

CITY OF LAREDO
CITY COUNCIL MEETING

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

MINUTES

M-95-R-21

AUGUST 7, 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,	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
JOSE GERADO (JERRY) PEREZ,	"	DISTRICT VII
FELIPE CARDENAS,	"	DISTRICT VIII
GUSTAVO GUEVARA, JR.,	CITY SECRETARY	
PETER H. VARGAS,	CITY MANAGER	
JESUS NAVA,	ASST. CITY MANAGER	
FAUSTO SOSA,	CITY ATTORNEY	

ABSENCES:

CARLOS VILLARREAL, ASST. CITY MANAGER

IV. APPROVAL OF MINUTES

2. Regular City Council Meeting of July 3, 1995
Regular City Council Meeting of July 17, 1995
Workshop Over the City's Truck Routes July 19, 1995

Cm. Casso stated that he believed that on the minutes of July 17, 1995 the **vote** was wrong on items #24, #25, and #26. The minutes show that Cw. Moreno voted **FOR** the tabling of the item and he believes that she voted **AGAINST**, that he thinks it was the Mayor Protem that voted **FOR**.

Cm. Bruni stated that on the July 17th meeting on page 28 on the first paragraph, he stated that he was against the residential areas not having fire hydrant meters not the industrial areas.

Motion to approve the minutes of July 3, 1995 and the minutes of the workshop of July 19, 1995, and to exclude the approval of the meeting of July 17, 1995 to be considered for approval at our next council meeting.

Moved : Cm. Perez
Second: Cm. Castaneda
For: 7 Against: 0 Abstain: 0
(Cw. Moreno was not present)

Motion to dispense with the regular order of business and move up items X-52(A)-1, (E)-3, and (D)-5 for discussion and action at this time.

Moved : Cm. G. Perez
Second: Cm. Castaneda
For: 7 Against: 0 Abstain: 0

(Councilwoman Moreno came in at 5:44 p.m.)

V. INTRODUCTORY ORDINANCE

- 3. Authorizing the City Manager to execute agreements allowing for existing encroachments to continue in public easements under certain conditions; providing for publication and effective date.

Ordinance Introduction: City Council

- 4. Amending the City of Laredo's Personnel Policies, specifically Chapter V "Grievance Procedures" Section 4e as adopted by the City Council on December 4, 1979, to increase the term of the Appeals & Grievance Committee to a two year term.

Ordinance Introduction: City Council

- 5. Amending Division 6 Section 2 of the Code of Ordinances (being part of the City's Personnel Policies) to provide for the City Manager to, on a case by case basis, promote and/or hire at any step within pay grade in those cases where the position has been designated as "Critically Skilled" and/or experience, education, and performance appraisal merit such action provided that the City Manager notify Council of any assignment above step five (5).

Ordinance Introduction: City Council

6. Authorizing the City Manager to execute a lease agreement with Texas Migrant Council for approximately 43,978 square feet of land located at 5102 Bartlett Avenue at the Laredo International Airport;
 1. Lease term will be for five (5) years commencing on August 1, 1995 and ending on July 31, 2000;
 2. Monthly rent shall be \$660.00 and will be adjusted annually based on changes in the consumer price index (CPI); providing for effective date.

Ordinance Introduction: City Council

7. Authorizing the City Manager to execute a lease agreement with the City of Laredo Health Department for approximately 2,646 square feet of office space constituting Suites #5 and #6 of Building #134 located at 4603 Maher Avenue at the Laredo International Airport;
 1. Lease term will be for one (1) year commencing on August 1, 1995 and ending on July 31, 1996;
 2. Monthly rent shall be \$2,547.00; providing for effective date.

Ordinance Introduction: City Council

8. Authorizing the City Manager to execute a lease agreement with Laredo Independent School District for approximately 4,600 square feet situated within the southern one half (1/2) portion of Building #1324 located at 217 Maher Avenue at the Laredo International Airport;
 1. Lease term will be for one (1) year commencing on August 1, 1995 and ending on July 31, 1996, and may be extended for one year ending July 31, 1997;
 2. Monthly rent shall be \$1,064.00 and will be adjusted annually during the primary terms and extension terms of the lease according to changes in the consumer price index (CPI) ; providing for effective date.

Ordinance Introduction: City Council, except Cw. Moreno and Cm. Jose Perez

9. Authorizing the City Manager to execute a lease agreement with Laredo-Webb County Community Action Agency for approximately 480 square feet constituting suite #26 of Building #S-1 located at 1718 East Calton Road at the Laredo International Airport;
 1. Lease term will be for one (1) year commencing on August 1, 1995 and ending on July 31, 1996, and may be renewed for two terms of one year each ending July 31, 1997, and July 31, 1998;
 2. Monthly rent shall be \$510.00 and will be adjusted annually during the primary terms and extension terms of the lease according to changes in the consumer price index (CPI) ; providing for effective date.

