

**CITY OF LAREDO  
CITY COUNCIL MEETING  
M2009-R-03  
CITY COUNCIL CHAMBERS  
1110 HOUSTON STREET  
LAREDO, TEXAS 78040  
FEBRUARY 17, 2009  
5:30 P.M.**

**I. CALL TO ORDER**

With a quorum present Mayor Raul G. Salinas called the meeting to order.

**II. PLEDGE OF ALLEGIANCE**

Mayor Raul G. Salinas led in the Pledge of Allegiance.

**III. ROLL CALL**

In attendance:

Raul G. Salinas,  
Mike Garza,  
Hector Garcia,  
Michael Landeck,  
Juan Narvaez,  
Johnny Rendon,  
Gene Belmares,  
Jose Valdez, Jr.,  
Cynthia Liendo Espinoza,  
Gustavo Guevara, Jr.,  
Carlos Villarreal,  
Cynthia Collazo,  
Horacio De Leon,  
Jesus Olivares,  
Raul Casso,

Mayor  
Council Member, District I  
Council Member, District II  
Council Member, District III  
Council Member, District IV  
Council Member, District V  
Council Member, District VI  
Mayor Pro Tem, District VII  
Council Member, District VIII  
City Secretary  
City Manager  
Deputy City Manager  
Assistant City Manager  
Assistant City Manager  
City Attorney

**IV. MINUTES**

Approval of the minutes of February 2, 2009.

Motion to approve.

Moved: Cm. Rendon  
Second: Cm. Narvaez  
For: 8

Against: 0

Abstain: 0

**V. COMMUNICATIONS AND RECOGNITIONS**

**Recognitions**

Recognition of Luis J. Landin for his six (6) years of faithful and devoted service to the Fire Fighters’ and Police Officers’ Civil Service Commission.

Mr. Landin was not present.

**Communiqués**

Presentation of the 2008-2009 Sister Cities Youth Committee.

Sergio Moreno, President, spoke on committee dedication, services and activities of the committee.

**Citizen comments**

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

a. Appointments by Mayor Raul G. Salinas to the Laredo Youth Blue Ribbon Committee:

Andrew Alexander	Alexander High School
Pearl Zamora	Alexander High School
Priscilla Cisneros	Cigarroa High School
Edgar R. Martinez II	Cigarroa High School
Albert Torres	Martin High School
Iris Santos	Martin High School
Adrian Ovalle	LBJ High School
Alexy Gallegos	LBJ High School
Oscar Cortez	Nixon High School
Araceli Rodman	Nixon High School
Luz Rodriguez	United High School
Natalie Quiroz	United High School
Sergio J. Moreno	United South High School
Reynaldo Diaz	United South High School

Motion to approve.

Moved: Mayor Pro Tempore Valdez

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

b. Appointment by Council Member Dr. Michael Landeck of Fred Villarreal to the Planning and Zoning Commission.

Motion to approve.

Moved: Cm. Garza

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

## VII. PUBLIC HEARINGS

1. Public hearing and introductory ordinance authorizing the City Manager to amend the City of Laredo Fiscal Year 2008-2009 Full Time equivalent positions by reclassifying one (1) Firefighter to the position of one (1) District Chief to initiate a Full Time Emergency Medical Service Coordinator in the Laredo Fire Department Emergency Medical Services Division. Funding for this position is available in the Fire Department operating budget in the estimated amount of \$27,792.00. Approved by City Council Finance Committee.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Mayor Pro Tempore Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

2. Public hearing and introductory ordinance amending the City of Laredo Health Department Fiscal Year 2008-2009 annual budget by appropriating revenues and expenditures in the amount of \$70,000.00 from the Texas Commission on Environmental Quality-Amendment No. 3 (TCEQ) to continue to operate and maintain three (3) air monitoring stations (CAMS) by the Health Department for the term period beginning September 1, 2009 through August 31, 2010.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

3. Public hearing and introductory ordinance amending the City of Health Department

Fiscal Year 2008-2009 annual budget by increasing revenues and expenditures by \$4,451.00 for a total award amount of \$83,700.00 from the South Texas Development Council (STDC) for continuation of the Health Department's Housing Opportunities for Persons with AIDS Project (HOPWA), term from February 1, 2009 through January 31, 2010 and authorizing the City Manager to execute the contract.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Rendon

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

4. Public hearing and introductory ordinance amending the Fiscal Year 2008-2009 Capital Improvement Project Fund by appropriating revenues and expenditures in the amount of \$12,275.00. Funds are provided by the Scottsdale Insurance Company for the full and final release of all claims resulting from water damage to Fire Station Number #3. Funds will be used to pay Kiva Building & Design, Inc., for the repair of the damaged structure, and the other funds will be used to replace mattresses, a server, and the set up of the server.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Rendon

