

CITY OF LAREDO  
CITY COUNCIL MEETING

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

MINUTES

M-95-R-14

MAY 22, 1995

I. CALL TO ORDER

With a quorum present, Mayor Pro-tem Felipe Cardenas called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Pro-tem Felipe Cardenas led in the Pledge of Allegiance.

III. ROLL CALL

IN ATTENDANCE:

JOSE R. PEREZ,	COUNCILMEMBER,	DISTRICT I	
LOUIS H. BRUNI,	"	, DISTRICT II	
CECILIA MAY MORENO,	"	, DISTRICT IV	(5:38 P.M.)
JOE A. GUERRA,	"	, DISTRICT V	
JOSE GERARDO (JERRY) PEREZ,	"	, DISTRICT VII	
FELIPE CARDENAS,	"	, DISTRICT VIII	
PETER H. VARGAS,	CITY MANAGER		
FAUSTO SOSA,	CITY ATTORNEY		

ABSENCES:

SAUL N. RAMIREZ, JR.,	MAYOR
GUSTAVO GUEVARA, JR.,	CITY SECRETARY
CARLOS VILLARREAL,	ASST. CITY MANAGER
JESUS NAVA,	ASST. CITY MANAGER

Motion to excuse Cm. Casso and Cm. Castaneda.

Moved : Cm. Perez

Second: Cm. G. Perez

For: 4

Against: 0

Abstain: 0

IV. RESOLUTIONS

2. 95-R-080 Authorizing the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) for the construction, maintenance and operation of a continuous highway illumination system along Interstate 35 located within the City Limits of the City of Laredo.

Peter Vargas asked the City Council that this item be tabled until the first meeting in June. He said that the City Attorney had requested some additional time to review some of the provisions in the contract.

Motion to table until the first meeting in June.

Moved : Cm. G. Perez

Second: Cm. Guerra

For: 4

Against: 0

Abstain: 0

(Cw. Moreno was not present at this time.)

Ms. Terry Carson, a representative of the Texas Department of Transportation, said that to hold the agreement at this time would hold the entire construction project. She added that the questions were concerning the liabilities of the maintenance contract.

Fausto Sosa, City Attorney, stated that their concern is basically the way the contract is written, that they do not dispute the fact that the plan is a betterment for the city, but that there are certain clauses in the contract that basically excuse the state from any and all liabilities and places all the liability on the City of Laredo. The contract also calls for a dispute resolution allowing the state to interpret the contract the way they want it interpreted, and basically he did not receive this contract until this morning when it was faxed to his office. Mr. Sosa said that they are not prepared at this time and are proposing some minor changes in the contract, however it was not sent to him in time to make those particular changes.

Mrs. Carson explained that as far as the changes are concerned, they did not receive them until Tuesday from Houston and they cannot change the agreement until they get the plans, that basically they need to change the title sheet.

Mr. Sosa stated that the problem is that we do not want to be tied to a contract which is disadvantageous to the city. He added that there are about five different objections to the contract and suggested that the council agree to the contract subject to our five objections, either modifying them or deleting them from the contract.

Mr. Vargas suggested that the best thing to do was

to make the modifications this evening and have those approved by the council and then it is up to the state to accept those modifications or reject them. Then they would have to come back with another document, because it difficult for the council to approve a contract based on contingencies.

Motion to reconsider Resolution #95-R-080.

Moved : Cm. Perez  
Second: Cm. G. Perez  
For: 4                      Against: 0                      Abstain: 0

Cm. Perez clarified his motion which is, that they are going to reconsider this item right now and what they are going to approve now is what the city would like to have and then it will be up to the state to accept it or reject it.

Mr. Vargas stated that the attorney indicated that they might need a couple of days to review the contract and get back to them, that it would be more appropriate for the council to take action on what the city attorney is recommending at this time and then they will deal with the state.

(Cw. Moreno came in at this time - 5:38 p.m.)

Motion to accept the Resolution as recommended by our legal counsel.

Moved : Cm. Perez

Mr. Sosa stated that the contract that we received this morning is not dated and specified the changes as follows:

He stated that Form 1074 is dated 11/91, it is an agreement for construction maintenance and operation of continuous highway illumination system within municipalities, freeways, or expressways which has 100% in blank.

He continued saying that on page 4, under **General**, the paragraph says the state will not incur any financial obligation to the City as a result of this agreement, which he stated is vague and ambiguous in a general term. He asked that this paragraph be stricken from the contract unless it can be made more specific.

