

**CITY OF LAREDO
CITY COUNCIL MEETING
M-2012-R-14
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
AUGUST 6, 2012
5:30 P.M.**

I. CALL TO ORDER

With a quorum present Mayor Pro Tempore Cindy Liendo Espinoza called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Cindy Liendo Espinoza led in the pledge of allegiance.

III. ROLL CALL

In attendance:

Mike Garza,	Council Member, District I
Esteban Rangel,	Council Member, District II
Alejandro Perez, Jr.	Council Member, District III
Juan Narvaez,	Council Member, District IV
Johnny Rendon,	Council Member, District V
Charlie San Miguel,	Council Member, District VI
Jorge A. Vera,	Council Member, District VII
Cynthia Liendo Espinoza,	Mayor Pro Tempore, District VIII
Amy Sanchez,	Deputy City Secretary IV
Carlos Villarreal,	City Manager
Cynthia Collazo,	Deputy City Manager
Horacio De Leon,	Assistant City Manager
Jesus Olivares,	Assistant City Manager
Raul Casso,	City Attorney

Motion to excuse Mayor Salinas and Cm. Perez.

Moved: Cm. Rangel

Second: Cm. Vera

For: 5

Against: 0

Abstain: 0

IV. MINUTES

Approval of the minutes of July 16, 2012 & July 20, 2012.

Motion to approve the July 16, 2012 and July 20, 2012 minutes.

Moved: Cm. Garza

Second: Cm. Vera

For: 8

Against: 0

Abstain: 0

V. COMMUNICATIONS AND RECOGNITIONS

Recognitions

- a. Recognition of the J.B. Alexander High School Varsity Baseball Team for making it to the "Elite 8".

Mayor Pro Tem Liendo Espinoza and City Council recognized J.B. Alexander High School Varsity Baseball Team members Fidel Garza, Manny Quiroga, Daniel Ramos, Michael Hernandez, Alfonso Rivas, Gustavo Hernandez, Juan Ballesteros, E.J. Garcia, Danny Benavides, Gerardo Ramos, Alan Campero, Mario "Chipper" Garcia, Rudy Gaona, Alex Ortiz, Fernando Garza, Gabriel Sanchez, Ricardo Carranza, Jaime Perez, and Vicente Acosta and presented certificates of recognition.

Communiqués

- a. Presentation by Mr. Ron de Leon, Board Member of the Autism Education Foundation in Laredo regarding the August 25th Autism Awareness Night with the Laredo Lemurs.

Ron de Leon, Board Member of the Autism Education Foundation in Laredo, invited Mayor and City Council to the Autism Awareness Night on August 25th.

Citizen comments

David Gonzalez, Sr., representing the American Diabetes Association, invited the public to a fundraiser to be held at the end of the month at the Civic Center.

Hector Farias stated that Council Member San Miguel had named his boss' attorney to the Ethics Commission and that this was an unacceptable conflict of interest. He also felt that Andy Ramos should not have been named to the commission.

Richard Rosell echoed Dr. Farias' statements and was in agreement with them.

Eva Delgado congratulated Cm. Narvaez on replacing Andy Ramos on the committee.

Humberto Treviño, Jr., spoke regarding his concern for the sale of city water. He mentioned that section 31-127 of the city code prohibits the resale of water. He felt that citizens were being penalized although they had paid for the infrastructure while the city subsidized the oil and gas companies.

Armando Cisneros mentioned item #29 on the agenda and said that they should be vigilant regarding how many people go and spend taxpayer money on these trips.

Motion to waive the final readings of Ordinances 2012-O-101, 2012-O-102, 2012-O-103, 2012-O-104, 2012-O-105, 2012-O-106, and 2012-O-107.

Moved: Cm. Garza

Second: Cm. Rendon

For: 8

Against: 0

Abstain: 0

3. 2012-O-101 Amending the City of Laredo Code of Ordinances, Chapter 24, Article 59 entitled “storm” water management ordinance adding agencies in §24.59.1.2, adding definitions in §24.59.1.3, changing criteria from five (5) acres to one (1) acre in §24.59.2.2, §24.59.2.12, §24.59.4.2, §24.59.5.1, and §24.59.5.4.4, changing “City” to “Developer” in §24.59.7.2 and providing for severability, publication, and an effective date, these amendments are a condition under the TPDES Municipal Storm Water Permit, as well as State and Federal Law.

Motion to adopt Ordinance 2012-O-101.

Moved: Cm. Rendon

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

- 2012-O-102 Amending the City of Laredo FY 2012 Airport Construction Budget to recognize additional revenues from a grant received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-70-12 in the amount of \$8,617,353.00 for realignment of Taxiway F and rehab of G.A. Apron Phase 7 at the Laredo International Airport and appropriating said grant revenue and local match to the appropriate expenditure accounts and authorizing the City Manager to implement said budget amendment. The City’s local match of ten (10%) percent in the amount of \$957,484.00 is available. Funding is available in the Airport Construction Fund.

