

CITY OF LAREDO
CITY COUNCIL MEETING

CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS
5:30 P.M.

MINUTES

M-95-R-11

APRIL 24, 1995

I. CALL TO ORDER

With a quorum present, Mayor Saul N. Ramirez, Jr. called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Saul N. Ramirez, Jr. led in the Pledge of Allegiance.

III. ROLL CALL

IN ATTENDANCE:

SAUL N. RAMIREZ, JR., MAYOR
JOSE R. PEREZ, JR., COUNCILMEMBER, DISTRICT I
LOUIS H. BRUNI, " , DISTRICT II
ALFONSO I. "PONCHO" CASSO, " , DISTRICT III
CECILIA MAY MORENO, " , DISTRICT IV
BLAS CASTANEDA, " , DISTRICT V
JOE A. GUERRA, " , DISTRICT VI
FELIPE CARDENAS, " , DISTRICT VIII
GUSTAVO GUEVARA, JR., CITY SECRETARY
PETER H. VARGAS, CITY MANAGER
CARLOS VILLARREL, ASST. CITY MANAGER
JESUS NAVA, ASST. CITY MANAGER
JERRY BRUCE CAIN, ASST. CITY ATTORNEY

Motion to excuse Cm. Jerry Perez.

Moved : Cm. Cardenas

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

IV. FINAL READINGS

Motion to waive the final reading of ordinance #95-0-100.

Moved : Cm. Perez

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

2. 95-0-100 Authorizing the issuance of a B-3 Conditional Use Permit for the operation of a concrete batch Plant

After executive session the Mayor announced that no formal action was taken and that this item is now closed.

VI. COMMUNICATIONS

None.

VII. PUBLIC HEARINGS

5. Public hearing on an ordinance modifying, clarifying and ordering the experimental Residential and Thermal Electric Storage Service Time-of-use rates and a Commercial and Industrial Demand Curtailment rate to be charged by Central Power & Light Company, all as approved on June 20, 1994 and July 1, 1995, a corporation duly incorporated under the laws of the State of Texas, its successors and assigns, within the City of Laredo, Texas; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Ordinance modifying, clarifying and ordering the experimental Residential and Thermal Electric Storage Service Time-of-use rates and a commercial and industrial demand curtailment rate to be charged by Central Power & Light Company, all as approved on June 20, 1994 and July 5, 1994, a corporation duly incorporated under the laws of the State of Texas, its successors and assigns, within the City of Laredo, Texas; providing for publication, and for an effective date.

Motion to open the public hearing.

Moved : Cm. Guerra

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

Peter H. Vargas, City Manager, made the presentation before the City Council.

There was no public input.

Cm. Guerra wanted to know what the bottom line is as far as the rates are concerned, will it be more cost effective for the consumer or is it going to be more expensive?

Mr. Ruben Correa from CP&L stated that the changes proposed are very minor in text and are for the most part are for the purpose of clarifying a rate and that none of these will accelerate, augment, or increase the tariffs as they are right now. He added that they are basically for clarification and in some cases will be to the advantage of the customer, but nothing to his disadvantage.

Cw. Moreno stated that the way this is stated here, is that it talks about clarifying and ordering the experimental residential thermal electric storage service and a commercial and industrial demand curtailment. She asked that they explain the commercial and industrial demand curtailment.

Mr. John Hickel, from CP&L Marketing, explained to Mayor Protem Moreno the difference between the curtailment demand on commercial and industrial. He stated that the overall intention of the rate is to work with the larger customers to take a look at the peak periods to see which customers we can work with in, and the times that they are scheduled to match incidental peak which is summer time (July, August, September, October) and look at make ways to reduce the peak demand and see about saving money for the customer along with CP&L . He added that this rate will also be in a voluntary basis. They already have private business along with the Waterworks Department that will work with them.