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

5. Public hearing and introductory ordinance amending the City of Laredo Health Department FY2008-09 budget by appropriating revenues and expenditures in the amount of \$28,180.00 of additional funds through a Memorandum of Understanding

between City of Laredo Health Department and the Consulate General of Mexico in Laredo “Ventanilla de Salud” Program. The Department will provide through contractual services bicultural healthcare education, advocacy and assistance in enrollment of Latinos of Mexican origin to U.S. Federal, State, and local public health services programs available. The term period is from January 1, 2009 through January 31, 2010; authorizing the City Manager to execute the MOU. Approved by City Council Finance Committee.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

6. Public hearing and introductory ordinance amending Ordinance #2008-O-154 in order to accept a supplemental grant in the amount of \$34,995.00 from the Texas Automobile Theft Prevention Authority and to amend the City of Laredo FY 2008-2009 Annual Budget in the amount of \$34,995.00. This supplemental grant of \$34,995.00 is 100% funded at no cost to the City. The 2008-2009 Texas Burglary and Automobile Theft Prevention Authority Grant funding for the Laredo Autotheft Task Force will now total \$380,995.00. The funding period for this grant is from September 1, 2008 through August 31, 2009. Approved by City Council Finance Committee.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Mayor Pro Tempore Valdez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Rendon

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

7. Public hearing and introductory ordinance authorizing the City Manager to accept a

grant from the State of Texas Governor's Office and to amend the City of Laredo FY 2008-2009 Annual Budget in the amount \$225,000.00. The grant is for overtime and fringe benefits for Laredo Police Officers working under the Texas Gang Initiative Grant Program. The grant is to be 100% funded by the State of Texas Governor's Office for the period of November 1, 2008 through August 31, 2009 at no cost to the City. Approved by City Council Finance Committee.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Rendon

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

8. Public hearing and introductory ordinance amending the City of Laredo Fiscal Year 2008-2009 Solid Waste Fund to accept Grant Funds from South Texas Development Council in the amount of \$74,991.25 with no matching funds and to amend by appropriating said funds. Funds will be used to purchase a wood chipper that will mulch branches on city streets. This will compact trees into bulk material that is relatively easier to handle and transport. Approved by City Council Finance Committee.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

9. Public hearing and introductory ordinance amending the City of Laredo FY 2008-2009 Waterworks Fund Annual Budget by appropriating an additional \$1,624,856.00 under Waterworks operations and drawing down the Restricted for Capital Improvements Fund to cover the cost of the project between the City of Laredo and the Texas Engineering

Experiment Station (TEES) for the purpose of developing technology in order to desalinate brackish water. This funding is being used from the United Water Settlement. Approved by the City Council Operations Committee.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Narvaez

For: 7

Against: 1

Abstain: 0

Cm. Valdez

Ordinance Introduction: City Council

10. Public hearing and introductory ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a parking lot on Lots 1, 2, and 3, Block 1475, Eastern Division, located at 2503 Ligarde Street. The Planning and Zoning Commission has recommended approval of the Conditional Use Permit. District II

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Rendon

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Garcia

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Garcia

11. Public hearing and introductory ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for the storage of flammable and explosive products on Lots 1 and 2, Block 1, Clark's Crossing II, located at 3419 Clark Boulevard and 2210 Clark's Crossing Drive. The Planning and Zoning Commission has recommended approval of the Special Use Permit. District II

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

Pat Alexander spoke in support of the requested zone change.

Motion to close the public hearing and introduce.

Moved: Cm. Garcia

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Garcia

12. Public hearing and introductory ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for oil and/or gas extraction and drilling permit for a well on 2.11 acres, as further described by metes and bounds in attached Exhibit "A," located west of US Highway 83 and approximately 1,761 feet north of San Rio Boulevard. The Planning and Zoning Commission has recommended approval of the Special Use Permit. District III

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Landeck

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Landeck

13. Public hearing and introductory ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 145.41 acres, as further described by metes and bounds in attached Exhibit "A", located west of Trade Center Boulevard and approximately 600 feet north of Oriole Lane, from R-1 (Single Family Residential District) to M-1 (Light Manufacturing District). The Planning and Zoning Commission has recommended approval of the zone change. The proposed use is for light industrial purposes. District VII

Motion to open the public hearing.

Moved: Cm. Garza

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0



Cm. Rendon stated that he had a very close relationship with one of the developers and so would abstain and refrain from making any comments on this item.

Albert Muller, Sr. spoke against the zone change request. He stated that the area in question should be protected for a proposed water weir for the storage of city primary and secondary water sources and should be protected from contamination. He also mentioned that there is a thoroughfare already in line to contract the residential areas.

