

**CITY OF LAREDO  
CITY COUNCIL MEETING  
M2017-R-04  
CITY COUNCIL CHAMBERS  
1110 HOUSTON STREET  
LAREDO, TEXAS 78040  
March 20, 2017  
5:30 P.M.**

**I. CALL TO ORDER**

Mayor Pete Saenz called the meeting to order.

**II. PLEDGE OF ALLEGIANCE**

Mayor Pete Saenz led in the pledge of allegiance.

**III. ROLL CALL**

In attendance:

Pete Saenz	Mayor
Rudy Gonzalez	District I
Vidal Rodriguez	District II
Alejandro "Alex" Perez, Jr.	Mayor Pro-Tempore, District III
Alberto Torres Jr.	District IV
Norma "Nelly" Vielma	District V
Charlie San Miguel	District VI
George J. Altgelt	District VII
Roberto Balli	District VIII
Heberto "Beto" Ramirez	Acting City Secretary
Jesus Olivares	City Manager
Cynthia Collazo	Deputy City Manager
Robert Eads	Assistant City Manager
Kristina L. Hale	Acting City Attorney

Cm. San Miguel arrived at 5:50 pm.

Cm. Balli arrived at 6:13 pm.

**IV. MINUTES**

Approval of the minutes of February 21, 2017.

Motion to approve the minutes of February 21, 2017.

Moved: Cm. Torres

Second: Cm. Perez

For: 6

Against: 0

Abstain: 0

Cm. San Miguel and Cm. Balli were not present.

## V. COMMUNICATIONS AND RECOGNITIONS

1. Recognizing Kaydee Moncivias on Clean & Jerk Texas State Record Holder 58kg class with a 51kg lift. She also took Gold at the Texas State Meet and is currently ranked 6th in the Nation in her respective age/weight class and also recognizing Miguel Garcia on Clean & Jerk Texas State Record Holder with a lift of 118kg. He also took Gold at the Texas State Meet and is currently ranked 1st in the Nation in his respective weight class.

Mayor Saenz presented Ms. Moncivias and Mr. Garcia with certificates of recognition.

Kaydee Moncivias noted that she is a student at Trautmann Middle School.

2. Recognizing the St. Augustine Knights, District 6-5A champions who remained undefeated with 6 wins and 0 loses and then advanced to Area and won and on to Regionals before being eliminated. The last time the Knights advanced this far in championship play was in 1998, 19 years ago.

The San Augustine coach introduced the student athletes. Mayor Saenz presented each student with a certificate of recognition.

3. Recognizing the FTC Robotics Team of Harmony Science Academy students for presenting 50 projects on February 11, 2017 in Brownsville, TX for the 57th Annual RGV Regional Science Fair. The heavily competitive science fair gained 6 projects advancing to the Texas Science and Engineering Fair on April 1st, 2017 in San Antonio, Texas.

A student representative of the robotics team stated that Harmony Science Academy is one of a few STEM schools in Laredo. He noted that a project he worked on researched killing bacteria without the use of antibiotics via plasmid engineering.

Kenya Gucci explained that Harmony Science Academy students won the Rockwell College award, the Design award, and the Motivate award. The FRC high school team will advance to regionals this month. Middle school projects included: air conditioning prototypes for underprivileged areas; testing solar panel efficiency using Peltier tiles and a heat sink; and the creation of a math game application to improve third and fourth grade math skills.

Destiny Nielson stated that the project she worked on surveyed the homeless population in Laredo for a more accurate depiction of the problem in order to determine applied solutions.

Mayor Saenz presented the students with certificates of recognition.

4. Recognizing the 2017 Laredo Martin Tiger Basketball team for remaining undefeated District Champions and recognizing Coach Hector "Hecky" Noyola for being named Coach of the year for District 31-5A.

Coach Hector Noyola thanked Council for the recognition as well as the Martin High School administration for their continued support. He introduced the student athletes.

Principal Guillermo Pro noted that Martin High School has not been District Champions

since 1959 and thanked the City of Laredo for the opportunities made available to the students.

City Manager Jesus Olivares clarified that Coach Noyola was selected as Coach of the Year for the District.

## **CITIZEN COMMENTS**

Richard Rosas reported that he recently joined the City of Laredo delegation on their annual legislative trip to Washington, D.C. as a private citizen. In years past, he has questioned the purpose and effectiveness of the trip. From a citizen's perspective, he observed that elected officials wanted to hear from other elected officials from areas they mutually represent. He stated that citizens must continue to support the efforts of our congressman, senators, and lobbyists as they advocate for our needs. He encouraged anyone in the private sector to join City staff during the next trip. He applauded the City staff members and delegation who attended this year's trip.

Polly Sue Moore Stabile spoke against serving beer at the M.E. Benavides Sports Complex as well as any other public park. She does not understand why Cm. Rodriguez is advocating for beer sales at a park that is not in his district and speculated that it could be based on the awarding of a vendor contract which could prove to be very lucrative. She shared a Laredo Morning Times article detailing a fight at the Boys and Girls Club on Santa Maria after a children's basketball game; alcohol was not served at this event. Ms. Stabile noted that competitive events can result in flared tempers, and the addition of alcohol could cause more fights, injuries, and DUIs in Laredo. She shared another LMT article in which a local man under the influence of alcohol drove his van into the back of a car stopped at a red light. Laredo does not need any additional DUIs, and she asked Council to table this item permanently as it is not in the best interest of the community.

Mellie Hereford shared her disappointment at the removal of a citizen from the February 21, 2017, City Council meeting. She did not witness Cm. Perez giving the order to have the citizen removed, but according to Robert's Rules of Procedures, the only person who can have someone removed is the Chair conducting the meeting. Whoever had Mr. "Vish" removed subverted the power of the Chair and showed disregard for the rules of parliamentary procedure. She recalled a previous meeting in which the Mayor ruled a Council Member out of order and gestured to the police officer, who never approached the dais. Ms. Hereford noted that this reflects a double standard. She claimed that half of the Council Members work for the best interest of the people while the other half do not. She demanded honest, transparent government.

Karen Gaytán advocated for the passing of the urban agricultural ordinance as a believer in the power of community. The passage of the ordinance would allow for more community activities and initiatives, which helps cities thrive.

Krissy Gutierrez spoke in favor of the urban agricultural ordinance as it relates to economic development in Laredo. This ordinance will provide an opportunity to reinvest in Laredo. She reported that the average income in Laredo is \$40,000 per household; and urban agricultural will allow citizens of all economic backgrounds to provide for their families. She encouraged Council to support the passage of this ordinance.

David Cardwell stated that it was not proper for Mr. Vish to be removed from the last City Council meeting. He asserted that the Mayor Pro Tempore did not ask the police officer to

remove Vish. He asked Council to remember that Laredo is a diverse community made up of an increasing number of individuals from different countries and cultures around the globe. Mr. Cardwell asked Council to issue an apology to Mr. Vish for removing him from the previous meeting. After reviewing the Laredo City Charter, the City Code of Ordinance, the City Priority Procures handbook and the City Protocol Handbook, Mr. Cardwell could not locate specific language regarding the decorum of speakers and enforcement of decorum at City Council meetings during the Citizen Comments portion of the agenda. He could not find standing rules on the City of Laredo website, but he referred to rules from the City of Newport Beach, California: "Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any speaker engaging in such conduct shall be called to order by the presiding officer, and if the conduct continues, the presiding officer may order the speaker barred from speaking and/or attending the meeting. No person shall be declared out of order, prevented from speaking, or barred from attendance at any meeting because of any disagreement with a speaker's position or a view on any matter, because of the speaker's identity, or because of any disagreement with the content or relevant testimony. The Chief of Police or such member or members of the Police Department as he may designate shall be Sergeant at Arms of the City Council and shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at Council meetings."

Mr. Cardwell requested that Council add the same or similar language to the Laredo Priority Procedure for the Mayor and City Council handbook as well as apologizing to Mr. Vish for his removal.

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

1. Appointment by Council Member Roberto Balli of Jose Salvador Tellez to the Municipal Civil Service Commission.

Motion to approve the appointment of Jose Salvador Tellez to the Municipal Civil Service Commission.

Moved: Cm. Balli

Second: Cm. Torres

For: 8

Against: 0

Abstain: 0

2. Appointment by Mayor and City Council Members to the Board of Directors of the Tax Increment Reinvestment Zone Number One (TIRZ 1) known as the Downtown TIRZ.

Motion to approve the appointment of Patricia Goldberg to the Tax Increment Reinvestment Zone Number One (TIRZ 1) known as the Downtown TIRZ.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

Motion to approve the appointment of Henry Sauvignet, Ben Puig, and Elizabeth Sames to the Tax Increment Reinvestment Zone Number One (TIRZ 1) known as the Downtown TIRZ.

Moved: Mayor Saenz

Second: Cm. Altgelt

For: 8                      Against: 0                      Abstain: 0

3. Appointment by Council Member George Altgelt of to the Ethics Commission.

Motion to approve the appointment of Glen Jackson to the Ethics Commission.

Moved: Cm. Altgelt

Second: Cm. Balli

For: 8                      Against: 0                      Abstain: 0

4. Appointment by Council Member George Altgelt of to the Laredo Commission for Women.

Motion to approve the appointment of Priscilla Castillo Laredo Commission for Women.

Moved: Cm. Altgelt

Second: Cm. Balli

For: 8                      Against: 0                      Abstain: 0

5. Appointment by Council Member George Altgelt to the People with Disabilities Blue Ribbon Committee.

Cm. Altgelt noted that this item is in error as only the Mayor may appointment members to this committee.

Motion to table.

Moved: Cm. Altgelt

Second: Cm. Torres

For: 8                      Against: 0                      Abstain: 0

6. Appointment by Council Member George Altgelt of Anna Laura Cavazos-Ramirez to the Animal Care Facility Advisory Committee.

Motion to approve the appointment of Anna Laura Cavazos-Ramirez to the Animal Care Facility Advisory Committee.

