

**CITY OF LAREDO
CITY COUNCIL MEETING**

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

MINUTES

M-97-R-06

FEBRUARY 18, 1997

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
ELISEO VALDEZ, JR., " , DISTRICT V
JOE A. GUERRA, " , DISTRICT VI
MARIO GEORGE ALVARADO, " , DISTRICT VII
CONSUELO "CHELO" MONTALVO, " , DISTRICT VIII
FLORENCIO PENA, III, CITY MANAGER
JERRY BRUCE CAIN, ASST. CITY MANAGER

ABSENCES:

GUSTAVO GUEVARA, JR., CITY SECRETARY

IV. APPROVAL OF MINUTES

2. City Council Meeting of January 27, 1997
City Council Meeting of February 3, 1997

Motion to approve.

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

Against: 0

Abstain: 0

1997, and authorizing the Interim City Manager to execute all documents related thereto.

Motion to approve Resolution #97-R-020.

Moved : Cm. Guerra

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

13. 97-R-021 Declaring the public necessity to acquire through donations, six parcels of land as permanent drainage easements for the Willow Chacon Drainage Improvements Project. Said parcels being situated in Block 1566, Eastern Division, City of Laredo, Webb County, Texas; and more particularly described as follows:

Parcel 1 - Being the surface only of a 1,389.00 sq. ft. tract of land, more or less, being out of and a part of the north 1/3 of Lot No. 3, Block No. 1566, Eastern Division, as per the City of Laredo, Webb County, Texas; and being generally described below and more particularly described by metes and bounds.

Parcel 2 - Being the surface only of a 926.00 sq. ft. tract of land, more or less, being out of and a part of the middle 1/3 of Lot No. 3, Block No. 1566, Eastern Division, as per the City of Laredo original land grant, recorded in Volume 7, Page 15, plat records of Webb County, Texas.

Parcel 3 - Being the surface only of a 926.00 sq. ft. tract of land, more or less, being out of and a part of the south 1/3 of Lot No. 3, Block No. 1566, Eastern Division, as per the City of Laredo original land grant, recorded in Volume 7, Page 15, plat records of Webb County, Texas.

Parcel 4 - Being the surface only of a 926.00 sq. ft. tract of land, more or less, being out of and a part of Lot No. 10, Block No. 1566, Eastern Division, as per the City of Laredo original land grant, recorded in Volume 7, Page 15, plat records of Webb County, Texas.

Parcel 5 - Being the surface only of a 1,157.50 sq. ft. tract of land, more or less, being out of and a part of Lot No. 11, Block No. 1566, Eastern Division, as per the City of Laredo original land grant, recorded in Volume 7, Page 15, plat records of Webb County, Texas.

Parcel 5 - Being the surface only of a 1,157.50 sq. ft. tract of land, more or less, being out of and a part of Lot No. 11, Block No. 1566, Eastern Division, as per the City of Laredo original land grant, recorded in Volume 7, Page 15, plat records of Webb County, Texas.

Parcel 6 - Being the surface only of a 1,620.50 sq. ft. tract of land, more or less, being out of and a part of Lot No. 12, Block 1566, Eastern Division, as per the City of Laredo original land grant, recorded in Volume 7, Page 15, plat records of Webb County, Texas.

Motion to approve Resolution #97-R-021.

Moved : Cm. Perez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

14. 97-R-022 Authorizing the City of Laredo to intervene before the Public Utility Commission of Texas in Docket No. 16995, Central Power and Light Company's Integrated Resource Plan filing and request for approval of new power supplies; and authorizing participation with other cities through a steering committee; and authorizing recovery of Cities rate case expenses.

Cm. Valdez wanted a clarification on the statement where it says that approval of this proposal may ultimately increase rates.

Mr. Bruce Miller Earle, Chairman of the Telecommunications Commission, stated that basically this is an ongoing process on their review of the utilities, finding what rate schedules have been put forward. What is charged vs. what the consumer is getting.

Cm. Guerra said he had a concern with a sentence in this resolution which tells us that approval of CPL's proposal may ultimately increase rates paid by residents of the City of Laredo and wanted Mr. Earle to explain this.

Mr. Earle explained that from time to time the utilities' requests before the Utilities Commission a right to increase their rates from one mechanism to another, but he does not have a clear answer as to what this could entail. He added that they are building good relations with them expressing the concerns that we have and PUC relates to us on what the quality of services are that we receive here, at the border, as compared to other parts.

Mayor Ramirez stated he had received correspondence in regards to that and in essence, what they are doing is increasing their plant capacity by expanding their production in the valley and in order for them to be able to do that, they have to

V. INTRODUCTORY ORDINANCES

- 3. Ordinance authorizing the City Manager to execute a lease with the State of Texas General Services Commission on behalf of University of Texas Health Science Center at San Antonio for 317 square feet of office space at the City of Laredo Health Complex located at 2600 Cedar St.
 - 1) Lease term will be from December 1, 1996, through August 31, 1997,
 - 2) Monthly rental cost of \$335.88 which includes the cost of utilities and janitorial services.