Myrna Montemayor stated that after reviewing the proposals, she was against the proposed zone change from R-1 to M-1. She felt that Councilman Valdez should recuse himself from voting. She stated that an M-1 designation should not be considered.

Stacy Jestes stated that she also wished that Councilman Valdez recuse himself from voting due to his direct involvement in the project during December.

Mayor Pro Tempore Valdez said he had met with Albert Muller, but that was not sufficient cause for him to recuse himself; therefore, he would not recuse himself.

Mario Dominguez, a homeowner and businessman with a warehouse, stated he was concerned with the water pollution.

John Guerra requested that council deny the approval of this land as industrial zoning.

Gerardo Salazar spoke against the M-1 zone change request. He asked that the City stick to the master plan.

Albert Olivares spoke against the zone change request.

Mrs. Ana Farias Muller stated that she could not see one person speaking for their land, that is was part of a master plan and part of a residential. They were trying to make it as easy as they could for everyone. She added that her family did not bring ITC next to La Bota; rather, Albert Muller brought it. She went on to say that they did do Interamerica Property Owners' Association, and so they are surrounded by warehouses.

Robert Muller stated that they have donated acreage to the City for some time. First, they donated acreage for a water tower located on Mines Road. Afterward, they donated a twenty-two acre site for a playground. Finally, they agreed to donate the north side of the bridge to the City although this meant that Laredo was transforming Mines Road into an industrial corridor. He added that Albert Muller developed a residential subdivision harnessed between two industrial parks; therefore, an industrial park was jammed next to his 150 acres with no access to roads and utilities except for development through ITC. Now, they were petitioning for M-1 but also offering protection for the Hummingbird residents by building a berm and greenspace area with a wildlife preserve.

Jesus Ruiz showed the buffer area on maps and commented that the superimposed track was scandalous. He added that the residents shouldn't have been right up

against the industrial area when Mr. Muller could have acted differently. He promoted both the buffer and the berm.

Judd Gilpin stated that he has been involved in issues like this for quite some time. He added that there were rules that must be followed in order to comply, and this project was clearly not a challenge to those rules and statutes. The footprint of the project lay well outside of any buffer zone required even for the Rio Grande. He went on to say that the project would have the controls and the opportunity to improve the runoff in the area to some extent. He said that the buffer provided was the only significant opportunity for the people residing there. He concluded that he strongly supported this project.

Raul Perales stated that he had known Mr. Muller for many years, and that he had been up front in prior years when the city wished to build the International Bridge. He felt that City of Laredo staff and the appointees to the Planning and Zoning Commission were appointed to do what was right. They had a qualified environmental department and engineers that could study this buffer. Planning and Zoning department had ways of working with the Traffic Department to get trucks in and out of the warehouses as quickly as possible. He concluded that emotional issues should not be included in the discussion.

Howard Ruchman stated that he was in favor of the zone change request by Robert Muller.

J. Johnson Castro stated that his job was to fulfill the mission of risk. That mission was to serve in a stewardship capacity of the entire Rio Grande watershed. This environmental issue did impact the watershed. His solution was to take a timeout until the next meeting. He invited the City to a workshop the following week at Laredo Community College on environmental assessment and impact studies. The encouragement from the Rio Grande International Studies Center was to attend the workshop and make the environment a priority.

Motion to close the public hearing and introduce.

Moved: Mayor Pro Tem Valdez

Second: Cm. Garcia

For: 6

Against: 1

Abstain: 1

Cm. Landeck

Cm. Rendon

Ordinance Introduction: Mayor Pro Tem Valdez

14. Public hearing and introductory ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 70 acres, as further described by metes and bounds in attached Exhibit "A", located west of Quivira Drive and approximately 2,766 feet west of Verde Road, from AG (Agricultural District) to M-1 (Light Manufacturing District). The Planning and Zoning Commission has recommended approval of the zone change. The proposed use is warehousing. District VII

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Mayor Pro Tem Valdez

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Mayor Pro Tem Valdez

14. Public hearing and introductory ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 3 and 4, Block 1, Villarreal-Orozco Subdivision, located at 7200 Old Santa Maria Road, from B-3 (Community Business District) to B-4 (Highway Commercial District). The Planning and Zoning Commission has recommended approval of the zone change. The proposed use is a tire repair shop. District VII

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Narvaez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Mayor Pro Tem Valdez

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Mayor Pro Tem Valdez

## **VIII. INTRODUCTORY ORDINANCES**

16. Authorizing the City Manager to grant a License Agreement by and between The City of Laredo, Texas and Alestra S. de R.L. de C.V, dated March 3, 2009 for the use of one (1) innerduct in the Juarez Lincoln Bridge and 519 linear feet of right-of-way.
  1. Term of the agreement shall be for five (5) years commencing at 12:00 am, March 3, 2009 and terminating at 12:00 pm, March 2, 2014.
  2. Annual duct fee shall be \$17,000.00 and will increase by five percent (5%) every

year the license is in place. In addition to the duct fee, Licensee shall pay a six dollar (\$6.00) linear foot right-of-way fee, and will increase by five percent (5%) every year.