Moved: Cm. Altgelt

Second: Cm. Torres

For: 8                      Against: 0                      Abstain: 0

7. Appointment by Council Member Vidal Rodriguez of Jorge Vela to the Board of Adjustments.

Motion to approve the appointment of Jorge Vela to the Board of Adjustments.

Moved: Cm. Rodriguez

Second: Cm. Torres

For: 8                      Against: 0                      Abstain: 0

8. Appointment by Council Member Vidal Rodriguez of Isela Martinez to the Para Transit Advisory Committee.

Motion to approve the appointment of Isela Martinez to the Para Transit Advisory Committee.

Moved: Cm. Rodriguez

Second: Cm. Vielma

For: 8                                      Against: 0                                      Abstain: 0

9. Appointment by Council Member Vidal Rodriguez of Alexandra Colessides to the Animal Care Facility Advisory Committee.

Motion to approve the appointment of Alexandra Colessides to the Animal Care Facility Advisory Committee.

Moved: Cm. Rodriguez

Second: Cm. Torres

For: 8                                      Against: 0                                      Abstain: 0

10. Appointment by Mayor Pro-Tempore Alex Perez of Cathy Kazen to the Animal Care Facility Advisory Committee.

Cm. Perez noted that the agenda erroneously listed Ms. Kazen as Ms. Karen. The error was corrected.

Motion to approve the appointment of Cathy Kazen to the Animal Care Facility Advisory Committee.

Moved: Cm. Perez

Second: Cm. Torres

For: 8                                      Against: 0                                      Abstain: 0

11. Appointment by Council Member Alberto Torres, Jr., of Cindy E. Cantu to the Animal Care Facility Advisory Committee.

Motion to approve the appointment of Cindy E. Cantu to the Animal Care Facility Advisory Committee.

Moved: Cm. Torres

Second: Cm. Balli

For: 8                                      Against: 0                                      Abstain: 0

12. Appointment by Mayor and City Council Members to the Animal Care Facility Advisory Committee representing the Animal Welfare Organization.

Motion to approve the appointment of Laura Llanes to the Animal Care Facility Advisory Committee representing the Animal Welfare Organization.

Moved: Cm. Torres

Second: Cm. Altgelt

For: 8                                      Against: 0                                      Abstain: 0

13. Appointment by Mayor and City Council Members of Council Member Alberto Torres,

Jr., to the Animal Care Facility Advisory Committee.

Motion to approve the appointment of Council Member Alberto Torres, Jr., to the Animal Care Facility Advisory Committee.

Moved: Cm. San Miguel

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

14. Appointment by Mayor and City Council Members of the Animal Care Facility Department Director to the Animal Care Facility Advisory Committee in accordance with the Health and Safety Code, Section 823.005.

Motion to approve the appointment of Council Member Alberto Torres, Jr., to the Animal Care Facility Advisory Committee.

Moved: Cm. Torres

Second: Cm. Balli

For: 8

Against: 0

Abstain: 0

## VII. PUBLIC HEARINGS

1. Public Hearing amending the 2016 One Year action Plan to allow for the reprogramming of CDBG funds totaling \$761,910.00. It is proposed that the reprogrammed funds be utilized to fund the following projects: District IV Sidewalks and school approaches (\$115,408.00), District II Sidewalks (\$100,000.00), Las Flores Park (\$96,502.00), Freddy Benavides Park Amenities (\$100,000.00), South Laredo Nature Center (\$150,000.00) and El Eden Basketball Court Shade Structure (\$200,000.00). It is further proposed that the newly created projects be funded through the use of fund balances and canceled activities listed below:

### 38<sup>th</sup> Action Year (AY) Canceled Activity

Demolition of Substandard Structures	\$49,880.00
<b>34<sup>th</sup> – 38<sup>th</sup> AY Fund Balances</b>	
34 <sup>th</sup> Action Year	\$21,353.00
35 <sup>th</sup> Action Year	\$30,212.00
36 <sup>th</sup> Action Year	\$9,179.00
37 <sup>th</sup> Action Year	\$1,957.00
38 <sup>th</sup> Action Year	\$2,827.00
<b>39<sup>th</sup> AY Fund Balances</b>	
Dryden Park Soccer Field	\$600.00
Cigarroa Park Area Improvements	\$1,248.00
<b>41<sup>st</sup> AY Fund Balances</b>	
Downtown Senior Rec. Center	\$75,165.00
Administration	\$111,193.00

Housing Rehabilitation	\$5,342.00
Code Enforcement	\$48,847.00
Graffiti	\$4,107.00
<b>42nd AY Canceled Activity</b>	
Canseco Neighborhood Center	\$400,000.00
<b>TOTAL</b>	<b>\$761,910.00</b>

Motion to open public hearing.

Moved: Cm. Balli

Second: Cm. San Miguel

For: 8                      Against: 0                      Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. Balli

Second: Cm. Gonzalez

For: 8                      Against: 0                      Abstain: 0

2. Public Hearing and Introductory Ordinance amending the City of Laredo's FY 2107 annual budget by appropriating additional revenues and expenditures in the amount of \$123,008.00 in the 2015 CO Bond - Fire Station Repairs account. These funds are a reimbursement from Texas Municipal League insurance for the Fire Station #3-San Bernardo roof leak claim. Funding is available in the 2015 CO Bond.

Motion to open public hearing.

Moved: Cm. Balli

Second: Cm. San Miguel

For: 8                      Against: 0                      Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. Rodriguez

Second: Cm. San Miguel

For: 8                      Against: 0                      Abstain: 0

3. Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, Ejido Subdivision, located at 3301 Santa Barbara St., from R-1 (Single Family Residential District) to B-1 (Limited Business District); providing for publication and effective date. ZC-20-2017

Staff does not support the application and Planning and Zoning Commission recommends approval of the zone change. District I

Motion to open public hearing.



Moved: Cm. Altgelt  
Second: Cm. Gonzalez  
For: 8                      Against: 0                      Abstain: 0

Nathan Bratton, Planning Director, reported that the applicant has not indicated a specific use. He noted that 26 letters were sent out. Two were returned in favor, and none were returned in opposition. Staff was not in support because the application does not comply with the future land use plan; it's recognized as a low density residential.

Manuel Garcia, Jr., stated that he intends to use the location as a banquet hall.

Motion to close public hearing and introduce with the recommendation of the Planning and Zoning Commission.

Moved: Cm. Gonzalez  
Second: Cm. San Miguel  
For: 5                      Against: 0                      Abstain: 0

Cm. Perez, Cm. Torres, and Cm. Balli were not present.

4. Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 2, Block 1, The Reserve Commercial Plat Phase II, located at 2610 E Del Mar Blvd., from B-1 (Limited Commercial District) to B-3 (Community Business District); providing for publication and effective date. ZC-21-2017

Staff does not support the application and Planning & Zoning Commission recommends approval of the zone change. District VI

Motion to open public hearing.

Moved: Cm. San Miguel  
Second: Cm. Altgelt  
For: 5                      Against: 0                      Abstain: 0

Cm. Perez, Cm. Torres, and Cm. Balli were not present.

There was no public input.

Motion to close public hearing and introduce with the Planning and Zoning Commission recommendations.

Moved: Cm. San Miguel  
Second: Cm. Altgelt  
For: 5                      Against: 0                      Abstain: 0

Cm. Perez, Cm. Torres, and Cm. Balli were not present.

5. Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning approximately 70.73 acres, as further described by

metes and bounds in attached Exhibit "A", located at south of Ranch Road 6086 B, from M-1 (Light Manufacturing District) to R-1A (Single Family Reduced Area District); provided for publication and effective date. ZC-22-2017

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

Motion to open public hearing.

Moved: Cm. Rodriguez

Second: Cm. Gonzalez

For: 5

Against: 0

Abstain: 0

Cm. Perez, Cm. Torres, and Cm. Balli were not present.

Edward Garza of Crane Engineering, reported that the applicant intends to change the zone to residential in order to develop the back side of the property for single family homes.

Motion to close public hearing and introduce.

Moved: Cm. Rodriguez

Second: Cm. San Miguel

For: 5

Against: 0

Abstain: 0

6. Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning approximately 5.23 Acres out of DM Sanchez Tract 1, Abstract 277, as further described by metes and bounds in attached Exhibit "A", located east of Backwoods Trail and north of Shiloh Drive., from R-1 (Single Family Residential District) to R-1A (Single Family Reduced Area District).

Staff supports the application and the Planning and Zoning Commission recommends approval of the Zone Change. District VI

Motion to open public hearing.

Moved: Cm. San Miguel

Second: Cm. Altgelt

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Perez, Cm. Torres, and Cm. Balli were not present.

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. San Miguel

Second: Cm. Altgelt

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Perez, Cm. Torres, and Cm. Balli were not present.

7. Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for a restaurant serving alcohol on Lots 64 and 65, Block 2, North Creek Subdivision, located at 1010 E. Hillside Rd.

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

Motion to open public hearing.

Moved: Cm. Vielma

Second: Cm. San Miguel

For: 5                      Against: 0                      Abstain: 0

Cm. Gonzalez, Cm. Perez, Cm. Torres, and Cm. Balli were not present.

Nathan Bratton, Planning Director, reported that the applicant has produced documentation of sufficient parking. Staff therefore no longer objects to the application.

Motion to close public hearing and introduce.

Moved: Cm. Vielma

Second: Cm. San Miguel

For: 5                      Against: 0                      Abstain: 0

Cm. Gonzalez, Cm. Perez, Cm. Torres, and Cm. Balli were not present.

8. Public Hearing and Introductory Ordinance amending the Laredo Land Development Code, Article IV, Section 24.63.2, Permitted Land Uses by removing "Jail (Criminal Detention)" from Permitted Uses in a B-4 Zoning District; providing for publication and effective date.