Ordinance Introduction: City Council

- 4. Authorizing the granting of an access and utility easement over, upon and across a 0.25 acre tract of land located in Porcion 24, Laredo, Webb County, Texas as conveyed to the City of Laredo in Volume 427, page 390, Webb County deed records to LAR-TEX Telephone Company, Inc., for a term of 15 years, for the purposes of providing telephone service and electrical power to their leased premises at the City of Laredo Water Tower Site on Mines Road; and authorizing the City Manager to execute said easement effectuating same, 0.25 acre tract is more particularly described by metes and bounds.

Ordinance Introduction: City Council

- 5. Approving license, NOAA License Number 97-ABF-201 for real property at the Laredo International Airport between the City of Laredo, as Grantor and the United States of America, acting thru the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, as Grantee. The proposed license is for the installation, operation, maintenance, repair, replacement and removal of an Automated Surface Observing System (ASOS) equipment at the airport at the sole cost and expense of the government. The license is effective beginning February 28, 1997 for a period of 15 years unless terminated earlier by mutual agreement. Authorizing the City Manager to execute said license with the government.

Ordinance Introduction: City Council

VI. FINAL READINGS

Motion to waive the final reading of ordinances #97-0-043, #97-0-044, and #97-0-045.

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

Against: 0 Abstain: 0

VII. RESOLUTIONS

9. 97-R-017 Authorizing the Interim City Manager of the City of Laredo to accept an grant from the Texas Council for the Humanities in the amount of \$5,000.00 and authorizing the Interim City Manager to execute the necessary documents.
- Motion to approve Resolution #97-O-017.
- Moved : Cm. Perez
 Second: Cm. Alvarado
 For: 8 Against: 0 Abstain: 0
10. 97-R-018 Accepting a grant from the Texas Department of Health in the amount of \$125,730.00 for the Immunization Action Plan Project of the City of Laredo Health Department for the period beginning January 1, 1997, through December 31, 1997; and authorizing the Interim City Manager to execute the contract.
- Motion to approve Resolution #97-R-018.
- Moved : Cw. Montalvo
 Second: Cm. Alvarado
 For: 8 Against: 0 Abstain: 0
11. 97-R-019 Endorsing the City's partnership with Laredo Community College in developing and submitting an EPA Environment Education Grant application; pledging matching funds not to exceed \$10,000.00 to be used for the construction of models of the Water and Wastewater Treatment Plants. Authorizing the City Manager to execute a memorandum of understanding with Laredo Community College with regard to said matching funds for the proposed project.
- Motion to approve Resolution #97-R-019.
- Moved : Cw. Montalvo
 Second: Cm. Alvarado
 For: 8 Against: 0 Abstain: 0
12. 97-R-020 Accepting a grant from the Texas Natural Resource Conservation Commission through the South Texas Development Council in the amount of \$59,795.00, with the City designating \$21,823.00, in matching funds and/or in-kind services for a total of \$81,623.00, to develop and implement one Household Hazardous Waste Collection and Proper Disposal Program Event. The event is scheduled for April 19,

notify everybody within the system that they are expanding their plant capacity anywhere within the system and solicit from PUC a request to be able to pay for that improvement, so this might have an impact on our rates.

Florencio Peña, City Manager, explained that this would authorize us to join with other cities to challenge and to work with CP&L to determine whether or not the rate adjustments that they might be asking for are something we can live with and the cost we will incur.

Motion to approve Resolution #97-O-022.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

VIII. MOTIONS

15. Approving an employment contract between the Laredo City Council and the City Manager of the City of Laredo.

Cm. Perez asked that item B(ii) of the contract include that the City Manager be entitled to payment of 3 months' severance pay instead of the 9 months' severance.

Mr. Peña stated that this contract follows the previous City Manager's contract, the item was added because council wanted him to be evaluated at the end of six months. He added there are four areas that are different from the previous City Manager's contract.

Cm. Casso clarified that what Mr. Peña would rather take is the nine month severance pay than to return to his old job.

Motion to approve employment contact between the Laredo City Council and the City Manager of the City of Laredo, as presented.

1. This agreement shall be subject to all the provisions of the Charter of the City of Laredo and to all amendments to it.
2. This agreement is for an indefinite term.
3. This agreement may be terminated at any time by the City of Laredo pursuant to Section 3.15 of the Charter which provides that the City Manager may be removed at the will and pleasure of the City Council by the vote of a majority of all Council Members qualified and serving.