Motion to adopt Ordinance 2012-O-102.

Moved: Cm. Rendon

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

- 2012-O-103 Amending the City of Laredo FY 2011-2012 annual budget for the Solid Waste Services Fund by appropriating expenditures in the amount of \$2,225,800.00 from available fund balance for engineering services to complete an expansion permit application and construction plans and construction quality assurance for the next disposal cell for the City of Laredo Municipal Landfill.

Motion to adopt Ordinance 2012-O-103.

Moved: Cm. Rendon
Second: Cm. Garza
For: 8 Against: 0 Abstain: 0

2012-O-104 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 1.99 acres, as further described by metes and bounds in attached Exhibit "A", located at 5800 Casa Verde Road, from R-1 (Single-Family Residential District) to R-1A (Single-Family Reduced Area District); providing for publication and effective date.

Motion to adopt Ordinance 2012-O-104.

Moved: Cm. Rendon
Second: Cm. Garza
For: 8 Against: 0 Abstain: 0

2012-O-105 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, Tripoli Enterprises Subdivision, located at 12004 FM 1472 (Mines Road), from B-1 (Limited Commercial District) to M-1 (Light Manufacturing District); providing for publication and effective date.

Motion to adopt Ordinance 2012-O-105.

Moved: Cm. Rendon
Second: Cm. Garza
For: 8 Against: 0 Abstain: 0

2012-O-106 Authorizing the City Manager to exchange fee simple title with Mr. Rolando Garcia for the Northeast ¼ of Lot 8, Block 1174 Eastern Division, vacant property adjacent to municipal parkland in South Laredo in exchange for the Southwest ¼ of Lot 8, Block 1174, Eastern Division owned by the City of Laredo. Said tracts are further described by metes and bounds and boundary survey in attached Exhibit "A". Both parties have agreed to the mutual exchange of parcels to allow for the continued development of the South Laredo Municipal Library. Each party has agreed to cover their respective closing costs as applicable, with no monetary compensation to either party for the property exchange.

Motion to adopt Ordinance 2012-O-106.

Moved: Cm. Rendon
Second: Cm. Garza
For: 8 Against: 0 Abstain: 0

2012-O-107 Authorizing the City Manager to execute a lease with Elite Aviation, LLC, for approximately 150 square feet of office space in the Federal Inspection Services (FIS) located at 4719 Maher Ave.,

Laredo, Texas known as Suite No. 131 situated on property described as Block No.1 of subdivision plat of Laredo International Airport. Lease term is for one (1) five (5) year term commencing on August 01, 2012 and ending on July 31, 2017 and may be extended for one (1) term of five (5) years ending on July 31, 2022. However, it is agreed by the parties that the lease may be terminated by either party on or not less than ninety (90) days' written notice from the party terminating to the other. Monthly rent shall be \$780.00 and will be adjusted annually according to changes in the Consumer Price Index; providing for an effective date.

Motion to adopt Ordinance 2012-O-107.

Moved: Cm. Rendon

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

X. RESOLUTIONS

4. 2012-R-060 Amending Resolution #2012-R-001 by adding one (1) additional Memorandum of Understanding to the list of cooperative working agreements/mutual assistance agreements/memorandums of understanding between the City of Laredo Police Department and various federal, state and local agencies, including but not limited to: Drug Enforcement Administration (DEA), Federal Bureau of Investigations (FBI), SCAN, STCADA, *et al.*, a comprehensive list is attached hereto as "Exhibit A". The Police Department's participation is part of the community service provided to our citizens, with no cost to the City of Laredo.

Motion to approve Resolution 2012-R-060.

Moved: Cm. Garza

Second: Cm. Rendon

For: 8

Against: 0

Abstain: 0

5. 2012-R-064 Ordering and proclaiming a General City Election to be held on Tuesday, November 6, 2012; Ordering and proclaiming a Special City Election for the purpose of submitting to the voters on Tuesday, November 6, 2012 a proposition for the sale of a tract of parkland containing 456,831.12 square feet (10.4874 ACS), located along 2200 Santa Maria, being out of Lot no. 2, block no. 1, City Park Subdivision, enclosing the Veteran's Field a practice field and asphalt parking improvements, in the Western Division, City of Laredo, Webb County, Texas; Designating polling places; providing for publication; and authorizing the City Manager to enter into a contract with the Webb County Elections Administrator for the purpose of conducting a joint election with the City of Laredo. (Approved by the Operation and Finance Committees)

supplies for police operations. The Bureau of Justice Assistance mandates that this grant be divided equally between the City of Laredo and Webb County.

9. 2012-R-061 Authorizing the City Manager to accept a contract from the Department of State Health Services (DSHS) in the amount of \$1,165,354.00 for the City of Laredo Health Department Tuberculosis Prevention and Control Program, Tuberculosis Elimination Program, Immunization Program, Public Health Emergency Preparedness (PHEP) Program, and the Local Public Health System, Office of Public Health Practices (OPHP) Program for the term period of September 1, 2012 through August 31, 2013.
10. 2012-R-063 A resolution expressing official intent to reimburse the Solid Waste Fund of the City with tax-exempt obligation proceeds costs associated with the construction of a disposal cell for the Laredo Municipal Landfill.