Mr. Vargas clarified even further as far as the curtailment is concerned. He said that the reason for this program is to try to postpone any additional capacity building on the part of CP&L that would then be reflected as increase cost in rates to the consumers. Basically, what they are trying to do is to make sure that we can reduce some energy consumption in some areas such as residential homes, so that they do not have to make capital investments to build more capacity sooner and then that reflects in a rate increase to the consumer.

Mr. Jesus Ponce wanted a brief statement on the modification of this project from Mr. Correa.

Mayor Ramirez stated that they had the public discussion on it already, but that Mr. Correa would answer any questions he has regarding this item.

Mr. Correa explained that this was an experimental residential time-of-use service and a Commercial and Industrial Demand Curtailment Rate which will be available to certain customers who are connected to CSW's Fiber Optic System. The schedule is available as a pilot program in conjunction with the CSW Customer Choice and Control Test Program and is available up to 2,200 customers. This program is not available to all customers here in Laredo yet, if the program is successful they will extend it to the rest of the community.

Mayor Ramirez stated that the rates that are currently in existence will remain as they are, based on what the Public Utility Commission has created. This program will not have an impact on the rest of the rate payers in regards to what they are currently paying for electrical services.

Mr. Ponce's concern was the protection of the community on utility rate increase from CP&L.

Mayor Ramirez assured Mr. Ponce that this council is committed to protecting those interests and they will exercise this diligently making sure that the interest that they do represent will be protected. He added that they will join forces with other communities to make their voices heard as communities if they feel that our utility company is not meeting its obligations under its requirements and as dictated to them by Utility Commission.

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Perez
Second: Cm. Cardenas
For: 7

Against: 0 Abstain: 0

Ordinance Introduction: City Council

6. Public hearing concerning approval of an amendment to the contract with the Texas Department of Health and budget in the Amount of \$214,880 for the HIV/AIDS Ryan White Title II C.A.R.E. Consortium Project of the City of Laredo Health Department for the period beginning April 1, 1995, through March 31, 1996; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Approval of an amendment to the contract with the Texas Department of Health and budget in the Amount of \$214,880 for the HIV/AIDS Ryan White Title II C.A.R.E. Consortium Project of the City of Laredo Health Department for the period beginning April 1, 1995, through March 31, 1996; and increasing revenue line item no. 226-0000-323-4051 from \$0 to \$214,880, and increasing expenditure line item no. 226-6018 from \$0 to \$214,880.

Motion to open the public hearing.

Moved : Cm. Perez
Second: Cm. Cardenas
For: 7

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Cardenas
Second: Cw. Moreno
For: 6

Against: 0 Abstain: 0

(Cm. Perez was temporarily out.)

Ordinance Introduction: City Council

- 7. Public hearing concerning approval of an amendment to the contract with the Texas Department of Health and budget revision in the amount of \$21,729 in additional funds for the Women and Children's Neural Tube Defects Project of the City of Laredo Health Department for the period beginning October 1, 1994, through September 31, 1995; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Approval of an amendment to the contract with the Texas Department of Health and budget revision in the amount of \$21,729 in additional funds for the Women and Children's Neural Tube Defects Project of the City of Laredo Health Department for the period beginning October 1, 1994, through September 31, 1995; and increasing revenue line item no. 226-0000-323-4053 from \$120,843 to \$142,572, and increasing expenditure line item no. 226-6006 from \$120,843 to \$142,572.

Motion to open public hearing.

Moved : Cm. Castaneda
 Second: Cm. Guerra
 For: 7

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Perez
 Second: Cm. Castaneda
 For: 7

Against: 0 Abstain: 0

Ordinance Introduction: City Council

- 8. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning Lots 7 and 8, Block 271, Eastern Division, located at 620 East Fremont Street from R-3 (Mixed Residential District) to B-1 (Limited Business District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning Lots 7 and 8, Block 271, Eastern Division, located at 620 East Fremont Street from R-3 (Mixed Residential District) to B-1 (Limited Business District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez
 Second: Cw. Moreno

There was no public input.

Motion to close the public hearing; introduce the ordinance; and concur with P&Z.