Introduction Ordinance: City Council

17. Approving the grant of an easement for ten (10) years to the United States of America, by and through the U.S. Army Corps of Engineers, over 25.53 acres of City property along the Rio Grande Riverbend for the purpose of carrying out the Carrizo Cane Eradication Project on the Laredo Sector of U.S. Border Patrol; and authorizing the City Manager to execute the easement in the form and content attached as Exhibit 1, of which Exhibit A of the easement sets forth the description of the 25.53 acres, and to execute a waiver of appraisal in the form and content attached as Exhibit 2.

Introduction Ordinance: City Council

18. Amending Chapter 19 entitled "Motor Vehicles and Traffic" of the Code of Ordinances by adding a new Section 19-223 to be entitled "use of hand-held mobile telephones in school zones"; directing the city manager to erect signs in affected areas; providing for a repealing clause; providing for a severability clause; providing for a savings clause; providing for a penalty of fine not to exceed two hundred dollars (\$200.00) for each offense; and providing an effective date.

Introduction Ordinance: City Council

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

Motion to waive the final reading of Ordinances: 2009-O-012, 2009-O-013, 2009-O-014, 2009-O-015, 2009-O-016, 2009-O-017, and 2009-O-018.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

19. 2009-O-012 Authorizing the issuance of City of Laredo, Texas General Obligation Refunding Bonds, Series 2009, for the purpose of refunding General Obligation Bonds; approving an Official Statement; authorizing the execution of a Purchase Agreement and an Escrow Agreement; making provision for the security thereof; ordaining other matters relating to the subject; including delegation authority to the City Manager and authorizing amendment to the City's budget to appropriate such proceeds for purpose authorized herein.

Motion to adopt Ordinance # 2009-O-012.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

- 2009-O-013 Authorizing the City Manager to execute a budget amendment appropriating operating funds from the Federal Transit Administration Grant No. TX 90-X800 from Fiscal Year 2007-2008 in the amount of

\$187,502.00 to be used for operating expenses in Fiscal Year 2008-2009, increasing the Federal contribution from \$3,952,135.00 to \$4,139,637.00 and decreasing the sales tax match for operations from \$5,387,507.00 to \$5,200,005.00 and amending the Transit Sales Tax Fund by increasing capital outlay expenditures from \$78,000.00, to \$265,502.00.

Motion to adopt Ordinance # 2009-O-013.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

- 2009-O-014 Authorizing the City Manager to amend the Capital Improvements Budget by appropriating expenditures in the amount of \$73,500.00 in revenues generated through cash payments in lieu of parkland dedication for the construction of Cielito Lindo Park.

Motion to adopt Ordinance # 2009-O-014.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

- 2009-O-015 Amending the City of Laredo Fiscal Year 2008-2009 Airport Construction Budget to recognize additional revenues from a grant received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-55-09 in the amount of \$3,540,981.00 to rehabilitate Phase 4 of the General Aviation Apron and Acquire Land for Development 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 five (5) percent in the amount of \$186,368.00 is available through the land purchased in FY2006 (Rash Tract).

Motion to adopt Ordinance # 2009-O-015.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

- 2009-O-016 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 5, Block 1693, Eastern Division, located at 2820 Clark Boulevard, from R-3 (Mixed Residential District) to B-1 (Limited Commercial District). The Planning and Zoning Commission has recommended approval of the zone change. The proposed use is a child day care. District II

Motion to adopt Ordinance # 2009-O-016.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

2009-O-017 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 1-B and 2, Block 1, McPherson West Subdivision, and Lots 1 and 2, Block 1, McPherson West Subdivision, Unit II—Manor Plaza, located at 7210 McPherson Road, from R-O (Residential/Office District) to B-3 (Community Business District). The Planning and Zoning Commission has recommended approval of the zone change.

Motion to adopt Ordinance # 2009-O-017.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

2009-O-018 Abandoning that 0.2559 acre tract which is the west 27.50 feet of a 65.00 feet wide drainage easement dedicated in the C&H Plat, [single 6.4386 acre parcel referred to as Lot 1, Block 1 in the plat], recorded in Volume 8 Page 48, plat records, Webb County, Texas; directing issuance of a release of that 0.2559 acre tract from the drainage easement; and providing for an effective date.