XII (b) MOTIONS

11. Authorizing the award of a contract in the amount of \$100,205.00 to The Collaborative Inc. for the development of the ADA Paratransit Plan Update. The Laredo Metropolitan Planning Organization (MPO) has budgeted \$101,238.00 for this project using Federal Planning Grant (PL 112) funds.
12. Consideration to award contract FY12-071 to the bidder meeting specifications, Caldwell Country Chevrolet, Caldwell, Texas in the amount of \$340,690.00 for the purchase of ten (10) police vehicles. These vehicles will be equipped with sirens, light bars, speakers, and prisoner cages. Funding for this purchase is available in the 2009 and 2010 Stonegarden Grants.
13. Consideration to ratify the City Manager's authorization for emergency purchase contracts issued for the materials and supplies needed for the Laredo Animal Care Facility to the following vendors:
 - 1) Maverick Fence Company, Laredo, Texas in the amount of \$61,955.00 for the purchase and installation of chain link fencing and related materials, and
 - 2) Big Ass Fans Company, Lexington, Kentucky in the amount of \$56,145.00 for the purchase of Powerfoil fans
14. Consideration to authorize a contract between the City of Laredo and Leyendecker Construction for the construction of the initial phase of the Animal Care Facility and ratifying payment by the City Manager of Leyendecker Construction's first invoice in the amount of \$224,687.69. This agreement is being entered under emergency rule and as a public necessity for rabies control and prevention impoundment services and animal control responsibilities of the City of Laredo

Health Department (CLHD) as stipulated by the Public Health and Safety Code and local ordinances. Funding is available in the Capital Improvement Fund.

15. Consideration for approval to amend the contract for Antares Development Corporation in the increase up to \$56,900.00 utilizing the BuyBoard Cooperative Purchasing Program Contract 331-09 for the completion of the final step for Phase IV of the data management system. This will allow final completion of the Animal Control Services automation to include the Animal Care Facility systems operations, field operations, inspections and permitting as well the clinic laboratory record system for the term of November 1, 2011 through September 30, 2012. Funding is available through the Health Department Budget.
16. Consideration for approval of change order no. 3 in the amount of \$67,718.96 and additional thirty (30) working days to Zertuche Construction L.L.C., Laredo, Texas, for Santa Rita Park Drainage Improvements Project. This change order will provide erosion control protection measures at the southwest corner of the parking lot. The replacement of 10' wide asphalt trail as per original design by 10' wide concrete sidewalk has issued a credit to this change order. For this change order, 75% (\$50,789.22) of the total amount will be funded through FEMA reimbursement funds in the Capital Improvement Fund and 25% (\$16,929.74) will be funded from District III discretionary funds.
17. Consideration for approval of change order no. 1 in the amount of \$150,351.43 to Chavarria's Plumbing, Inc., Laredo, Texas, for the House to Line Connections for Rancho Peñitas West, Los Minerales, Los Minerales Annex and Antonio Santos. This change order increases the number of dwellings from 178 to 226 and also adds an additional seventeen (17) working days to the contract. The total revised contract amount is \$1,653,863.98 and is subject to approval from North American Development Bank (NADBank). Funding is available in the Colonias Fund.
18. Consideration for acceptance, release of retainage in the amount of \$24,375.75 and final payment of \$38,273.75 to QroMex Construction Co. Inc., for US 83-Lope De Vega Project.
19. Consideration to award supply contract FY12-069 to the following bidders:
 - 1) Section I to HD Supply Waterworks, Brownsville, TX in the amount of \$350,000.00
 - 2) Section II to Ferguson Waterworks, Newport News, VA in the amount of \$250,000.00for the purchase of compression brass fittings and mechanical joint iron fittings for the Utilities Department. These materials are purchased on an as needed basis by the Utilities Department-Water Operations for the construction and repair projects. Funding is available in the Utilities Department Fund.
20. Consideration to award contract number FY12-082 for the purchase of assorted rebar, wire mesh, keyway and stakes to the following low bidders:

1) RNR Rebars, Laredo, Texas in the estimated amount of \$60,000; and

2) Beaver Source, LLC, Laredo, Texas in the estimated amount of \$30,000.00. These materials will be purchased on an as needed basis by the Public Works, Utilities, and Parks and Leisure Service Departments for construction and repair projects. Funding is available in the respective departmental budgets.