Ordinance Introduction: City Council

- 10. Authorizing the City Manager to cancel the lease between the City of Laredo and Ramos-Garcia, Inc., authorized by Ordinance No. 94-O-213 dated November 7, 1994, and authorizing the City Manager to execute a lease with Gerardo Javier Ramos, an individual, as Lessee, for approximately 15,289.56 square feet of land, being Lot No. 2, Block No. 15 of the subdivision plat of the Laredo Airport;
 - 1. Lease term is for 20 years commencing September 1, 1995, and ending August 31, 2015, and may be renewed for one term of ten years ending August 31, 2025;
 - 2. Monthly rent shall be \$465.00 and will be adjusted annually according to changes in the consumer price index;
 - 3. The Airport fund will participate with \$20,000.00 to be applied towards construction of a minimum 2,500 square foot buildings as agreed during the relocation negotiations of the public sale of a 50.7656 acre tract which was awarded to Mercy Regional Medical Center; providing for an effective date.

Ordinance Introduction: City Council

VI. FINAL READINGS

Motion to waive the final reading of ordinances #95-O-154, #95-O-155, #95-O-156, #95-O-157, #95-O-158, #95-O-159, #95-O-160, #95-O-165, #95-O-166, #95-O-167, #95-O-168 and #95-O-169.

Moved : Cm. Perez
Second: Cm. Cardenas
For: 8

Against: 0 Abstain: 0

- 11. 95-O-108 Final Reading 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.
(Jose R. Perez, Jr.)

Motion to table this item until after the neighborhood meetings have been held.

Moved : Cm. Perez
Second: Cm. Cardenas
For: 8

Against: 0 Abstain: 0

- 12. 95-O-154 Repealing an Ordinance approved on November 17, 1981, between the City of Laredo and Aero Center, Inc., for a 1.001 acre tract of land and repealing a modification to said Ordinance approved on March 25, 1982 and authorizing the City Manager to execute a new lease with Aero Center, Inc., for and

on behalf of the City of Laredo for that same 1.001 acre tract of land located at the Laredo International Airport; providing for effective date. (As Amended) (Unanimous City Council)

Motion to approve ordinance 95-O-154 repealing an Ordinance approved on November 17, 1981, between the City of Laredo and Aero Center, Inc., for a 1.001 acre tract of land and repealing a modification to said Ordinance approved on March 25, 1982 and authorizing the City Manager to execute a new lease with Aero Center, Inc., for and on behalf of the City of Laredo for that same 1.001 acre tract of land located at the Laredo International Airport; and providing for an effective date.

Moved : Cm. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

13. 95-O-155 Repealing an Ordinance approved on January 6, 1986, between the City of Laredo and Aero Center, Inc., for a 0.5573 acre tract of land located at the Laredo International Airport and repealing an amendment to said Ordinance approved on January 20, 1986, and authorizing the City Manager to execute a new lease amendment with Aero Center, Inc., for and on behalf of the City of Laredo for that same 0.5573 acre tract of land located at the Laredo International Airport; providing for effective date. (As Amended) (Unanimous City Council)

Motion to approve ordinance 95-O-155 repealing an Ordinance approved on January 6, 1986, between the City of Laredo and Aero Center, Inc., for a 0.5573 acre tract of land located at the Laredo International Airport and repealing an amendment to said Ordinance approved on January 20, 1986, and authorizing the City Manager to execute a new lease amendment with Aero Center, Inc., for and on behalf of the City of Laredo for that same 0.5573 acre tract of land located at the Laredo International Airport; and providing for effective date.

Moved : Cm. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

14. 95-O-156 Authorizing the City Manager to execute a lease agreement with Aero Center, Inc., for and on behalf of the City of Laredo for approximately 92,192 square feet which includes approximately 24,818 square feet of hangar and office space known as

16. 95-O-158 Authorizing the City Manager to execute a lease agreement with Aero Center, Inc., for and on behalf of the City of Laredo for the approximate 4,500 square feet constituting a tract of land located at the Laredo International Airport, fuel farm;
1. Lease term will be for twenty five (25) years commencing on July 1, 1995 and terminating on June 30, 2020, which lease may be extended for two (2) consecutive five year renewal terms ending June 30, 2025 and June 30, 2030;
 2. Monthly rent shall be \$124.00 and is to be adjusted annually based on changes in the consumer price index (CPI), and adjusted by appraisal during each ten (10) year anniversary. (As Amended)
(Unanimous City Council)

Motion to approve ordinance 95-O-158 authorizing the City Manager to execute a lease agreement with Aero Center, Inc., for and on behalf of the City of Laredo for the approximate 4,500 square feet constituting a tract of land located at the Laredo International Airport, fuel farm.

Moved : Cm. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

17. 95-O-159 Authorizing the City Manager to execute a lease agreement with Aero Center, Inc., for and on behalf of the City of Laredo for approximately 33,199 square feet constituting hangar #142 located at 404 Flightline at the Laredo international Airport; for approximately 2,640 square feet constituting Building #147 located at 407 Maher at the Laredo International Airport; and for approximately 495 square feet constituting Building #148 located at 416 Flightline at the Laredo International Airport;
1. Lease term will be for twenty five (25) years commencing on July 1, 1995 and terminating on June 30, 2020, which lease may be extended for two (2) consecutive five (5) year renewal terms ending June 30, 2025, and June 30, 2030;
 2. Monthly rent shall be \$4,197.22 and are to be adjusted annually based on changes in the consumer price index. (As Amended) (Unanimous City Council)

Motion to approve ordinance 95-O-159 authorizing the City Manager to execute a lease agreement with Aero Center, Inc., for and on behalf of the City of Laredo for approximately 33,199 square feet constituting hangar #142 located at 404 Flightline at the Laredo international Airport; for

rent adjustments commencing on March 1, 1996, and annually thereafter; providing for effective date.

