

**CITY OF LAREDO
REGULAR CITY COUNCIL MEETING**

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

MINUTES

M-93-R-35

NOVEMBER 1, 1993

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 led in the Pledge of Allegiance.

III. ROLL CALL

IN ATTENDANCE:

SAUL N. RAMIREZ, JR.,	MAYOR	
JOSE R. PEREZ, JR.,	COUNCILMEMBER,	DISTRICT I
JACINTO P. JUAREZ,	"	, DISTRICT II
ARLENE RASH ALDRIDGE,	"	, DISTRICT III
CECILIA MAY MORENO,	"	, DISTRICT IV
BLAS CASTANEDA,	"	, DISTRICT V
EDUARDO PERALES,	"	, DISTRICT VI
JOSE GERARDO (JERRY) PEREZ,	"	, DISTRICT VII
FELIPE CARDENAS,	"	, DISTRICT VIII
PETER H. VARGAS,	CITY MANAGER	
GUSTAVO GUEVARA, JR.,	CITY SECRETARY	
JOSE SALVADOR TELLEZ,	CITY ATTORNEY	
CARLOS VILLARREAL,	ASST. CITY MANAGER	
JESUS NAVA,	ASST. CITY MANAGER	

IV. APPROVAL OF MINUTES

2. Regular City Council Meeting of October 11, 1993
Regular City Council Meeting of October 18, 1993

Motion to approve.

Moved : Cm. Perez

Second: Cm. Cardenas

For: 6

Against: 0

Abstain: 0

(Cm. Juarez and Cw. Moreno not present)

V. INTRODUCTORY ORDINANCES

3. Authorizing the City Manager to execute Amendment No. 3 of the Reimbursement Agreement dated March 5, 1990, between the City of Laredo and Royal Joint Venture, which provides for the reconfiguration of the service area pursuant to a Water Supply and Controlled Development contract dated June 15, 1988, entered into between the City of Laredo and Royal Joint Venture.

Ordinance Introduction: City Council

4. Authorizing the City Manager to execute an agreement providing for possible reimbursement of part of the cost of constructing a sanitary sewer line incurred by George Mapus, D/B/A La Choza Motel.

Ordinance Introduction: City Council

5. Street Improvements Project 48; declaring the necessity for and ordering the paving and improvements of certain streets in the City of Laredo, Texas; approving the Street Paving Assessment Roll and cost estimates as prepared by the City Engineer; and directing the City Secretary to file this Ordinance with the County Clerk as a notice of its enactment and ordering and setting a public hearing on the 20th day of December 1993.

Ordinance Introduction: City Council

6. Authorizing the City Manager to execute a lease with the Washington's Birthday Celebration Association for approximately 13.0 acres of land located on Saunders Street at the Laredo International Airport;
 - a. Lease term is for fifteen (15) days commencing February 7, 1994, and ending February 21, 1994;
 - b. Daily rent will be \$600.00; providing for effective date.

Ordinance Introduction: City Council

7. Authorizing the City Manager to execute a lease amendment to four lease agreements with American Air Freight Company for hangar #142 and Building #144, #147, and #148 to allow American Air Freight Company to assign its leasehold interest of said lease agreements; providing for effective date.

Ordinance Introduction: City Council

Cm. Juarez came in at this time: 5:38 p.m.

8. Amending Chapter 2, Division 6, of the Code of Ordinances (being part of the Personnel Policies of the City of Laredo) amended by Ordinance 91-O-281; specifically to revise the time required for an employee to be in the position and in the salary step to receive a merit increase and deleting reference to performance appraisal "averages"; and providing for an effective date.

Ordinance Introduction: City Council

9. Amending the provisions of the City's Code of Ordinances, Chapter 2, Sections 2-51 and 2-60(g) (Sick Leave) to expand the use of employee sick leave to include the employee's "immediate family" and thereby bring the Code of Ordinances into compliance with the Family and Medical Leave Act of 1993 and provide additional flexibility for sick leave use to the employee.

Ordinance Introduction: City Council

Cm. Moreno came in at this time: 5:40 p.m.

VI. FINAL READINGS

Motion to waive the final reading of ordinances #93-O-210, #93-O-221, #93-O-222, #93-O-223, #93-O-224, #93-O-225, and #93-O-230.

