

**CITY OF LAREDO
CITY COUNCIL MEETING**

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

MINUTES

M97-R-25

AUGUST 4, 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,	"	, DISTRICT V
JOE A. GUERRA,	"	, DISTRICT VI
MARIO G. ALVARADO,	"	, DISTRICT VII
CONSUELO MONTALVO,	"	, DISTRICT VIII
GUSTAVO GUEVARA, JR.,	CITY SECRETARY	
FLORENCIO PENA,	CITY MANAGER	
JAIME L. FLORES,	CITY ATTORNEY	

IV. INTRODUCTORY ORDINANCES

2. Amending Section 2 of Ordinance No. 90-0-101, to clarify and set forth the voting powers of the Mayor Pro Tem of the City of Laredo, and for other purposes.

Ordinance Introduction: City Council

3. Authorizing the City Manager to execute a lease with Border Maintenance Service, Inc., for approximately 2,304 square

feet constituting Building #1421 located at 1817 Pappas Street at the Laredo International Airport. Lease premises are used for office space and a maintenance service workshop.

1. Lease term is for one (1) year commencing July 1, 1997 and ending June 30, 1998.
2. Monthly rent shall be \$550.00. Previous monthly rent was \$500.00.

Ordinance Introduction: City Council

4. Authorizing the City Manager to execute a lease with Loomis, Fargo & Co., for approximately 1,380 square feet constituting Building #S-3 located at 1703 Sandman Street. Lease premises are used for armored car security services.
 1. Lease term is for one (1) year commencing July 1, 1997 and ending June 30, 1998 and may be extended for one (1) year ending June 30, 1999.
 2. Monthly rent shall be \$1,104.00 and will be adjusted annually during the primary and extension term of this lease according to changes in the Consumer Price Index. Previous monthly rent was \$992.41.

Ordinance Introduction: City Council

5. Authorizing the City Manager to execute a lease with Bowden Medical, Inc., for approximately 3,588 square feet constituting Building #1432, #1438 and #1439. Building #1432 is located at 1803 Pappas Street, and Building #1438 & #1439 are located at 1719 Pappas Street at the Laredo International Airport. Lease premises are used to store medical equipment and supplies.
 1. Lease term is for one (1) year commencing May 1, 1997 and ending April 30, 1998.
 2. Monthly rent shall be \$630.00. Previous monthly rent was \$600.00.

Ordinance Introduction: City Council

6. Amending the provisions of the City of Laredo's Code of Ordinances Chapter 2, Article II, Sec. 2-16, which sets forth the Departments of the City; and 2017 which sets forth the division in each department; thereby deleting the Educational and Recreational Services Department and the Developmental Services Department and adding four departments being the Parks and Recreation Department, the Building Inspections Department, the Library Department, and the Convention and Visitors' Bureau; and modifying the

divisions within the applicable Departments; providing for publication and providing for effective date.

Ordinance Introduction: City Council

7. Authorizing the execution of an interim loan agreement between the City of Laredo and NBC Bank -Laredo, N.A., in the amount of \$1,350,000.00, payable from surplus revenues of the City's International Toll Bridge System, and other matters related to this subject.

Ordinance Introduction: City Council

V. FINAL READINGS

Motion to waive the final reading of Ordinance(s) #97-O-161, #97-O-162, #97-O-163, #97-O-164, #97-O-165, #97-O-166, #97-O-167, #97-O-168, #97-O-169, #97-O-170, #97-O-171, #97-O-172, #97-O-173, #97-O-174, #97-O-175, #97-O-176, #97-O-177, and #97-O-178.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 7

Against: 0

Abstain: 0

(Cw. Moreno was not present)

8. 97-O-161 Closing as a public easement that section of South Jarvis Avenue between Cleveland and Blaine Streets, also known as the 700 block of South Jarvis Avenue, and providing for an effective date.
(City Council)

Motion to approve Ordinance #97-O-161.

Moved : Cm. Perez

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

9. 97-O-162 Closing as a public easement a 3,502.12 square foot tract of land more or less out of the northeast quarter of the 1800 block of Palo Blanco Street between Tapeyste Avenue and the east right-of-way line of Highway 83, situated in the Eastern Division, City of Laredo, Webb County, Texas, being more particularly described in "Exhibit A", and providing for an effective date. (City Council)

Motion to approve Ordinance #97-O-162.

VII. MOTIONS

32. Approving the submission of the 1997 Consolidated Plan to U.S. Department of Housing and Urban Development in request for funding through the 23rd Action Year Community Development block Grant (CDBG) in the amount of \$4,372,000.00; the 1997 HOME Investment Partnerships Program (HOME) in the amount of \$1,192,000.00; and the 1997 Emergency Shelter Grant (ESG) in the amount of \$115,000.00 and authorizing the City Manager to execute all documents as a result of the Plan's submission.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

33. Approval to reject sole bid received June 30, 1997, in the amount of \$2,894,000.00, by Modern Construction, Inc. for Los Obispos Affordable Housing Project Phase I and approval to use the Laredo Affordable Housing Corporation a Non-Profit Corporation for the construction of affordable housing.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

34. Approval of bid specifications and authorization to advertise for bids for the following:
- a) ammunition - Police Department
 - b) jackets/windbreakers - Fire Department
 - c) line stopping equipment - Utilities Department
 - d) dozer - Public Works, Landfill
- A tentative award is scheduled for Sept. 2, 1997.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

35. Authorizing to proceed with an emergency purchase of a replacement ambulance from reliable Emergency Vehicles, Comanche, Texas, in the amount of \$78,575.00. This ambulance will replace a 1992 unit that was damaged beyond repair in a

vehicle collision. The City received an insurance settlement in the amount of \$20,320.00, which will be used to offset the total purchase cost. The remaining balance will be paid from surplus CO bond funds. Reliable Emergency Vehicles will deliver the new unit within 120 days and will provide a loaner ambulance at no charge to the City.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

36. Awarding a professional service contract between the City of Laredo and A.G. Pellegrin, M.D., to: 1) Perform drug and alcohol testing for City of Laredo employees; and South Texas Council on Alcohol and Drug Abuse to: 2) Provide services for an Employee Assistance Program (EAP). City Council authorized staff to solicit requests for proposals for drug and alcohol testing and for the provision of an employee assistance program (EAP) on May 19, 1997.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 1
Cm. Casso

37. Authorize the sale of the following surplus heavy equipment to the highest bidders: TKO Equipment Co., New Braunfels, Texas (\$378,500.00), Martinez Paving Co., Inc., Laredo, Texas, (\$117,696.00), and Joe A. Santos, Laredo, Texas (\$14,500.00), through sealed bids. The equipment will be sold to the highest bidder exceeding the City's minimum price. The proceeds from this sale will be used to purchase a new dozer tractor for use at the City landfill. The equipment to be sold include:

	<u>Minimum Bid</u>	<u>Sale Price</u>
a) 1985 Caterpillar	\$ 35,000.00	\$ 39,999.00
b) 1985 Bros. Reclaimer	\$ 30,000.00	\$ 32,500.00
c) 1985 Furakawa Front End Loader	\$ 10,000.00	\$ 18,199.00
d) 1989 Case Front Loader	\$ 15,000.00	\$ 24,199.00
e) 1988 Caterpillar Backhoe/Loader	\$ 10,000.00	\$ 14,500.00

f) 1991 Caterpillar Scraper	\$150,000.00	\$163,500.00
g) 1991 Caterpillar Compactor	\$ 30,000.00	\$ 35,299.00
h) 1993 Caterpillar Bulldozer Tractor	<u>\$140,000.00</u>	<u>\$182,500.00</u>
	\$420,000.00	\$510,696.00

Motion to approve.

Moved : Cm. Perez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

38. Award of contract to the LOW BIDDER, Gateway Uniform Service, Laredo, Texas in the estimated amount of \$100,197.99, for the purchase of uniforms for the Police, Fire, and Bridge department personnel. Full service contracts, which include alteration services, will be awarded to the low bidder. The City has included delivery deadlines in the contract documents requiring that the clothing be delivered within forty five days after receipt of order. The overall contract pricing is 3% less than the previous year. A total of four bids were received. Funding is available in Police Department Uniforms, Fire Department Uniforms, and Bridge System Uniforms.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

39. Award of contract to the LOW BIDDER, Printers Unlimited, Corpus Christi, Texas, in the amount of \$26,855.00, for the printing of a tour operator guide and a general brochure for the Convention and Visitors Bureau. Approximately 60,000 brochures will be printed in English and 30,000 will be printed in Spanish. A total of four bids were received for these printing services contract. Funding is available in Convention and Visitors Bureau - Printing Services, Brochure.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

40. Award of contract to the LOW BIDDER, Mary's Boots, McAllen, Texas, in the base amount of \$17,200.00, for the purchase of footwear for maintenance personnel. Contract pricing has been secured for the two most common boot styles requested for city maintenance personnel. A total of five bids were received for this purchase. Funding is available from the particular department's budget. The bid pricing is approximately 8% less than the previous contract period.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

41. Award of an engineering contract to Foster Engineering Company, Laredo, Texas, for an amount not to exceed \$32,040.00 for the preparation of an engineering report with cost estimates for both construction and design, and provide surveys, design and the preparation of plans and specifications for the required utilities relocation and/or adjustments in conjunction with the Texas Department of Transportation (TxDOT) proposed widening of U.S. Highway 59 between San Dario and Ejido. Funding is available in the Utility Relocation - TxDOT Account. Contract time is 30 days after issuance of a notice to proceed.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 7

Against: 0

Abstain: 1
Cm. Guerra

42. Award of a contract to Danny R. Anderson Consultants, Inc., Laredo, Texas, for an amount not to exceed \$36,615.00 to provide Laboratory, Sampling and Testing Services of materials for quality control for the Santa Maria Avenue Drainage Improvements between Markley Lane to Del Mar Blvd. Funding is available in the Drainage Improvements -Santa Maria Drainage Improvements.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

43. Approval of a change order no. 2, a decrease of \$3,122.00 for the balance of quantities actually constructed in place, and acceptance of the Pace Street Drainage Extension and the Ligarde/Barrios Drainage Project and approval of final payment in the amount of \$86,494.00 to Ramex Construction Company, Inc., Houston, Texas. The original construction contract was \$152,315.00 and this change order brings the total contract amount to \$149,818.00. Funding is available in the Drainage Fund - Pace/Ligarde/Barrios Drainage Project.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

44. Approval of a change order no. 2, an increase of \$90,000.00 for additional paving, drainage, and utility improvements along Cortez Street between Ejido Avenue and España Drive South to the Street Paving Assessment Project 50 (41 Blocks) being constructed by the City's Department of Public Works and the Utilities Department. Funding is available in Street Paving Assessment Project 50. Initial contract amount was for \$1,469,296.98. This change order brings the total contract amount to \$1,587,356.98.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

45. Approval of amendment no. 1, for an amount not to exceed \$600,000.00 to the engineering contact with Structural Engineering Company (SEA), San Antonio, Texas, for the Laredo Northwest International Bridge (Fourth Bridge). The current contract of field surveys for the bridgehead area is \$70,450.00. This amendment no. 1 will provide for the professional services required to perform the Bridge design, the Border Station Masterplan, and the architectural design of the temporary Federal Facilities. Funding is available in the Bridge System Architectural Fees Account. This amendment brings the contract amount to \$670,450.00. Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

Motion to waive the regular order of business and move up items X-A(2), #51, and #55.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

VIII. CITY MANAGER'S REPORT

46. Presentation regarding the status of the progress of the Santa Isabel Water Well Project, with possible action. Preliminary results show an improvement in the water quality samples taken on July 24, 1997.

Fernando Roman, Utilities Director, gave the following report to Council:

1992	- sold \$500,000 bonds	
1993	- well construction	\$125,000
Oct. 1994	- tank & booster station	248,000
Apr. 1996	- reverse osmosis plant	650,000
Sept 1996	- site enhancement	75,000
Mar. 1996	- well capacity expansion	12,000
	Engineering	120,000

	Project total	\$1,230,000

Technical Data:

well yield before expansion	105 gpm
well yield after expansion	150 gpm
production capacity, R.O.	88 gpm
population coverage	974
number of households	226

Construction cost comparison:

Desalinization plant	\$11.80 /gal CON
Surface water plant	3.00 /gal CON

Operation & Maintenance:

Desalinization plant	\$ 4.00 /1,000 gal
Surface water plant	0.75 /1,000 gal

Mr. Roman stated that the latest problem they have and one that might be cleared within 90 days is that the contractor has accumulated 141 days delay. A theft had occurred in the plant and that the contractor's computers and software were stolen.

Cm. Alvarado wanted a recommendation from Mr. Roman on to either stop the project or proceed with it.

Mr. Roman replied that he recommends proceeding with the project, because they have put in \$1.2 million, the water will be good, we could have alternative uses for it, there is a bottling plant next door which is not in operation and they might be potential clients, but if anything at all the least we should do is to run the facility, run it periodically to keep it alive and put it into operation as soon as possible.

Cm. Alvarado questioned when?

Mr. Roman stated they have given the contractor the go ahead to test the plant, the contractor said they had stolen their computers, they are saying it will take them 30 days to buy them, but in his opinion it would take them 90 days.