Moved : Cm. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

20. 95-0-166 Closing as a Public Easement a tract of land described as being 4782.96 square feet (0.1098 of an acre), more or less, situated in Porcion 28, Abstract 241, original grantee, heirs of Eugenio Martinez, Webb County, Texas; said tract of land out of and a part of the original 100 foot wide O.W.K. Road Right-of-way dedication as recorded in Volume 3, Page 98 of Webb County, Texas Plat Records; being more particularly described by metes and bound, providing for effective date.
(Unanimous City Council)

Motion closing as a Public Easement a tract of land described as being 4782.96 square feet (0.1098 of an acre), more or less, situated in Porcion 28, Abstract 241, original grantee, heirs of Eugenio Martinez, Webb County, Texas; said tract of land out of and a part of the original 100 foot wide O.W.K. Road Right-of-way dedication as recorded in Volume 3, Page 98 of Webb County, Texas Plat Records; being more particularly described by metes and bounds, providing for an effective date.

Moved : Cm. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

21. 95-0-167 Authorizing the City Manager to execute all necessary documents to effectively convey title to Lucas Galvan and Rita T. Galvan for the sale at fair market value of the surface only of that certain city property formerly known as that section of Park Street between San Ignacio and Eagle Pass Avenues, also formerly known as the 2200 Block of Park Street, situated in the Western Division, City of Laredo, Webb County, Texas, and providing for an effective date.
(Unanimous City Council)

Motion authorizing the City Manager to execute all necessary documents to effectively convey title to Lucas Galvan and Rita T. Galvan for the sale at fair market value of the surface only of that certain city property formerly known as that section of Park Street between San Ignacio and Eagle Pass Avenues, also formerly known as the 2200 Block of Park Street, situated in the Western

Division, City of Laredo, Webb County, Texas, and providing for an effective date.

Moved : Cm. Perez
 Second: Cw. Moreno
 For: 8 Against: 0 Abstain: 0

22. 95-0-168 Authorizing the City Manager to execute a Water Supply contract between the City of Laredo and James Haynes Industrial Park for the construction of a water and sewer line to extend service from the nearest facilities of the City to the James Haynes Industrial Park.
 (Unanimous City Council)

Motion authorizing the City Manager to execute a Water Supply contract between the City of Laredo and James Haynes Industrial Park for the construction of a water and sewer line to extend service from the nearest facilities of the City to the James Haynes Industrial Park.

Moved : Cm. Perez
 Second: Cw. Moreno
 For: 8 Against: 0 Abstain: 0

23. 95-0-169 Authorizing the City Manager to execute a Water Supply contract between the City of Laredo and Arguindegui Industrial Park for the construction of a sewer line and extend sewer service from the nearest facilities of the City to the Arguindegui Industrial Park. (Unanimous City Council)

Motion authorizing the City Manager to execute a Water Supply contract between the City of Laredo and Arguindegui Industrial Park for the construction of a sewer line and extend sewer service from the nearest facilities of the City to the Arguindegui Industrial Park.

Moved : Cm. Perez
 Second: Cw. Moreno
 For: 8 Against: 0 Abstain: 0

VII. RESOLUTIONS

24. 95-R-102 Authorizing the City Manager to accept conveyance of 100 acre feet of Class "B" Irrigation Use Water Rights out of Certificate of Adjudication No. 23-138 from Steve Whitworth in partial payment of water availability charges in connection with the platting of Unitec Phase III; authorizing the City Manager to make application to the Texas Natural Resource Conservation Commission for their

Plan for the City of Laredo, Texas and Nuevo Laredo, Tamaulipas.

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

38. 95-R-117 Authorizing the City Manager to execute the acceptance of assignment of 169 acre feet of Class "A" water rights from the 1,400 acre feet deeded to the City of Laredo by Dr. Wright in payment of water availability charges in connection with platting of Colonia Los Obispos Unit IV and V; authorizing the City Manager to make application to the Texas Natural Resource Conservation Commission for their conversion to municipal use and to establish diversion point and to amend the City of Laredo's Certificate of Adjudication No. 23-3997.

Motion authorizing the City Manager to execute the acceptance of assignment of 169 acre feet of Class "A" water rights from the 1,400 acre feet deeded to the City of Laredo by Dr. Wright in payment of water availability charges in connection with platting of Colonia Los Obispos Unit IV and V; authorizing the City Manager to make application to the Texas Natural Resource Conservation Commission for their conversion to municipal use and to establish diversion point and to amend the City of Laredo's Certificate of Adjudication No. 23-3997.

Moved : Cm. G. Perez

Second: Cm. Cardenas

Cm. Casso asked that this item be tabled and sent to the Water Ad Hoc Committee for review, because even though this is residential and not commercial he has a problem with this. He thinks that we are subsidizing these developers with the water rights and added that he also thinks we are losing money on this.