Moved : Cm. Perales

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

10. 93-O-210 An ordinance amending Chapter 28, "Streets, Sidewalks and Public Places," of the City of Laredo Code of Ordinances, by adding Article VII, "Non-commercial Solicitations," defining regulating and licensing non-profit organizations, groups, corporations, or individuals, and providing penalties for the violation thereof, and repealing all Ordinances in conflict herewith. (City Council)

Cw. Aldridge recommended that a security guard be on duty at all times at the Library.

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

11. 93-O-221 Approval of an amendment to the contract and budget with the Texas Department of Health for the State of Texas Fiscal Year 1993-1994 beginning September

1, 1993, through August 31, 1994, providing funds for the Immunization Program at the Health Department; and increasing Revenue Line Item #226-0000-323-4040 from \$0 to 2,034.00; and increasing Expenditure Line Item #226-6088 from \$0 to \$2,034.00. (City Council)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8 Against: 0 Abstain: 0

12. 93-0-222 Amendment of the City of Laredo's Annual Budget to appropriate a reserve in the amount of \$658,479.00, from the General Fund Balance and transfer this amount into a reserve for debt service for the year ending September 30, 1994, and to authorize the City Manager to implement such project. (City Council)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8 Against: 0 Abstain: 0

13. 93-0-223 Amending the City of Laredo's Annual Budget to increase the appropriation for the Laredo Convention and Visitors Bureau in the amount of \$10,000.00, in the Hotel-Motel Fund and transfer this amount from reserve appropriations for the year ending September 30, 1994 and to authorize the City Manager to implement such project. (City Council)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8 Against: 0 Abstain: 0

14. 93-0-224 Amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 4, McPherson Plaza, located at 1319 East Hillside Road, from R-2 (Multi-family Residential District) to B-1 (Limited Business District); and providing for publication and effective date.
(Councilmember Eduardo "Eddie" Perales)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8 Against: 0 Abstain: 0

15. 93-0-225 Amending the zoning ordinance (map) of the City of Laredo by rezoning a 1.00534 acre tract out of Porciones 24 and 25, located at 7100 San Bernardo, as further described by metes and bounds on attached Exhibit "A", from B-3 (Community Business District) to B-4 (Highway Commercial District); and providing for publication and effective date. (Councilmember Jerry Perez)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8 Against: 0 Abstain: 0

16. 93-0-226 Amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 1120-B, located in Lulac Haven Subdivision, from B-3 (Community Business District) to R-1MH (Single Family Manufactured Housing District); and providing for publication and effective date. (Councilmember Jerry Perez)

Motion to table for the next regular meeting.

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 8 Against: 0 Abstain: 0

17. 93-0-227 Amending Section 24-77 of the Zoning Ordinance Handbook relating to Height, Area and Setback Requirements; providing for publication and effective date. (City Council)

Motion to table until council meets with P&Z and bring it back on the first week of December.

Moved : Cm. G. Perez

Second: Cm. Perales

For: 8 Against: 0 Abstain: 0

18. 93-0-228 Amending Chapter 24, Sections 24-65 through 24-76 of the Zoning Ordinance Handbook of the City of Laredo providing for Supplementary Zoning District Regulations; amending Section 24-80 deleting certain administrative provisions and establishing Appendix B-3: Zoning Fees; providing for publication and effective date. (As Amended by Council) (City Council)

Motion to table until council meets with P&Z and

bring it back on the first week of December.

Moved : Cm. G. Perez
Second: Cm. Perales
For: 8 Against: 0 Abstain: 0

- 19. 93-O-229 Establishing Chapter 24, of the Code of Ordinances and the Zoning Ordinance Handbook as the Laredo Land Development Code; establishing Article V, Performance Standards; and establishing Section 24-79, Fencing and Screening providing for publication and effective date.
(As Amended by Council)
(City Council)

Motion to table until council meets with P&Z and bring it back on the first week of December.

Moved : Cm. G. Perez
Second: Cm. Perales
For: 8 Against: 0 Abstain: 0

- 20. 93-O-230 Amending the City of Laredo's Annual Budget by amending the Fire Department's total firefighter positions by adding three additional captain positions and deleting three firefighters/cadet positions for Fire Station No. 3. and using \$27,000.00, from projected salary savings due to current vacancies in the Fire Department to fund the additional salary cost for the year ending September 30, 1994 and to authorize the City Manager to implement such amendment. (City Council)

Motion to approve.