47. Update on the status of the Colonias Facility Plan and financial application.

Fernando Roman, Utilities Director, stated they have heard from environmental and have a couple of issues that are complicating the board's acceptance of the financial application as presented.

- 1) The first issue had been the Ocelots Environment on the 359 area where they are going to put a sewer line. They chose to change alignment to the other side of the tracks on this particular creek, along this creek bed and that apparently is going to take care of the problem, however alignment also has to be studied.
- 2) The botanists have found a grass species which is known as Johnston Frankenia in some private property on the tanquesitos colonia. This has a complicated factor in the sense that this is an endangered species and it could do two things (1) delay the project for a long time or (2) cause us to cease work at the tanquesitos area for the time being.
- 3) Associated with this environmental issue they have the companion issue which is that the funding of the extended environmental studies is outside of the scope that they originally planned to do.
- 4) There is an issue of funding that in itself is complicated because if they go to the board for extra funding then we they will have about 60 days just to get to the point that they say "yes" and then the time it takes (60-90 days) to do

the environmental etc. He added Commissioner Cortez was present and suggested that maybe this issue can be discussed and see if they can come up with the monies to pay for the extra environmental work and on a reversible basis we would ask the board to do that and that they we can do immediately. They feel they are coming to the finance committee in August, but the environmental issues have derailed and they don't think they will get there till November.

David Juarez, from Hogan & Associates in association with Paul Garza Engineering, stated the tract of at Tanquesitos is approximately 40 lots that average to 2 or 3 acres in size. This area is in the center of the project on Hwy 59 area. Right now where they stand is that they had to move the line, there was no way around that, the archaeological survey that was done identified five sites that had potential historical significance so they had do move the line in order to avoid those sites. One thing they could do is still go through that route, however that would require additional testing, that would require additional funding and additional time, anywhere from 4-6 months depending on what significance they find out there and that might add a few more months. That is why they chose to re-route the line to avoid those sites. The only problem they run into is that they still need to go out there. on the ground survey for the archeology. He stated there are two issues the biology which addresses the Frankenia grass and the archaeology which is the sub-surface.

Mr. Roman stated that the two sites are independent from each other. The grass site is in private property and the implication of that is that alter the land in anyway they have to get a permit from the Texas Parks & Wildlife, that in itself is in a private issue. One of the options would be to let them see the Phase I archeology on the re-alignment of the pipe and ask the governmental experts whether the grass issue can be solved by other means.

Mayor Ramirez concurred with Mr. Roman's option.

Commissioner David Cortez, stated this is upsetting to the community and Webb County residents who have been waiting for this water. He added Mr. Johnson is holding the entire project. He pointed they are prepared to do whatever has to be done to speed up this project. This hurdle is not going to stop them. Their only concern they had is that when this application gets to Austin, they are hoping that there is still money available? These projects are going to be awarded on first come, first awarded, up to "x" number of

billion dollars. He said many projects will be left out, and they don't want Webb County to be left out. There is additional cost, Commissioner Vela and himself are prepared to go to Commissioners' Court and seek additional funding if needed. The only concern he has is to make sure that we are there when the dollars are still available.

Cm. Casso stated they will work and do whatever is possible to make this a reality.

Mayor Ramirez stated they support Mr. Roman's recommendation by consensus concur that they proceed with the study to accelerate that into the archaeological question.

Mr. Simon Glory of the Texas Water Development Board stated he was glad they agreed with Mr. Roman about leaving Tanquesitos in, that has been part of the project since the beginning. As far as the timeline, the best alternate is to front the money for them by mineral work to be done. That would show that the project is moving forward, if we don't do that then he has to take the scope of work and the cost associated with that for this environmental survey to their board and the earliest would be in September. After that is approved which would put them behind a couple of months, the best alternate is for the County to put this money up front. He added that before they fund this money he would like to see the scope of work and the cost associated with that first, so that his archaeologist would agree with that, then they could notify the county and the city to go ahead and advance that amount.

48. Presentation by the Administrative Services Department regarding the random drug and alcohol testing with possible action.

Dan Migura, Administrative Services Director, reported that they surveyed 13 cities similar in demographics and found that of these 13 cities there are three of them that have some kind of random program for the citywide employees. The City of Pasadena currently has a random program that doesn't include all employees, it is defined a safety sensitive, they do have their police and fire included in that. In Midland they have a program that only affects their drivers, those driving city vehicles. In McAllen they have a program that is geared to reasonable suspicion in that if a department has reasonable suspicion to where that level of activity is such that they would suspect more people, more employees would be affected, they would implement a random

test for that department. They also looked at the sister cities, Corpus Christi, Austin, and San Antonio. Corpus Christi currently does not have a random test for all employees, Austin does not have random test for all employees as well as San Antonio. Austin is developing a program, but they don't know what the details of their program are going to be. Corpus has a random program for their police/fire employees. He thinks that information is telling us that cities and municipalities are being cautious with the issue of privacy vs. need to know. The courts are demonstrating that if you pursue random testing without a good reasonable suspicion, without a good basis, they are determining that there is a possibility that you are violating rights in the government sector. In the private sector, employers do what they need to do.

He added that one of the things that we can consider and the survey data supports that, is that there is a possibility to look at police and fire officers. He recommends that we go slow in this arena, what they have done is implement a city-wide alcohol testing program in February, also have provided supervisors with reasonable suspicion training, for the most part, talked to all employees and have them certified about how reasonable suspicion works. They have seen that reasonable suspicion is working, in several departments they have found that they have had reason to suspect there is a problem and have taken the action needed, in some cases they have terminated employees, in the short time that the program has been in effect they are seeing positive results on the impact of that. If council wants to consider random testing, on police and fire they've put preliminary figures together, and it would cost approximately \$8,400 per year with the current rates.

He concluded by suggesting that council consider allowing one year of reasonable suspicion addressing some of the problem.

Mayor Ramirez recommended that we continue with the current program and after a year under our belts, then they can come back with any future recommendations to work with the system.

Motion to waive the rules and move up items B(2) and B(3).

Moved : Cm. Bruni

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

49. Authorization to proceed with the placement of a monument at

Veterans Field in honor of all Laredo Veterans.

Marcelino Castillo stated that there are 14 organizations that have to do with veteran, or veteran movement, the people have decided that they want to hold a parade, the route being opposite to the Washington Birthday Celebration parade, starting in St. Peters and ending in the Civic Center. The other option is starting at St. Peter and ending at St. Agustin Plaza. They just want to inform council that regardless what ceremonies are planned for the installation of the monument, on November 11th their ceremony has to be at 11:00 a.m. so that they don't interfere with the city's ceremony.