4. This agreement may be terminated by Florencio Peña, III upon the giving of notice, in writing, to the City Council at least 60 days before the effective date of said notice of termination.
5. The following salary and related benefits shall be provided to Mr. Peña.
 - A.
 - (i) His salary shall be \$95,000 per annum. City Council agrees to increase said base salary and/or other benefits in such amounts and to such extent as it may determine that it is desirable to do so on the basis of an annual salary review.
 - (ii) He shall receive a car allowance of \$500.00 per month.
 - (iii) He shall participate in the same pension plan as is provided to non-civil service employees, namely, the Texas Municipal Retirement System, under the same terms and conditions as are provided to non-civil service employees of the City.
 - (iv) The City shall pay an amount equivalent to 5% of the annual salary specified in (A) (i) above to Mr. Peña's current pension plan with the International City Management Association.
 - (v) He shall be entitled to the same vacation and sick leave as are currently provided to non-civil service employees of the City, except that on termination of this agreement, the total which may be accumulated shall be as provided in (C) (i) below. For accrual of vacation and sick leave purposes, credit for service rendered to the City from 1982 to 1989 shall be provided.
 - (vi) He shall be entitled to the same health insurance benefits as are provided to non-civil service employees of the City.
 - B.
 - (i) In the event of termination of this agreement pursuant to either Paragraph 3 or 4 above, he shall be entitled to payment for his combined vacation and sick leave, which he may have accumulated, for up to, but no more than, 90 work days.
 - (ii) In the event of termination of this agreement pursuant to Paragraph 3 above, he shall be entitled to payment of 9 months' severance pay, unless and except if such termination at the will and pleasure of the Council should be for reason

or reasons of malfeasance in office or commission of a felony or an offense involving moral turpitude, then this provision shall not apply.

- C. (i) Hours of work: It is recognized that the employee must devote additional time outside normal office hours to business of the City of Laredo. To that end the employee will be allowed to take compensatory time off as he shall deem appropriate during normal office hours, provided, however, that a record of the time off is kept for the review of the City Council.
- (ii) Dues and subscriptions: The employer agrees to budget and to pay the professional dues and subscriptions of the employee necessary for his continued participation in those national, regional, state and local associations and organizations that are necessary and desirable for his continued professional participation, growth and advancement and for the good of the employer subject, however, to the proviso that if there should be municipal budget reductions due to adverse economic conditions at any time, then a pro rata reduction would apply hereto.
- (iii) Professional Development: The employer hereby agrees to budget and to pay for the registration, travel and subsistence expense of the employee for professional and official travel, meetings, local business luncheons, conferences and other occasions adequate to continue the professional development of the employee and to adequately pursue necessary official and other functions for the employer subject, however, to the proviso that if there should be municipal budget reductions due to adverse economic conditions at any time, then a pro rata reduction would apply hereto.
6. It is agreed by and between the City Council and Mr. Peña that the City Council shall conduct an evaluation of performance and pay 6 months from the effective date of this agreement, and thereafter, such evaluations shall be done not less frequently than once a year.
7. This agreement shall take effect as and from February 15, 1997, the date on which Mr. Peña will assume the office of City Manager of the City of Laredo.

Moved : Cm. Casso
 Second: Cm. Bruni
 For: 8

Against: 0

Abstain: 0

16. Approval of bid specifications and authorization to advertise for bids for pharmaceutical services and home health nursing care provided to the clients of the City of Laredo Health Department's HIV/AIDS Ryan White Project and HIV/AIDS Social Services Project. Bids will be received on March 11, 1997 with a tentative bid award for March 17, 1997.

Motion to approve bid specifications and authorize to advertise for bids for pharmaceutical services and home health nursing care.

Moved : Cm. Casso

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

17. Approval of bid specifications and authorization to advertise for bids for the following:
- a) voice and data installation - New Main Library,
 - b) furniture - New Main Library,
 - c) equipment - New Main Library
- Bids will be received on March 24, 1997 with a tentative bid award for April 3, 1997.

Motion to approve bid specifications and authorize to advertise for bids.

Moved : Cm. Casso

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

18. Refund of property taxes in various amount to the following individuals or companies:
- a. Cindy Boudloche in the amount of \$620.38 as a result of an over-payment,
 - b. Shiloh Heights LTD in the amount \$1,071.76, as a result of a clerical error,
 - c. Michael and Theresa Powell in the amount of \$524.50, as a result of a double payment.

Motion to refund property taxes.

Moved : Cm. Casso

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

19. Award of contract to the Low Bidder, U.S. Rental, Laredo, Texas, in the amount of \$11,474.92, for the purchase of one trailer mounted, diesel trash pump for use by the Utilities Department -Water Distribution Division. This pump is used to clear water and debris from repair and construction job sites. The city received a total of six bids for this equipment. Funding is available in the Department's capital outlay budget.

Motion to award contract to the low bidder, U.S. Rental.

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

Against: 0 Abstain: 0

- 20. Award of contract to the Low Bidder, Laidlaw Environmental Services, Inc., San Antonio, Texas in the amount of \$47,122.08, for two collection events for the collection, processing, packing and disposal of Household Hazardous Waste Collection and Proper Disposal Program. The City received a total of three bids for this service. The proposed dates for the collection events are April 19 and November 15, 1997.