Moved : Cm. Castaneda
Second: Cm. Cardenas
For: 8 Against: 0 Abstain: 0

VII. RESOLUTIONS

- 21. 93-R-095 Accepting conveyance of 2,000 acre feet of Class B Water Rights from Vaquillas Ranch Co., LTD., under Certificates of Adjudication Nos. 23-138, and 23-158, in payment of water availability charges in connection with platting of land from time to time, pursuant to Section 31-92(b) of Chapter 31 of the Code of Ordinances, as amended by Ordinance No. 87-O-25 dated February 2, 1987, by Ordinance No. 88-O-145 dated November 21, 1988, and by Ordinance No. 91-O-100 dated May 6, 1991, which authorizes payment of water availability charges by transfer

of water rights and to make application to the Texas Natural Resources Conservation Commission to have amended, and to pursue the amendment of Certificates of Adjudication Nos. 23-138, and 23-158 involving the transfer of 2,000 acre feet of Class B Water Rights, their conversion to municipal use, to establish place of use and to establish diversion point.

Motion accepting conveyance of 2,000 acres feet of Class B Water Rights from Vaquillas Ranch Co., LTD. under Certificates of Adjudication Nos. 23-138 and 23-158 in payment of water availability charges in connection with platting of land.

Moved : Cm. Perez
 Second: Cm. Cardenas
 For: 8 Against: 0 Abstain: 0

22. 93-R-134 Accepting conveyance of 337.0 acre feet of Class A Water Rights from Killam & Hurd LTD., Certificate of Adjudication No. 23-2721, in partial payment of water availability charges in connection with platting of the Estates of Winfield P.U.D., and Winfield Phase I, pursuant to Section 31-92(b) of Chapter 31 of the Code of Ordinances, as amended by Ordinance No. 87-0-25 dated February 2, 1987, by Ordinance No. 88-0-145 dated November 21, 1988, and by Ordinance No. 91-0-100 dated May 6, 1991, which authorizes payment of water availability charges by transfer of water rights; and authorizing the City Manager to make application to the Texas Natural Resources Conservation Commission for conversion to municipal use and establish diversion point.

Motion accepting conveyance of 337.0 acre feet of Class A Water Rights from Killam & Hurd LTD., Certificate of Adjudication No. 23-2721.

Moved : Cm. Perales
 Second: Cm. Cardenas
 For: 8 Against: 0 Abstain: 0

23. 93-R-130 Declaring the vote of the governing body of the City of Laredo for its nominated candidates to the Webb County Tax Appraisal District Board of Directors.

Motion to table this item for November 8th meeting.

Moved : Cm. Perales
 Second: Cm. Perez
 For: 8 Against: 0 Abstain: 0

24. 93-R-131 Approval of an amendment to the contract with the Texas Department of Health and accepting funds in the amount of \$52,000.00 for the State of Texas Fiscal Year 1993-1994 (beginning September 1, 1993, through August 31, 1994) for the HIV/AIDS Health Education Program of the City of Laredo Health Department; and authorizing the City Manager to execute the contract amendment for this program.

Motion to approve an amendment to the contract with the Texas Department of Health and accepting funds in the amount of \$52,000.00 for the State of Texas Fiscal Year 1993-94 for the HIV/AIDS Health Education Program of the City of Laredo Health Department.

Moved : Cm. Juarez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

25. 93-R-132 Approval of an amendment to the contract with the Texas Department of Health and accepting funds in the amount of \$35,206.00 for the grant period beginning July 1, 1993, through June 30, 1994, for the HIV/AIDS Housing Opportunities for Persons with AIDS (HOPWA) Program at the City of Laredo Health Department; and authorizing the City Manager to execute the contract amendment for this program.

Motion to approve an amendment to the contract with the Texas Department of Health and accepting funds in the amount of \$35,206.00 for the grant period beginning July 1, 1993, through June 30, 1994, for the HIV/AIDS Housing Opportunities for Persons with AIDS (HOPWA) Program at the City of Laredo Health Department.

Moved : Cm. Perales

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

26. 93-R-133 Approval of a contract with the Texas Natural Resource Conservation Commission and accepting funds in the amount of \$95,587.00 for the grant period beginning October 1, 1993, through April 30, 1994, for the Used Oil Recycling Program at the City of Laredo Health Department; and authorizing the City Manager to execute the contract for this program.