Moved: Cm. San Miguel

Second: Cm. Vielma

For: 5                      Against: 0                      Abstain: 0

Cm. Gonzalez, Cm. Perez, Cm. Torres, and Cm. Balli were not present.

Cm. Vielma requested including detention as this item is in regards to criminalization.

Nathan Bratton, Planning Director, clarified that adding detention to this ordinance would require staff to bring the item back before Council as it was already published as it reads. He noted that a Planning and Zoning commissioner recommended bringing the item back before Council as it needed further amending.

Motion to close public hearing and introduce including detention.

Moved: Cm. Rodriguez

Second: Cm. Torres

For: 8                      Against: 0                      Abstain: 0

## VIII. INTRODUCTORY ORDINANCES

9. Authorizing the City Manager to execute a lease agreement renewal with Securitas Security Services USA, Inc., for approximately 120 square feet of office space and an exclusive office entry lane for approximately 1,020 square feet at Juarez-Lincoln International Bridge (Bridge II).
  1. Lease term is for one (1) year commencing April 1, 2017 and ending on March 31, 2018.
  2. Monthly rent will be \$3,500.00 for approximately 120 square feet of office space and an exclusive office entry lane of approximately 1,020 square feet at Juarez-Lincoln International Bridge (Bridge II).
  3. The lease may be terminated by either party with a thirty (30) day written notice.

Ordinance Introduction: City Council

10. Amending Chapter 28 of the City of Laredo Code of Ordinances by repealing and replacing Article II to be entitled, "sign regulations" establishing comprehensive rules and regulations governing all signs within the city; providing a severability, savings, repealing, and penalty clause; establishing an effective date; and providing for publication.

Mario Peña thanked the City Council Members who listened to complaints about the existing sign ordinance a year ago. He also thanked City staff for calling the meeting that dissected that ordinance. The Technical Review Board Ad Hoc Committee were tasked with modifying the ordinance under the leadership of Chuy Ruiz. The collaboration of all parties resulted in an ordinance that works for everyone.

Ordinance Introduction: City Council

11. An ordinance amending the Code of Ordinances Chapter 13 Food and Food Products; creating Article V Urban Agriculture; allowing for home gardens, community gardens, and district gardens; providing a severability clause; providing a penalty clause; providing for publication; and declaring an effective date.

Stephanie Garza noted that various community members were involved in the creation of an urban agriculture ordinance to promote health and wellness and food education in the community. She personally recognized the demand and need for local agriculture. HEB's departure in District VIII left the area as a food desert.

Berman Rivera stated that he has focused on urban farming from the residential to community-wide scale. He has experienced the local seasons and unique environmental aspects, and he has seen a successful production of various fruits, vegetables, and eggs. Beekeeping is another aspect of urban farming that will go into effect in Laredo.

Viviana Frank reported that the group collectively researched 15 Texas cities' urban agriculture ordinances, community supported agriculture, permitted uses of community gardens, agricultural sub-developments, and similar models. She suggested starting with female chickens and goats for production and possibly consumption.

Cm. Perez read the committee's recommendations: "The committee suggests passing the urban agriculture ordinance as presented with the addition of a requirement that the community gardens and district gardens require: 1) a phase one environment to be shared so that soil is not contaminated; and 2) integrated pest mitigation techniques. The committee suggests a pilot project allowing six chickens or fowl in any combination, no roosters, and two goats, but no male goats, in the community gardens and district gardens with the current keeping standards in Section 6-64 and Section 6-42 of the Laredo Code of Ordinances except that the 200-foot distance be changed to 50 feet from the nearest neighbor's residence for a goat pen and the 100-foot distance be changed to 25 feet for a chicken coop. The committee suggests a pilot project allowing four chickens with no roosters in residential neighborhoods 25 feet from the nearest neighbor's residence to the coop. Chicken eggs are for consumption only. The committee suggests that the City of Laredo through Canseco House and the Parks and Leisure Services Department promote backyard beekeeping with the TAMIU extension program and AgriLife through hands-on workshops." Cm. Perez voiced his support of the recommendations.

Acting City Attorney Kristina L. Hale informed Council that if Council accepts the committee's additional recommendations, this item would need to be reintroduced as an Introductory Ordinance. The current Introductory Ordinance only accounts for herbs, fruits, and vegetables.

Dr. Hector Gonzalez, Health Director, clarified that considering public health and safety, staff saw a lack of control for some recommendations, bees in particular. Bees and unpasteurized items pose a health and safety risk. City staff met and balanced the different aspects of the committee's recommendations.

Motion to pass the Introductory Ordinance as presently stated and to include on the next Council agenda the recommendations of the committee as presented, as amended.

Moved: Cm. Altgelt

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

Ordinance Introduction: City Council

12. An ordinance amending the Code of Ordinances, Chapter 28, Streets, Sidewalks and Public Places, Article V, Commercial Use of Streets, Sidewalks and other Public Places, by amending section 28-101 to provide an exception for street performers in the central business district; amending section 28-102 to include two new definitions: "street performance" and "street performer"; providing that this ordinance shall be cumulative; providing a severability clause; providing a penalty clause; providing for publication; and declaring an effective date.

Ordinance Introduction: City Council

13. Amending Ordinance No 2016-O-192 to provide for appointment of two additional directors, expanding the Board of Directors of Reinvestment Zone number one, City

of Laredo, Texas; Containing findings and provisions related to the foregoing subject; and providing a severability clause.

Ordinance Introduction: City Council

14. Authorizing the City Manager to grant a non-exclusive franchise to Rubio's Development Inc. DBA R-Waste to use the present and future streets, avenues, alleys, roads, highways, sidewalks, easements and other public rights-of-way of the City of Laredo, Texas for container refuse gathering and disposing service, setting forth terms and conditions to govern the franchise; providing a severability clause, a savings clause and providing for publication and effective date.

Ordinance Introduction: City Council

15. Authorizing the City Manager to convey an easement and right of way to AEP Texas INC., located at, and to serve the Sophia Industrial Park Lift Station on N. Unitec, one (1) conveyance over a tract of land containing 0.13 acres of land, more or less, out of a 20.00 acre tract owned by the City of Laredo Sewer Treatment Plant, situated in Santiago Sanchez, Original Grantee, Abstract 278 as described in easement conveyance attached as Exhibit "A"; and providing for an effective date.

Ordinance Introduction: City Council

16. Authorizing the City Manager to convey an easement and right of way to AEP Texas INC., located at, and to serve the South Laredo WWTP, one (1) conveyance over a tract of land containing 0.04 acres (1,830 s.q. ft) of land, more or less, out of a 84.794 acre tract owned by the City of Laredo Sewer Treatment Plant, situated in Porcion 36, Laureano Salinas, Original Grantee, Abstract 473 as described in easement conveyance attached as Exhibit "A"; and providing for an effective date.

Ordinance Introduction:

## **IX. FINAL READING OF ORDINANCES**

Motion to waive final reading of Ordinances, 2017-O-027, 2017-O-028, 2017-O-030, 2017-O-031, 2017-O-032, 2017-O-033, 2017-O-034, and 2017-O-035.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

17. 2017-O-025 Authorizing the City Manager to execute Amendment No.1 to License Agreement ("License") by and between the City of Laredo, a municipal corporation ("Licensor"), and Texas Telecommunications, LLC, a Texas limited liability company ("Licensee") dated June 20, 2011, and attached hereto; to allow Licensee to expand the Premises by adding ground space consisting of approximately 300 square feet in order to provide for additional facilities to be installed at and on the Premises located at 1501 Water St; as described in Exhibit "B-1" and "C-1;" therefore replacing Exhibit "B" with Exhibit "B-1;" and Exhibit "C" with

Exhibit "C-1" and increase Licensee's rent by \$12,500.00 per year commencing on February 21, 2017 and shall thereafter increase in accordance with paragraph 3 of the License; all other terms and conditions remain in full force and effect.

Motion to table.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

18. 2017-O-027 Authorizing the City Manager to accept and enter into contract with the Texas Department of State Health Services through the South Texas Development Council (STDC) and amending the FY 2016-2017 Budget by appropriating additional revenues and expenditures in the amount of \$803,306.00 for the continuation of the City of Laredo Health Department Housing Opportunities for Persons with aids Project (HOPWA) for the term of February 1, 2017 through through January 31, 2018, the Ryan White Program for the term of April 1, 2017 through March 31, 2018, and the State Services Program and State Services Rebate for the term of September 1, 2017 through August 31, 2018.

Motion to adopt Ordinance 2017-O-027.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

19. 2017-O-028 Amending the Zoning Ordinance (Map) of the City of Laredo by repealing Ordinance No. 2015-O-011 and authorizing a Conditional Use Permit for a Auto Dealer (primarily used), on Lot 4, Block 848, Eastern Division, located at 1519 E. San Pedro St.; providing for publication and effective date.

Motion to adopt Ordinance 2017-O-028.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

20. 2017-O-030 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 10 and E ½ of Lot 11, Block 1149, Eastern Division, located at 2006 Chihuahua St., from R-O (Residential/ Office District) to B-3 (Community Business District); providing for publication and effective date.

Motion to adopt Ordinance 2017-O-030.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8                      Against: 0                      Abstain: 0

21.      2017-O-031 Amending the Zoning Ordinance (Map) of the City of Laredo by repealing Ordinance No. 2015-O-011 and authorizing a Conditional Use Permit for a Child Daycare Center, located at Lot 1, Block 1, City of Laredo HR Plat, located at 510 E. Del Mar Blvd.; providing for publication and effective date.

Motion to adopt Ordinance 2017-O-031 and not require a drive through loop around the building.