Motion to award contract to Laidlaw Environmental.

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

Against: 0 Abstain: 0

- 21. Award of contract to the Low Bidder, Royal Treat Carwash, Laredo, Texas, in the estimated amount of \$26,000.00, for furnishing car wash services for the City's automotive fleet. Bids were requested on car wash service with and without inside vacuum. The City received a total of two bids for this service. The bid pricing is approximately 38% higher than the previous contract period. All services are secured on an as need basis.

Motion to award contract to Royal Treat Carwash.

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

Against: 0 Abstain: 0

- 22. Award of three year uniform rental contract to the Low Bidder, Cintas Corporation, San Antonio, Texas, in the yearly amount of \$108,784.00, for providing industrial uniform rental and laundry service. Industrial uniforms are used by the Public Works, Parks and Recreation, Water and Wastewater Utility, Civic Center, Traffic Safety, Airport, and Utilities Collection departments. This contract will require the contract vendor to provide eleven sets of uniforms and provide weekly laundry service. Staff also requested bids for the outright purchase of industrial uniforms, however, staff is requesting authorization to reject these bids. Previously the city purchased three to four sets of uniforms for most of these employees and provided no laundry service. It has been determined that providing these employees with commercial laundry service would be more beneficial to our service employees and eliminate any potential health hazards. The City received a total of three bids for this service. Funding is available in the respective department's budgets.

Motion to approve.

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

Against: 0 Abstain: 0

- 23. Award of contract to the Low Bidder, Promaxima Manufacturing, Houston, Texas, in the amount of \$18,000.00, for the purchase and installation of three universal gym weight systems at the Farias, N.E. Hillside, and Tarver Recreation Centers. The contract vendor will install these seven station weight systems within thirty days. Funding is available from the Parks and Recreation capital outlay account. Bid pricing is currently being requested on a twelve station weight system for the Cigarroa Recreation Center. This center has a larger weight room and the appropriate size system will be installed at this location. The Laredo Independent School District contributed an additional \$50,000.00, to increase the size of the multi-purpose at the Cigarroa Recreation Center.

Motion to approve.

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

Against: 0 Abstain: 0

- 24. Approval of change order no. 5, an increase of \$22,487.50, for the balance of quantities actually constructed in place, acceptance of the project, and approval of payment in the amount of \$153,837.67, for the 36 Inch Diameter Water Line Project from the Jefferson Water Plant to F.M. 1472 Water Tower at Mines construction contract with McLean Construction Company, Inc. Killeen, Texas. Also, approval to retain \$50,000.00, pending final acceptance of the Cathodic Protection for the water line. Current construction contract amount is \$2,252,420.90. Funding is available in the Waterworks System Fund.

Motion to table for the next regular meeting.

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

Against: 0 Abstain: 0

- 25. Approval of change order no. 1, a decrease of \$1,900.00, for the balance of quantities actually constructed in place, and acceptance of the Roof Repairs at the El Mercado Buildings Project and approval of final payment in the amount of \$20,100.00, to American Contracting Corporation, Laredo, Texas. Final construction contract amount is \$20,100.00. Funding is available in Mercado Fund.

Motion to approve.

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

Against: 0 Abstain: 0

26. Approval of change order no. 2, a net decrease of \$98.05 (includes an increase of \$234,067.85, and a decrease of \$234,165.90) for balance of quantities thus far installed in the project and to add 49 working days to the contract time to the construction contract with H.B. Zachry Company, San Antonio, Texas for the Laredo International Airport Passenger Terminal & Related Airside/Landside Improvements Phase B. Current construction amount is \$11,107,731.31. Funding is available in Airport Construction Fund.

Motion to approve.

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

Against: 0 Abstain: 0

27. Approval of the release of \$72,600.00, approximately 60% of the retainage of the construction contract of the West Laredo Overpass with Concho Construction Company, Garland, Texas, and acceptance of the bridge and approach portions of the project as outlined in Paragraph C.7.12 of the project contract documents. Current construction contract amount is \$2,517,931.70, and current remaining retainage is \$48,402.68.

Motion to approve.

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

Against: 0 Abstain: 0

28. Approval of change order no. 2, an increase of \$8,366.61, for additional work and to add 30 calendar days to the construction contract with Concho Construction Company, Inc., Garland, Texas, for the West Laredo Overpass. Current construction contract amount is \$2,526,298.31. Funding is available in the West Laredo Overpass -Improvements Other Than Building.

Motion to approve.