Motion to approve a contract with the Texas Natural Resource Conservation Commission and accepting funds in the amount of \$95,587.00 for a grant period beginning October 1, 1993, through April 30,

1994, for the Used Oil Recycling Program at the City of Laredo Health Department; and authorizing the City Manager to execute the contract for this program.

Moved : Cm. Perez
 Second: Cm. Castaneda
 For: 8 Against: 0 Abstain: 0

27. 93-R-135 Supporting in concept the establishment of the Rio Grande International Study Center at the Laredo Community College. (Sponsored by Councilmember Dr. Jacinto P. Juarez)

Motion supporting in concept the establishment of the Rio Grande International Study Center at the Laredo Community College.

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

Dr. Jim Earhart from the Laredo Community College spoke before the council on the creation of a Rio Grande International Study Center.

28. 93-R-136 Appointing the nominee of Councilmember Eduardo "Eddie" Perales to the Cable Commission.

Motion appointing Cynthia Moreno nominee of Councilmember Eduardo "Eddie" Perales to the Cable Commission.

Moved : Cm. Perales
 Second: Cm. Cardenas
 For: 8 Against: 0 Abstain: 0

VIII. MOTIONS

29. Award of an annual supply contract for Utility Department materials - mechanical joint fittings and related items, to the **Low Bidders**, Rohan Company, Laredo, Texas (\$237,721.03), Davis-McAllen Pipe and Supply, Laredo, Texas (\$24,339.70), and Noland Company, San Antonio, Texas (\$3,402.94).

Motion to award an annual supply contract Utility Department materials - mechanical joint fittings and related items, to the low bidders, Rohan Company, (\$237,721.03), Davis - McAllen Pipe and Supply, Laredo, Texas (\$24,339.70), and Noland Company, (\$3,402.94)

Moved : Cm. Perales
 Second: Cm. Perez

Moved : Cm. Perales

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

34. Approval of change order No. 1, a decrease of \$10,800.00, acceptance of the project, and approval of final payment in the amount of \$154,536.75, to Rhode Construction Company, Lubbock, Texas, for the Construction of Project "A" Wastewater Treatment Plant, and Project "B" Water Treatment Plant at the Laredo Colombia Solidarity Bridge.

Motion to approve change order No. 1, a decrease of \$10,800.00, acceptance of the of the project and approval of final payment of \$154,536.75 to Rhode Construction Company.

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

35. Approval of change order No. 3, an increase of \$18,180.00, to the construction contract with Pete Gallegos Paving, Inc., Laredo, Texas, for the 1990 Bond Issue Street Paving Assessment Project 45 (32 Blocks).

Motion to approve change order No. 3, an increase of \$18,180.00 to the construction contract with Pete Gallegos Paving, Inc., Laredo, Texas, for the 1990 Bond Issue Street Paving Assessment Project 45 (32 Blocks).

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

36. Approval of change order No. 2, an increase of \$72,225.00, to the Effluent Reuse Study Contract with NRS Consultant Engineers, Harlingen, Texas, for Resident Project Representative (inspection services) for the Jefferson Street Water Treatment Plant Filter Renovation and Capacity Increase Project.

Motion to approve change order No. 2, an increase of \$72,225.00 to the Effluent Reuse Study Contract with NRS Consultant Engineers.

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

37. Approval of change order No. 5, a decrease of \$4,432.00, acceptance of the project, and approval of final payment in the amount of \$87,221.01, to Landmark Structures, Inc., Keller, Texas, for the Northwest Laredo Elevated Water Storage Tank & Water Improvements, Economic Development

Administration Project No. 08-01-02788.

Motion to approve change order No. 5, a decrease of \$4,432.00, acceptance of the project, and approval of final payment in the amount of \$87,221.01 to Landmark Structures, Inc.

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

38. Approval of Amendment No. 1, an increase of \$29,875.00, to the engineering contract with SWL (Southwestern Laboratories) Environmental Services, Austin, Texas, for additional services to design, and prepare plans and specifications for a composite liner with leachate collection for the City of Laredo Landfill in compliance with Subtitle "D" requirements.

Motion to approve of Amendment No. 1, an increase of \$29,875.00, to the engineering contract with SWL (Southwestern Laboratories) Environmental Services.

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

39. Award of a construction contract to the Sole Bidder, Cutler Repaving, Inc., Lawrence, Kansas, in the amount of \$497,030.05, for the City of Laredo Street Recycling Project 1993-1994 (200 Blocks).