Moved: Cm. San Miguel

Second: Cm. Rodriguez

For: 6                      Against: 0                      Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

22.      2017-O-032 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, Winfield Commercial Phase 13, located at 3402 Del Mar Blvd., from B-1 (Limited Commercial District) to B-3 (Community Business District); providing for publication and effective date. ZC-12-2017 District VI

Motion to adopt Ordinance 2017-O-032.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8                      Against: 0                      Abstain: 0

23.      2017-O-033 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, Winfield Commercial Phase 12, located at 3320 Del Mar Blvd., from B-1 (Limited Commercial District) to B-3 (Community Business District); providing for publication and effective date. ZC-17-2017 District VI

Motion to adopt Ordinance 2017-O-033.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8                      Against: 0                      Abstain: 0

24.      2017-O-034 Accepting a supplemental grant award and amending the City of Laredo FY 2016-2017 Financial Task Force fund budget by increasing revenues and expenditures in the amount of \$66,350.00 for operational expenses awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA). Funds will be used to pay operational expenses for the Laredo Police Department HIDTA Task Force from January 1, 2016 through December 31, 2017.

Motion to adopt Ordinance 2017-O-034.

Moved: Cm. Balli



Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

25. 2017-O-035 Authorizing the City Manager to execute a second amendment to the current multi-year lease agreement between the City of Laredo and UETA of Texas, Inc. as successor-in-interest to UETA Group, Inc. by modifying the premises to include the addition of a standalone office within the International Bridge 1 Administrative Building, together with three (3) appurtenant parking spaces immediately adjacent thereto.

Motion to adopt Ordinance 2017-O-035.

Moved: Cm. Balli

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

## **X. CONSENT AGENDA**

Motion to approve the Consent Agenda.

Moved: Cm. Balli

Second: Cm. Rodriguez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

### **X (a) RESOLUTIONS**

26. 2017-R-29 Authorizing the City Manager to submit a grant application in the amount of \$80,000.00 to the Office of The Governor, Criminal Justice Department, for funding the 2018 Justice Assistance Grant (JAG) for the period of October 01, 2017 through September 30, 2018. This funding will provide overtime for the Anti-Gang Unit which will target Criminal Street Gangs by identifying, monitoring, suppressing and documenting criminal gang activities and maintaining the TX-Gang database.
27. 2017-R-30 Authorizing the City Manager to submit a grant application to the Office of The Governor, Criminal Justice Department, for a Violent Crime Grant under the 2018 Victims of Crime Act (VOCA) for the period of October 01, 2017 through September 30, 2018. This grant will fund a position for the Domestic Awareness Service Program. The City of Laredo will match at least 35% of the grant funds. Funding is available in the PD Department Budget.
28. 2017-R-31 Authorizing City Manager to submit a grant application in the amount of \$83,183.00 to the Office of the Governor's Homeland Security Grants Division (HSGD) for the purpose of funding the 2017 State Homeland Security Program (SHSP)-Law Enforcement Terrorism Prevention Activities (LETPA) Grant. This funding will be used to replace one fully equipped bomb vehicle that is essential and necessary in the

prevention of terrorism events. No local match is required.

29. 2017-R-32 Authorizing the City Manager to enter into an Advance Funding Agreement For A Surface Transportation Program Metropolitan Mobility-Off System Project (CSJ# 0922-33-165) for the development of a schematic, environmental document and construction of a five lane rural highway facility for a new roadway connecting Mines Road to IH-35 across the Hachar and Reuthinger tracts. The total project cost is estimated to be \$31,635,324. The City's participation will be \$4,919,144 which includes various payments totaling \$607,062. Funding for the City's participation is available in the 2016 C.O.
30. 2017-R-33 Authorizing the City Manager to submit a grant application in the estimated amount of \$310,000.00 to the Office of the Governor's Homeland Security Grants Division (HSGD) for the purpose of funding the 2018 Local Border Security Program (LBSP). This grant does not require matching funds. Funding will be used to pay for overtime to increase patrol security along the Texas-Mexican border.
31. 2017-R-34 Authorizing the City Manager to submit a loan application to the Texas State Energy Conservation Office (SECO) in the amount of \$7,500,000.00 to fund the identified Utility Cost Reduction Projects such as leak detection systems, meter management, Variable frequency drive. By securing this loan through Texas SECO, the City of Laredo will save approximately \$1,755,400.00 per year for at least 4.3 years, for a total savings of \$7,548,220.00. The loan will be paid by the energy savings.
32. 2017-R-35 Authorizing the City Manager to enter into an Advance Funding Agreement For A Surface Transportation Program Metropolitan Mobility-Off System Project (CSJ# 0922-33-175) to prepare plans, specifications and estimates (including right-of-way mapping) for a new roadway connecting Mines Road to IH-35 across the Hachar and Reuthinger tracts. Total project costs is estimated to be \$1,833,226. Local participation of \$216,893.00 will be funded from the 2015 and 2016 C.O.'s which includes an initial payment of \$112,823.00.
33. 2017-R-36 Authorizing the City Manager to allow the City to follow the Texas Department of Transportation (TXDOT's) procurement process for any Hike and Bike Trail related projects which are federally funded through the Federal Highway Administration (FHWA). This special procurement process FHWA, 23 CFR PART 172 which differs from the City of Laredo's procurement process is required by TXDOT for projects which will be a condition of recent and future Advance Funding Agreements. The special procurement process is attached herein and incorporated as Exhibit A.
34. 2017-R-37 Authorizing fee waivers and a tax abatement agreement between the City of Laredo and Los Cardenas Plan Ltd. for the commercial property located at 919 Corpus Christi St. and 918 Laredo St. being Lots 3, 4 & 6, Block 555 Eastern Division respectively. The proposed commercial property eligible for property tax abatement includes construction of two

new structures of approximately 2,720 and 2,970 sq. ft. respectively in the total amount of approximately \$481,177.50 which is equal to or in excess of 20% of the Base Value of the property in accordance with authorized guidelines and criteria established for the Neighborhood Empowerment Zone (NEZ). This agreement will be for a ten (10) year period and will consist of an estimated annual tax abatement total of \$3,065.10 and estimated total fee waivers of \$2,187.90 based on capital investment for the purpose of economic development. Guidelines and criteria for the agreement are set forth in the attached agreement and information.

35. 2017-R-38 Authorizing fee waivers and a tax abatement agreement between the City of Laredo and Moda Re Investments for the commercial property located at 1119 Flores Ave. being Lots 6 & 8, Block 195 Western Division. The proposed commercial property eligible for property tax abatement includes rehabilitation of the existing structure of approximately 12,312 sq. ft. in the total amount of approximately \$465,184.00 which is equal to or in excess of 20% of the Base Value of the property in accordance with authorized guidelines and criteria established for the Neighborhood Empowerment Zone (NEZ). This agreement will be for a ten (10) year period and will consist of an estimated annual tax abatement total of \$2,963.22 and estimated total fee waivers of \$2,129.40 based on capital investment for the purpose of economic development. Guidelines and criteria for the agreement are set forth in the attached agreement and information.
36. 2017-R-39 Authorizing fee waivers and a Chapter 380 sales tax abatement agreement between the City of Laredo and Jose Gonzalez for a proposed business located at 811 Iturbide St. being Lot 8, Block 26 Western Division. The proposed business eligible for reimbursement of their own generated sales tax equal to 1% of the City's portion for up to a maximum of their estimated initial investment amount of \$63,505.00 including building improvements, furniture, fixtures and equipment exceeding the minimum of \$25.00 per square foot of occupied space in accordance with authorized guidelines and criteria established for Economic Development Incentive Program along Iturbide "IT Street" (Phase I). This agreement will consist of an estimated maximum amount of \$63,505.00 within a five (5) year period of the certificate of occupancy issued date and estimated total fee waivers of \$615.00 based on initial investment for the purpose of economic development. Guidelines and criteria for the agreement are set forth in the attached agreement and information.
37. 2017-R-41 Authorizing the City Manager to accept a contract from the Texas Department of State Health Services (DSHS) in the amount of \$5,422,236.00 for the Women, Infants and Children (WIC) Program of the City of Laredo Health Department (CLHD) to continue to provide nutrition education and food supplemental services to high risk women and children for the term period of October 1, 2017 through September 30, 2018.
38. 2017-R-42 Authorizing the City Manager to submit a continuation grant application

in the estimated amount of \$405,010.00 to the Health and Human Services Commission (HHSC) to continue the City of Laredo Health Department Healthy Texas Women Program in order to provide primary care, women's preventive health care, prenatal care, family planning, chronic disease prevention clinic services, diagnostic, and laboratory services for the term period from July 1, 2017 through August 31, 2018 and further authorizing the City Manager to execute any and all documents resulting from the award of this grant.

39. 2017-R-43 A resolution of the city council of the City of Laredo, Texas expressing support for the enactment of comprehensive immigration reform that: (1) benefits families, businesses and investors, and (2) deters human trafficking and illegal entry into the United States.
40. 2017-R-44 A resolution of the city council of the City of Laredo, Texas expressing support for a virtual wall that: (1) uses technology to keep Laredo and the United States secure; and (2) supporting a border security solution that incorporates eradication and mitigation of carrizo cane as a means to increase visibility and accessibility along the border.
41. 2017-R-46 Designating and creating a Neighborhood Empowerment Zone, number two (#2) within the City of Laredo, and making the necessary findings of public benefit and public purpose to support the creation of the zone in districts I and II for south area in the City of Laredo for the purpose of development.

#### **X (b) MOTIONS**

42. Authorizing the City Manager to execute a Memorandum of Understanding (MOU) between South Texas Aging & Disability Resource Center ADRC (part of the South Texas Development Council) and the City of Laredo effective as of March 1, 2017. The MOU describes the cooperative arrangements by which entities shall make and receive referrals and assist the target population in accessing needed long term support services. The South Texas ADRC is not intended to replace any role or responsibility of its partnering agencies, but rather to help facilitate their missions. The MOU shall be reviewed annually and can be terminated with 30 days' notice.
43. Authorizing the City Manager to amend the City of Laredo's 2016 One Year Action Plan for the purpose of programming Community Development Block Grant (CDBG) funds totaling \$1,428,709.00 for the purpose of rehabilitation and converting an existing building located downtown at 820 Convent for the purpose of designing 8 to 10 one-bedroom rental housing units to be available to low income elderly individuals.