21. Consideration to authorize a contract with Park Place Recreation Designs, Inc. through the Buyboard Cooperative Purchasing Agreement Program's contract pricing, in the total amount of \$52,046.31 for the purchase and installation of fitness equipment and plat structure at Christopher M. Macdonell Elementary School. Funding is available in the 2012 C.O. Bond 466-9822-535-5170.
22. Consideration to authorize a contract with Kraftsman Commercial Playgrounds through the Buyboard Cooperative Purchasing Agreement Program's contract pricing, in the total amount of \$178,813.54 for the purchase and installation of a play structure at Uni-Trade Stadium. Funding is available in the 2012 C.O. Bond 466-9822-535-4752
23. Consideration for approval of the 5th Industrial Street Project (CSJ: 0922-33-138) with Zertuche Construction, LLC, Laredo, Texas, as complete and approval of a Change Order No. 2, a decrease of \$9,462.80 for the balance of quantities actually constructed in place. Also, approval of \$132,600.00 of liquidated damages (156 Working Days at \$850.00 per day); approval of release of final payment and retainage in the amount of \$161,734.27, and approval of a net final payment in the amount of \$29,134.27 which is (\$161,734.27 - \$132,600.00). Final Construction Contract amount is \$2,430,585.70. Funding is available in the Capital Grants Fund.
24. Consideration for approval of change order no. 2, an increase of \$16,246.75 to the construction contract with Reim Construction, Inc., Mission, Texas, for the Canal Street Drainage Improvements, Phase III for additional water, sanitary sewer and storm drainage improvements as requested by City Staff and to add three (3) working days to the construction contract time. Current construction contract amount with this change order is \$750,089.90. Current construction contract time with this change order is two hundred and nine (209) working days. Completion date for the project is scheduled for January 2013. Funding is available in the HMGP (Hazard Mitigation Grant Program) from the Texas Governor's Division of Emergency Management (DEM), the Utilities 2011 Revenue Bond and the 2008 C.O. Bond.
25. Approving the submission of the 2012 Consolidated One-Year Action Plan to the U.S. Department of Housing and Urban Development (HUD) in request for funding through 38th Action Year Community Development Block Grant (CDBG) funds of \$3,347,669 and \$98,540 in CDBG Program Income for a total of \$3,446,209; \$879,662 in 2012 HOME Investment Partnerships Program (HOME) funds, and \$20,052 in HOME Program Income for a total of \$899,714; \$284,955 in

2012 Emergency Solutions Grants Program (ESG) funds; and \$60,000 through the Housing Rehabilitation Revolving Loan fund, and authorizing the City Manager to execute all documents as a result of the Plan’s submission. The Action Plan identifies the projects proposed to be funded by HUD through entitlement program funds and anticipated program income, which are as follows:

38th AY Community Development Block Grant

Community Development Administration	\$665,328
Graffiti Removal Program	\$42,977
Code Enforcement	\$506,059
Housing Rehabilitation Administration	\$267,520
Housing Rehabilitation Loan Program (\$98,540 in Program Income)	\$450,000
Hamilton Hotel - Section 108 Loan Repayment	\$99,737
Slaughter Park Improvements	\$606,252
St. Vincent de Paul Section 202 Housing Improvements	\$282,084
Median Beautification Dist V	\$ 62,084
Farias Recreation Center Boxing Gym	\$404,168
Demolition of Substandard Structures	<u>\$60,000</u>
Total	\$3,446,209

Housing Rehabilitation Revolving Loan Program	\$17,150
Housing Rehabilitation Revolving Loan Administration	<u>\$42,850</u>
Total	\$60,000

HOME Investment Partnership Grant

HOME Program Administration	\$66,634
Downpayment Assistance (\$20,052 in Program Income)	\$339,798
Tenant-Based Rental Assistance	\$361,332
15% CHDO Set-Aside	<u>\$131,950</u>
Total	\$899,714

Emergency Solutions Grants Program

ESG Program Administration	\$21,371
Homeless Prevention	\$30,192
Rapid Re-Housing	\$62,419
Operations	\$85,593
Essential Services-Shelter	\$44,028
Essential Services – Outreach	\$33,486
Homeless Management Information System (HMIS)	<u>\$7,866</u>
Total	\$284,955

26. Award of construction contract to the lowest bidder Anderson Columbia Co., Inc., Weslaco, Texas, in the amount of \$8,158,342.00 for the Laredo International Airport Taxiway Construction and General Aviation Apron Reconstruction Phase 7 with a construction contract time of three hundred sixty-five (365) 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 September 2013. Funding is available in the Airport Construction Fund FAA Grant No. 70.

27. Consideration for approval of amendment no. 1, an increase of \$366,564.54 to the professional services contract with URS Corporation, Dallas, Texas, for construction phase services including resident project representative for the Taxiway F Realignment and General Aviation Apron Reconstruction Phase 7 at the Laredo International Airport. Current engineering contract amount with this amendment is \$752,757.95. Funding is available in the Airport Construction Fund FAA Grant No. 70.

END OF CONSENT AGENDA

XIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

28. A. Request by Council Member Mike Garza

1. Discussion with possible action on the city's noise ordinance.

Cm. Garza asked about the raspa vendors and whether or not there were a noise ordinance that would prevent them from making too much noise at certain hours.