Motion to award of a construction contract to the sole bidder, Cutler Repaving, Inc., in the amount of \$497,030.05 for the City of Laredo Street Recycling Project 1993-94.

Moved : Cm. Juarez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

40. Award of a construction contract to the Low Bidder, BRH Garver, Inc., Houston, Texas, in the amount of \$1,756,233.30, for the Upgrading/Replacement of Six (6) Lift Stations Project.

Motion to award construction contract to the low bidder, BRH Garver, Inc., in the amount of \$1,756,233.30 for the Upgrading/Replacement of Six (6) Lift Stations Project.

Moved : Cm. Juarez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

41. Approval of the Hotel/Motel Fund contract with the Lulac

Council #12 for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$4,500.00.

Motion to approve the Hotel/Motel Fund contract with the Lulac Council #12 for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$4,500.00

Moved : Cm. Juarez
Second: Cm. Castaneda
For: 8 Against: 0 Abstain: 0

- 42. Approval of the Hotel/Motel Fund contract with the Borderfest, Streets of Laredo for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$5,000.00.

Motion to approve the Hotel/Motel Fund contract with the Borderfest, Streets of Laredo for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$5,000.00.

Moved : Cm. Juarez
Second: Cm. Castaneda
For: 8 Against: 0 Abstain: 0

- 43. Approval of the Hotel/Motel Fund contract with Border Olympics, Inc. of Laredo for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$9,000.00.

Motion to approve the Hotel/Motel Fund contract with Border Olympics, Inc. of Laredo for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$9,000.00.

Moved : Cm. Juarez
Second: Cm. Castaneda
For: 8 Against: 0 Abstain: 0

- 44. Approval of the Hotel/Motel Fund contract with the Laredo Little Theater for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$11,839.00.

Motion to approve the Hotel/Motel Fund Contract with the Laredo Little Theater for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$11,839.00.

Moved : Cm. Juarez
Second: Cm. Castaneda
For: 8 Against: 0 Abstain: 0

- 45. Approval of the Hotel/Motel Fund contract with the Laredo Philharmonic Orchestra, Inc. for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of

\$22,000.00.

Motion to approve the Hotel/Motel Fund contract with the Laredo Philharmonic Orchestra, Inc. for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$22,000.00.

Moved : Cm. Juarez
Second: Cm. Castaneda
For: 8 Against: 0 Abstain: 0

- 46. Approval of the Hotel/Motel Fund contract with the Webb County Heritage Foundation for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$27,390.00.

Motion to approve the Hotel/Motel Fund contract with the Webb County Heritage Foundation for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$27,390.00.

Moved : Cm. Juarez
Second: Cm. Castaneda
For: 8 Against: 0 Abstain: 0

- 47. Approval of the Hotel/Motel Fund contract with the Laredo Children's Museum for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$15,000.00.

Motion to approve the Hotel/Motel Fund contract with the Laredo Children's Museum for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$15,000.00.

Moved : Cm. Castaneda
Second: Cm. Juarez
For: 8 Against: 0 Abstain: 0

- 48. Approval of the Hotel/Motel Fund contract with the Republic of the Rio Grande Museum for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$25,360.00.

Motion to approve the Hotel/Motel Fund contract with the Republic of the Rio Grande Museum for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$25,360.00.

Moved : Cm. Castaneda
Second: Cm. Juarez
For: 8 Against: 0 Abstain: 0

- 49. Approval of the Hotel/Motel Fund contract with Laredo Art League for the fiscal year beginning October 1, 1993 to

September 30, 1994, in the amount of \$52,000.00.

Motion to approve the Hotel/Motel contract with Laredo Art League for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$52,000.00.

Moved : Cm. Castaneda

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

50. Approval of the Hotel/Motel Fund contract with Los Caminos del Rio for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$10,000.00.

Motion to approve the Hotel/Motel Fund contract with Los Caminos del Rio for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$10,000.00.

Moved : Cm. Castaneda

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

51. Approval of the Hotel/Motel Fund contract with the Bringing Everyone Special Together for the fiscal year beginning October 1, 1993 to September 30, 1994, in the amount of \$18,750.00.

Motion to correct the above approval request by changing the wording from "Hotel/Motel Fund" to "General Fund".

Moved : Cm. Juarez

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Motion to approve as amended.

Moved : Cm. Castaneda

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

Motion to move up the item No. 10 under communications to hear Mr. Carlos Villarreal and Mrs. Dolores Rodriguez presented under Laredo State Center concern.