Arturo Garcia, Community Development Director, clarified that the money was presented in a public hearing and is the final step to reprogram the Hamilton Section 108 conversion project. He confirmed that this funding is separate from other block grant funds for other districts.

Cm. Altgelt stated that more units could be built for less cost. Mr. Garcia countered that fewer new units were built for \$600,000 at another location.

Cm. Balli noted that working on the Hamilton will not only serve the elderly in Downtown Laredo, but the project will remove a blight in Downtown adjacent to City Hall.

Motion to utilize \$1,428,709.00 of Community Development Block Grant (CDBG) for buy or build more housing units in the same or similar location.

Moved: Cm. Altgelt

Second: Cm. Vielma

For: 2

Cm. Vielma

Cm. Altgelt

Against: 5

Mayor Saenz

Cm. Rodriguez

Cm. Torres

Cm. San Miguel

Cm. Balli

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

Motion fails.

Motion to approve.

Moved: Cm. San Miguel

Second: Cm. Balli

For: 5

Mayor Saenz

Cm. Rodriguez

Cm. Torres

Cm. San Miguel

Cm. Balli

Against: 2

Cm. Vielma

Cm. Altgelt

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

44. Authorizing the City Manager to submit an application as the lead applicant to the U.S. Department of Housing and Urban Development (HUD) for the 2017 Lead Based Paint Hazard Control (LBPHC) Grant Program in the amount of \$1,000,000.00, for which a 10% of matching funds is required, plus an additional \$150,000.00 of Healthy Homes supplemental funding for a total funding amount of \$1,150,000.00. It is also proposed that CDBG funds be used for the 10% match.
45. Authorizing the City Manager to advertise the public sale of "the surface only" of a vacant tract of land containing 69,440 square feet (1.594 acres) more or less, 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.
46. Authorizing the selection of W.D. Schock Company, Inc. of Nashville, Tennessee as the Sound Insulation consulting firm in support of the Laredo International Airport's Noise Compatibility Program and authorizing staff to negotiate a contract for services to implement Phase 12 of the residential sound insulation improvements.
47. Consideration for approval of the World Trade International Bridge Port of Entry Hazardous Material Containment Facility as complete, approval of change order no.

- 2, a decrease of \$72,829.86 for the balance of quantities actually constructed in place, and includes liquidated damages assessment of \$28,000.00, and to add thirty-seven (37) calendar days to the construction contract time for weather, holidays and other delays, release of retainage and approval of final payment in the amount of \$30,112.18 to Vision Construction Company, Laredo, Texas. Final construction contract amount is \$1,134,243.54. Funding is available in the Bridge Construction Fund.
48. Consideration for approval of amendment no. 3, an increase of \$7,348.00 to the professional services contract with Structural Engineering Associates, Inc., San Antonio, Texas for the World Trade Bridge On-Site HazMat Containment Facility for additional project management, site visits, and project coordination caused by construction delays by the construction contractor. Current engineering contract amount with this amendment is \$167,038.72. Funding is available in the Bridge Construction Fund.
  49. Consideration for approval of award of construction contract to the lowest bidder, ALC Construction, Inc., Laredo, Texas, in the base bid amount of \$47,700.00 for the CDBG Farias Recreational Area Improvements with a construction contract time of forty (40) calendar days; and authorizing the City Manager to execute all related contract documents contingent upon receipt and approval of insurance and bond documents. Completion date for the project is scheduled for May 2017. Funding is available in the Community Development Fund – 39th Action Year Grant.
  50. Consideration for approval of the Bartlett Avenue Extension Project between University Blvd. and Del Mar Blvd. as complete, approval of change order no. 1, a decrease of \$68,855.89 for the balance of quantities actually complete, release of retainage and approval of final payment in the amount of \$374,781.33 to D & J Alexander Management, L.P., Laredo, Texas. Final construction contract amount is \$7,865,869.11. Funding is available in the 2014 Certificate of Obligation.
  51. Authorizing the City Manager to approve the purchase of a modular building for the City of Laredo Health Department Women, Infants and Children (WIC) nutrition, supplemental and health promotion Larga Vista clinic. Funding is available through the Health Department WIC Budget.
  52. Authorizing the City Manager to execute an agreement with Dr. David H. Cruz, MD, PA as an independent contractor to provide daily medical services (1 to 4 hours per day/ 5 days per week) to all City employees at the Employee Health and Wellness Clinic. The term is for a period of two (2) years with an additional two (2) one (1) year renewal option, exercisable by the City Manager. The agreement would be renewable at the expiration of said term by the mutual consent from both parties, and may be extended on a month to month basis if needed. The cost shall not exceed \$60,000.00 per year and funding is available in the Risk Management Fund/Employee Health and Wellness Division budget.
  53. Consideration for approval to award a professional services contract to Tetra Tech, Inc., Irvine, California, for an amount not to exceed \$293,221.00 for updating/revising and completing for submittal by the City, a Feasibility Study of the Rio Grande Basin – Chacon Creek to The U.S. Assistant Secretary of the Army – Civil Works for review as authorized under Section 203 of the WRDA of 1986, as amended by Section 1014(a) of the WRRDA of 2014. Funding is available in the 2016 Environmental C.O.

54. Authorizing the City Manager to grant two public firework displays in the month of April for the Grand Opening of the new Outlet Mall at 1600 Water St. The technicians for the display will be Dynamic Effects and Fireworks. There will be no financial impact.
55. Authorizing the City Manager to issue payment to Sig Sauer, Inc., in the amount of \$150,025.00 for the trade-in weapons that were purchased by PD officers. Funding is available in the Police Trust Fund.
56. Authorizing the City Manager to enter into a lease purchasing agreement with AT&T Capital Services, Inc., for the acquisition of equipment and IP Flex services to upgrade the Laredo Police Department 21 year old phone system. The lease purchase will be under DIR Contract TSO-2652 in the total amount of \$67,476.73 including principal and interest. Funding for the lease purchase payments is available in the Police Department General Fund Budget.
57. Authorizing the City Manager to enter into a service contract with AT&T and Affiliated Companies, Dallas, TX to acquire IP Flexible Reach communication services and upgrade City of Laredo's phone system at various city locations including City Hall, City Hall Annex and TeleComm. This is a 60 month service contract, which includes domestic long distance calling, under DIR Contract: DIR-TEX-ANNG-CTSA-005 for approximately \$3,641.08 monthly service fee and is subject to future appropriations. Funding for this contract is available in the various user department's operational budgets.
58. Consideration to renew the existing annual contract FY13-026 to Austin Wood Recycling, Cedar Park, Texas in an amount up to \$106,200.00 for the grinding of wood waste material (brush, branches, pallets, etc.) at the City Landfill. Approximately 100,000 cubic yards of material will be disposed on an annual basis. All services will be secured on an as needed basis. 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 last extension period for this contract. Funding is available in the Solid Waste Services Department Fund.
59. Consideration to award contract FY17-030 to the low bidder Petroleum Solutions, Edinburg, Texas in the amount of \$84,955.50 for the replacement of various fueling facilities fuel dispensers for the Fleet Department. The project shall consist of replacing six fuel dispensers and to include all labor, equipment, and related appurtenances as per bid specifications. The installation shall be turn-key and fully compatible with the current SentryGold fuel management system from Trak Engineering. The estimated time for completion of this project is between sixty and ninety working days. Funding is available in the Fleet Department budget fund.
60. Consideration to renew the existing six (6) month contract FY14-039 to Hollon Oil Company, Weslaco, Texas in an amount up to \$88,000.00 for the purchase of motor oil and lubricants for the Fleet Department. The term of this contract shall be for a period of six (6) months beginning as of the date of its execution. There will be no price increase during this extension period. This is the sixth of eight extension periods. All lubricants will be secured on an as needed basis. Funding is available in the Fleet Maintenance Budget.

61. Consideration to renew and amend contract FY15-050 to the sole bidder MO-VAC, Environmental Inc., McAllen, Texas in an amount up to \$81,250.00 for the transportation and disposal of leachate contaminated water for the Solid Waste Services Department to comply with the Texas Commission on Environmental Quality (TCEQ) regulations. Due to an increase in usage, the proposed 25% would help fund these services before the end of the contract term. The term of this contract shall be for one (1) year and contract may be extended four (4) additional one (1) year periods. If the pricing remains the same or price adjustment has mutual agreement from both parties and the City agrees to extend the contract, the contract shall automatically renew for another one year period. Funding is available in the Solid Waste Services Department fund.
62. Consideration to authorize the final renewal extension and to amend the existing annual contract FY14-002 for the purchase of Original Equipment Manufacturer (OEM) parts/service for the City's Case and John Deere equipment currently awarded to:
  1. RDO Equipment, South Fargo, North Dakota, in an amount up to \$112,500.00; and
  2. Nueces Power Equipment, Corpus Christi, Texas, in an amount up to \$72,500.00.

The 25% increase is due to an unforeseen increase in the usage of this contract, the amendment to the contract is necessary in order to meet the city's needs. All parts will be secured on an as needed basis. There will be no price increase during this extension period. The term of these contracts shall be for a period of one (1) year beginning as of the date of its execution. This is the last extension period for this contract. Funding is available in the Fleet Maintenance Budget.