City Attorney Raul Casso explained that there was an existing noise ordinance that was quite lengthy and limited the times that someone with a permit could exceed 65 decibels from 7:00 am through 10:00 pm.

Cm. Garza asked that the Health and Parks Departments educate the mobile vendors about the requirements of the noise ordinance.

2. Update on the property acquisition at the South Laredo Library.

Arturo Garcia of Community Development explained that the last piece needed was approved recently by City Council and that everything had been resolved.

B. Request by Council Member Johnny Rendon

1. Status report on the installation of the Vietnam Veterans highway signs.

Traffic Director Roberto Murillo reported that TxDOT had issued a work order to install two signs on Highway 83. He explained that TxDOT would pay for the installation while the City of Laredo would pay for the design.

Cm. Rendon asked that staff would seek approval for two additional signs.

2. Status report on the Lower Zacate Creek Channel project.

Environmental Services Director Riazul Mia showed a map and stated that the McPherson bridge should be open by next week. He added that the project

would be finished by December of this year. He concluded that they were currently on schedule.

C. Request by Council Member Charlie San Miguel

1. Status report with possible action concerning low water pressure at the Woodland and Village Heights Subdivision.

Utilities Director Tomas Rodriguez explained that they went back in history and found that they had put a little booster station at the northwest corner of the wastewater plant because that area had about fifteen homes at that time. He added that when the improvements were made to the elevated tank at McPherson and the former United High School, a few check valves were found and the guts removed. He added that they opened another line on Shiloh.

2. Discussion with possible action regarding the flooding due to excessive rain on Friday, July 27, 2012 with a presentation by Risk Management as to the extent of the damage to personal and public property with the intent of declaring the City of Laredo a disaster zone (Co-Sponsored by Mayor Pro-Tempore Cindy Liendo Espinoza).

Cynthia Gutierrez showed pictures and a video of their experience with the flooding. She added that they lost everything and that the homeowners' insurance policy would not cover their losses.

Gerardo and Elodia Rodriguez and Sergeant Baker and his wife also spoke of their losses and lack of compensation by their insurance companies.

Javier Rivera mentioned how they were affected when the block fence broke and his children had to be rescued from inside his home.

Jose Alejandro with the Texas Department of Public Safety Emergency Management explained that the homes affected by this flooding event did not meet the criteria to receive assistance from FEMA or the Small Business Administration.

Doug Alfaro explained that the affected homeowners could look for coverage on certain losses and that they should demand an inspector to come and see the damage to make an estimate. He advised that no one should accept a telephone denial but instead should ask for everything in writing. He added that any damaged property above the waterline should be covered, including the roof. He concluded that every dollar of this loss would qualify as a deduction from next year's taxes.

Laura Peña showed a map with drainage areas and explained how the water runs downhill in that area.

3. Discussion with possible action requiring homes within 150 feet of a storm drain to be elevated 30 inches above the curb.

Cm. San Miguel said that he wanted to get feedback from different organizations like the Laredo Builders Association.

Environmental Director Riazul Mia thought that this requirement would help.

D. Request by Council Member Jorge A. Vera

1. Discussion with possible action on the construction of two (2) additional tennis courts at Fr. McNaboe Park.

City Engineer Rogelio Rivera stated that Requests for Qualifications should be received for this project by the end of the week.

Cm. Vera felt that the project should be design-build.

Motion to make the construction of two additional tennis courts at Father McNaboe Park a design-build project.

Moved: Cm. Vera

Second: Cm. Rendon

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

2. Discussion with possible action regarding installation of one speed hump on Red Cloud Street and two speed humps by St. Jude Church.

Cm. Vera directed the Traffic Department to do studies on the areas of Red Cloud Street and St. Jude Church.

3. Discussion with possible action on the tractor trailer parking lot to be located on city owned property near the La Bota Water Tower on Mines Road and Killam Industrial Boulevard.

Motion to table.

Moved: Cm. Vera

Second: Cm. Rangel

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

4. Discussion with possible action on regulating the sale of metals to area scrap yards (e.g. requiring proof of ID). (Co-sponsored by Councilman Mike Garza)

Cm. Vera said that metals such a copper were being stolen and thought that they should enforce a proof of ID or require addresses to be provided by the sellers to the scrap yards.

City Attorney Raul Casso explained that these requirements were already covered in the Texas Penal Code.

Acting Police Chief Gilberto Navarro stated that this offense also fell under the occupations code. He felt that the city should work on an ordinance to regulate these sales at a local level.

Motion to direct staff to create an ordinance based on the Texas Penal Code requirements for the sale of scrap metal to local scrap yards.

Moved: Cm. Vera

Second: Cm. Rangel

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

E. Request by Mayor Pro-Tempore Cynthia Liendo Espinoza

1. Discussion with possible action on installing a permanent speed radar display unit on Lafayette street.

Mayor Pro Tem Liendo Espinoza said that she had already discussed this matter with Traffic Director Roberto Murillo and that this radar display would be purchased using discretionary funds.

