action to establish a Contracts Compliance staff member or unit; and any other matters incident thereto. **(Co-Sponsored by Mayor Pete Saenz and Council Member Alberto Torres, Jr.)**
3. Discussion with possible action to establish an ad-hoc committee to assist in the future plans and usage of the Uni-trade stadium; and any other matters incident thereto.
4. Discussion with possible action to direct staff to require Laredo Baseball Holdings to conduct an audit of their financial records by an independent CPA pursuant to the terms of the Operations and Lease Agreement, and any other matter related thereto.

XVII. 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, May 10, 2017 at 7:45 p.m.

Heberto "Beto" L. Ramirez
Acting City Secretary