63. Consideration to renew the existing annual service contract FY14-044 to Rafter P. Transport Inc., New Braunfels, Texas, in an amount up to \$100,000.00 to haul and load dry sludge from the Jefferson Water Treatment Plant to the City of Laredo landfill. This contract is based on a \$6.00 per cubic yard load rate. All services will be secured on an as needed basis. 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 is available in the Utilities Department – Waste Water Budget.
64. Consideration to amend contract for the purchase of one (1) Broce self propelled sweeper to allow for a vendor name change from Nueces Power Equipment, Laredo, Texas to Cooper Equipment, San Antonio, Texas in the same amount of \$69,511.05. The purchase of this sweeper is for the Solid Waste Services Department utilizing the BuyBoard Cooperative Purchasing Program was previously approved by City Council on February 6, 2017. There will be no price change in the purchase of the sweeper; the only change is the vendor name to Cooper Equipment in San Antonio, Texas. Purchase order no. 278889 shall be canceled and a new purchase order shall be issued to Cooper Equipment. Funding is available in the 2016 Public Property Finance Contractual Obligation Bond proceeds.
65. Consideration to award annual supply contract FY17-024 to the following bidders:



- 1) Beaver's Source, Laredo, Texas;
- 2) Eagle Supply, Laredo, Texas;
- 3) Safe-T-Supplies, Laredo, Texas;
- 4) Laredo Safety Products, Laredo, Texas and
- 5) South Texas Specialties, Laredo, Texas.

for the purchase of safety supplies in an amount up to \$150,000.00 for all City departments. This contract establishes pricing and discount percentage for those safety supplies most commonly utilized by City departments. This contract has four extension periods and can be renewed upon mutual agreement of both parties. All items will be purchased on an as needed basis and funding will be secured from the user department budgets.

66. Ratification of contract FY17-026 to the low bidder ROMO Contractor, Laredo, Texas in the amount of \$225,000.00 for the rehabilitation of Fire Station# 1 located at One Guadalupe Street, Laredo, Texas. The project consists of rehab, remodeling and construction to include all labor, materials, and related appurtenances as per bid specifications. Electrical wiring and plumbing repairs are not included in this project since they were awarded separately. The estimated time for completion of this project is ninety (90) working days; notice to proceed was given upon contract execution so that improvements could commence immediately. Funding is available in the 2015 Contractual Obligation Bond.
67. Consideration to award contract FY17-028 to Hector Cabello Wrecker Services, Laredo, TX in the annual amount of \$70,000.00 for Non-Police City owned Vehicles Towing Services. The term of this contract shall be for a period of one (1) year beginning the date of its execution. This contract can be extended three (3) additional one year periods, upon mutual agreement of the parties. All services will be secured on an as needed basis. Funding for this contract is available in the Fleet Department's budget.
68. Consideration to award supply contract FY17-027 to the sole bidder, Century Asphalt, Houston, Texas in an estimated amount up to \$100,000.00 for the purchase of tack coat emulsified asphalt oil used for street paving projects. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. This contract has four extension periods. The asphalt oils are purchased on an as needed basis. Funding is available in the Public Works and Utilities Departments construction projects budgets.
69. Authorizing the City Manager to approve amendment No. 1, in the amount of \$13,140.00 to Porrás Nance Engineering Laredo, Texas. The consultant provided additional surveying, engineering design and construction services for the replacement of the existing waterlines crossing the proposed 24" waterline along Santa Cleotilde. This amendment will bring the total contract amount to \$363,140.00. This amendment is funded with the 2015 Water Revenue Bond.
70. Authorizing City Manager to sign a professional services contract with Carollo Engineers Inc., Dallas, Texas in the amount of \$100,000.00 for Phase 1 which will

evaluate El Pico Water Treatment Plant process capacity, regulatory capacity, and hydraulic capacity in order to increase capacity from 20 MGD to 30 MGD. Also, identify hydraulic issues or areas that would require further investigation for the re-rating of El Pico Water Treatment Plant. Funding is available in the 2015 Water Revenue Bond.

71. Consideration for acceptance of the rehabilitation of 6 inch to 10 inch Sanitary Sewer Lines in the Downtown Area located along Water Street, Iturbide Street, Convent Avenue and Santa Maria Avenue to Insituform Technologies, LLC., Chesterfield, Missouri through the Buy Board Cooperative Purchasing Program's Contract Pricing and approval of Final Change Order No. 1, a decrease in the amount of \$15,731.48 to adjust items and quantities of work actually done in place with 64 additional Calendar Days. Also, release of retainage and approval of final payment in the amount of \$5,309.43. Final Construction Contract Amount is \$106,188.62 and total construction time was 120 calendar days. Funding is available in the 2011 Sewer Revenue Bond.
72. Authorizing City Manager to award and execute the construction contract to the lowest bidder, Landmark Structures I, L.P. , Fort Worth, Texas in the amount of \$5,849,200.00 for the Installation of a 2.5 Million Gallon (MG) Elevated Storage Tank (EST) on San Isidro Subdivision, pending the approval of Texas Water Development Board (TWDB). Construction time is three hundred and fifty (350) working days for final completion. Funding is available in the 2015 & 2015A Water Revenue TWDB bonds.
73. Approving monthly adjustments to the tax roll. The amounts to be adjusted for the month of February 2017, represent a decrease of \$17,100.75. These adjustments are determined by the Webb County Appraisal District and by court orders.
74. Consideration for approval of the selection of architectural consultants based on Request For Qualifications (RFQ) received and authorizing the City Manager to negotiate a contract for the design, bidding and construction management of the Office Building for the North Laredo Wastewater Treatment Plant.

Riazul Mia, Utilities Director, reported that the ranking of the firms who submitted qualifications are as follows:

1. Sepulveda Associates Architects
2. Design Group International
3. Cavazos Architects

Cm. Altgelt stated that Sepulveda buildings have an institutional, prison appearance, and he would like to try a new firm. He suggested approving Cavazos Architects as they are LEED accredited.

Mr. Mia clarified that the lower amounts of points led to a higher ranking. He confirmed this building will be visible from the street. He recalled that Cavazos Architects have not done work for the City for the last 10 or 12 years.

Cm. Balli emphasized that the scoring criteria included very important concepts and was conducted by several City staff members.

Motion to approve the selection of Cavazos Architects.

Moved: Cm. Altgelt

Second: Cm. San Miguel

For: 3

Against: 3

Abstain: 0

Cm. Vielma

Cm. Rodriguez

Cm. San Miguel

Cm. Torres

Cm. Altgelt

Cm. Balli

Cm. Gonzalez and Cm. Perez were not present.

Motion fails.

Motion to approve the selection of Sepuvela Associates Architects.

Moved: Cm. Balli

Second: Cm. Rodriguez

For: 3

Against: 3

Abstain: 0

Cm. Rodriguez

Cm. Vielma

Cm. Torres

Cm. San Miguel

Cm. Balli

Cm. Altgelt

Cm. Gonzalez and Cm. Perez were not present.

Motion fails.

Motion to table.

Moved: Cm. Torres

Second: Cm. Balli

For: 5

Against: 2

Abstain: 0

Mayor Saenz

Cm. San Miguel

Cm. Rodriguez

Cm. Altgelt

Cm. Torres

Cm. Vielma

Cm. Balli

Cm. Gonzalez and Cm. Perez were not present.

75. Authorizing the City Manager to approve Change Order No. 1, with an increase of fifty-seven (55) working days and an increase of \$26,000.00 in contract amount to the construction contract with Azar Services, LLC., Laredo, Texas, for the Cielito Lindo Lift Station Elimination Project. This change order is due to conflict of proposed force main with the existing communication cable line that impacted the work. The contract sum is \$130,875.00 and the new total completion period is eighty five (85) working days. Funding is available in 2012 Sewer Revenue Bond.

### **END OF CONSENT AGENDA**

## **XI. STAFF REPORTS**

76. Presentation with possible action on municipal landfill Request for Proposals,

authorizing the City Manager to beginning negotiations with the sole responder Regional Land Management Services, Ltd., owners of Ponderosa Regional Landfill.

City Manager Jesus Olivares reported that last year the City submitted RFPs to either expand or privatize or partner with entities for the municipal landfill. There was one responder. He recommended Council allow the City to enter into negotiations with the owners of Ponderosa Regional Landfill to bring a recommendation back to Council on the future of solid waste disposal.

Motion to direct City staff to begin negotiations with Regional Land Management Services, Ltd., to develop a recommendation to Council regarding the future of the City's solid waste disposal.

Moved: Cm. Balli

Second: Cm. Torres

For: 8

Against: 0

Abstain: 0

77. Presentation with possible action on the municipal cemetery Request for Proposals.

Robert Eads, Assistant City Manager, summarized that in February 2016, the City requested proposals for additional space for a cemetery. On March 16, one proposal was submitted by Frank Guerra, who proposed a 50-acre site with 10 acres donated for a total of 60 acres located 2.5 miles east of the City landfill on Highway 359. Mr. Eads confirmed that the City could pursue other options such as cremation but that Laredo is traditional in terms of burial customs.

City Manager Jesus Olivares requested that Council reject the proposals as the property offered was not substantial. He confirmed that City staff will bring this issue back to Council at a later time.

Motion to reject proposals.

Moved: Cm. Torres

Second: Cm. Rodriguez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

78. Presentation by UISD on the design progress of the Aquatic Center, with possible action.

Roberto Santos, United ISD Superintendent, stated that a natatorium plan draft has been developed. He introduced the design team for this project. He confirmed that the estimated cost of this project is \$17 million. The City's contribution is \$4 million as agreed about three years ago.

Frank Rotnofsky of Frank Architects noted that multiple City staff members collaborated to make the design draft a successful endeavor.

Kent Niemann of the Pfluger Architects stated that the Leyendecker Design team was chosen in April 2015 to start the planning process based on a study done for the City. The guiding principles focused on the safety of users in the building as well as

hosting regional swim meets for 700 spectators. The committee elected to build a 50-meter pool rather than the original 25-meter pool in order to accommodate regional swim meets. The committee also utilized energy efficient measures such as natural daylight and reuse of United ISD site amenities like roads and parking. Cost efficiency was highly prioritized. Mr. Niemann presented floorplans that depicted wide pool decks as a safety feature in areas where the competitors can sit on bleachers. He confirmed that the aquatic center will use a traditional chlorine system. Changing to a saline system will affect the cost estimate.

City Manager Jesus Olivares clarified that the pool is not a shallow recreational pool but designed for competitive aquatic sports.