Cm. Bruni stated that for the record, "we are giving credit for these water availability rights to these developers in the tune of \$500.00 acre foot per "A" and \$400.00 for "B". We are giving them these credits, but we are giving them \$500.00 and \$400.00 credit but if we, the city, go down and purchase on Cameron County we can buy them for much less, the city has bought them for \$250.00 or \$280.00."

Mr. Vargas stated that the issue is not just a value for value issue it is one that when this

particular rates were established the availability of water was just not there, it was in the city's interest to acquire water rights in lieu of cash because we couldn't go out and buy any if we had the cash anyway, so it was in our interest to obtain the water rights, so yes there was an incentive put in so that the water rights would approved to the city. Those water rights become invaluable once they are the property of the city because they are perpetually the city's. So where there maybe a situation where you may be able to go out and get one cheaper if you buy it on occasion, but when this rate was structured, there wasn't any water rights being sold and this was one way for the city to acquire water rights. In addition to that, it also goes with the cost of land and cost of development.

Tomas Rodriguez, Utilities Directors, explained that in 1990 we were out of water rights, they came before the community and held public hearings, they rejected the proposals for water availability charges. At that time we could not buy water rights from the lower Rio Grande, because it was not allowed. Things have changed now, those rules were changed by the TNRCC and when we can buy water from the valley, the things opened up in our favor, that's why we are actively buying water rights. We have been criticized in both sides as to why the city buys. The developers agreed that if we allowed a water availability charge, if we allowed the people to pay water availability charges in cash they also had a option to pay with water rights.

Mayor Ramirez stated that it be clear that this particular case is already acreage feet of water that is already ours and in essence being defined as to how they are going to be used. That we are not accepting additional water rights from anyone at this time, and if this item is tabled it will slow down our affordable housing in Los Obispos.

Cm. Casso stated that he only wants the commercial aspect discussed in the Water Ad Hoc Committee.

For: 8

Against: 0

Abstain: 0

VIII. MOTIONS

39. Authorizing the City Manager to execute an encroachment agreement on 65.67 feet of Lot 2 and all of Lot 3 Commerce Plaza Development located at 1118 Commerce Drive with Rampart

Motion to approve change order no. 5, a decrease of \$110,328.73, acceptance of the project and approval of final payment in the amount of \$111,726.87, to J & B Contractors d/b/a South Texas Utility Contractors, Mercedes, Texas, for the Bond Street Paving Assessment Project 46 (43 Blocks).

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

43. Approval of change order no. 1, an increase of \$8,914.50, to the construction contract with Price Construction, Inc., for sanitary sewer adjustments in conjunction with the Springfield Avenue Drainage Improvements in the Hillside Subdivision Unit 5 Area.

Motion to approve change order no. 1, an increase of \$8,914.50, to the construction contract with Price Construction, Inc., for sanitary sewer adjustments in conjunction with the Springfield Avenue Drainage Improvements in the Hillside Subdivision Unit 5 Area.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

44. Approval of change order no. 3, an increase of \$47,223.00, for additional improvements to the Jefferson Street Water Treatment Plant Filter Renovation and Capacity Increase from 38 Million Gallons-per-day (MGD) to 68 MGD Project with Lambda Construction Company, New Braunfels, Texas.

Motion to approve change order no. 3, an increase of \$47,223.00, for additional improvements to the Jefferson Street Water Treatment Plant Filter Renovation and Capacity Increase from 38 Million Gallons-per-day (MGD) to 68 MGD Project with Lambda Construction Company, New Braunfels, Texas.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

45. Award of an engineering contract to Naismith Engineering, Inc., Corpus Christi, Texas, for an amount not to exceed \$115,500.00, to prepare an Engineering Study addressing the technical aspects, provide surveys, design, preparation of plans and specifications and start up assistance for a Biosolids Composting and Residuals Process Facility.

Motion to award an engineering contract to Naismith Engineering, Inc. Corpus Christi, Texas, for an amount not to exceed \$115,500.00 to prepare an Engineering Study addressing the technical aspects, provide surveys, design, preparation

of plans and specifications and start up assistance for a Biosolids Composting and Residuals Process Facility.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

46. Award of a construction contract to the Low Bidder, Sedona Contracting, Inc., San Antonio, Texas, in the amount of \$2,720,698.00, for the Four Neighborhood Recreation Centers.

Motion to award construction contract to the low bidder, Sedona Contracting, Inc. San Antonio, Texas, in the amount of \$2,720,698.00, for the Four Neighborhood Recreation Centers.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Jesus Nava, Asst. City Manager, stated that before going into the actual contract they are still in the process of working with LISD to acquire control of two sites, Farias and Tarver sites and once they have control of the two sites, they will begin site preparation.

47. Award of a construction contract to the Low Bidder, Ponce's Roofing Company, Mission, Texas, in the amount of \$74,440.00, for the Re-Roofing of the Airport Hangar No. 182 at the Laredo International Airport.