Moved : Cm. Guerra
Second: Cm. Castaneda
For: 7

Against: 0 Abstain: 0

Ordinance Introduction: City Council

10. Public hearing concerning approval of an ordinance creating Section 24.65.0 General Supplementary Provisions of the Laredo Land Development Code, adding Subsection (a) Residential, restricting the parking of commercial vehicles with a gross vehicle weight exceeding one ton or more than two axles on any public street in any R-1A, RS or R-1MH Single Family Residential Zoning District during evening hours between the hours of 8:00 P.M. and 6:00 A.M.; amending Section 19-347(3) of the Code of Ordinances of the City of Laredo by adding Subsections (g) and (h) restricting the parking of commercial vehicles with a gross vehicle weight exceeding one ton or more than two axles on any public street in any Single Family Residential Zoning District during evening hours between the hours of 8:00 P.M. and 6:00 A.M.; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Ordinance creating Section 24.65.0 General Supplementary Provisions of the Laredo Land Development Code, adding Subsection (a) Residential, restricting the parking of commercial vehicles with a gross vehicle weight exceeding one ton or more than two axles on any public street in any R-1A, RS or R-1MH Single Family Residential Zoning District during evening hours between the hours of 8:00 P.M. and 6:00 A.M.; amending Section 19-347(3) of the Code of Ordinances of the City of Laredo by adding Subsections (g) and (h) restricting the parking of commercial vehicles with a gross vehicle weight exceeding one ton or more than two axles on any public street in any Single Family Residential Zoning District during evening hours between the hours of 8:00 P.M. and 6:00 A.M.; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez
Second: Cm. Cardenas
For: 7

Against: 0 Abstain: 0

Jesus Ponce stated that there already exists an ordinance that states that trucks can only travel through certain streets, and therefore he would think that trucks are forbidden in any other place day or night. He wants to go

along with the improvements, not because he want to cause trouble, but due to the fact that we already have an excessive amount of heavy truck traffic at residential areas.

Mr. Tom Wade, Vice President of the Transportation Association, spoke in favor of this ordinance and questioned what would happen in a situation where someone rents a moving van, they had it in front of their house, and were unloading it after hours and before they can return it, what will those people do? Secondly, what will they do with all the trucks that people will have parked somewhere? He asked what are the plans for them? He said that for some of these people, it is their only way of transportation back and forth to work.

Cm. Perez expressed that his concern was the same as Mr. Wade's. In addition to that he would like to see if the council would consider changing the twelve feet to sixteen feet. He added that the 16' is more commonly used around here and that he does not like them parking on the street, but if they can accommodate to park them around the residential area it would be fine. Cm. Perez stated that some bobtails are the only means of transportation for some individuals and asked that they see what provisions can be made on this.

Ms. Sukup spoke in reference to changing the 12' to 16' and said it would be fine, but as far as where they are going to park, if they can not drive their vehicle home, if this is their only means of transportation apart from the transit system, she pointed that this is limited to single family districts R-1A, R-1MH and RS and it does not include large areas where there are a number of trucks parked. In the concern of enforceability she would recommend starting with single family and moving to R-2's and R-3's if in fact the council felt that it was workable, before we can try to police the entire city.

Cm. Castaneda asked how would we integrate this proposed ordinance as it is being laid out here with the thoroughfare plan that is now in existence. The reason he is questioning this is because they mentioned single home districts and residential areas, there was no zoning before, certain things have been approved and you will find areas mixed with residential zoning and industrial areas. How will they address these issues.

Mrs. Sukup stated that the only method that they could deal with it is by zoning district. To the extent that the issue of legitimate question has to do with legal non-conforming uses, uses where there are legal non-conforming, commercial, and industrial uses within areas that have been zoned for residential purposes, these are allowed to continue in the

same way that they have been allowed to continue because they have predated the zoning ordinance to the extent that you have limited commercial vehicle parking on the public streets in the zoning district, they would have to cease and decrease as it relates to the public street, however, the parking on their private lots since it is a legal non-conforming use would be allowed to continue on the lot, but not on the street.