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

Against: 0 Abstain: 0

29. Approval of amendment no. 2, an increase of \$15,840.00 for an additional 36 working days of inspection services to the Resident Project Representative contract with Hickey & Associates, Inc., Laredo, Texas, for the New Laredo Airport Passenger Terminal in compliance with Federal Aviation Administration (FAA) Requirements. The additional days are

IX. CITY COUNCIL DISCUSSION AND PRESENTATION

33. Discussion and possible action regarding possible partial settlement agreement in Cause No. C-95-00259-02 styled Jacaman Investment Group, LTD., John S. Jacaman Cattle Company, LTD., John Jacaman and Laura Jacaman Sanchez v. City of Laredo, with possible Executive Session pursuant to Section 551.074 (A) (B) of the Texas Government Code.

Ray Rodriguez, Asst. City Attorney, was requesting that this item be tabled.

Motion to table for the next Regular Council Meeting.

Moved : Cm. Perez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

X. COMMUNICATIONS

None.

XI. CITY COUNCIL DISCUSSION AND PRESENTATION

34. Requests by Mayor and City Councilmembers for discussion and presentation.

A. Requests by Mayor Saul N. Ramirez, Jr.

1. Recognizing U.S. Marine Sgt. Cruz Vargas for his valiant and unselfish efforts in stopping and rendering aid to four accident victims on U.S. Highway 359.

Mr. Bill Swisher read a letter of appreciation from the U.S. Dept. of Immigration and Naturalization Border Patrol to Sgt. Cruz Vargas who provided first aid to four victims of a traffic accident. He added that there were four marines instead of one who were present and who stood out and beyond the call of duty and was requesting that three additional certificates of "Outstanding Citizens Awards" be prepared for these three Marines that were involved in this rescue, Sgt. Cruz M. Vargas, Corporal Luis D. Sencion, Lance Corporal Eduardo Jimenez, and Lance Corporal Jose A. Garcia.

At this time recognition and presentation of "An Outstanding Citizen Award" was presented by Mayor Ramirez on behalf of the City of Laredo.

2. Discussion and possible action concerning approval of the terms set forth in the February 13, 1997, letter from Webb County Judge Mercurio Martinez, Jr., concerning providing

fire, Hazmat and EMS protection to the unincorporated areas of Webb County.

David Cortez, Webb County Commissioner, was before council and asked that they consider the letter sent by Webb County proposing an amended contract for fire, hazardous material response and emergency medical services as proposed and set forth. He added they are very concerned and that the stability in the county is very important.

Florencio Peña, City Manager, stated that at the present time they are on target to establish the industrial districts effective March 16th. They sent out over 100 notices to property owners that effective March 16th they must come in with a contract or we would cease services. The process would take a substantial amount of administrative work and they feel that this proposal is something they can look at.

On item "A" they are asking for a six year proposal and that he feels that a three year would be something they could work with.

Item "B" has two elements to it, one is to repeal the industrial district ordinance and there is no need to repeal because it would be of no force and effect and they do not think it is necessary.

Mayor Ramirez stated he received calls from property owners out there that they just want to have some certainty from one day to the next, that they will not have to be scrambling around to negotiate something with the city, and if we can advise them that until they hear from the city officially, that everything is null and void subject to our continued contract with the county and subject to them cancelling or expiring.

Cm. Casso pointed out that the original contract was for \$400,000.00, they established the industrial districts, now the county is coming back with \$500,000.00 which is what the city originally wanted, however there are some stipulations on items A-D that he thinks they should send it back to the Metro Committee to discuss, further negotiate and then bring back to council at our next council meeting because there are several things that he is not in agreement with.

Mayor Ramirez stated that the proposal from the county is to still provide fire service to the county, they will not discontinue service as of March 16th. If they do not come to terms, discussion needs to take place on how they are going to handle the mechanics of advising property owners that they are no longer responsible to contract with the city as a result of this agreement. Also, the lessor terms and conditions that the committee would like to look at,

which are not of concern, but need to be reviewed. He asked that a committee meeting be posted to discuss this issues, that the county be advised of this meeting, and that this item be brought back on March 3rd.

Several issues need to be discussed with the committee such as the six year term, the industrial districts, notifications, prepare the contract or documentation that needs to be executed with terms and stipulations.

Cm. Bruni stated they will set up a meeting with the county at their earliest convenience, discuss this issue and bring back a recommendation.

Motion to table the item, send back to the Metro Committee for further negotiations, and bring back on March 3rd meeting for definite action.

Moved : Cm. Casso

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

3. Presentation by Reverend Jan Garza of the Calvary Center, Inc., concerning their request for funding assistance from the City with possible action.

Motion to table this item for March 3rd.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

B. Requests by Councilmember Louis H. Bruni

1. Discussion and possible action requiring developers to obtain a special use permit for all future retention ponds and status report on the ordinance requiring the concrete lining of all future retention ponds.