Mayor Ramirez stated that our ceremony will be scheduled around their particular activities.

Motion to approve the placement of the monument, that staff schedule a formal dedication of veterans field on November 11th to coincide with the activities that are already being scheduled through the veterans and at the same time within the motion that our staff be made available in those particular ceremonies.

Moved : Cm. Valdez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

50. Presentation regarding the status of traffic signal proposed for the intersection of Guadalupe/Monterrey and requesting City Council authorization to proceed with the placement of a traffic signal at the intersection of New York/Loop 20. The Texas Department of Transportation (TxDOT) denied the placement of a traffic signal at the intersection of Guadalupe/Monterrey as a result of the traffic volumes on Monterrey not meeting the volume requirements set forth in the Texas Manual of Uniform Traffic Control Devices. Staff is therefore requesting authorization to place the signal at the intersection of New York/Loop 20. This location has been approved by TxDOT and is the next CDBG eligible intersection on the list of intersections needing signals.

Florencio Pena, City Manager, stated they are asking to allow them to transfer the money to the New York/Loop 20 project since the Monterrey/Guadalupe Project was not eligible.

Roberto Murillo, Traffic Engineer, stated the signal was

funded this fiscal year for Guadalupe/Monterrey. They conducted the study to determine the need for the light, they based their justification on traffic volumes, and the volumes were not adequate to meet the requirements. What they did was collected as much data as possible, one of the main concerns was a school nearby and the fire station was another aspect for justification. They submitted the reports to TxDot requesting their assistance, and authorizing the installation and the first report was submitted on December 1, 1996. They came back and requested additional data, mainly to see if we could meet one of the requirements in the manual. They went back and collected more data (mainly pedestrian data) and submitted the information again, they again the indicated that they need to see the numbers and volumes.

Cm. Casso asked if they based their decision on volume requirements, not on safety?

Mr. Murillo stated that it did indicate school flashers, signage prohibiting parking to protect the visibility problem or additional enforcement in the area. He added they have all they indicated in place and have even increased enforcement.

Cm. Casso wants the record to show that TXDOT over-ruled the City Council.

Cm. Valdez suggested staff look at different schools, check for signage, street markings around school areas to make sure they are in place before school starts.

Mr. Murillo stated they have already initiated the school flasher maintenance program before school starts.

Motion to authorize proceed with the placement of a traffic signal at the intersection of New York/Loop 20.

Moved : Cm. Bruni

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

51. Request for Executive Session pursuant to Section 551.072 of the Texas Government Code to deliberate a 1926 conveyance of real property and the city's possible ownership, value and exchange of its mineral interest in such real property including a 60.91 acre tract conveyed to the Sacred Heart Children's Home (The congregation of the Servants of the

Sacred Heart of Jesus and of the Poor, a Texas Corporation). Return to open session for further discussion and possible action involving the city's possible ownership of certain real property and mineral interests in part of a 60.91 acre tract of land purportedly conveyed to the Sacred Heart Children's Home (The Congregation of the Servants of the Sacred Heart of Jesus and of the Poor, a Texas Corporation). Motion to go into Executive Session pursuant to Section 551.072 of the Texas Government Code to deliberate a 1926 conveyance of real property and the city's possible ownership, value and exchange of its mineral interest in such real property including a 60.91 acre tract conveyed to the Sacred Heart Children's Home

Cm. Casso stated for the record that he does not want to go into executive session. He wanted to state his position, the idea of engaging in litigation against The Congregation the Servants of the Sacred Heart of Jesus and of the Poor which he understands is an orphanage is totally unacceptable to him, it disgusts him, he begs council to drop the litigation and have the orphanage have the mineral interest. He added it is for the children of the community, and he does not want any part of this whatsoever. He asked council support on this position.

Cm. Bruni stated that the gas well is not generating much energy and much revenues.

Motion to instruct staff to prepare the proper conveyance documents, but at the same time in this conveyance make it clear that the purpose of this property is for the service of the neglected and orphan children of our community and that as long that it is used for those kinds of activities to promote a better environment for abused, neglected or orphan children that this City Council is in concurrence with the actual conveyance of these mineral rights and any land right that might be in question as a result of a faulty conveyance back in 1926.

Moved : Cm. Casso

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

52. Request for Executive Session to be conducted pursuant to Section 551.071 of the Texas Government Code to discuss pending or contemplated litigation regarding the investigation of the Fleet Maintenance Division.

Jaime Flores, City Attorney, reported that there was no need to go into executive session, there was no report to be given.

Mayor Ramirez asked that this item be placed for the first Monday of the following month.

IX. COMMUNICATIONS

None.

X. CITY COUNCIL DISCUSSION AND PRESENTATION

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

A. Requests by Mayor Pro Tem Jose R. Perez, Jr.

1. Discussion and possible action regarding the transferring of the "Vehicles for Hire Inspector" from the El Metro Transit System to the Traffic Division.

Motion to look into the possibility of transferring the inspector to the Code Department, Police Department, or Traffic Department and what implications it may have and to consider it at the budget hearings.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

2. Discussion and possible action to implement additional bus service to south Laredo (Park-n-Ride System), as well as other areas of the City requiring additional service.

Gilbert Segovia, El Metro Manager, reported that the demands from South Laredo are extensive and this issue will be addressed, but presently there are an inadequate amount of vehicles to serve the demands. They are currently receiving 15 new buses, unfortunately those are primarily replacement vehicles, as they look at the number of vehicles required for services out there they have a total of 33 vehicles on active fleet. They are required 28 vehicles to provide the service with 5 spares only which is not a good number of spares for this system because there is always ongoing maintenance.

Cm. Perez stated that we need to look at other avenues, and if some buses need to be leased while we have additional buses we are going to have to do that, because are the fastest growing city and we need to keep up with the demand. He stated if the buses are not adequate to refurbish, then he thinks we need to look for other avenues, and wants other alternatives be brought back at the budget sessions.

Mr. Pena stated they can cost out what it would cost to tie some areas particularly in South Laredo and other areas, but he asked what studies they were referring to.

Mayor Ramirez stated that it was a demand study presented about two years ago.

Mr. Segovia stated it was in 1994, and it did call for expanding service in different areas, acquisition has fallen behind schedule, the vehicles are actually one year over due.

Mayor Ramirez stated they need to come back to council during the budget hearings, on either alternatives to do some lease, options to expand the service, develop some park-n-ride facilities within those areas within those areas that are well lighted and guarded and can provide additional capacity for service to those areas to be able to start catching up with the demand again.

Mr. Jose Valdez pointed that they have conducted a survey on potential passengers and documented the needs. He said the routes are already there, the passengers and the surveys, it is just a matter of rearranging the hours and accelerate the process due to school starting soon.