Motion to award construction contract to the low bidder, Ponce's Roofing Company, Mission, Texas, in the amount of \$74,440.00, for the Re-Roofing of the Airport Hangar No. 182 at the Laredo International Airport.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

IX. CITY MANAGER'S REPORT

48. Authorization from the City Council to cancel the third City Council Meeting for the month of August (August 28, 1995) as a result of schedule conflicts with various Councilmembers.

Motion to authorize to cancel the third City Council Meeting for the month of August (August 28, 1995) as a result of schedule conflicts with various Councilmembers.

Moved : Cm. Perez

Second: Cm. G. Perez

For: 8

Against: 0

Abstain: 0

49. Presentation and adoption of amendments to the revised City of Laredo Purchasing Policy and Procurement Procedure Manual to include provisions relating to procurement on behalf of the Laredo Urban Transportation Study (LUTS).

Marina Sukup made the presentation before the council.

Motion to adopt the amendments to the revised City of Laredo Purchasing Policy and Procurement Procedure Manual to include provisions relating

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

50. Authorizing the City Manager to submit an application to the Foreign-Trade Zones Board on behalf of Librado Pina, Inc., to create a 50 acre General Purpose Foreign-Trade Zone Site to be located off I.H. 35 and adjacent to the Union Pacific rail line.

Jose Luis Flores, Airport Director, made the presentation before the City Council and stated that this land is not in the city limits and that Mr. Pina was not present to answer any questions.

Mr. Vargas stated that a private individual requested the city to support their application, it's at their expense and it was made very clear that this area was outside the city limits, that it was not served by utilities and therefore the city would not be responsible if the city were to sponsor them with the application.

Motion authorizing the City Manager to submit an application to the Foreign-Trade Zones Board on behalf of Librado Pina, Inc., to create a 50 acre General Purpose Foreign-Trade Zone Site to be located off I.H. 35 and adjacent to the Union Pacific rail line.

Moved : Cm. G. Perez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

51. Presentation of the City of Laredo's 1995-1996 Annual Budget pursuant to Article VI, Section 6.02 of the Charter of the City of Laredo.

Mr. Vargas stated that the City Charter requires that the annual budget be prepared and provided to City Council approximately 45 days before the end of the fiscal year. He announced that they have distributed the budget books on July 21st in order to comply with the ordinance and were delivering the summary sheet at this time.

Cm. Casso wanted to set the ground rules for the budget workshops. He stated that last year they thought they were only workshops, but there were motions made and voted on. In the aid to other agencies there were no motions made. He stated for the record that he wants these budget workshops video taped which is one of the reason he did not want these meetings at a hotel and wants the meetings done in the Council Chambers. He also asked that the reports submitted by individual departments be submitted to them prior to the workshops so they can review them prior to the workshops.

Mayor Ramirez stated that as far as motions for the prevailing side or not the prevailing side, for the record he stated, "we operated under the parliamentary rules and procedure that if it is for discussion on that day and on that day it is defeated then that is the way it stands defeated and until it comes before the city council for reconsideration, that item needs to be brought up with the concurrence of someone that was on the prevailing side."

Cm. Casso stated that then these workshops are Regular Council Meetings and that they should hold these meetings in the Council Chambers and that we should not limit them to the public access and the public.

Mayor Ramirez stated it is not the public access that they are looking to limit, they think they are losing intent of what budget retreats are. His experience is that since these budget hearings have been done away from the chambers since his tenure, he has found them to be much more productive and as much as they are completely focused as a council on the budget, and we do not deviate from our attention on it completely, because it requires eight to nine hours of work a day.

Jesus Nava, Asst. City Manager, stated that in terms of planning they try to consult with the council, they do it for the council's convenience and comfort. He said that the notices for the budget workshops have already been posted in order to comply with the open meetings act and they have been posted for that location.

Cw. Moreno stated there was no summary of personnel request included in the package. She specified that she wants changes in positions like new positions that are being requested.

Cm. Castaneda questioned on the positions that were not filled because of the freeze. He asked if these positions will be brought again as actual position of the new budget.

Jesus Nava, Asst. City Manager, stated that some of them have been filled, but that they went back and looked at all the

positions that were in last year's budget and they are proposing not to fund some of them.

Mr. Vargas stated that he did cut nine positions that were authorized in this year's budget for next year. They are outlined in the summary. They are looking at adding five or six positions in the Police Department.

Cm. Bruni asked if the drainage problems in Montgomery were included in this year's budget.

Cm. Casso asked for a breakdown of percentages that are spent in personnel costs, such as fringe benefits.

X. COMMUNICATIONS

Cm. Guerra asked that the C&V Committee and the City Manager's Office look at the requests submitted by Third Party Funding by the Hotel-Motel funds outlined for the C&V Committee before they come before the City Council and that the committee give their input as well as the City Manager's Office. He stated that maybe not for this year but for subsequent years.

Cm. Casso thanked the Laredo Morning Times for the posting of all the meetings in the newspaper.

XI. CITY COUNCIL DISCUSSION AND PRESENTATION

52. Request by Mayor and City Councilmembers for discussion and presentation.

A. Request By Councilmember Jose R. Perez, Jr.

1. Presentation by Joe Gonzalez and Luis Cipriano concerning flood issues in the Santo Nino area.

Mr. Joe Gonzalez stated that he would continue to present problems to council until they are corrected. He pointed out that the problems that flood South Laredo are the basin at Chacota, India and the Ejido basin which was constructed by Foster Engineering. His main concern was what's the correction or remedy that is going to be done about the basin at Ejido Street. Another concern was with the paving occurring on the upper streets of South Laredo in particular Ejido Street and Smith Street which do not have any drainage. He added that this particular paving is going to contribute to flooding.