Cm. Bruni stated for the record that the ordinance that he wanted staff to prepare is not to concrete line all of the retention ponds, he just wants the part of the retention pond, the dam part that has the pressure points from the water it is holding back. He wants some input from the Engineering staff on where it would have to be concreted because it does not make sense to put concrete lining on the bed, just where the pressure is. He added that District II is expanding to the east and has a lot of creeks in that area and would like to have some kind of control on future retention ponds that are built in District II. The way the ordinance is written right now, council does not even know when they are put in, or contemplated on being put in. He would like to see that these retention ponds go through Planning and Zoning to require a special use permit, that

way he would be informed of what is going on at District II. Mayor Ramirez stated that the permits have to be city wide, when they establish them, but because there are a great number of creeks in his districts and most permits would be requested from his district he said it is a valid request. He added that they are also working on the Flood Plain re-designation from FEMA, they have addressed the down river improvements, but they will be addressing the ones up creek. He said that Cm. Bruni's request is a valid request and one that council should support and endorse by way of a motion.

Mr. Del Trautman stated this is a big issue and expressed concern over the construction of retention ponds. He added that this has to be addressed as an overall problem, not only as a district problem.

Florencio Peña, City Manager, clarified if the motion is to immediately develop specifications for concrete lining retention ponds, and incorporate it into our zoning process, plus the use of land for retention ponds. He stated this requires research because it is not the traditional zoning kind of an issue and needs a legal opinion.

Motion to have control over future retention ponds built in District II, that they develop specifications for concrete lining retention ponds only on pressure points and that special use permits be required in order that council is aware of these retention ponds being built.

Moved : Cm. Bruni
Second: Cm. Casso
For: 8

Against: 0 Abstain: 0

2. Status report on several fires that occurred on the Union Pacific Railroad right-of-way on IH 35 at the 12 mile marker with possible action.

Chief Mike Garza, Fire Department, stated that they are talking about two specific days, the first fire occurred on January 16th. In this incidence they had a fire at approximately the 12-mile marker and this fire was bounded on the west side by the railroad tracks. They had one unit, for a few hours extinguishing this fire, the origin of the fire was not determined. On January 31st they had a series of fires that occurred alongside the railroad tracks and the first one occurred around the intersection of Mines Road and the railroad tracks, a second call came in of another fire at approximately the 8-mile marker, and again along side the railroad tracks and the third fire occurring approximately at the 11-mile marker. In all the fires they had four units and one tanker extinguishing these fires. The cause of these fires is also undetermined.

He explained that every once in a while they get reports of the train, that as it passes by it sometimes has trouble with the wheels whereby they get locked and whereby the resulting sparks set off fires in the surrounding vegetation. Also they had a report from one of the captains who reported that it seemed that individuals possibly illegal immigrants aboard the train had been setting or throwing off some devices possibly as the train is moving northward causing these fires.

Cm. Bruni stated that one of the fires that he witnessed was on the 12-mile marker near the fuel farms and since the city has an interlocal agreement to provide fire services to the county and certain industrial parks. He was wondering if it had continued to spread and the fire department had not reacted so promptly, are there any fire breaks that would have cause this fire to remain on the Union Pacific Railroad vs. continuing its prevailing wind pattern up to the southeast and would have gone into this particular area.

Mr. Garza stated that in some locations there are natural fire breaks, they did look at some areas around 12-13 mile marker and there are no breaks on a particular area towards the east where vegetation was high and in a type of location where it can be taken care of. Some places have no breaks at all depending on the amount of vegetation.

Mayor Ramirez asked that Chief Garza contact the Union Pacific Safety Office and check with them to see what they have for fire breaks or other options such as berms whereby they can help the Fire Department by stopping the fire from crossing over to where they are able to respond to a fire after it is called in. Also, what kind of method can be used to have them report fires as quickly as possible so we can respond on a timely manner.

C. Requests by Councilmember Alfonso "Poncho" Casso

1. Discussion and possible action regarding the County of Webb removing the George Washington Statue from City Hall and the City of Laredo giving a commission to an artist to design a bronze statue of an Eagle commemorating all the Veterans of Laredo to be placed at the entrance of City Hall.
(Co-sponsored by Councilmember Louis H. Bruni)

Cm. Casso wants to know when they are going to remove the statue and wants council to consider supporting two ideas (1) the artist rendition of an eagle which he presented in drawing and which he would outside of City Hall where the George Washington statue is now and (2) another statue facing the county honoring Santos Benavides since he has never been honored and was a reformer.

Mayor Ramirez stated that they should go out and get public discussions and stick to our policy of wanting to get monies from the private sector. He suggested that we go out and see if there is private interest first to finance it and make it known that we are interested in putting up a statue.

Cm. Casso stated that it is a good idea to get the private sector involved and maybe there could be some monies from the hotel-motel to help.

Cm. Perez wants to pursue the Mayor's suggestion about the other statues in the airport terminal in conjunction with this project.

Mayor Ramirez stated they will look for private sector support first.

Hector Farias of the Battle of Laredo Committee explained that they will stage a re-enactment of Civil War where Santos Benavides and the regimen defeated the Union Army in 1864. He extended an invitation to council to this re-enactment.