Moved : Cm. Juarez

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

IX. CITY MANAGER'S REPORT

52. Request for Executive Session authorized under V.A.T.C.S. Article 6252-17, Section 2(f) to discuss the status of land acquisition for the Inner Loop, Mines Road and Springfield

Extension Projects.

Motion to go into executive session authorized under V.A.T.C.S. Article 6252-17, Section 2(f) to discuss the status of land acquisition for the Inner Loop, Mines Road and Springfield Projects.

Moved : Cm. Perez

Second: Cm. G. Perez

For: 8

Against: 0

Abstain: 0

After executive session Mayor Saul N. Ramirez, Jr. announced that no formal action was taken.

Mayor Ramirez announced to the public that there was no action taken in executive session.

Mayor Ramirez announced for information, that the inner loop right-of-way has been acquired, so has the Mines Road right-of-way, both construction contracts will be awarded this month. The inner loop is to be completed (the first phase by September of 1994) and completely constructed by September of 1995. The remaining section of the Mines Road will also be finished by September of 1995 under the contract that will be awarded to this month.

X. COMMUNICATIONS

Cm. Juarez stated that Mrs. Rodriguez from the State Center was unable to be present because she is out-of-town attending center business.

Carlos A. Villarreal from Alta Vista Neighborhood stated that they had acquired more signatures of the residents which totally disagree with the house that will be built by the state. The people there are not actually against people who are being treated when they are mentally ill, but they feel that there should not be a state house promoted in that area, since it is a residential area. He added this is considered as a business and that it jeopardizes the travel of traveling of children to and from school.

Cm. Juarez asked that the Legal Department review this particular situation to see if there is any way that an agreement can be reach with the Laredo State Center and that it be placed for the next council meeting of November 15th for official action at that time.

Two particular situations to review are:

- 1) That the house be place at another location, or
- 2) if the state project is done, if they have mentally retarded individuals, the residents would not be opposed, if they have exclusively mentally retarded individuals

that work and that use the house only as a half-way house.

Mr. Villarreal stated that their main consensus or wish would be to have the house in another location.

Mrs. Olga Fuentes stated that they are not against the mentally retarded, but are against the state project in their residential area and what the state wants to impose on the residents. She turned in a signature list of 175 individuals who oppose the center in their neighborhood.

Cm. Castañeda and Cm. Juarez requested that state officials from the center be present at the next meeting.

- A. Presentation by Justice of the Peace Hector Liendo to the City Council concerning a proposed gang hotline.

Motion to table for November 15th.

Moved : Cm. G. Perez

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

- B. Presentation by Arturo Sanchez and Gloria Weber concerning the "Guaajolote Run" to be held on Thanksgiving Day, November 25, 1993. (Sponsored by Councilmember Dr. Jacinto P. Juarez)

Cm. Juarez, in the absence of Mr. Arturo Sanchez and Mrs. Gloria Weber, was making a formal invitation and requesting city assistance to clean the streets that form the running route and assistance from the Police Department to the runners.

Cm. Juarez also requested an Official Proclamation by the Mayor and that a speaker from the City of Laredo be present to open the event.

Mr. Arturo Sanchez and Mrs. Sanchez Webber appeared before the council to extend an invitation and presented a plaque to the Mayor and Council on their participation.

Cm. Perales stated that there is a piece of property in District VI, in Regency, which was deeded over to the city for a park. He asked the Legal Department to investigate this piece of property and come back with a report at the next council meeting.

XI. CITY COUNCIL DISCUSSION AND PRESENTATION

53. Requests by the Mayor and Councilmembers for discussion and

presentation.

A. Request By Councilmember Jacinto P. Juarez

1. Discussion and possible action concerning the establishment of a recreational facility that would accommodate go-carts and small motor bikes.

Mr. Roger Jones asked for a place for a place for our children who have go-carts and small motor bikes because there exists no place in the City of Laredo for the children to go and play. He stated they were utilizing an area at the airport until they found out that they were in violation of the airport rules and were asked to cease continuation. He requested a place for the children, he added there are numerous areas that are owned by the city and the county that they can use.

Motion directing to take this item before the Parks and Recreation, Mr. Alfredo Castillo and the Advisory Board so that they review Mr. Jones' request to see what parkland is available for this kind of activities, that the city owned property be surveyed, provide a list of potential sites, and try to access how feasible it would be to convert one of this properties that we have for this purpose and come back with recommendations by the first meeting of December.