2. Discussion with possible action on the recent report of Allegiant Air flight delays.

Airport Director Jose Flores explained that recently a minor mechanical problem had been found on an Allegiant aircraft, which was why the flight was delayed. He added that often weather in Houston delays flights in and out of Laredo. He concluded that for pilots, safety was paramount.

XIV. STAFF REPORTS

29. Presentation by Andrea McWilliams of McWilliams Governmental Affairs Consultants regarding key legislative issues for the 83rd Legislature Session of the State of Texas.

Andrea McWilliams of McWilliams Governmental Affairs Consultants gave the following presentation:

Key Legislative Dates

- Tuesday, November 6, 2012 - General Election.
- Monday, November 12, 2012 - Pre-filing of legislation for the 83rd Legislature begins.
- Tuesday, January 8, 2013 (1st day) - 83rd Legislature convenes at noon.

- Friday, March 8, 2013 (60th day) - Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by the governor.
- Monday, May 27, 2013 (140th day) - Last day of 83rd Regular Session.
- Sunday, June 16, 2013 (20th day following final adjournment) - Last day governor can sign or veto bills passed during the regular legislative session.
- Monday, August 26, 2013 (91st day following final adjournment) - Date that bills without specific effective dates (that could not be effective immediately) become law.

Current Texas Legislative Make Up

Texas Senate: 31 Senators

Republicans: 19

Democrats: 12

Texas House: 150 Representatives

Republicans: 102

Democrats: 48

82nd Legislative Session

- Ended with a \$80.6 billion General Revenue base budget for FY 2012-13 passed out of the last legislative session on June 24, 2011.
- Estimated \$6 billion was left in the Rainy Day Fund after fierce debate.
- Budget addressed the \$27 billion shortfall through budget cuts rather than tax increases.
- Legislators left a nearly \$5 billion unpaid tab for Medicaid, which they planned to cover in 2013 with any unexpected revenue or the Rainy Day Fund.
- The funding ignores the likely growth of enrollment in Medicaid.

83rd Legislative Session

- 83rd Appropriations bill, SB1 will originate from the Senate.
- Budget deficit initially estimated to be \$10 to \$15 billion.
- However, Comptroller Combs publically reported this July that Texas was estimated to collect at least \$5 billion more than was budgeted for the 2012-13 cycle.
- This additional money could mitigate some of the cuts that legislators made to Medicaid.
- Significant due to increased Medicaid costs ranging from \$12 to \$16 billion.
- Rainy Day Fund spending will likely range from \$4 to \$8 billion.

State Agency Budget Cuts

- Announced June 5, 2012.
- The Governor's Office and Legislative Budget Board (LBB) directed state agencies to develop their legislative appropriations requests for the 2014-2015 biennial budget, including identifying 10 percent savings (in five percent increments) in GR related funding.
- Requests must be submitted to the Governor's Office and LBB by the end of August.

House Border & Intergovernmental Affairs Committee
(Members in RED are resigning or otherwise not returning)

- Rep. Veronica Gonzales (D – McAllen), Chair
- Rep. Randy Weber (R – Pearland), Vice Chair
- Rep. Roberto Alonzo (D – Dallas)
- Rep. Jessica Farrar (D – Houston)
- Rep. Larry Gonzales (R – Round Rock)
- Rep. Rick Hardcastle (R – Vernon)
- Rep. Larry Phillips (R – Sherman)
- Rep. Debbie Riddle (R – Tomball)
- Rep. David Simpson (R – Longview)

House Homeland Security & Public Safety Committee
(Members in RED are resigning or otherwise not returning)

- Rep. Sid Miller (R – Stephenville), Chair
- Rep. Allen Fletcher (R – Houston), Vice-Chair
- Rep. Marva Beck (R – Centerville)
- Rep. Lon Burnam (D – Fort Worth)
- Rep. Joe Driver (R – Garland)
- Rep. Dan Flynn (R – Canton)
- Rep. Barbara Mallory Caraway (D – Dallas)
- Rep. Aaron Peña (R – Edinburg)
- Rep. Armando Walle (D – Houston)

Senate Transportation & Homeland Security Committee
(Members in RED are resigning or otherwise not returning)

- Sen. Tommy Williams (R – The Woodlands), Chair
- Sen. Kirk Watson (D – Austin), Vice Chair
- Sen. Wendy Davis (D – Fort Worth) (Faces Republican Mark Shelton in general election)
- Sen. Rodney Ellis (D – Houston)
- Sen. Chris Harris (R – Arlington)
- Sen. Juan “Chuy” Hinojosa (D – McAllen)
- Sen. Robert Nichols (R – Jacksonville)
- Sen. Florence Shapiro (R – Plano)
- Sen. Jeff Wentworth (R – San Antonio)

Laredo Legislative Agenda
Environmental Priority

- Priority: Tire remediation.
 - SB 615 filed last session by Sen. José Rodríguez (D – El Paso).
 - Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable and to the regulation of scrap tires; providing civil penalties.
 - Bill died when left pending on House General State Calendar.
 - HB 405 filed last session by Rep. Chente Quintanilla (D – Tornillo).