Margarita Ariaza representing the Webb County Heritage Foundation spoke of biographical information on Santos Benavides and asked the council support the proposition of putting a Santos Benavides statue in front City Hall.

Mr. William Swisher stated he is working with the Re-enactment Committee and asked support on their proposition.

Motion to replace the George Washington Statue as soon as possible, with an eagle statue to honor Laredo War Veterans and put a statue of Santos Benavides on the north side facing Webb County because he was a political reformist. That the airport terminal statues be pursued in conjunction with this project looking to see if there is private sector support for financing of these projects or other financing options, first.

Moved : Cm. Bruni

Second: Cm. Casso

For: 8

Against: 0

Abstain: 0

2. Discussion and possible action to rescind ordinance #95-0-170 which concerns encroachment agreements.

Cm. Casso stated he has a situation in his district where two families are fighting over an encroachment agreement, this has been going on for months and he does not know what to do about it. He added it seems they were pointing the fingers at the previous City Attorney and wants to get to the bottom of this situation.

Marina Sukup, Planning Director, explained that she is familiar with the case. In this particular case, they researched it and there were pieces of buildings that were in a right-of-way or an easement. The history is that one of the parties had made an application for an abandonment of an alley way subsequently, the attorney for the other party which is the estate, applied to Mr. Sosa the previous City Attorney for an encroachment agreement which Mr. Sosa apparently drew up and had signed, pursuant to an authorization by the council. They used to bring two or three of these encroachments before council and council got tired of seeing these encroachment agreements on the agenda. They have never done it with an alley, in this particular case there were improvements on an alley and the improvements were and are still under discussion by the parties.

Cm. Casso wanted feedback from the Legal Staff.

Ray Rodriguez, Assistant City Attorney, stated they did receive a call from the attorney today that the parties are settling the matter, but in essence the legal staff would recommend is we come back with another ordinance and tighten it up and have council bless each one. Basically it's a system of checks and balances where they need a term, and it is terminable at the will of the city, he added what they drew up did not have those provisions.

Motion to rescind ordinance #95-O-170 which concerns encroachment agreements and come back with another ordinance.

Moved : Cm. Casso
 Second: Cm. Bruni
 For: 8

Against: 0 Abstain: 0

- 3. Status report on the VAQ 94 commercial billboard located at the intersection of North Merida Drive and Loop 20, with possible action.

Motion to table indefinitely.

Moved : Cm. Casso
 Second: Cm. Bruni
 For: 8

Against: 0 Abstain: 0

D. Requests by Councilmember Joe A. Guerra

- 1. Presentation by former Mayor Aldo Tatangelo concerning property taxes and the way they are used to fund school districts.

Mr. Aldo Tatangelo was before council to talk about property taxes being replaced by sales tax, but his request was not

written as he had requested. He said that the city of Laredo has enjoyed the sales tax and it has been in effect 20 years. The sales tax when it started was 1% and the ad valorem tax was 32 cents when it started, now it is 55.7 and the valuation of properties has gone up four or five times more meaning that people who own property are not assured of what the intent of the homestead act is. He added that taxes are a big burden. The sales tax has grown every year, we collect more from sales tax than we collect from the ad valorem tax. Some residents have their houses paid for, but their taxes are not paid they owe three or more years and their children will inherit that debt, and that is not the intent. He thinks it would be prudent for the city to take this seriously. He will be talking about this when the governor comes to voice his concern. He asked that public hearings be done on this issue and believes that the time has come that sales tax should replace ad valorem tax.

Mayor Ramirez stated that it is a good idea for the elderly, they have tried to increase the exemption which is not enough. They do need to provide to redesign the formulas for ad valorem taxes or perhaps look at other ways of taxation besides ad valorem. There will be four neighborhood meetings at the recreation centers and at that time they will be discussing the parks master plan and they should include discussions about taxes to see how citizens feel and get citizen input.

E. Requests by Councilmember Mario G. Alvarado

1. Recognition presentation for Habitat for Humanities Volunteers.

Motion to table for March 3rd.

Moved : Cm. Alvarado

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

2. Presentation to Guerra Communications for their community involvement with the "Toys for Tejanitos Project."

Motion to table for March 3rd.

Moved : Cm. Alvarado

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

3. Discussion and possible action on an update regarding traffic count study for a traffic signal at Mines Road and Ranch Viejo area.

Luis Landin, Traffic Director, submitted copies of the completed traffic signal warrant studies as requested by Cm. Alvarado and elaborated on it. He said that on Rancho Viejo the count indicates that a traffic signal is warranted, however at this time no funds are available to install a traffic signal and this signal has to be approved by TxDot because it is on FM 1472. They plan to request monies on the new budget to install a traffic signal at Rancho Viejo. The report indicates that the signal is merited, the cost is approximately \$45,000.00 and he intends to request funds on the next budget for this signal.