Cm. Casso stated that at the budget workshops they will discuss the creek maintenance. He added that he does not think we are spending enough money on the creeks and that it

is one of the areas that he wants to look at in the budgets hearings.

Mr. Vargas stated that the city has taken steps to alleviate the problems and this is one that cannot be resolved from one day to the next because it takes capital projects in order to do that. In the proposed budget that council has already received, but will officially present this evening, it incorporates two major projects, one of which is a drainage canal that would divert one of the drainage basins into the Chacon area or into the Santo Nino away into the Rio Grande River that's approximately a \$788,000.00 project. In addition to that, the baffels have already been erected in that drainage basin. They have made arrangements that in the housing projects, that the city has for this next year, they will designate approximately 20 homes to relocate some of those families in the Santo Nino area. He stated that there is no amount of money that can be spent that will alleviate or solve the problem for several of the houses there.

Cm. Bruni suggested that after the study is received from the city that the council needs to evaluate the area and that maybe a freeze or a moratorium can be placed in the new developments of that area, because most of the flooding is coming from Las Americas and part of Los Presidentes which drains down into the basin that failed.

Mr. Gonzalez stated they want the creek by Pine Street in South Laredo checked by the engineering staff. He also stated that they want to see a report of specifications that was supposed to have been submitted to them this week in reference to improvements done to the area to remedy the situation.

B. Request By Councilmember Louis H. Bruni

1. Status report on the cleaning of the creek that extends from E. Saunders (Arkansas) Street to Market.

Joe Guerra, Public Works Director, stated that nobody told him to clean that part of Chacon Creek, the one that Cm. Bruni is eluding to. He assured Cm. Bruni he will look into it.

2. Discussion and possible action concerning the annexation of the (Uniroyal and) UNITEC Industrial Park. (Co-sponsored by Councilmember Alfonso I. "Poncho" Casso)

Cm. Bruni stated that in the best interest of the city and in order to increase the tax base he suggested that they move ahead and proceed with the annexation of the Diamond Shamrock facility, the Uniroyal Track, and the Unitec Industrial Park.

Motion to instruct staff to prepare the necessary paperwork to annex the Diamond Shamrock Facility, the Uniroyal Track and Unitec Industrial Park.

Moved : Cm. Bruni
Second: Cm. Casso

Cm. Casso instructed staff to provide them with a service plan of that area and see how much revenues they are going to collect.

Mayor Ramirez suggested that before starting with the proceedings that we start with a service plan, because after we look at both sides of the issue, we may end in the short end of the stick.

Mayor Ramirez wanted a clarification from the maker of the motion, to proceed with annexation steps or the to proceed with the service plan.

Motion was clarified to take it one step at a time and to instruct staff to prepare the service plan and bring back to City Council and at that time, they will consider other motions on whether to proceed or not to proceed with annexations.

Fausto Sosa, City Attorney, advised that this is was the most logical step to take and that he was under the impression that the Diamond Shamrock portion was within the Unitec.

Cm. Bruni stated it was a separate entity.

Mr. Sosa asked that if it is a separate entity, that it be incorporated at the next meeting to avoid problems with the open meetings act.

Cm. Casso suggested that then the whole area be added.

Mr. Vargas stated that they are in the process of developing an analysis for annexations that have been petitioned to be annexed and it is their plan to hopefully bring those analysis to council in September. The more appropriate direction would be to include these in the study areas.

Motion was clarified again, "to proceed with including them within the scope of the service plan areas for areas to be considered for annexation voluntarily, or involuntarily by the City Council according to its timetable and the timetable of the State of Texas."

For: 8

Against: 0

Abstain: 0

C. Request By Councilmember Alfonso I. "Poncho" Casso

1. Discussion and possible action regarding the quantity of ongoing consultant work for the City of Laredo.

Cm. Casso wants that a list be provided to the City Council of all the consultants that are doing work for the city, what it is that they are doing, and how much are we paying them.

2. Discussion and possible action regarding the location for the budget workshops.

Cm. Casso stated he had already expressed his views on this issue under item #51 and that maybe next year they can talk about the location.

Mayor Ramirez stated that they will informally pool the council for their views next year.

D. Request By Councilmember Blas Castaneda

1. Status report on the sidewalks at Alma Pierce Elementary School.

Cm. Castaneda stated that this issue does not need to be addressed because the work has already begun.

2. Discussion and possible action concerning the status of the sidewalks on Springfield Avenue (from Corpus Christi to Calle del Norte).

Cm. Castaneda wanted a status report on the sidewalk project.

Mayor Ramirez stated that he had already asked Mr. Vargas and Mr. Nava that they quit burdening Public Work's crews and that they be broken into smaller sections and get these cement contractors from the private sector to go in and do six, ten or twelve blocks at a time and that they start contracting them out on a smaller scale in a bigger area to concentrate our efforts and allow the smaller businessman to participate in city contracts less than \$25,000.00.