Another objection on the same section, (Section 3) General Clauses, section (e) which states, "should

disputes arise as to the parties' obligations under this Agreement the State's decision shall be final and binding." He said that there we may call for some sort of arbitration, have sort of a third mutual party agree as to the dispute. He asked that this be changed.

On page 4, section(f) on the same general clause it states, "that the City shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations." His only objection there would be that it say, "the state and the city both parties shall be governed and comply with applicable laws."

On page 5 paragraph (J) basically states, "this agreement constitutes the sole and only agreement for lighting at the location described wherein of the parties hereto and supersedes any prior understanding written or oral agreement between the parties respecting the within subject matter." His only objection is that he does not know what we are voiding or what past agreements we had we are voiding or superseding. He would like to see the previous agreement we had with them, and to see what it is we are voiding by entering into this particular contract. He would delete this section also.

On page 5 of 6 under the Indemnification provisions of this contract which states, "to the extent permitted by law, the City indemnify and save harmless the State, its agents or employees from all suits, actions or claims and from all liability and damages for any and all injuries and all damages sustained by any person or property in consequence of any neglect in the performance of the City, its agents and employees under this Agreement." He said that this is a standard provision that most contracts will have, but that he would limit this to the maintenance after the light system has been installed, we will agree to that particular provision.

Mrs. Carson stated that her main concern was that someone could get hurt or electrocuted with the current lighting system as it is right now. She said that as far as being concerned with the liability, the safety of the system is the important issue here. She added that state standards are not being used and the condition of it right now is not up to the standard.

Cw. Moreno stated that what they would be approving right now is the resolution to allow the City Manager to go into a contract and that he still has to work out the details of the contract.

Cm. Guerra asked if this means that the details will be worked by the legal staff, the representatives of the Texas Department of Transportation, and the City Manager on the concerns that the counselor brought up.

Mayor Pro-tem Cardenas stated it is correct, that after the concerns have been fully addressed at such time then they will enter into the contract.

Motion to accept the Resolution 95-R-080 as specified by the legal counsel.

Moved : Cm. Perez  
 Second: Cm. G. Perez  
 For: 5                      Against: 0                      Abstain: 0

#### **SUPPLEMENTAL ITEM**

95-R-081 Resolution of the City Council of the City of Laredo, Texas committing a total of \$500,000, as the matching funds for the Texas Department of Parks and Wildlife Grant application for the proposed Deerfield Park in Northwest Laredo.

Mr. Vargas stated they had received a call from a representative of the Parks & Wildlife which indicated that they had some concerns with the letter submitted by UISD and that they felt that they would be much more comfortable if there was a stronger letter or if the city would pass a resolution basically accepting the responsibility in the event the UISD was not able to comply. He added that it is a joint project between the City of Laredo, UISD and the State and for purposes of submitting the application for a \$500,000.00 grant.

Motion to approve resolution of the City Council of the City of Laredo, Texas committing a total of \$500,000, as the matching funds for the Texas Department of Parks and Wildlife Grant Application for the proposed Deerfield Park in Northwest Laredo.

Moved : Cm. G. Perez  
 Second: Cm. Guerra  
 For: 5                      Against: 0                      Abstain: 0

**V. MOTIONS**

3. Award of Professional Services Contracts between the Laredo Urbahn Transportation Study, the Local Emergency Planning Committee and Code 3, Inc., by and through the City Manager of the City of Laredo, Texas in the aggregate amount of \$50,000.00, for a Commodities Flow Study within the Metropolitan Area Boundaries of the City of Laredo.

Motion to award a Professional Services Contract between the Laredo Urbahn Transportation Study, the Local Emergency Planning Committee and Code 3, Inc., by and through the City Manager of the City of Laredo, Texas in the aggregate amount of \$50,000.00, for a Commodities Flow Study within the Metropolitan Area Boundaries of the City of Laredo.

Moved : Cm. Perez

Second: Cm. G. Perez

For: 5

Against: 0

Abstain: 0

**VI. CITY MANAGER'S REPORT**

4. Authorizing the City Manager to execute all documents necessary to enter into a rental contract with World Tire Recycling for the rental of the City's tire shredder at a monthly rental fee of \$500.00.

Motion authorizing the City Manager to execute all documents necessary to enter into a rental contract with World Tire Recycling for the rental of the City's tire shredder at a monthly rental fee of \$500.00.