Moved : Cm. Juarez

Second: Cm. Castaneda

For: 7

Against: 0

Abstain: 0

(Cm. Cardenas was temporarily out)

2. Discussion and possible action concerning placing a traffic signal at Montgomery and Arkansas Streets.

Motion to place traffic signal at Montgomery & Arkansas.

Moved : Cm. Juarez

Second: Cm. Castaneda

For: 7

Against: 0

Abstain: 0

(Cm. Cardenas was temporarily out)

B. Request By Councilmember Arlene Rash Aldridge

1. Discussion and possible action concerning a possible joint project between the City of Laredo and the Laredo Independent School District to divide the Seven Flags Park and J.C. Martin Elementary School with a fence.

Cw. Aldridge stated there exists problems in the past years, on vandalism, things happening to their school area, parties, drug deals going on, etc.

She asked for police surveillance on this area every night.

Mr. Vargas stated they will contact the LISD and bring a report City Council.

2. Request by Andres Sandoval to address the City Council concerning recall petition.

Cw. Aldridge read a letter with states:

"We as members of the government of the City of Laredo sit here in this place at this appointed hours, to conduct the business and affairs of the City of Laredo as FOR OF THE PEOPLE, BY THE PEOPLE AND OF THE PEOPLE and we are only public servants and as representatives of the people we are bound by law to protect and preserve the constitutional rights of our people especially in the exercise as such basic rights before us."

"Certainly, as a public body and with a sense of good order certain rules can be made to conduct meetings provided that we do not violate either the state or Federal Constitution which will always prevail over any our rules."

"Last week, according to our rules, established by our public meetings Mr. Andres Sandoval was registered to speak in regards to the recall petition of Councilmember Felipe Cardenas. While I was not present I did view the meeting on public access the complete and absolute censorship on a motion by Councilman, Eddie Perales, of Mr. Sandoval. The majority of this Council supported Mr. Perales."

"I was and am now appalled that this Council would so flagrantly violate the First Amendment rights of Mr. Sandoval to be heard before this public forum. I am particularly disturbed that our school system is administered by some people who do not believe in the Federal Constitution and the rights accorded to our people under this historical document."

"I wish to register my strong opposition to such unbecoming behavior of this Council towards one of our citizens, Mr. Sandoval, and do personally publicly apologize to him for all of the portion of the City of Laredo which I represent, Mr. Sandoval, and I would also move that this Council reconsider their support of any motion or action that would seek to deny free speech to any of our citizens who desire to express their opinions before this Council and especially to those who have been registered for such purposes under our own rules."

I do hereby move that this Council apologize to Mr. Sandoval, publicly for such omission in their duties to him, as one of their citizens."

Motion to publicly apologize to Mr. Sandoval for not being allowed to speak at the last council meeting when he had signed the sign-in sheet to speak before the council.

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 2

Cw. Aldridge

Cm. Juarez

Against: 6

Cm. Perez

Cw. Moreno

Cm. Castaneda

Cm. Perales

Cm. G. Perez

Cm. Cardenas

Abstain: 0

Motion does not carry for the request.

Motion to move item [VIII - A] under Supplemental Agenda for discussion at this time.

Moved : Cw. Aldridge

Second: Cm. Juarez

For: 8

Against: 0

Abstain: 0

Mr. Andres Sandoval stated that there was no need for an apology. He challenged Cm. Perales to bring the article of the newspaper where it stated that he was going to come before the council and blast Mr. Cardenas. He stated that he does not receive the newspaper and that he had never made such as statement.

Mr. Sandoval continued by stating, "that's the petition that was circulated, never was any part of it cut out, there was another one that was circulated upright like that, an that was for the removal of trucks from the area, thus there was nothing but a smoke stream."

He stated in Spanish, that the City Charter has granted the people the right to remove anybody. He stated that he has never spoken bad about Mr. Cardenas, he has always treated Mr. Cardenas fairly. He spoke on the affidavits gathered by Elida Valdez and Ana Venegas requesting the removal of the signatures from the petition for the recall.