Commissioner David Cortez was before council asking for support on this issue.

Mr. Abraham Rodriguez asked consideration on their assessments and that their surveys be considered.

Motion to take action on the demands, to square all the avenues and alternatives for those areas by budget time hearings and come back with costs.

Moved : Cm. Valdez

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Motion to accelerate the action for the service and to

incorporate the studies that have been prepared by LISD and that such studies be incorporated into additional capacity for ridership availability in those areas throughout El Metro before the school starts.

Moved : Cm. Bruni

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

3. Discussion and possible action regarding the status of the South Laredo Park.

Cm. Perez stated that this is the park where they have the old swimming pool, he wants to know how can this land be used if it is no longer used for a park, because there is a state law that prohibit that land park be used for other than a park.

Motion to instruct staff to investigate if this area can be used for something else other than a park. If there is need for an election, then he would like to put it into an election at election time so that it can be used for affordable housing or any other project that council may see fit.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

4. Presentation by Alvaro Alvarez, taxicab permit holder #017 & 022, regarding the securing of an additional taxi cab permit under Chapter 32, Section 32-32 Application for Additional Taxicabs of the Code of Ordinances, with possible action.

Cm. Perez stated that the section quoted is not accurately, individuals cannot apply individually, it would have to go into a lottery system.

Florencio Pena, City Manager, stated that any pending permits must be selected by lottery as per ordinance 92-0-102.

What the ordinance did, was set the number of taxi operators to 71 which further said that for every 1,800 new residents from May, 1992 they can add one additional new permit and that has not been done.

Mr. Tito Tijerina stated there are presently 71 out of 75 of which 4 permits are inactive.

Mayor Ramirez stated that currently the ordinance states that

B. Requests by Councilmember Louis H. Bruni

1. Discussion and possible action on instructing staff to contact the U.S. Corps of Engineers to conduct a feasibility and cost study on building a regional water retention facility south of Del Mar Boulevard, east of McPherson and north of Jacaman Road in order to protect the down stream residents from increased flooding due to the development in the study area.

Cm. Bruni stated he wanted the information from the Corp of Engineers before they acted on the proposed hospital site and before the increased development takes place, but that council acted a different way so he wants to see an immediate reply from the Corp of Engineers as to what needs to be done in that area to minimize the flooding and the problems that they will have there.

Motion instructing staff to contact the U.S. Corps of Engineers to conduct a feasibility and cost study on building a regional water retention facility south of Del Mar Boulevard, east of McPherson and north of Jacaman Road in order to protect the down stream residents from increased flooding due to the development in the study area.

Moved : Cm. Bruni

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

2. Discussion and possible action on finding the necessary funding to construct a new sidewalk south of the new library on Calton Road.

Jan Little stated that there exists a problem of foresight on access to the new library being that there were no sidewalks planned on Cherry Hill coming in from Calton Road. Her concern is for the children walking south of Calton and to the east of the library which will not be safe when walking or riding their bikes to this new library. Almost all the people walking to the library will enter from the Calton side in addition to the car entrance to this library will be through Calton which will increase the traffic. She asked why the sidewalk was not included in the original design and has not been added since, concluded by saying that the city has to apply the same standards to its own projects. She urged that they build sidewalks on either north or south of Calton from McPherson to Cherry Hill.

Mr. Pena stated this project has been identified in the CIP

for 1999. There is no funding for it, the engineers have advised that there are ditches in both sides of Calton leading to Sandman and what is needed there to prevent the sidewalk from eroding or not functioning properly is to widen that road with a drainage structure and to pave the sidewalks on an assessment type basis. The cost of that project is about \$400,000. It is identified as a need, the budget allocation process is a political process, a process of setting priorities, a process of deciding which projects are more important than others, and that time will happen in the next few months. The funding sources that would be available for this primarily would have to be from the bond issue that they are proposing in January. They will try to find other funding sources for it.

Cm. Bruni requested that staff prepare a cost estimate.

3. Presentation by Jesus "Chuy" Laurel regarding the establishment of a 500 square foot area in the New Main Library to be used as an Elderly Assistance Center.

Mr. Jesus Laurel made the presentation before City Council.

Mayor Ramirez stated the new main library will not be on line until November or December based on construction projections. In addition space allocation has not been completed as to how they are going to configure the current capacity of books and equipment.

Motion to instruct staff to look at a possible site for approximately 500 sq. ft. within a centrally located area either at the new library or the new transit center or any other facility to make it available to the AARP.

Moved : Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

C. Requests by Councilmember Alfonso I. "Poncho" Casso

1. Status report regarding the RFP's for the Utilities Department.

Fernando Roman, Utilities Director, stated that on June he presented a schedule of four possible locations to visit and they have not come to any decision. He would like to make a recommendation after conferring with Mr. Pena on the

objectives of the visits. He presented the possibilities of going to two cities, one that has been privatized for 12 years. He added it is a very complex city and that would answer the question as to how this works. The contrary also, Charlotte County in Florida, a city that has gone through the process of privatization, proposals and then finally they ended up rejecting the idea for their own reasons. He thinks that would be very informative for the team that goes.

He proposed that council as a group decide if they have a team that would like to attend and go to these two cities representing the City and asking the questions that need to be asked, pick a particular window of dates to be set as to when they want to go.

The cities he proposed are Oklahoma City and Charlotte County, Florida with tentative dates of September 3-6; September 6-10; September 27-October 1, October 1-4, October 9-13, or October 8-11.

Mayor Ramirez asked that staff gets a feel from the Council as to what they personally think of this process, about participating on these trips, concentrate on the pros and cons, and in the interim give the Councilmembers time to think about it and also bring the information prior to the council meeting so that they can use that as a basis to work the process through and then they will see whether they want to take these trips, and see how strong this commitment is because it is going to require a great deal of resources (time wise) to put something like this together.

Mr. Roman stated they are looking at everything possible as to where they can cut expenses and generate savings without jeopardizing the level of service that they offer.

Cm. Casso stated he has mixed feeling on this issue, all he wants is explore different avenues, he does not think they should waste much time, but get these professionals here and let them do their work and find out.

Mr. Pena stated they will prepare pros and cons, get information from other cities that have gone through this process to see what literature or information they analyzed and put it back on the first meeting of September.

2. Discussion and possible action regarding the legislative

consultant. (Co-sponsored by Mayor Pro Tem Jose R. Perez, Jr., and Councilmember Eliseo Valdez)

Cm. Casso reported that the committee has decided on this issue, they are planning on having another meeting to try to get the private sector involved, come up with three to five issues that they feel are important that the community should be fighting for in Austin.

The general consensus of the committee is that they probably concentrate on Economic Development/International Trade, the water issue and infrastructure which are the three most important issues facing this community.