Motion to adopt Ordinance # 2009-O-018.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

## **X. MOTIONS**

20. Authorizing the City Manager to reimburse Laredo Arena Operating, LP, a sum having a net value of \$53,780.00 for the following assets and liabilities that the City retained in order to prevent the interruption of the operations of the Laredo Entertainment Center following the termination of the operating agreement between the City of Laredo and Arena Ventures, LLC: Assets - Petty Cash, Change Funds, Prepaid Expenses and Taxes, Food and Beverage Inventory and Operational Inventory; Liabilities - Concert Settlements and Advance Ticket Sales. Approved by City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

21. Consideration for approval of change order no. 1 an increase of \$1,396.64 for the balance of quantities actually constructed in place, acceptance of the Storm Sewer Pipe Replacement along Santa Rita from Farragut to Matamoros and approval of final payment in the amount of \$222,132.00 to MTZ construction, Inc., Laredo, Texas. Final construction contract amount is \$222,132.00. Funding is available in the 2007 C.O. Issue. Approved by City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

22. Consideration for approval of the selection of consultant Mactec Engineering and Consulting, Inc., Laredo Field Office, for the Ejido Avenue Extension (San Nicolas to Cielito Lindo) and approval to award a professional services contract for an amount of \$330,627.00 for design and preparation of plans and specifications. Funding is available in the 2007 Contractual Obligation Bond Proceeds and the 2008 Utility Bond. Approved by City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

23. Consideration for approval of change order no. 2 a decrease of \$12,655.00 for the balance of quantities actually constructed in place, release of retainage, acceptance of the Rancho Viejo Drive Culvert Drainage Improvements and approval of final payment in the amount of \$27,628.52 to Closner Construction Company, LC, Laredo, Texas. Final construction contract amount is \$431,920.25. Funding is available in the 2007 C.O. Rancho Viejo Culvert Drainage. Approved by City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

24. Authorizing the City Manager to execute the agreed order docket number 2008-1807-PWS-E and thus entering into the agreed resolution with TCEQ of the 2002-2005 violations established in this order inclusive of the completion of the agreed upon supplemental environmental project not to exceed the amount of \$48,747.00. Funding for the Supplemental Environmental Project is available under the Waterworks Operating Construction Fund. Approved by the City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

25. Consideration for approval of change order #2 to CG Construction, Inc. DBA CC Construction Laredo, Texas in the estimated amount of \$18,469.17 for the relocation of the McPherson lift station (re-bid). This change order consists in the re-alignment of the proposed 16" sanitary sewer force main due to conflicts with the construction

encroachment of a building on one of the lots for the existing Alexander Commercial Subdivision Phase I. The construction time is extended for an additional 60 calendar days. The revised contract amount is \$1,577,773.61. Funding is available in the 2006 Sewer Revenue Bond. Approved by the City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

26. Consideration to authorize a contract with T.F. Harper & Associates LP, through the BuyBoard Cooperative Purchasing Program's contract pricing, in the total amount not to exceed \$176,000.00 for the design/build of a steel basketball shade structure at Andy Ramos Park. Funding is available through 34th action year, 2008 Community Development Block Grant funds. Approved by the City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

27. Consideration to authorize the purchase and installation of a synthetic track surface from T. F. Harper and Associates of Austin, Texas through the BuyBoard Cooperative Purchasing Program's contract pricing in an amount not to exceed \$64,758.00 for installation at the perimeter sidewalk area around Santa Maria Elementary. Funding for this purchase has been made available through District VIII discretionary funds. Approved by City Council Operations Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

28. Approving monthly adjustments to the tax roll. The amounts to be adjusted for the month of January 2009, represent an increase of \$140,087.80. These adjustments are determined by Webb County Appraisal District and by court orders. Approved by the City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

29. Consideration to authorize a sole source contract to Duncan Solutions, Harrison,



Arkansas, in the total amount of \$64,607.00 for upgrading the existing handheld parking citation scanners and audit citation software for the Traffic Department. Duncan Solutions is the current meter and software provider for the Parking Division. Funding is available in the Traffic Department Fund. Approved by City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

30. Consideration to authorize the purchase of three hundred-fifty (350) sets of fire fighting protective uniforms from Dooley Tackaberry, Deer Park, Texas, through the Texas Association of School Board - BuyBoard cooperative contract DTI #284-08 in the total amount of \$151,655.00. The set includes the fire coat, pant, boot, and helmet and will be used specifically for grass fires. Funding is available in the 2007 Contractual Obligation Bond Proceeds. Approved by City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

31. Consideration to renew contract FY08-032 for vacuum truck equipment parts and service to the following vendors:

1. Kinloch Equipment & Supply, Pasadena, Texas in the estimated amount of \$25,000.00
2. Balar Equipment, Houston, Texas in the estimated amount of \$25,000.00 for the purchase of original equipment manufacturer (OEM) vacuum truck equipment parts and service for the Fleet Department. This contract establishes discount percentage pricing for vacuum truck equipment parts and services for the Fleet Department. Parts and services will be secured on an as needed basis. Funding is available in the Fleet Management budget. Approved by the City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