Cm. Castaneda raised the question on whether we have looked at the parking space availability for these vehicles? He added that he is in favor of the ordinance, but as we do the ordinance that we have to look that it is going to be implemented, how it is going to be implemented, what effects it is going to have and what is the city's respond to the effects that it is going to have?

Mrs. Sukup stated that without an ordinance such as this, it is very difficult for the staff to tell what the magnitude of the parking problem is because they have not been able to identify who does and does not park their truck on their lot or on the street in front of their house. She suspects that within this particular zoning districts it will be less of a problem, that it will be on some of the R-3 districts or some the R-2 districts which is one of the reasons that staff would recommend a cautious approach to this so they can assess these kinds of problems as they come up before they jump into it. They do not know the size of the problem as far as what additional parking facilities may be required.

Cm. Guerra stated that this was also his concern and that maybe Mr. Wade's concept previously spoken of can be incorporated into the ordinance in some manner. The concept where he spoke of an individual leaving a truck or a van outside their residence overnight where it would not create a problem, just for practical purposes.

Cm. Cardenas asked about the larger vehicles, he stated that sometimes individuals will not be able to put them in the driveway and they will be blocking part of the sidewalk, will those be affected by this ruling?

Mrs. Sukup stated that we do have ordinances already on the books that do not allow people to park on the sidewalks and added that this is an enforcement problem.

Cw. Moreno stated that she thinks that the approach of doing the R-1 areas is a good approach because it will give them the idea of the enforcement and to see if it is something they can carry out, however she is concerned about the R-3 areas. Cw. Moreno said she would not like to see the R-3's be turned into parking lots for everybody else. Her

question now is, where do you now take your vehicles, do you take them to R-3's?

Mrs. Sukup stated she does not know what the impact will be as far as the dislocated commercial vehicles is going to be, and said that it is going to be very difficult for them.

Cw. Moreno stated that the point that she is trying to make is that they do want to come back and look at this, accept it as it is now, then look to improve it, and look to see what problems have been caused if any they way we have it.

Mr. Tom Wade mentioned that if a person is the owner/operator, he owns his tractor and he has a very substantial investment in that tractor to the tune of \$70,000.00 and to tell that person that he cannot park his own tractor in his own property, where he lives, which is part of his livelihood, will be tough to do. Where is he going to park his investment for the weekend? He asked that council consider these situations.

Also, if a person is an owner/operator that does drive over the road and comes home for the weekend and he has to drive over the road again, where is he going to put that \$70,000 investment?

Mr. Jesus Ponce suggested that maybe the city could consider a parking facility at the airport property for people who would qualify and who are single owners of a business to store their investments there.

Mr. Vargas spoke in response to some of the concerns and stated that it sounds like a good business to set up a situation where they can provide for storage in a secured area for a nominal fee and they could park there. He added that some individuals take their rigs home for convenience, but that there are some that own and operate their own. That it would be an excellent business for the private sector to start to develop those kinds of facilities, specifically if there is going to be an ordinance. The proper avenue is for the private sector then to meet the demands that are created because of regulations or requirements placed.

Mayor Ramirez stated that no where in these changes does it include the prohibition day or night of people going out and parking those rigs in front of their homes, changing the oil, washing them, and giving them maintenance work while

they are out there. He asked if something in this regard can be incorporated or not?

Mrs. Sukup stated that as far as the individuals doing it in front of their home in many cases it is an enforcement

problem. That this is a zoning issue along with a storm and water pollution prevention program.

Mayor Ramirez stated that as a point to touch on with the owner/operators of a single rig, he thinks we need to provide them assistance to come in to the City of Laredo and register themselves as owner/operators during this period so that we can facilitate if they do not have the place to go, to start gauging the impact of what this is going to do. We need to provide a transition for the new ordinance to bring us up to speed with the rest of the country in this regard.

Cm. Perez made a motion to amend the ordinance to extend the 12' to 16' and if they can accommodate the farm trailers or flatbeds to do so, and that they also include that they cannot park at the outside.