Mr. Santos stated that the school district hopes to utilize the facility to ensure that all Laredo second graders become “drown proof.” If the City is comfortable moving forward, the committee will present the plan to the United ISD school board for approval.

Cm. San Miguel asked the committee to keep in consideration the swimming pool in North Central Park for competitions in cases of overflow. Mr. Olivares clarified that the park pool meets the requirements of competition, but that they are only 25 meters long rather than the proposed aquatic center pools.

Sam Fruia, Aquatic Coordinator for United ISD, stated that the design of the aquatic center is to accommodate the maximum amount of competition spectators, teams, and events.

No action taken.

79. Presentation on the Fiscal Year 2015-2016 Comprehensive Annual Financial Report (CAFR) prepared by the City of Laredo's Financial Services Department and audited by the independent audit firm of Canales, Garza, and Baum, P.L.L.C.

Juan Garza, Certified Public Accountant with Canales, Garza, and Baum, P.L.L.C., reported that the firm completed the audit after testing the City's internal controls, gathered sufficient evidence, and found no problematic qualifications or modifications needed in the City's financial statements. He stated that the City received the firm's highest opinion, which is clean and unqualified. The firm issued three reports: an unqualified opinion, a report on government auditing standards, and a single audit report.

The firm's report on government auditing standards compared the City's internal controls to compliance requirements. Any significant deficiencies or witnesses against the City must be reported, but none were found. The single audit report studied the state and federal grants received by the City for compliance via a formula, and the firm gave an unqualified and clean opinion of the City. Mr. Garza certified the City's General Fund balance as of September 30, 2016 as \$44,440,223.00, which represents 27.14% of the operating expenditures of the City. The City Charter requires 15%.

Mayor Saenz congratulated City management for their work which resulted in an excellent report. City Manager Jesus Olivares credited all department leadership for their diligence throughout the year.

80. Presentation by Michael F. Rodgers, Assistant Utilities Director regarding the late fees exemption for Veterans, with possible action.

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

## **XII. EXECUTIVE SESSION**

None.

## **XIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS**

81.

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

1. Discussion with possible action on presentation by Nuevo Laredo officials of "Nuevo Laredo's Desarrollo del Centro Historico", i.e., Secured Tourist Zone, south of Bridge 1 by Avenida Guerrero.

Samuel Lozano, Nuevo Laredo Director of Investigation Desarrollo, stated that the Desarrollo del Centro Historico project will take place in the Historic Downtown area of Nuevo Laredo from Bridge 1 to Gonzalez Street, which includes about seven streets total. This project aims to preserve the urban image of that area as well as securing public areas for pedestrians. The project will begin in 60 days, and the parking meters will be modified to accommodate the event. Officials intend to remodel the outside view of the Mercado Maclovio Herrera and create more restaurants to make use of the vacant surrounding areas.

No action taken.

2. Discussion with possible action to create: Consejo Bi-Nacional Dos Laredos.

Mayor Saenz noted it would be beneficial to bring in a bi-national committee with representatives at the local, state, and federal levels focusing on Laredo and Nuevo Laredo issues.

Edgar Parra of Nuevo Laredo explained that the two cities want to create a bi-national committee that will be composed of a local representative, a state representative, and a federal representative from both sides to identify and fix local issues.

City Manager Jesus Olivares clarified that as Laredo is the largest in-land port in the country, the local, state, and national level must always operate in tandem between the two countries.

Cm. San Miguel recommended making a regional committee and including Monterrey. Cm. Altgelt voiced his agreement.

Mr. Olivares noted that many health initiatives work closely with Nuevo Laredo.

Motion to create two committees, one composed with Nuevo Laredo and the second composed of members of the region bi-nationally.

Moved: Cm. Altgelt

Second: Cm. San Miguel

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

3. Discussion with possible action on temporary closure of Bridge 1 to have Bridge fiesta event celebrating US-Mexico Border culture and heritage.

City Manager Jesus Olivares suggested that the existing bi-national committee can meet and develop recommendations to bring before Council.

Cm. Balli noted that a challenge could arise with Customs and Border Protection (CBP) controlling security at the borderline. However, he voiced his support of the item.

Arturo Ortega with the City of Nuevo Laredo reported that the two cities have been sharing ideas and have spoken with CBP. Pedestrian traffic can not be closed but automotive traffic can be diverted to one of the other bridges. Most of the bridge can be used for the event.

Cm. Balli suggested that the bi-national committee be tasked with developing a proposal, collaborating with CBP.

Cm. Torres stated that the construction of the bridge is currently conducive to a fiesta event currently, but the committee should also discuss the cost or revenue loss due to the bridge closure.

Motion to direct bi-national committee to develop a proposal for a Bridge fiesta event.

Moved: Mayor Saenz

Second: Cm. Balli

For: 7

Against: 0

Abstain: 0

Cm. Altgelt was not present.

4. Discussion with possible action on amending certain provisions of Chapter 19 of the Code of Ordinances pertaining to the administrative adjudication of stopping, standing and parking violations, and other matters properly related thereto.

Mayor Saenz clarified that this item relates to individuals parking in disabled parking spots and not displaying their placards. The individuals are cited, and when they appear before a judge with their placards, they are often required to

pay a bond simply to appear and state their defense. Mayor Saenz noted that abuse of the disabled spots and placards takes place, requiring Council attention. He suggested amending Chapter 19 by lowering the citation cost if an individual provides his or her parking placard when appearing in court for his or her citation.

Cm. Balli agreed that there should be different citations if an individual does not have a placard versus failing to display a placard. He noted that issues may arise at the time that the officer is writing the citation; if the individual is not cited correctly, they may be erroneously cited for a higher fine.

Acting City Attorney Kristina L. Hale clarified that the City has a civil process, meaning that the citation does not go to a judge unless there is an appeal. The administrative judge has no discretion for these citations. Council has adopted the civil adjudication process, which is allowed through the transportation code and decriminalizes parking offenses. This was done due to the abuse of parking placards as they are registered to each individual and not a particular vehicle. Texas has high fines as a deterrent of placard abuse.

Lupita Reyes, civil adjudication hearing officer, confirmed that the high fines are implemented to deter the abuse of and failure to display disabled parking placards. Misuse of the placards is common in Laredo. Ms. Reyes noted that she does not have the authority to waive or reduce the fines, by ordinance, but she helps the violators develop a payment plan. She reported that before these provisions were implemented, 250-300 people were seen a month with citations, and now she only sees 60-65 people per month.

Cm. Balli noted that the system is working to deter abuse. He suggested that a possible amendment to the Code of Ordinances to further prevent abuse may be to require the cited individual to bring their placard as well as the vehicle title. Abuse may still exist, but the corroboration could help justify the fine decrease.

Cm. Torres stated that reduction of the fine is not going to reduce the problem. He suggested that Council leave the \$500 fine as is but give authority of the hearing officer to make decisions based on his or her discretion to reduce the fine amount or dismiss the citation and apply an administrative fee.

Cm. Vielma voiced her agreement with Cm. Torres, adding that some individuals' disabilities may include forgetfulness, inability to concentrate, or learning disabilities. These individuals may be more prone to forget to display their placard. Therefore, medical diagnoses should be coupled with the discretion of the hearing officer.

Ms. Reyes reported that her office charges an administrative fee in the event that an individual displays an expired placard. If they appear with the renewed placard, the office will dismiss the citation and charge an administrative fee of \$25. She noted that lowering the fee to \$25 or \$30 will result in more abuse. She estimated that 75-80% of citations are because the individual does not possess a placard or uses someone else's placard and not mere forgetfulness. She asks for the disabled individual to appear before her in order to verify whether the placard in question is in possession of the correct person.



Ms. Hale confirmed that Council can vote to give the hearing officer the discretion to observe citations on a case by case basis.

Motion to grant the hearing officer discretion to evaluate the validity of an individual's defense and that for good faith defenses, an administrative fee of \$25 be charged for a first offense, \$50 for a second offense, \$100 for a third offense, and \$500 for offenses afterward and that the accused, upon strict proof of their disability and possession of placard and nexus to the vehicle, be charged the administrative fee of \$25, granting a citation waiver if the individual provides proof via a doctor's note that forgetfulness or memory loss is a part of his or her disability, as amended.

Moved: Cm. Altgelt

Second: Cm. San Miguel

For: 8

Against: 0

Abstain: 0

**B. Request by Mayor Pro-Tempore Alejandro "Alex" Perez**

1. Update on utility repairs and resurfacing of Lane street in the Heights area.

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

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

1. Discussion with possible action to develop a city ordinance that prohibits mobile snack trucks from conducting business past a certain hour; and any other matters incident thereto.

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

2. Discussion with possible action to explore the possibility of establishing a Special Needs Recreation Center and Community Fine Arts & Culture Center in District 4; and any other matters incident thereto.

Motion to table.

Moved: Cm. Torres

Second: Cm. Balli

For: 6

Against: 0

Abstain: 0

3. Discussion with possible action on the City of Laredo's investment in the proposed Buenos Aires Community Center, now identified as the Fernando A. Salinas Community Center currently under the jurisdiction of Webb County and to propose a demand letter requesting that Webb County complete the project in a certain time period or demand reimbursement of City's investment or request transfer of property to the City of Laredo to adequately complete the project; and any other matters incident thereto.

Cm. Torres explained that there were several representations made to Webb County since the start of 2017, and the community center has been in the works for several years without completion. He emphasized that he is not blaming anyone for the non-completion of the project other than Webb County. Not only did the City contribute \$650,000 for construction but has also been giving Webb County close to 2,000 square feet at no cost for the last 25 years, which has cost the City \$2,856 per month plus the charges of utilities and security. The City only has a balance of \$21,000 or \$22,000 that is apparently owed to the County. Webb County entered into an agreement to construct this community center in 2011, but it is still not complete. Cm. Torres felt the need to be transparent to the people about why this project is still incomplete. The money to finalize the project is in possession, but he has not seen or heard anything substantial from the County until he placed this item on the agenda. Taxpayer dollars have been neglected, and Webb County has abused the City's investment for the project. The community center has become a site for illegal trash dumping, vagrant camping, and vandalism. Neither the building nor the landscaping have been maintained.