32. Consideration to renew contract FY08-040 currently awarded to Holt Company of Texas, Laredo, Texas, in the estimated amount of \$200,000.00 for the purchase of Original Equipment Manufacturer (OEM) heavy equipment parts and service for the City's Caterpillar equipment fleet. All parts and services will be secured on an as needed basis and funding is available in the Fleet Management budget. Approved by the City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

33. Consideration to award contract FY09-0032 to Southern Sanitation, Laredo, Texas, in the estimated annual amount of \$63,589.60, for providing trash collection services for large volume containers. These services will be required for various city operations such as the Airport, Bridge System, Civic Center, Parks and Recreation, Public Access, Fleet Management, Traffic, Transit, Municipal Housing, Environmental Services, Fire, and Utilities. Funding is available in the respective departmental budgets. Approved by the City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

34. Consideration to exercise the renewal option for the first option year for contract FY06-23 awarded to Goodyear Tire and Rubber Company, Akron, OH in the estimated annual amount of \$100,000.00. This tire lease contract is for the Transit System's bus and Para-Transit vehicles. Funding is available in the Transit System Fund. Approved by the City Council Finance Committee.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

35. Adoption of the City of Laredo Federal Legislative Agenda.

Motion to approve.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

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

36. A. Request by Mayor Raul G. Salinas

1. Update on the Shop Laredo First initiatives, with possible action.

Francisco Meza, Purchasing Agent, reported that the City was encouraging local vendors to participate and to come and see what bidding opportunities were available. He said that they tried as much as they could to give as much business as possible to local vendors, but they also had to respect the competitive bidding requirements.

Mayor Raul Salinas stated that he wanted to encourage more businesses to engage in this initiative to focus on trying to save jobs by buying locally.

2. Status on providing airline service from Laredo to Mexico, with possible action.

Jose Flores, Airport Director, reported that they had been without service to Mexico City for at least three years. Last year, they had visited with several airlines, and one of the low-fare airlines had recently declared bankruptcy. He felt that they should develop a more aggressive incentive package to entice the airlines to come to Laredo.

City Manager Carlos Villarreal stated that what they had to do was to stop making the local news for the blockage of bridges. This discouraged people from wanting to make the connection. The peso devaluation of 45% with the tanking US economy made it vital to work with Nuevo Laredo to improve matters.

B. Request by Council Member Mike Garza

1. Discussion with possible action on a reimbursement resolution to use current funds for the construction of a new Santo Niño Library to be paid from future bond obligations. (Co-sponsored by Mayor Raul G. Salinas and Council Member Hector Garcia)

Cm. Garza stated that they were able to do a breakdown of funding and currently had banked \$2 million and in April would have another \$1 million.

City Manager Carlos Villarreal reported that out of the 2006 CO they had \$686,000 and out of the 2008 CO they had an additional \$1,350,000 which gave them a little over \$2 million. He felt that there was enough money to get the design going and could take \$600,000 from the 2007 Fleet Management Facility and \$400,000 from the 2006 CO. They were projecting \$25 million worth of bonds some time in April, which meant that they would sell the bonds in May and receive the money in the middle part of June. He said out of CD potential financing sources their recommendation was \$300,000 from the Family Recovery Center, \$175,000 from other project reprogramming, \$100,000 from Cielito Lindo, and \$150,000 from LCC Sports Complex. He added that it was very important to use the money from CD. Other funding included Heritage Park, but the monies were needed for the park itself. Also, the River Hills Land Acquisition of \$220,000 needed to be researched.

Motion to include all funds mentioned minus the Heritage Park fund.

Moved: Cm. Garza

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action on a memorandum of understanding between the City of Laredo and the County of Webb for a Community Use Center of the old Santo Niño Library Location with presentation by County Commissioner Frank Sciaraffa. (Co-sponsored by Mayor Raul G. Salinas and Council Member Hector Garcia)

Frank Sciaraffa, County Commissioner, reported that this would be their second agreement. They had spoken about an elderly center and a kids café. He had also talked

with the sheriff about a substation in south Laredo. In addition, they were looking at forty computers for their students for an afterschool program. This included two examination rooms and a courtyard.

Motion to instruct City Manager to come back to council with recommendations.

Moved: Cm. Garza

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

Motion to extend the time of the meeting.

Moved: Cm. Landeck

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

C. Request by Council Member Dr. Michael Landeck

1. Discussion with possible action to allocate \$25,000.00 from District III Discretionary Funds to complete 3 Points Swimming pool renovations.

Motion to approve.

Moved: Cm. Garza

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action regarding a possible referendum that would support a 3 year evaluation cycle for homestead properties.