- Relating to the storage, transportation, and disposal of tires; providing criminal penalties.
- Bill died when it failed to be reported out of the House Calendars Committee.

Health Priorities

- Priority: Supplemental Nutrition Assistance Program (“SNAP”) - Prohibit unhealthy food and beverages from being purchased.
 - HB 1151 filed last session by Rep. Richard Raymond (D – Laredo).
 - Relating to prohibiting the purchase of certain food items under SNAP.
 - Bill died when it failed to be reported out of the House Calendars Committee.
- Priority: Additional funds for laboratory, food safety, epidemiology, and tuberculosis.
 - Texas Department of State Health Services (“DSHS”) was allocated roughly \$41 million for FY 2012/13 in Appropriations bill passed by the Legislature last session for purpose of “Infectious Disease Prevention, Epidemiology, and Surveillance.”
 - DSHS was also directed to pursue reimbursement in cases where funding is available from county governments for tuberculosis services provided to new county indigent patients served at the Texas Center for Infectious Disease Services and Billing.
 - Dr. David Lakey, DSHS Commissioner, indicated last session that he was meeting with the federal Centers for Disease Control. He believed their methodology would be changed to make Laredo and the Texas border a greater funding priority.
- Priority: Protect immunization funding for the border.
 - DSHS General Revenue (“GR”) Dedicated Childhood Immunization Account No. 5125 provides funding per fiscal year of the biennium specifically dedicated for Childhood Immunizations:
 - FY 2012: \$144,807
 - FY 2013: \$144,807
 - Specific amounts of funding for particular regions in the state, including the border region, were not indicated in the budget.
- Legislative Appropriations Requests.
 - DSHS: August 16, 2012
 - Health and Human Services Commission: August 23, 2012

Changes at the Texas Health and Human Services Commission

- Serving since 2009, HHSC Commissioner Tom Suehs is retiring at the end of August.
- Gov. Rick Perry (R) has appointed Dr. Kyle Janek of Austin as the agency’s new executive commissioner effective Sept. 1, 2012.

Transit and Transportation Priorities

- Priority: Bus and facility capital funding.

- Laredo's goal is to obtain state GR funding for bus and bus facility capital purchases.
- Attaching a budget rider to Texas Department of Transportation ("TxDOT") budget requesting this specific appropriation would be the optimal legislative strategy.
- Priority: Eliminate state sales tax cap for transit.
 - Texas statute provides that transit jurisdictions may impose sales and use taxes at rates ranging from 0.25 percent up to 1 percent.
 - Laredo will therefore need a statutory change in order to eliminate the cap.
- Priority: Texas Alcoholic Beverage Commission ("TABC") requirements regarding the sale of alcoholic beverages at drive-thrus.
 - Would require an adjustment of TABC regulations, taking into account both current licensing rules as well as open container laws.
- Priority: Funding for grade separations on Loop 20.
 - Attaching a budget rider to the TxDOT budget requesting this specific appropriation would again be the best legislative strategy.
- Priority: More city involvement with TxDOT in the planning phase of projects that the City will be contributing to financially.
- Legislative Appropriations Requests.
 - TxDOT: August 30, 2012

Changes at the Texas Department of Transportation

- Phil Wilson appointed TxDOT Executive Director on Oct. 17, 2011.
- Director Wilson appointed Melisa D. Montemayor, as District Administrator for the TxDOT Laredo district effective March 19, 2012.
 - She will oversee planning, design, construction, maintenance, and transportation operations in Dimmit, Duval, Kinney, La Salle, Maverick, Val Verde, Webb, and Zavala counties.

Public Safety Priorities

- Priority: Change threat vs. population based on funding formulas.
 - U.S. Department of Homeland Security ("DHS") administers the grants that contain the funding formulas in need of change.
- Priority: Funding for regional emergency operations centers.
 - DHS would again be the target agency, but seeking support from the Texas Department of Public Safety ("DPS") and Texas Legislature would also be valuable.
- Priority: Cash for Gold.
 - HB 3502 filed last session by Rep. Raymond.
 - Relating to the regulation of crafted precious metal dealers and dealerships; providing a criminal penalty. Coin operated machines business.
 - Bill died when failed to be placed on a House calendar.
 - Similar companion bill filed last session – SB 1450, Sen. Judith Zaffirini (D – Laredo).
 - Bill passed the Senate but died when it failed to be placed on a House calendar.