Mayor Ramirez stated with the process on line, it would be about 90-120 days to get these signals.

Cm. Alvarado was concerned that this area does not qualify for CDBG monies, it is a capital improvement project, we do have \$288,000 on the back burner, and added that we also need to realize the amount of traffic and truck traffic.

Cm. Perez asked that Mr. Peña take into consideration all the previous requests for traffic counts that council has made.

Mr. Landin stated they will comply with instructions or directives, come back to council to present them whether they are merited or not.

Mr. Peña stated that as soon as they complete the traffic service areas they will be providing the actual figures, where there is a greater need in terms of volume, they can put a report together and the cost estimates.

4. Request for a study and recommendation by the Traffic and Transportation Committee regarding the extension of the Anna Truck Route to Flecha Lane.

Cm. Alvarado wants this item to be placed on the next agenda, that it be sent to the appropriate committee so that they can start dialogue and start working out some efforts. He added that this item needs to be placed on a fast track because we are looking at the Fourth Bridge and traffic from Colombia and we need to work this out to get relief on the traffic congestion that exists in that area.

Motion to request for a study and recommendation by the Traffic and Transportation Committee regarding the extension of the Anna Truck Route to Flecha Lane, plus cost estimates.

Moved : Cm. Alvarado

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

XII. PUBLIC HEARINGS

35. Public hearing approving an amendment to the contract with the Texas Department of Health and budget in the amount of \$125,730.00, for the Immunization Action Plan Project of the City of Laredo Health Department for the period beginning January 1, 1997, through December 31, 1997; and increasing revenue line item 226-0000-323-4056 from \$0 to \$125,730.00, and expenditure line item 226-6058 from \$0 to \$125,730.00.

INTRODUCTION OF AN ORDINANCE

Ordinance approving an amendment to the contract with the Texas Department of Health and budget in the amount of \$125,730.00 for the Immunization Action Plan Project of the City of Laredo Health Department for the period beginning January 1, 1997, through December 31, 1997; and increasing revenue line item 226-0000-323-4056 from \$0 to \$125,730.00, and expenditure line item 226-6058 from \$0 to \$125,730.00.

Motion to open the public hearing.

Moved : Cw. Montalvo
Second: Cw. Moreno
For: 8

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cw. Montalvo
Second: Cm. Perez
For: 8

Against: 0 Abstain: 0

Ordinance Introduction: City Council

36. Public hearing amending the City of Laredo's 1996-1997 annual budget by increasing estimated revenues and appropriations in the General Fund by \$5,000.00 and authorizing the Interim City Manager to implement said budget.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the City of Laredo's 1996-1997 annual budget by increasing estimated revenues and appropriations in the general fund by \$5,000.00 and authorizing the Interim City Manager to implement said budget, providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez
Second: Cw. Moreno
For: 8

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

37. Public hearing amending the City of Laredo Annual Budget for 1996-1997 for the special revenue fund "Mineral Leases Fund" to account for the drilling and special use permits fees. Drilling Permits line item will be increased by \$4,000.00 and Special Use Permits by \$400.00 and the Reserve Appropriation line item by \$4,400.00.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the City of Laredo Annual Budget for fiscal year 1997 for mineral leases fund to account for the drilling and special use permits fees. Increasing drilling permits fees by \$4,000.00, special use fees by \$400.00 and reserve appropriations by \$4,400.00.

Motion to open the public hearing.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Perez

Second: Cm. Casso

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Perez

38. Public hearing concerning an ordinance amending the City of Laredo's 1996-1997 Annual Budget in the amount of \$59,795.00, for a grant awarded by the Texas Natural Resource Conservation Commission through the South Texas Development Council to develop and implement one Household Hazardous waste Collection and Proper Disposal Program Event, and authorizing the Interim City Manager to implement said budget.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the City of Laredo's 1996-1997 Annual Budget in the amount of \$59,795.00, for a grant awarded by the Texas Natural Resource Conservation Commission through the South Texas Development Council to develop and implement one Household Hazardous waste Collection and Proper Disposal

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

Against: 0 Abstain: 0

Motion to adjourn as The Laredo Municipal Housing Corporation and convene as the City Council.

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

Against: 0 Abstain: 0

XIV. ADJOURNMENT

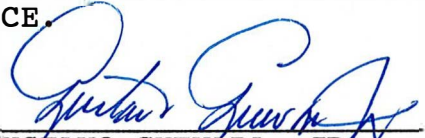
Motion to adjourn.

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

Against: 0 Abstain: 0

Adjournment time: 7:30 P.M.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 27 ARE TRUE COMPLETE AND CORRECT PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON THE 18TH DAY OF FEBRUARY, 1997. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE.



GUSTAVO GUEVARA, JR.
CITY SECRETARY

MINUTES APPROVED ON: March 3, 1997