Murry Malakoff, local attorney, stated that Dr. Landeck had made available to him an opinion by the City Attorney that the City and Councilmembers were not empowered to submit a nonbinding referendum on the ballot. He stated for the record on behalf of Dr. Landeck that there was an erroneous assumption that lay at the basis of the letter. For the following reasons, he would submit his disagreement with City Attorney Raul Casso. He went on to say that first of all, it was well-established that the constitution of the State of Texas was the organic instrument that all were to follow, the supreme law in Texas. He said that this included the Home Rule Amendment to do what was necessary and proper for the City, including the power to enact ordinances.

Motion to form a resolution to support three-year appraisals to be presented to the appraisal review board in 2010.

Moved: Cm. Liendo Espinoza

Second: Cm. Landeck

Motion removed at Cm. Liendo Espinoza's request.

Dr. Xavier Cantu read a page from the Harris County Appraisal District webpage which said that they were in a two-year appraisal cycle. Every odd year a reappraisal would take place. He added that in October, the appraisal workshop presented a document that clearly explained the appraisal method from Susan Combs, Comptroller of Public

Accounts. It explained that reappraisal cycles vary depending on the municipality; therefore, he felt that Council was empowered by law to make changes.

Elizabeth Martinez, Tax Assessor/Collector, stated that the law says that except as otherwise provided by this chapter, all taxable property is appraised at its market value as of January 1st each and every year. Therefore, it is their obligation to go out and do all the appraisal work each and every year.

Motion instructing staff to draft a resolution to endorse three-year appraisals.

Moved: Cm. Belmares

Second: Cm. Landeck

For: 8

Against: 0

Abstain: 0

3. Status report on the Santa Rita improvements and repairs, with possible action.

This item was postponed at the request of Councilman Landeck.

#### D. Request by Council Member Gene Belmares

1. Discussion with possible action on recreating the Telecommunications Advisory Committee and creating new charge to address issues of public access, consumer advocacy, and community telecom needs.

Motion to approve.

Moved: Cm. Belmares

Second: Mayor Pro Tem Valdez

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action on instituting a 6 month moratorium for the demolition of historic buildings pending the revision of the demolition ordinance creating rules and incentives for the conservation and preservation of historic buildings.

Motion to direct staff to begin the process to enable the City to create a moratorium.

Moved: Cm. Belmares

Second: Mayor Pro Tem Valdez

For: 8

Against: 0

Abstain: 0

3. Discussion with possible action on creating a fifty-thousand (50,000) volunteers spring cleaning effort.

Cm. Belmares stated that the President had called the country to public service, and this was their opportunity to answer that call. They could create this public service event and begin to assemble a larger committee so that three sites within each district would be selected and each councilmember would begin to work on the projects that they would like to come to fruition during that event on May 2, 2009.

Fred Santos reported that as of last week he had met with the Bishop and other pastors and rabbis. They were ready to help them with the initiative. They also intended on meeting with LISD that week to designate different areas. He asked for support from the Council to address areas in their districts that needed cleaning.

Cm. Belmares responded that there would be an organizational meeting on Wednesday the 25<sup>th</sup> of February at the airport. He added that they were formulating PSA's.

E. Request by Mayor Pro-Tempore Jose A. Valdez, Jr.

1. Discussion with possible action to allocate funds for park improvements at the Father McNaboe Park by using District VII Discretionary Funds.

Motion to approve.

Moved: Cm. Garza

Second: Cm. Liendo Espinoza

For: 8

Against: 0

Abstain: 0

F. Request by Council Member Cynthia Liendo Espinoza

1. Discussion on parking meters and loading zones with possible action. (Co-sponsored by Mayor Pro-Tempore Jose A. Valdez, Jr.)

Motion to table.

Moved: Cm. Liendo Espinoza

Second: Cm. Garza

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action on adding Victoria St. from I-35 to Zacate Creek to the list of streets to be repaved.

Motion to approve.

Moved: Cm. Liendo Espinoza

Second: Mayor Pro Tem Valdez

For: 8

Against: 0

Abstain: 0

3. Status report on Bruni Plaza fountain renovations, with discussion and possible action.

Keith Selman, Planning Director, reported that they had hired a consultant cheaply and put the report in their Friday packets. He explained that most people had no idea as to what was in that fountain. Underneath the blue paint was a very unique pattern like the French flag. These tiles could not possibly be replicated and it would take a level of special oversight to really restore it to its original condition.

Cm. Liendo Espinoza said that they had had some communication with the Bruni Family and they had expressed interest in helping the City with funding to restore the fountain.

Motion to meet with the Bruni Family and Landmark Board to discuss restoring the fountain.