Moved : Cm. Perez

Second: Cm. G. Perez

For: 5

Against: 0

Abstain: 0

**VII. COMMUNICATIONS**

Mayor Pro-tem Cardenas stated that he had received a memorandum from Cm. Castaneda asking him to make an announcement that Laredo Community College is taking the initiative in providing Haz-mat training for the community. They have taken the leadership at LCC under the office of the assistant to the President to help coordinate this plan and future training for persons interested in Haz-Mat studying. They can call Ms. Virginia Meyers at 721-5374 for further information.

**VIII. PUBLIC HEARINGS**

5. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning .4009 acres (17,464 square feet)

located within Survey 1020, as further described on metes and bounds on attached Exhibit "A", located at 559 B Popular Lane, from R-2 (Multi-Family Residential District) to B-3 (Community Business District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning .4009 acres (17,464 square feet) out of 1020, as further described on metes and bounds on attached Exhibit "A", located at 559 B Popular Lane, of the City of Laredo, from R-2 (Multi-Family Residential District) to B-3 (Community Business District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez

Second: Cm. Bruni

For: 5

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the City Council.

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Bruni

Second: Cw. Moreno

For: 5

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Bruni

6. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning 4.37 acres, more or less, out of Porcion 26, Abstract 282, located west of McPherson Road and north of Manor Road, from B-1 (Limited Business District) and SM (Residential Suburban Multi-Family District) to B-3 (Community Business District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning 4.37 acres, more or less, out of Porcion 26, Abstract 282, as further described by mates and bounds on attached Exhibit "A", located west of McPherson Road and north of Manor Road, of the City of Laredo, from B-1 (Limited Business District) and RSM (Residential Suburban Multi-Family District) to B-3 (Community Business District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez  
 Second: Cm. G. Perez  
 For: 4                                  Against: 0                          Abstain: 0

(Cm. Bruni stepped out momentarily - 6:05 p.m.)

Marina Sukup, Planning Director, made the presentation before the City Council.

There was no public input.

Motion to close the public hearing; introduce the ordinance; concur with staff and the Planning and Zoning Commission for approval.

Moved : Cm. Guerra  
 Second: Cm. Perez  
 For: 5                                  Against: 0                          Abstain: 0

Ordinance Introduction: Cm. Guerra

7. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning Lots 2A and 2B, Block 1, Gonzalez Subdivision, located at 4515 San Bernardo Avenue from B-3 (Community Business District) to B-4 (Highway Commercial District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning Lots 2A and 2B, Block 1, Gonzalez Subdivision, located at 4515 San Bernardo Avenue, City of Laredo, from B-3 (Community Business District) to B-4 (Highway Commercial Dist.); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez  
 Second: Cm. G. Perez  
 For: 5                                  Against: 0                          Abstain: 0

Marina Sukup, Planning Director, made the presentation.

Cm. Bruni asked that a copy of the signage ordinance be delivered to him.

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. G. Perez  
 Second: Cm. Perez  
 For: 5                                  Against: 0                          Abstain: 0



Ordinance Introduction: Cm. G. Perez

- 8. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 1, Rancho Viejo Subdivision, located at 10112 FM 1472, from B-1 (Limited Business District) to B-3 (Community Business District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 1, Rancho Viejo Subdivision, located at 10112 FM 1472, of the City of Laredo, from B-1 (Limited Business District) to B-3 (Community Business District) ; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cm. Perez

For: 5

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the City Council.

There was public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. G. Perez

Second: Cm. Perez

For: 5

Against: 0

Abstain: 0

Ordinance Introduction: Cm. G. Perez

- 9. Public hearing concerning an ordinance establishing Article V, Section 24-84 and Appendix "G" of Chapter 24 of the Laredo Land Development Code and rescinding Section 3-6 L of the Subdivision Ordinance Handbook relating to sidewalks; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Establishing Article V, Section 24-84 and Appendix "G" of Chapter 24 of the Laredo Land Development Code and rescinding Section 3-6 L of the Subdivision Ordinance Handbook relating to sidewalks; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cm. Perez

For: 5

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the City Council. She stated that the Planning and Zoning Commission has approved this which she believed addresses all the original concerns that the City Council had at the time this was presented to them.

Cm. Guerra asked if the issue of sidewalks on industrial parks had been addressed in this ordinance.

Ms. Sukup stated that the provisions have not changed from the existing ordinance which does not require sidewalks on industrial parks, unless they are to and from access to transit, shopping, or unless the route crosses neighborhood schools as the route determined by the Planning and Zoning Commission.