Mayor Ramirez clarified, "the motion is to amend the ordinance to substitute the 12' requirement or minimum to a 16' minimum. Secondly, that language be inserted to stipulate that farm equipment, flatbeds, or trailers would not be in violation if parked within their premises.

Moved : Cm. Perez
Second: Cw. Moreno

*Note: Cw. Moreno second the motion for purpose of discussion.

Cw. Moreno asked that those persons that were part of the committee state any comments or opinions in reference to this issue and the motion previously done by Cm. Perez.

Cm. Bruni stated that it was a safety problem, that there are children near the parked trucks and that it is something that every other town in the State of Texas is doing. It is time that Laredo starts conforming with some of the problems that we are having.

Cm. Casso was against the 16' amendment.

(Mayor Protem Moreno withdrew her second and the motion died due to the lack of a second.)

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Casso
Second: Cm. Bruni
For: 6

Against: 1 Abstain: 0
Cm. Perez

Ordinance Introduction: City Council

Motion to request from staff to prepare the necessary information to submit to council to establish a transition period for the implementation of this ordinance.

Moved : Cm. Castaneda

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

11. Public hearing concerning approval of an ordinance amending Section 19-274 of the Code of Ordinances establishing authorized Truck Routes within the City of Laredo; rescinding all ordinances in conflict; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending Section 19-274 of the Code of Ordinances establishing authorized Truck Routes within the City of Laredo; rescinding all ordinances in conflict; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the council.

Cm. Casso stated that once this ordinance becomes a law, how long will it take to put the signs and get everything corrected?

Mr. Landin, Traffic Manager, stated that they have the appropriate traffic signs to be installed right away, as soon as the decision is made by the council on this proposed truck route.

Chris Withers, Executive Vice President of the Laredo Transportation Association, was concerned with two items, Lafayette and Calton Road. He stated that the one thing that concerns them even with the designation of the inner loop at a later point being a truck route, that Calton Road is being proposed, would be removed at that time. The access from the inner loop to the industrial areas on McPherson are still going to be through residential or school areas.

Mayor Ramirez stated that we have a road that is currently being negotiated that would connect our inner loop to McPherson.

Mayor Ramirez stated that it will stay as Calton for now as designated truck route.

Mr. Henry Brown, from Southwestern Motor Transport Company, stated that their company is located at the intersection of Calton Road and IH 35, however they are going to move to an area where they do need access to Calton Road. He asked that council consider leaving Calton Road as an artery.

Mayor Ramirez stated that even with Calton being removed because it is removed as a truck route, we can still use the same rule where it stipulates the origination/destination because it is the same. We can keep on going through Calton for now, it will be at least 18 months before the inner loop is completed. We will have the section from where it is currently completed to 59 finished by August of 1995 and the remainder by August of 1996.

Mr. Withers stated that SMT Lines have been in that area for many years and they are getting out of that business location and moving into a more accessible location for them. He stated that they would really like the City Council to watch these truck routes or to consider leaving Calton opened so they can serve the community. There are many warehouses on McPherson that need service, that they have been serving for many years and want to continue to do so.

Mayor Ramirez stated that they will take it into strong consideration at the time they re-evaluate their truck route when the inner loop is completed and repeated that Calton will stay open for now.

Mr. Withers also had a concern with Lafayette with Calton Road and the congestion on Calton Road. Some of the problems are that we pushed all the traffic on Calton Road or though the truck route, but we have created a potential danger or potential hazard not backing up traffic for 8 to 10 miles back down the truck route.

Mayor Ramirez stated that we have a bridge that is being built and that once the bridge goes up we will be reconsidering its designation eastbound.

Ms. Sukup asked that for purpose of clarification, Calton to Saunder comes off and Calton from IH 35 to McPherson stays on.

Mayor Ramirez answered that it is correct.

Motion to close the public hearing and introduce.

Moved : Cm. Perez
Second: Cm. Cardenas