Moved: Cm. Liendo Espinoza

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

## **XII. STAFF REPORTS**

37. A. Presentation and acceptance of the 2007-2008 Annual Audit by the Independent Audit Firm of Garza, Martinez, & Co.

Linda Compean reported that by means of their audit procedures issued three reports: regarding the financial statements being fairly stated, compliance with laws and regulations from federal and state granting agencies, and the internal controls in place that allow the City to properly prepare its financial statements and comply with federal and state regulations. In their opinion, they agreed that the City had complied with laws and regulations, its internal control structure was adequate, and its financial statements were fairly stated. They issued a letter to management that was discussed by the Finance Committee. She added that the total fund balance of the general fund increased from last year by \$3,474,000 and was at 22%. The total fund balance was \$26,620,605 and out of this amount the unreserved fund balance for the general fund was 25,322,950.

Motion to accept the audit report presented by the Audit Firm of Garza, Martinez, & Company.

Moved: Cm. Belmares

Second: Mayor Pro Tem Valdez

For: 8

Against: 0

Abstain: 0

- B. Status report regarding the request for proposals on electricity services for the City, with possible action.

Assistant City Manager Horacio de Leon reported that they provided RFP's in the Friday packet. They wished to publish the request for proposals and coming back to Council with some bids from the market.

Motion to go out for RFP.

Moved: Cm. Garza

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

## **XIII. EXECUTIVE SESSION**

38. Request for executive session pursuant to Texas Government Code Section 551.071 (1) (A) to consult with attorney on the pending eminent domain case of City of Laredo v. Luis Montano, et al., Cause No. 2008CVQ00134D1, in the 49th District Court, Webb County, Texas, and return to open session for possible action.

Motion to go into executive session pursuant to Texas Government Code Section 551.071 (1) A) to consult with attorney on the pending eminent domain case of City of Laredo v. Luis Montano, et al., Cause No. 2008CVQ00134D1, in the 49th District Court, Webb County, Texas, and return to open session for possible action.

Moved: Mayor Pro Tem Valdez

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

After Executive Session Mayor Salinas announced that no formal action was taken.

39. Request for Executive Session pursuant to Texas Government Code Section 551.072 in order to deliberate the value of land to be used as a future site for the City's Animal Adoption Center located in North Central Laredo.

Motion to go into executive session pursuant to Texas Government Code Section 551.072 in order to deliberate the value of land to be used as a future site for the City's Animal Adoption Center located in North Central Laredo.

Moved: Mayor Pro Tem Valdez

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

After Executive Session Mayor Salinas announced that no formal action was taken.

40. Request for Executive Session pursuant to Texas Government Code Section 551.072 in order to deliberate the value of possible land swap located East of IH35.

Motion to go into executive session pursuant to Texas Government Code Section 551.072 in order to deliberate the value of possible land swap located East of IH35.

Moved: Mayor Pro Tem Valdez

Second: Cm. Belmares

For: 8

Against: 0

Abstain: 0

After Executive Session Mayor Salinas announced that no formal action was taken.

#### **XIV. 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. Belmares

Second: Mayor Pro Tem Valdez

For: 8

Against: 0

Abstain: 0

41. Consideration for approval to award a construction contract to the lowest bidder ALC Construction, Inc., Laredo, Texas, in the bid amount of \$81,289.00 for Two (2) El Metro Bus Bays at FM 1472 (Mines Road) (Bristol Road and Quail Creek Road).



Funding is available in the Transit FTA Capital Grant #TX-04-0040. Approved by City Council Operations Committee.

Motion to approve.

Moved: Cm. Garza  
Second: Cm. Belmares  
For: 8

Against: 0

Abstain: 0

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

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

Moved: Cm. Garza  
Second: Cm. Garcia  
For: 8

Against: 0

Abstain: 0

**CITY OF LAREDO  
CITY COUNCIL MEETING  
M2009-S-01  
CITY COUNCIL CHAMBERS  
SUPPLEMENTAL AGENDA**

**I. MOTION**

1. Consideration for approval of a professional services contract with URS Corporation, Dallas, Texas, for the Laredo International Airport Runway 17R Rehabilitation Project and General Aviation Apron Rehabilitation Phase V to include bidding services in the amount of \$552,542.12 (Dollar amount will be announced at the City Council meeting of February 17, 2009.), to provide consultant services to the Airport for a term of three (3) years with an additional two (2) year option. Funding is available in the FAA Grant Project No. 3-48-0136-053-2008. Funding for the construction phase of these projects is proposed from the 2009 Economic Recovery and Reinvestment Bill.

Motion to approve.

Moved: Cm. Garza  
Second: Cm. Belmares  
For: 8

Against: 0

Abstain: 0

**II. EXECUTIVE SESSION**

**III. ADJOURNMENT**

Motion to adjourn.

Moved: Cm. Garza  
Second: Cm. Garcia  
For: 8

Against: 0

Abstain: 0