He added that they interviewed five or six applicants, they left the 3 1/2 hour session with a lot of knowledge, and it was an extremely productive meeting. The next step will be to have a committee meeting with an advisory board from the private sector to see if they will participate with the city.

3. Discussion and possible action regarding all department heads having e-mail.

Mike De La Fuente, M.I.S. Director, reported that all the departments will be getting e-mail service by the end of the month.

4. Discussion and possible action regarding the possible set-back violations created by the Concord Hills Developers.

Motion to table indefinitely.

Moved : Cm. Casso

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

(Cm. Bruni was out temporarily.)

5. Discussion and possible action regarding the Police Department abdicating its responsibility regarding the recovery of stolen vehicles.

Cm. Casso stated that this is an important issue and something needs to be done because today the estimated value of aircraft/vehicles stolen in the U.S. and taken into Mexico each year excess over \$100 million and at the same time aircraft allegedly stolen or embezzled have become the principle means of transporting contraband to Mexico. Electronic goods, appliances, firearms, valued more than

\$1 billion are now taken from the U.S. each year into Mexico in violation of that country's laws. The new convention has been drafted with these problems in mind, which was the treaty that he spoke about a month ago. It was expected to result in the return of a significantly large amount of registered vehicles and aircraft from Mexico, and in better law enforcement along the border, however our Police Department violated our own city ordinance and has ignored the convention with Mexico for the recovery return of stolen or embezzled vehicles and aircraft.

At the last meeting he pointed the principle features of the treaty and he doesn't think it's right to advocate our responsibility right now, especially when we have the auto theft task force, we're matching about \$80,000 in the state government through the Governor's Office is matching about \$420,000 for the Auto Theft Task Force. If we are going to be shifting that responsibility to another law enforcement agency well then what good is all that task force? How can we justify receiving these monies?

Another thing is the U.S. Customs Service Outbound Enforcement Program, entitled Operation/Co-operation, the primary objective of that operation/co-operation is prevent the illegal shipments of weapons, ammunitions, high tech equipment, unreported high tech equipments and chemicals and stolen vehicles. The funding is obtained by the department of Treasury Forfeiture Fund in order to reimburse these agencies for the overtime expenditures at the time of entry.

For fiscal year 1991 to 1997 there is a charge, there are only two (2) entities in Laredo that are receiving monies from this fund, TxDot and the Laredo Police Department. The Police Department has received in 1991 received, \$97,000, 1992 received \$147,000, 1993 received \$167,000, 1994-\$109,000, 1995-\$116,000, 1996-\$140,000 and in 1997 it dropped to \$50,000.00, he does not know why, and wants that this be explored, to find out from the Interim Chief as what is going on here? If the sheriff's department wants to help that is fine, but he does not think that we should turn it over to another entity. It is our responsibility and he thinks we need to make sure that we do not have that shifting policy. If you do want to change the ordinance and make a recommendation, he would recommend to change the rotation policy and allow all the wrecker service companies to participate in the business in the recovery of stolen vehicles, have them all participate. He added that one thing he does not like and that he thinks is against the NAFTA

Treaty is that we can't go across to Mexico, but they can come over here and bring the cars, which he thinks is not right and needs to be explored.

Cm. Casso questioned a memorandum sent by Mr. Pena which stated there was a meeting held on July 27th which was attended by different agency representatives one of those representatives was the U.S. Consul. He said he had learned from an officer that in that meeting the U.S. Consul did not want to do anything with the recovery of stolen vehicles because he was fearful about going by the treaty and wants the Interim Police Chief to explain on this issue.

Mayor Ramirez stated for the record that the memo provided by Mr. Pena clearly stated there was no shift in policy. There might have been miscommunications that took place in getting the information second or third hand in the media, and as a result of that, this happened.

Agustin Dovalina, Interim Chief of Police, briefed that they did have a meeting on July 25th and all the parties included in the memo did attend, there was considerable discussion about what all the other agencies are doing with respect to the recovery of stolen vehicles from Mexico. The U.S. Consulate was in attendance and he advised that there is a provision in the treaty that allows something called a mutually acceptable agreement with respect to notification. He said that as long as we have that in place there is no problem. He concluded by saying that they are further researching to streamline the process to make sure they eliminate as much controversy as possible. They have not advocated any kind of responsibility at anyone, the other agencies that are involved all have some jurisdictions as ours in the recovery of stolen property. They currently have a verbal agreement, the understanding is that they advise us and notify us when they have something recovered over there by way of stolen vehicles.

Mr. Perez stated that then our agreement is just on the notification process.

Cw. Montalvo stated she had asked the City Manager to see if we could have one or two lots for a compound by budget time.

Mr. Hector Cabello, Cabello Wrecker, expressed his concern on wrecker services because they as a wrecker service cannot go into Mexico and they can come to U.S. and charge between \$175-\$200 to bring a vehicle. He said the Police Department

is not policing their authority, because they need to be licensed if they come and operate here. He wants this issue investigated because they are losing money.

6. Discussion and possible action regarding the privatization of the landfill.

Cm. Casso stated that Mr. Guerra had expressed to him that he will be making a presentation before council during the budget workshops on this issue, which is fine, but he wants the questions that were posed by the group answered, then they will hear the presentation during the budget workshops and after that go from there.

7. Discussion and possible action regarding the membership of the MPO.

Keith Selman, Planning Director, stated that the MPO took action to amend its by-laws altering its membership, what they did was added the Director of Transportation and Planning with TxDot as member, added two members of the County Commissioners to the MPO and the State Representative Henry Cuellar and State Senator Judith Zaffirini are now ex-officio members and are not voting members. He added there are four (4) of the City Council, three (3) from Webb County and two (2) from TxDOT.

D. Requests by Councilmember Joe A. Guerra

1. Presentation by Manuel Raul Jimenez, taxicab permit holder #075, regarding the securing of an additional taxi cab permit under Chapter 32, Section 32-32 Application for Additional Taxicabs of the Code of Ordinances, with possible action.

This item was discussed together with A(4).

E. Requests by Councilmember Mario G. Alvarado

1. Update by staff on the Santa Maria Drainage Project, and acquisition of right-of-way needed to complete this project with possible action.

Florencio Pena, City Manager, stated that on July 24th Ramex Construction was awarded the \$2 million project which consists of underground drainage with re-enforced concrete inlets, manholes, and related drainage items. Currently they are working on the southside towards the river, to construct the drainage inlets there. The project is funded by CD Block

Grant Funds. It is an 8-month project, the project will be completed on April of 1998. The hard construction on Sta. Maria will not start for about three months, which is when the inconvenience will show itself, they intend to put out notices for residents in the area.