- Priority: Coin operated machine businesses.
 - HB 594 filed last session by Rep. Raymond.
 - Relating to the information reported to the comptroller by a coin-operated machine license holder, the penalty for failure to report that information, and the penalty for gambling promotion.
 - Bill died when left pending in House Licensing & Administrative Procedures Committee.
 - HB 1183 filed last session by Rep. Raymond and Rep. Ryan Guillen (D – Rio Grande City).
 - Relating to local option elections to legalize or prohibit the operation of eight-liners and the imposition of a fee on eight-liner owners; providing penalties).
 - Bill died when left pending in the House Licensing & Administrative Procedures Committee.
 - Identical Companion, SB 1245, by Sen. Zaffirini, died with left pending in the Senate State Affairs Committee.
- Priority: Southbound inspections at checkpoints.
 - HB 48 filed last session by Rep. Aaron Peña(R-Edinburg).
 - Relating to authorizing the Department of Public Safety to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.
 - Bill died when it failed to be placed on the House Calendar.
 - Identical Companion SB 288 by Sen. Eddie Lucio (D – Brownsville), also died when it failed to be placed on the House Calendar.
 - Similar Companion SB 294 filed last session by Sen. Chuy Hinojosa (D – McAllen).
 - Relating to authorizing the Texas Department of Public Safety and the Texas Alcoholic Beverage Commission to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.
 - Bill died when left pending in Senate Transportation & Homeland Security Committee.

Other Issues

- Priority: Colonias.
 - SB 1816 filed last session by Sen. Zaffirini.
 - Relating to county and municipal land development regulation.
 - Bill’s purpose was to implement recommendations of the legislatively created colonia task force.
 - House and Senate both passed their own versions of the bill, but could not agree on the final version and thus the bill died late in the session.

- Identical companion bill - HB 2803 filed last session by Rep. Raymond.
 - Bill died when failed to be passed out of the House Land & Resource Management Committee.
 - HB 1604 filed last session by Rep. Raymond and Rep. Guillen.
 - Relating to the regulation of land development, including county building code standards for new residential construction, and sales in certain counties and municipalities; providing penalties.
 - The bill was specifically focused on how the above issues pertain to colonias and economic development along the border.
 - The bill was passed in the House but died when it failed to be placed on a Senate calendar.
 - Priority: Video lottery games.
 - SB 1118 filed last session by Sen. Hinojosa and Sen. Jeff Wentworth (R-San Antonio).
 - Relating to the operation of video lottery games by licensed horse and greyhound racetrack operators, to a defense for the operation of video lottery by Indian tribes, to the authority of the Texas Lottery Commission and the Texas Racing Commission, and to the conduct of gambling in this state; providing penalties.
 - Bill died when it failed to be passed out of the Senate State Affairs Committee.
 - Identical companion bill - HB 2111 filed last session by Rep. Beverly Woolley (R-Houston).
 - Bill died when failed to be passed out of the House Licensing and Administrative Procedures Committee.
 - Priority: Conversion of sports venue tax.
 - HB 3438 filed last session by Rep. Raymond.
 - Relating to an election to authorize a sales and use tax adopted by certain municipalities to finance sports and community venues to be used for economic development purposes).
 - Bill died when it failed to be passed out of the House Ways & Means Committee.

30. Presentation by Parks and Leisure Department on the 15th Annual Fishing Derby held at Lake Casa Blanca on July 28, 2012.

Parks Director Osbaldo Guzman showed a video of the fishing derby. He also invited the public to Father McNaboe Park for a Back to School Bash on Saturday, August 11th from 8:00 am to 12:00 noon.

XV. EXECUTIVE SESSION

None.

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

Motion to recess as the Laredo City Council and convene as the Laredo Mass Transit Board.

Moved: Cm. Rangel

Second: Cm. Vera

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

31. Consideration for approval of the El Metro ADA Sidewalks and Ramps Project No. 50 (5 Blocks-District II) as complete, release of retainage and approval of final payment in the amount of \$13,413.47 to ALC Construction, Inc., Laredo, Texas. Final construction contract amount is \$40,336.20. Funding is available in the Transit New Freedom Grant XF7094.

Motion to approve.

Moved: Cm. Rangel

Second: Cm. Vera

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

32. Award of construction contract to the lowest bidder, ALC Construction, Inc., Laredo, Texas, in the base bid amount of \$29,899.85 for the El Metro ADA Sidewalks and Ramps Project No. 51 (5 blocks-District III) with a construction contract time of fifty (50) working 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 October 19, 2012. Funding is available in the Transit New Freedom Grant XF7094.

Motion to approve.

Moved: Cm. Rangel

Second: Cm. Vera

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

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

Motion to adjourn as the Laredo Mass Transit Board and reconvene as the Laredo City Council and adjourn.

Moved: Cm. Rangel

Second: Cm. Vera

For: 6

Against: 0

Abstain: 0

Cm. Garza and Cm. Perez were not present.

I, Gustavo Guevara, Jr., City Secretary, do hereby certify that the above and foregoing is a true and correct copy of the minutes contained in pages 01 to 23 and they are true, complete, and correct proceedings of the City Council meeting held on August 6, 2012.

Gustavo Guevara, Jr.
City Secretary