Mr. Vargas stated that the problem has been the utilities that are located there, they have been trying to get CPL to move the poles.

Mayor Ramirez stated that what they need to do is incorporate into the sidewalk program an ordinance that says that if they delay our projects they are going to be subject to penalties within those projects for delaying our work. He added that it be incorporated into a local ordinance and not just the franchise agreements, because franchise agreements are always fought in Austin, and that this fight he wants to have here in Laredo.

Mr. Guerra stated that they did Ryan School, they started with 4' sidewalks and jumped to 12'; then they started Santo Nino they started with 6' and went to 12'. He added that Arkansas is almost finished, but what took a long time were the retaining walls and the utility companies were taking too long in removing their poles. Springfield will be started next Monday and if they do not remove poles they will skip blocks.

3. Discussion and possible action concerning the circulation plan for Calton Gardens Addition (Calton, Hillside, Springfield etc...)

Mr. Vargas explained that they did bring a circulation plan to the council and there was no concensus and were asked to go back to P&Z. In the interim they have had one of the owners of the property there actually ask for bids for building.

Marina Sukup stated that a portion of the property where they directed them to place the street is platted, it is platted as an entire block and the building permit has been sought by the property owners on that block. As it presently stands, we cannot, if it meets our building code, deny them a building permit.

Mayor Ramirez stated we cannot tell them to do anything in that block, but how do they get in and out of that block is our job and our responsibility.

Mrs. Sukup stated that Marcella is a ten foot easement and the property has full access unto Hillside Road. It also has access to a ten foot easement on the rear which is Aurora Street, unfortunately, in looking at the alignment we could not even then get through without knocking some buildings down.

Cm. Castaneda stated that about a year ago there was a zone change in that area and he specifically asked her the question if there were any problems with the changes and which she said no, it was that particular street Marcella. One of the things is that they do not want to do is burden the residents along the arteries to have to be mandated to give right-of-way for widening some of our streets in the future.

Ms. Sukup stated that the issue is that in the subdivision process they can require right-of-way.

Cm. Castaneda stated he is not going to vote or support in favor of having to take addition property from property owners in major artery. He added that he has not seen any

efforts as far as what recommendations can be made on this issue.

Ms. Sukup said she had recommended that council place significant attention on acquiring through whatever means the right of way on San Francisco and Gallagher. They also considered the intersection of Calton and IH 35 to be a problem because of the offset intersections.

Cm. Castaneda asked that item #4 be brought in for discussion at this time because there is talk about the access in San Francisco.

4. Discussion and possible action concerning the construction of a bridge connecting San Francisco along the Zacate Creek canal with the use of Community Development monies or other alternative sources.

Marina Sukup stated that a bridge can be considered, but that much additional right-of-way to get thru there is necessary. They have discussed the issue of extending Canal Street, and hope that with the assistance of the private sector, because there have been proposals on the table to create a bridge, that would come from the west Monterrey across into the HEB parking lot that would provide some additional relief to that area which is more feasible and certainly more cost effective to solve some of the circulation problems within the neighborhood.

Cm. Castaneda stated that in order for us to alleviate the traffic congestion in that area that bridge becomes very critical.

Cm. Castaneda asked that he would like to see that either out of the existing CD Block Grant money or out of the prior year entitlement monies that this project be a reality.

Mayor Ramirez said that they will look into this at the budget hearings.

5. Status concerning the Affordable Home Program in east Laredo.

Cm. Castaneda said that he had asked the Community Development Department who have been working on this issue, that there had been a request from staff to consider some affordable apartments. The item was tabled and what they then did was to ask staff to visit with some of the residents around that area. After discussion with the residents, it turned out that they were not in favor of those apartments, but were in favor of the city continuing the affordable home program that was started along that area. The area is recalled as the former railroad right-of-way in the Retama Subdivision.

Erasmus Villarreal, Assistant Director for Community Development, stated that these are two areas that are between Bustamante and Maryland and is one of the first areas that still has not been developed into an affordable housing program. This area is an odd shape area of land like an arc and what they are currently doing with this area is that they have contacted several engineering firms to replat this area to find out how many lots can actually be placed. One of the things they are going to do with this area is to blend in with the surrounding neighborhood which is Retama so they will be asking the engineering firm to do, under the replat, is to see if they can come up with 60,000 sq. ft. lots given the counters of the land and that it is an odd piece of land. They will be looking at doing a culdesac which is extending Eistetter going east, culdesac it so that they can place some lots. They will be looking at potential developing approximately seven to eight lot in this area and will be proposing these to the engineering firm and then to the P&Z to replat.

On the other piece of land that has not been developed, it is another track of land, it is west of Springfield. The land has currently four lots and they plan to take those four lots and replat them into seven lots. This track of land is facing a trucking business, mechanic shop, and apartment complexes. This is a particular area of land that they had originally looked at it to try to maximize the land use on it and they were looking at potentially doing some multi-family on it because of the surrounding land uses, but going back to the neighborhood and the people in the area, they would like to see single family dwellings and given this direction they will also replat this particular area to single family dwellings making it potentially seven lots in this area.