As far as the right of way issue, they are about 17 parcels need in order to widen that road to the desired design. Currently there is no funding for the project, it is one of the projects that is being proposed for possible funding out of the \$10 million that will be available in January 1998. An amount has been set aside for land acquisition if needed. They recommend that during the CIP process when the council allocates monies for projects and if this project is included, that at that point and time they begin negotiating a contract with G.G. Salinas who is doing the drainage work to do the survey for the land acquisition of those 17 parcels, but they do not have the funds to authorize that work now.

Mr. Pena pointed that they have the right-of-way for the drainage, it is the expansion of the road where they don't have the right-of-way and the funding.

Rogelio Rivera, City Engineer, reported that they have approximately 60 ft. of right-of-way all the way throughout. Actually there are fences that are encroaching, the additional 5 feet are need for actual construction of the sidewalks. Throughout the project the additional land needed is for the sidewalks which is required per city ordinance.

Cm. Alvarado wants a schedule of what sections will be worked at for the drainage project so that residents are made aware.

Mr. Rivera stated they will have a traffic plan in place by the time they get to Santa Maria.

2. Status report on the Santa Isabel Well, with possible action.

This item was discussed with item #46.

XI. PUBLIC HEARINGS

54. Public hearing concerning the application by Eduard C. Hachar and Robert D. Hachar, amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for a child education/day care center on Lots 1 and 2, Block 1697, Eastern Division, located at

2801 and 2807 East Fremont Street. The Planning and Zoning Commission recommends approval of this conditional use permit. This item was tabled at the Council Meeting of July 21, 1997, pending the removal of all off-street parking on Fremont Street.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for a child education/day care center on Lots 1 and 2, Block 1697, Eastern Division, located at 2801 and 2807 East Fremont; providing for an effective date and publication.

Motion to open the public hearing.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

George Hachar, representing the owners, stated that no parking on Fremont will be allowed.

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

Moved : Cm. Bruni

Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Bruni

55. Public hearing concerning the application by Del Trautman, amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 22 acres, as further described by metes and bounds, located on the south side of Del Mar Boulevard, south of Bermuda Dunes Subdivision, from R-1 (Single Family Residential District), R-2 (Multi-Family Residential District) and B-3 (Community Business District) to B-4 (Highway Commercial District). The Planning and Zoning Commission recommends approval of this zone change. This item was tabled at the Council Meeting of July 21, 1997. **(Co-sponsored by Councilmembers Alfonso I. "Poncho" Casso, and Joe A. Guerra)**

INTRODUCTION OF AN ORDINANCE

Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 22 acres, as further described by metes and bounds, located on the south side of Del Mar Boulevard,

south of Bermuda Dunes Subdivision, from R-1 (Single Family Residential District), R-2 (Multi-Family Residential District) and B-3 (Community Business District) to B-4 (Highway Commercial District); providing for an effective date and publication.

Motion to open the public hearing.

Moved : Cm. Casso

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

Keith Selman, Planning Director, made the presentation on the zone change request issue.

Mr. Del Trautman made his presentation on the land use, noise, and water detention ponds.

Ben Everett, Chief Executive Officer of Columbia Hospital, asked the council to do what is right so they can move forward to continue with the platting process and construction.

Mercurio Martinez III spoke in favor of the zone change request and urged the council to approve the request.

Cm. Bruni stated that he was not against the construction of Colombia Hospital, but has some concerns about the proposed site. First, the proposed location has five schools in its immediate proximity, Alexander to the east, United Middle, Santos Benavides, Mary Help of Christians and Nye Elementary are we putting our children at a risk? He wants a traffic study to show what are the effects of ambulances, emergency vehicles, and any increase in traffic around the school zones. Second, he wants a legal opinion on who is responsible since by city ordinance we as a council, are changing the zone which is not recommended by staff and if a traffic accident should occur with ambulances and school buses whose responsible?

He has a concern with two retention/detention ponds proposed, this area is low line, it is prone to flooding and receives all the runoff of wastewater and heavy fertilization from the Laredo Country Club. He wants a written study and report on the contaminated soil, stagnant water of the proposed site. Also, maybe we could incorporate the U.S. Corps of Engineering study that he is proposing in one of his agenda items. He added that the proposed site is directly the

flight path of arriving/departing heavy commercial aircraft on Runway 37R17L which is our north/south heavy freight runway. He wants a written report on noise profiles of the area from staff and the FAA, including height restrictions, noise contours, possible noise contours and navigational easements the City of Laredo may require. He also wants a written report on the impact of our wastewater infrastructure as it affects our McPherson lift station. He wants a written report since property is on or near the flood plain and storm water drainage from the upper Zacate Creek Tributaries from our ongoing Brown & Root Zacate Project Study that is not complete yet. He would like a report from staff on the EPA, if any laws are being violated since wastewater and heavy fertilization is being released from the Country Club to the proposed site due to lack of wastewater circulation at the Country Club.

He quoted, "I as a Councilmember cannot in my heart approve something that's going to be there for 50-60 years that is going to impact our community. The residents of District II which I was elected to, to take care of and to guide refuse of such importance come to my district." He added he is not ready at this point until he gets all this information and takes it as an a front from Cm. Guerra and Cm. Casso to put his issue where he represents under their items. He added he was elected to take care of his constituents.

He called to the attention of Cm. Casso that he received calls of ongoing problems in his district and since he was not available for comment he took care of those problems.

Motion to table for the August 18th meeting.

Moved : Cm. Bruni

Second: Cm. Perez

For: 2

Cm. Perez

Cm. Bruni

Against: 5

Cm. Casso

Cm. Valdez

Cm. Guerra

Cm. Alvarado

Cw. Montalvo

Abstain: 1

Cw. Moreno

Florencio Pena, City Manager, stated that as it deals with the wastewater issue and the capacity of the sewer line handling the facility, that stage of the development that will take place when the building permit is filed. He said that Mr. Trautman has been placed on notice that there may be a concern there with the lift station, but in any event as

with any builder in town that is building a facility, we don't have any obligation to expand our system to handle additional capacity at that location. That issue would be taken care of at the building permit stage.