Leroy Medford, Webb County Commissioners Court Administrator, agreed that this project has been underway since 2011. It took five years to finalize funding, but he voiced his disagreement to the claim that Webb County has sole responsibility for the upkeep and maintenance of the community center. Many issues have arisen from the contractor that led to some of the problems brought up by Cm. Torres. He emphasized that Webb County has not neglected this issue but has actively tried to finalize this project. He reported that Ramon Zertuche submitted a timeline in which the project should be substantially completed on April 30, 2017, meaning it will be ready for use. He noted that City staff should have received a letter including this timeline before this item was added to the agenda.

Jaime Canales, Webb County Commissioner, reiterated that Webb County has made great efforts to work with Ramon Zertuche to resolve multiple issues and make progress on this project. Delays in payment, subcontractor replacements, and other problems slowed the progress throughout the years. He assured Council that the City's investment is secure and that the project will be substantially completed by April 30, 2017. He asked for patience and cooperation from the City.

City Manager Jesus Olivares clarified that Webb County is the project manager for this project and that the City has never been late on any requests. He noted that the City has asked the County about delays throughout the years. Mr. Canales countered that there were some payment delays from the City.

Mr. Canales noted that the contract stipulates that Webb County is the project

manager and that Mr. Zertuche will complete the project. He never heard from the City that they wanted to move in a different direction, and he was surprised that City officials did not contact him to answer their questions before adding this item to the Council agenda. He deferred to Mr. Zertuche regarding the current state of the community center's vandalism, litter, and illegal residence.

Ramon Zertuche, contractor for the project, explained that he has an extensive list of problems that delayed the completion of this project and breached his contract with Webb County. He clarified that his contract is with the County and not the City. He has completed over 50 projects with the City and the County and chose not to file a lawsuit to finish the project. He had to redo elevator and fire sprinkler work because those inspection codes changed during the duration of this project, and he covered those costs out-of-pocket.

Mr. Olivares claimed that the vandalism of the site has increased over the past year, but that the building structure largely appears near completion.

Javier Santos, trustee for the Fernando A. Salinas Community Center, recalled that \$200,000 he agreed upon were to furnish machines to be used in the center. So far \$50,000 have been dedicated. He remains willing to continue with the agreed upon arrangement.

Mr. Zertuche noted that there may be a \$100,000 shortfall based on the discussion, and he would like a contract with the funding itemized in writing. However, he confirmed once more that the building will be substantially completed by April 30.

Robert Eads, Assistant City Manager, confirmed that the City could request bids to complete the building or can complete it in-house.

Cm. Balli noted that if the City were to take over the completion of the building construction, it would not be completed by April 30. Mr. Canales stated that doing so would also incur litigation.

Cm. Altgelt voiced his opinion that this building is a liability rather than an asset due to budget limitations.

Cm. Torres urged Council to consider the investment that the City has made. The citizens of Laredo have not received the product they were promised to which their tax dollars were spent. There is miscommunication between the contractor, the County, and the trust. He proposed that Council direct management and Legal to send a formal letter to the Webb County Commissioner's Court asking them to deed the property back to the City, reimburse the money to the City, or rebut the agreement.

Cm. San Miguel stated his opinion that legal recourse does not seem necessary. He suggested that Cm. Torres make a motion that if construction is not completed by April 30, then Council will take back the building or recover their money. Cm. Balli agreed that a demand letter is not preferable. He does not see how the City has any legal recourse.

Lakshmana "Vish" Viswanath said that Cm. Torres is very responsible and

accountable for his district.

Mr. Canales estimated that the building will be fully functional by May 2, 2017.

Motion to send a letter to Webb County asking them to substantially complete the project by April 30, 2017, and if the project is not completed by that date, directing City management to draft a letter by May 1, 2017, demanding that the County deed the property back to the City or to reimburse \$650,000 invested by the City.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 8

Against: 0

Abstain: 0

#### **D. Request by Council Member Nelly Vielma**

1. Discussion with possible action to establish an invocation protocol to initiate City Council Meetings. (Co-Sponsored by Council Member Charlie San Miguel)

Cm. Vielma clarified that her meaning of an invocation protocol is a non-denominational invocation. By not catering to any particular religion, it should not violate any establishment clause or present constitutional issues.

David Almaraz stated that the First Amendment of the Constitution protects the right to pray as long as the government does not endorse it or hold it in tax-supported institutions, such as City Hall. Allowing an invocation is constitutional, but he asked if Council would allow a Satanist, Wiccan, or non-Christian individual to lead the invocation. If they would not, then they are liable to be sued for religious discrimination. Laredo is a city of many cultures, therefore individuals of many faiths or no faith at all.

Jerry Thompson voiced his agreement with Mr. Almaraz, noting that Council is headed down a troublesome road.

Carlos Valle, Jr., paraphrased from a Bible passage indicating that prayer should be performed in private and not made public for others to see. He advocated for the separation of church and state.

Cm. Vielma countered that invocations are held in government routinely and that the Supreme Court has upheld the practice of invocations. Her intention for introducing this item is to create unity among Council.

Cm. Balli noted that a video circulating shows the consequences of hosting sectarian prayer in which a group of Satanists needed police protection from the violence of Christians. He noted that he does not want his priest to tell City Council what to do, nor does he want Council to instruct his church on what to do. Already, Council has gone too far by allowing prayer at other events. While he enjoys prayer, he believes that the prayer excludes people. Cm. Balli stated that while in Washington, D.C., Council discovered that the President of the United States plans to cut Laredo's budget drastically. He is disappointed that the only takeaway brought back from D.C. is prayer and not information regarding Laredo's budget cuts.

Cm. Altgelt suggested that rather than a prayer, Council could implement a moment of silence. Cm. Rodriguez voiced his agreement that a moment of silence is more appropriate than declarations of faith or spoken prayers. He also noted that leaving the Council meeting program as it is would be preferable.

Cm. Torres countered that as a Council Member, he would feel terrible spending tax dollars to defend Council or pay a settlement in the event that an offended citizen sues the City. He agreed with Cm. Altgelt that a moment of silence, which is used in Texas schools, is more appropriate.

Cm. San Miguel reiterated that it is constitutional to host an invocation. He suggested that a standard ecumenical prayer or invocation may help avoid introducing specific denominations. He explained that ecumenical does not favor a particular religion but is simply guided by goodness.

Cm. Balli countered that the definition of ecumenical is exclusive to Christianity, therefore it does not include other faiths. He noted that this issue has taken too much of Council's time and is wasteful of taxpayer resources.

Acting City Attorney Kristina L. Hale warned Council not to misinterpret the Supreme Court's ruling on invocations being Constitutional. Although a prayer may not directly cater to any particular deity, it can still exclude individuals who have no faith or belief in a higher power.

Cm. Gonzalez agreed with Cm. Balli's point that this issue is taking too much. He stated that Council meetings often go to 10:00 pm or 11:00 pm with many attendees having to leave early because it is taking too long. He clarified that while he prays in his private life, he does not think an invocation is necessary at Council meetings and will make them longer than they need to be.

Motion to implement a moment of silence after the pledge of allegiance during City Council Meetings, as amended.

Moved: Cm. Vielma

Second: Cm. Altgelt

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action to request a report by the Internal Auditor of the current contractor's insurance, bond, lapses and tax delinquencies with the city. (Co-Sponsored by Council Member George Altgelt)

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

#### **E. Request by Council Member Charlie San Miguel**

1. Discussion with possible action regarding the Public's Health and Safety specific to the issuing and enforcement of permits applying to building, electrical, mechanical HVAC, irrigation, right-of-way, swimming pool, manufactured home installation, sign contractors; and any other matters incident thereto.

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

2. Discussion with possible action to discuss the drainage ordinance as proposed by the Technical Review Board. (Co-Sponsored by Council Member George Altgelt)

Cm. San Miguel reported that as Laredo develops outward, the terrain has more hills, and the Land Development Code has certain drainage requirements which result in the import of foreign soil and retaining wall construction. This development is increasing the cost of land.

Ramon Chavez, Building Director, reported that the Technical Review Board and the Planning and Zoning Commission approved the draft ordinance per recommendation. However, staff is not in support of the ordinance, specifically as it relates to drainage to the rear. The way it is currently written may create adverse situations for residents. There is a permit underway via the Environmental Services Department.

John Porter, Environmental Services Director, estimated that a permit should be finalized May or June 2017. He recommended waiting until July 2017 so that the City's storm water permit application with the Texas Commission on Environmental Quality (TCEQ) is not unfavorably affected until potential changes to the ordinance are finalized. This permit dictates many aspects of the drafted drainage ordinance amendments. He clarified that the City must get a permit from TCEQ every five years, which dictates all of the City's environmental and drainage policy. The Commission has made some policy requirements more stringent. Those requirements will be clear when the City's permit is approved. The ordinance will definitely need to be amended following permit approval.

Cm. Torres voiced his opinion that Council is rushing through this item and that he may have to vote against this item for that reason.

Cm. Rodriguez agreed with Mr. Porter to put the ordinance amendment into effect on July 1 rather than immediately.

Motion to adopt the Land Development Code drainage ordinance amendment as presented by the Technical Review Board, effective immediately, as amended.

Moved: Cm. San Miguel

Second: Cm. Altgelt

Due to forced adjournment, no action taken.

**F. Request by Council Member Roberto Balli**

1. Discussion with possible action regarding a downtown street musician and street performance ordinance tailored to the Downtown Arts & Entertainment District.

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

2. Discussion with possible action regarding proposals on the Boulevard of the Americas Project.

Motion to table.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.

**XIV. ADJOURN**

Motion to adjourn.

Moved: Cm. Torres

Second: Cm. Balli

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Perez were not present.