He read a notarized affidavit in Spanish for the record,

A quien esto concierna:

"Yo Victor M. Solis con este testamento afirmo que en una reunion entre el Sr. Andres Sandoval, Sr., el Sr. Felipe Cardenas, y este servidor, dentro del Restaurant Danny's al cruzar del correo, despues de comer y despues de presentar mi problema ante el Sr. Cardenas para su consideracion fui sorprendido al escuchar al Sr. Felipe Cardenas, decirle al Sr. Andres Sandoval y ha este servidor "esto no sera facil ya que el Regente, Sr. Peter Vargas, cuando le presento problemas siempre dice con cuanto votos cuentas" y luego anadio, "El Sr. Carlos Villarreal...El Sr. Carlos Villarreal me dijo que jamas incluyera los nombres Andres Sandoval, Aldo Tatangelo y Victor Solis en las agendas del cabildo." "Es veridico ese testamento, Sr. Cardenas o no?"

Mr. Sandoval stated that he had other affidavits, but that he would not read them. One of them stated that Mr. Cardenas told residents of precinct five that since they had not voted for him, he had nothing to do to stop the closing of San Jorge. Mr. Sandoval spoke in reference to other affidavits that he had.

(No affidavits were turned into the City Secretary's Office.)

Mr. Jorge Casiano, Sr. stated the venture has brought the process to this point of recalling Mr. Cardenas because their rights continue to be violated.

Jose Salvador Tellez, City Attorney, advised the City Council that Mr. Sanchez the Bailiff for the 11th District Court had served on Mr. Guevara, City Secretary, a copy of a petition seeking injunctive relief in damages and makes an application for temporary restraining order on behalf of Felipe Cardenas vs. Jose Rodriguez, Jorge Casiano, Sr., Eduardo Farias, Mike Farias and Andres Sandoval and it names the City Secretary as the person who is by the Charter entitled to certify the recall petition. The lawsuit alleges that they are asking for writ of mandamus to prevent the improper calling of a recall election procured thru fraud and it also alleges that the recall petition was circulated in bad faith and that the petition intended to deceive and induce the Defendant Guevara to certify a recall petition where there were material misrepresentations that were going to be relied on.

He added in this regard, there is a temporary restraining order that was signed at 6:05 P.M., today by the Honorable Ron Karr who is the visiting Judge in the 11th District Court which enjoins Mr. Gustavo Guevara, Jr., from certifying the amended petition to recall Plaintiff, Felipe Cardenas as presented by the defendant circulators.

Jose Salvador Tellez, City Attorney, at this time advise Mr. Guevara that he is not in a position to certify the recall petition because he would be in violation of the Temporary Restraining Order signed by Judge Ron Karr.

The City Secretary did not certify the amended recall petition due the Temporary Restraining order issued by the 111th District Court and served at the Council Chambers at about 7:00 p.m.

Motion to end the discussion on the this item.

Moved : Cm. Perales

Second: Cw. Moreno

For: 5

Cm. Perez

Cw. Moreno

Cm. Perales

Cm. G. Perez

Cm. Cardenas

Against: 3

Cm. Juarez

Cw. Aldridge

Cm. Castaneda

Abstain: 0

Motion carries.

XII. PUBLIC HEARINGS

Motion to open the public hearing(s):

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

(Cw. Arlene Aldridge was not present.)

54. Public Hearing concerning the approval of an amendment to the contract and budget with the Texas Department of Health providing additional funds in the amount of \$52,000.00, for the HIV/AIDS Health Education Program of the City of Laredo Health Department for the State of Texas Fiscal Year 1993-1994 beginning September 1, 1993, through August 31, 1994; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Approval of an amendment to the contract and budget with the Texas Department of Health for the State of Texas Fiscal Year 1993-1994 (beginning September 1, 1993, through August 31, 1994), providing funds for the HIV/AIDS Health Education Program of the Health Department; and increasing Revenue Line Item #226-0000-323-4046 from \$0 to \$52,000.00; and increasing Expenditure Line Item #226-6086 from \$0 to \$52,000.00.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cm. Cardenas

Second: Cm. Perez
For: 7

Against: 0

Abstain: 0

XIV. ADJOURNMENT

Motion to adjourn.

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

Against: 0

Abstain: 0

Adjournment time: 8:05 P.M.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 25 ARE TRUE, COMPLETE AND CORRECT PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON THE 1ST DAY OF NOVEMBER, 1993. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE.


GUSTAVO GUEVARA, JR.
CITY SECRETARY

MINUTES PREPARED BY: Delia Rodriguez, Deputy City Secretary II

APPROVED BY COUNCIL ON: November 15, 1993

1. 2. 3. 4. 5.