Cm. Castaneda stated that the residents in the area want to have some assurance on several items:

(1) That the homes will be compatible to the ones in the Retama Subdivision I & II.

(2) The other part would be, that when they did the first and second set of homes in that area that are already completed, one of the things they did was stop the affordable housing so that the residents from the subdivision would be able to see the type of housing that was going to be done there and how it would blend in with the neighborhood. One of the requests that had come up in one of the hearing was making sure that the homes in the area were not too small so that it would be adequate to blend in with the subdivision.

(3) Another point brought from the principle at Alma Pierce was that we make the affordable homes and not apartments because the apartments would bring much more student enrollment in the area and they were already overcrowded.

(4) Residents were also concern that when we do the culdesac on Eistetter that it be done adjacent to the property owner that lives in on the corner of Eistetter and Maryland where Mrs. Perez's residence is which was discussed before. That this would be the entrance to the culdesac.

Mr. Villarreal stated that they will come back before the council with a preliminary replat design to show some ideas as to how they would like to the see the land cut up

Cm. Castaneda asked that as they proceed with conceptual designs that they meet with the residents to make sure that they have input on what's going to be designed there.

Mr. Ruben M. Villarreal, Sr., a resident of Retama I said that there is no way that they can put the same amount of homes that they put on Bustamante because they will crowd them. He asked that these homes not be crowded, that the city has other properties, he would like to see if this can be cost effective and give these people more room space.

Mr. Jose Diaz De Leon resident of the Retama area stated that his concern is that this park should have been built years ago. That single family dwellings be built in this area because as it is Alma Pierce is very crowded already and to add more children to that school by allowing multi-family dwellings would put a burden to the school. He also feels that these homes need more space in-between those homes.

Mrs. Magdalena Perez who lives in the corner of Eistetter and Maryland stated that she would like to see her part of the corner street opened and suggested that it would be reasonable that the housing project be somehow like theirs since they have been maintained and remodeling them recently. She concluded by saying that if the other homes are very small they would devaluate their present homes.

E. Request By Councilmember Joe A. Guerra

1. Presentation by former mayor Aldo Tatangelo concerning the use of three city owned lots for affordable housing.

Aldo Tatangelo wanted an answer on what the intentions from the councilmen of this body regarding the 4200 of Maryland and the 4200 of Marcella. He asked when are they going to start working on this project and wants to know what action is being taken in those two blocks.

Cm. Castaneda stated that the direction taken on these properties was: (1) They had over 300 signatures from the residents for the park. (2) The public hearings were in terms of the type of homes that they wanted built in there. (3) The affordable homes were outlined by Erasmo Villarreal.

He said that the bottom line is that they are going to get built and that they will be getting together with the residents.

Mr. Tatangelo also wanted to know what was the intention of the City Council with regards to El Cuatro Pit.

Mayor Ramirez stated they were awarded a \$200,000.00 grant by EPA that includes this area. It includes about 200 acres, but before they can go in there and re-develop that area they are going to put this plant together.

2. Discussion and possible action concerning the refunding of water deposits to citizens which are in good standing with the City.

Cm. Guerra stated the he would defer on this item.

3. Presentation by the group Citizens Against Sexually Oriented Businesses.

Reverend Bob Rowley was present on behalf of Citizens Against Sexually Oriented Businesses who submitted to the City Secretary a total of 3,400 signatures to let the council know that there is a sizeable amount of people who are very concerned about sexually oriented businesses in the City of Laredo. They are concerned about this issue that show their strong opposition to sexually oriented business operating in this city. They were asking council to take action, and are expecting them to take action to protect the health, safety, and welfare of the citizens of this family oriented community. He stated these businesses cause crime to increase, they cause property values to decrease and drop significantly, and they are an embarrassment to any community. They were present before the City Council to ask that they enact an ordinance to protect the citizens from increased crime which will preserve property values and preserve the quality of life that we have in this family oriented city. He stated that the Supreme Court has said that the City Council can regulate sexually oriented businesses out of 95% of the city area which means, they can only give them 5% but restrict them from operating in 95% of the city. The Supreme Court will allow you to ban the combination of nudity and alcohol and that council can do that, it's legal, there is no problem with that, but they need to do it. The council can enact an ordinance which can severely limit sexually oriented business from operating in the city or do nothing which would be opening the doors of our city and inviting these businesses to come in to our town.

The City Attorney was given a copy of a sample ordinance.

Marina Sukup, Planning Director, made the presentation.

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

- 56. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning 11.398 acres out of Porcion 26, Abstract 282, further described by metes and bounds on attached Exhibit "A", located on Jacaman Road east of McPherson Road, from R-2 (Multi-Family Residential District) and R-1 (Single 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 11.398 acres out of Porcion 26, Abstract 282, further described by metes and bounds on attached Exhibit "A", located on Jacaman Road east of McPherson Road, from R-2 (Multi-Family Residential District) and R-1 (Single Family Residential 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. Cardenas

For: 8

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: Cm. G. Perez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

- 57. Public hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning 0.6322 acres out of Porcion 26, Abstract 282, further described by metes and bounds on attached Exhibit "A", located at 7200 McPherson Road,