In regards to the flooding, there had been some concerns and Cm. Bruni is correct and he has raised them, the need to have design standards for detention/retention facilities which staff has not finalized, they have been working on it, they have Brown & Root working on the Chacon Creek watershed in developing best practices management for that area and one of which will include a design specifications for water retention basin. Unfortunately, they don't have that right now, however what they have been doing and are recommending on this one is that the engineer that designed the project will have to assume responsibility for designing a system that will work. The plan that was presented here was presented to the Engineering staff and they are showing that they are handling the water within their property and not causing any additional runoff downstream. There is a concern downstream south of them, that a study in 1989 and a study in 1993 conducted by U.S. Corp of Engineers showed the need to design or develop a regional detention basin. That would be done in order to save their property from not being used by such small retention basins and the high cost of maintenance associated with the smaller detention basins. The plan that they submitted will handle the drainage, there will be a need possibly when we get into the Corp of Engineers to request them to assist us in putting more detailed information, possibly funding considerations to develop a regional detention basin for that area. They met with the property owners in the area, they have expressed an interest in working together to develop that. In the meantime, the way this would work is that those retention basins that are built with this project, would continue to handle the drainage and the event the detention basin is developed that would be abandoned.

In regards to the noise, they have the noise contours map. They have a preliminary opinion, there is a trigometric formula that is used to determine the height of buildings from flight zones and in that regard, they have gotten a preliminary, that a maximum 10-story structure could be built at that distance. In terms of noise compatibility, every developer that builds in that area, there are standards required to be included in the building design in order to comply with our noise compatibility ordinance that we have in place. So certain standards would have to be required.

In regards to traffic, the primary recommendation of the Planning Department at that time when they made the recommendation to not recommend approval was the fact that the ordinance requires a hospital to be located in a major arterial, this particular facility has been shown with a road connecting to Del Mar and not abutting Del Mar Blvd. A strict interpretation of that made them recommend denial, but in re-analyzing this situation and by having the road that connects the hospital to Del Mar by having it signalized provides a much better traffic control than having the entire facility in front of Del Mar Blvd. They are going to try and have some controlled access off certain roads.

Cm. Casso stated this is a \$70 million investment in the community, it will provide 250 jobs, provide greater access to health care and like Cm. Bruni said he had taken care of problems in his district, he has also taken care of problems in his district also. He added that there is wide spread support for this project to be constructed and that they stop fooling around here at the council and go forward with this project, this is an issue that should be dealt with, at the platting level not at the Planning & Zoning level. Right now the developer can go in and put in 160 apartment complex units and go ahead and do that without a zone change. The arguments that his colleague raises are invalid, so what they have to do is go forward with this project because with both hospitals it is over \$180 million dollar investment and we owe it to this community to improve the quality of health care, need to go forward with it and not run the risk of torpedoing this investment because it needs to be done and they just need to move forward.

Cm. Bruni stated that he wants Doctors Hospital to be built, that another concern is with Federal Government. On the Laredo Times of July 31st it says "Colombia Executives indicated". Three executives of Colombia Health Care Corporation the giant for profit hospital chain is a target of federal fraud pro. He added that is another problem he has. He does not know the federal government is going to react to us just jumping in there and doing it. In the San Antonio newspaper it says three health care executives charged with fraud indictments first pro in medicare cheating. It says prosecutors charged three Colombia HCA officials with cheating medicare and an indictment in an unsealed indictment, Wednesday, the first charges of a federal pro that has shaken the nation's largest for profit hospital chain.

It says the first criminal defendants were named within two week of a dramatic seven state 35 Colombia and affiliate sites raid on these facilities where their documents were sealed by the federal government and confiscated. That is another problem he has. He was asking for two weeks to see what the real problems are, he asked that they allow him the time that he needs to study the concerns he brought forward.

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

Moved : Cm. Casso

Second: Cm. Guerra

For: 7

Against: 1

Abstain: 0

Cm. Bruni

Ordinance Introduction: Cm. Casso and Cm. Guerra

56. Public hearing amending the City of Laredo's 1997-1998, annual budget in the amount of \$49,922.00 for a grant awarded by the Texas Natural Resource Conservation Commission's Used Oil Division to be used for enhancing and continuing the Used Oil Collection and Recycling Program for the period from October 1, 1997 through September 30, 1998 and authorizing the City Manager to implement said budget.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the City of Laredo's 1997-1998, annual budget in the amount of \$49,922.00 for a grant awarded by the Texas Natural Resource Conservation Commission's Used Oil Division to be used for enhancing and continuing the Used Oil Collection and Recycling Program for the period from October 1, 1997 through September 30, 1998 and authorizing the City Manager to implement said budget.

Motion to open the public hearing.

Moved : Cw. Montalvo

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing, correct the ordinance wording from "amending" to "incorporating", and introduce the ordinance.

Moved : Cw. Moreno

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

57. Public hearing to amend the City of Laredo's 1997-1998, annual budget in the amount of \$55,721.00 for funding of supplies and direct operating expenses for a Multi-Agency Narcotics Task Force for the period of June 1, 1997 through May 31, 1998.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the City of Laredo's 1997-1998, annual budget in the amount of \$55,721.00 for funding of supplies and direct operating expenses for a Multi-Agency Narcotics Task Force for the period of June 1, 1997 through May 31, 1998.

Motion to open the public hearing.

Moved : Cm. Bruni

Second: Cw. Montalvo

For: 8

Against: 0

Abstain:: 0

There was no public input.

Motion to close the public hearing, correct the ordinance to read "1996-1997" instead of "1997-1998", and introduce the ordinance.

Moved : Cw. Moreno

Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

58. Public hearing to amend the City of Laredo's 1996-1997, Annual Budget in the amount of \$24,000.00, for a grant from the Texas Department of Public Safety Division of Emergency Management in order to complete a Hazard Vulnerability Analysis.

INTRODUCTION OF AN ORDINANCE

Amending the City of Laredo's 1996-1997, Annual Budget in the amount of \$24,000.00, for a grant from the Texas Department

of Public Safety Division of Emergency Management in order to complete a Hazard Vulnerability Analysis.

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 the ordinance.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

XII. RECESS AND CONVENE AS THE MASS TRANSIT BOARD

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

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

59. Approval of bid specifications and authorization to advertise for bids for the following:

a) motor oil for new buses A tentative award is scheduled for Sept. 2, 1997.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

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

Moved : Cm. Perez

Second: Cm. Montalvo

For: 8

Against: 0

Abstain: 0

XIII. ADJOURNMENT

Motion to adjourn.

Moved : Cm. Perez

Second: Cw. Montalvo

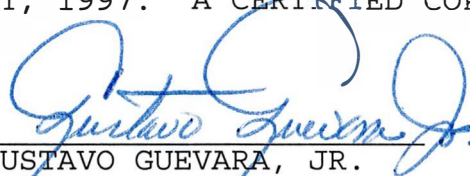
For: 8

Against: 0

Abstain: 0

Adjournment time: 9:40 p.m.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 44 ARE TRUE, COMPLETE AND CORRECT PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON THE 4TH DAY OF AUGUST, 1997. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE.


GUSTAVO GUEVARA, JR.
CITY SECRETARY

Minutes approved on: September 2, 1997