Cm. Bruni stated that it was sent back to be evaluated on industrial parks.

Ms. Sukup stated that she thought the issue had been addressed, but unless Cm. Bruni suggested more specific changes they could address them.

Cm. Bruni's only concern was if there are industrial parks that have mixed uses and asked that they be addressed.

Mrs. Sukup stated that these uses have been addressed on Subsection 24.84 under exceptions.

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. G. Perez

Second: Cm. Perez

For: 5

Against: 0

Abstain: 0

Ordinance Introduction: Cm. G. Perez

**IX. MOTION TO RECESS AND CONVENE AS THE MASS TRANSIT BOARD**

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

Moved : Cm. G. Perez

Second: Cm. Perez

For: 5

Against: 0

Abstain: 0

- 10. Award of a thirty-six month rental contract to the Low Bidder, Xerox Corporation, Laredo, Texas, in the estimated amount of \$17,305.20, for providing two copiers for Transit System.

Cm. Bruni asked who the principle owners of the company are?

Cassia Jantz, an authorized sales representatives for Xerox, stated that the contract is with Xerox Corporation. The principles are from out-of-town, but they have a locally owned agency here.

Motion to award a thirty-six month rental contract to the low Bidder, Xerox Corporation, Laredo, Texas, in the estimated amount of \$17,305.20, for providing two copiers for Transit System.

Moved : Cw. Moreno  
Second: Cm. Perez  
For: 5

Against: 0                      Abstain: 0

Motion to recess as The Mass Transit Board and convene as the Laredo Municipal Housing Corporation.

Moved : Cw. Moreno  
Second: Cm. Perez  
For: 5

Against: 0                      Abstain: 0

**X. MOTION TO RECESS AND CONVENE AS THE LAREDO MUNICIPAL HOUSING CORPORATION**

Motion to recess and convene as the Laredo Municipal Housing Corporation.

Moved : Cw. Moreno  
Second: Cm. Perez  
For: 5

Against: 0                      Abstain: 0

11. Award of a thirty-six month rental contract to the Low Bidder, Xerox Corporation, Laredo, Texas, in the estimated amount of \$6,019.20, for providing a copier for the Municipal Housing Corporation.

Motion to award a thirty-six month rental contract to the Low Bidder, Xerox Corporation, Laredo, Texas, in the estimated amount of \$6,019.20, for providing a copier for the Municipal Housing Corporation.

Moved : Cw. Moreno  
Second: Cm. G. Perez  
For: 5

Against: 0                      Abstain: 0

Motion to recess as the Laredo Municipal Housing Corporation and convene The Laredo Convention and Visitors Bureau Board.

Moved : Cw. Moreno  
Second: Cm. G. Perez  
For: 5

Against: 0                      Abstain: 0

**XI. MOTION TO RECESS AND CONVENE AS THE LAREDO CONVENTION AND VISITORS BUREAU BOARD**

Motion to recess and convene as the Laredo Convention and Visitors Bureau Board.

Moved : Cw. Moreno  
 Second: Cm. G. Perez  
 For: 5

Against: 0 Abstain: 0

12. Award of a thirty-six month rental contract to the Low Bidder, Xerox Corporation, Laredo, Texas, in the estimated amount of \$11,286.00, for providing a copier for the Laredo Convention and Visitors Bureau.

Motion to award a thirty-six month rental contract to the low bidder, Xerox Corporation, Laredo, Texas, in the estimated amount of \$11,286.00, for providing a copier for the Laredo Convention and Visitors Bureau.

Moved : Cw. Moreno  
 Second: Cm. G. Perez  
 For: 5

Against: 0 Abstain: 0

Motion to adjourn as the Laredo Convention and Visitors Bureau and convene as the City Council.

Moved : Cm. Perez  
 Second: Cw. Moreno  
 For: 5

Against: 0 Abstain: 0

**XII. ADJOURNMENT**


Motion to adjourn.

Moved : Cm. G. Perez  
 Second: Cm. Moreno  
 For: 5

Against: 0 Abstain: 0

Adjournment time: 6:20 P.M.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 12 ARE TRUE COMPLETE AND CORRECT PROCEEDINGS OF THE CITY COUNCIL MEETING HELD ON THE 22ND DAY OF MAY, 1995. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE.

  
 GUSTAVO GUEVARA, JR.  
 CITY SECRETARY

MINUTES PREPARED BY:  
 MINUTES APPROVED ON: June 5, 1995