

CITY OF LAREDO
CITY COUNCIL MEETING

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

MINUTES

M97-R-28

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

IV. APPROVAL OF MINUTES

2. City Council Meeting of July 7, 1997
- City Council Workshop COPS of July 10, 1997
- Aid to other Agencies Workshop of July 19, 1997
- City Council Meeting of July 21, 1997

Motion to approve.

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

Motion to waive regular order of business and move up items F(1), A(1), B(1), and D(1).

Moved : Cw. Montalvo
 Second: Cm. Guerra
 For: 7 Against: 0 Abstain: 0

Cw. Moreno joined the meeting at 6:20 p.m.

V. INTRODUCTORY ORDINANCES

3. Authorizing the City Manager to execute a lease with Dynair CFE Services, Inc., for approximately 416 square feet constituting Building #168.
1. Lease term is for one (1) year commencing May 1, 1997 and ending April 30, 1998 and be extended for one (1) year ending April 30, 1999.
 2. Monthly rent shall be \$425.00 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 \$369.51. Leased premises are used for air freight operations

Ordinance Introduction: City Council

4. Closing as a public easement a 513.1 square foot parcel of land, more or less, out of the 1000 Block of Baltimore Street between Flores and San Agustin Avenues and the 3500 Block of Flores Avenue between Baltimore and Lafayette Streets, said parcel of land being encroached by the improvements of the abutting property being Lot 2, Block 901, Western Division, being more particularly described by metes and bounds, and authorizing the sale of the "surface only" of said parcel of land at the adjusted fair market value of \$1,026.20, and authorizing the City Manager to execute all necessary documents to effectively convey fee simple title to Victor Alvarez and wife Sara A. Alvarez and Irene R. Sanchez, a single woman.

Ordinance Introduction: City Council

5. Closing as a public easement a 465.28 square foot parcel of land, more or less, out of the 1800 Block of Logan Avenue

between Guerrero and Lane Streets, said parcel of land being encroached by the improvements of the abutting property being Lot 7, Block 250, Eastern Division, being more particularly described by metes and bounds, and authorizing the sale of the "surface only" of said parcel of land at the adjusted fair market value of \$697.92, and authorizing the City Manager to execute all necessary documents to effectively convey fee simple title to Adelina de Leon and Virginia A. Gonzalez.

Ordinance Introduction: City Council

6. Authorizing the establishment of a limited-time deferred payment plan for delinquent customers of the utilities department who declare themselves willing but unable to pay the full balance on their account, citing hardship, or extraordinary circumstances.

Ordinance Introduction: Cm. Guerra

7. Authorizing the Utilities Department to refuse service to individuals or business entities who owe prior balances for services received and who attempt to open an account under a different name or location for the purpose of avoiding payment of said rendered services; providing for effective date and publication.

Ordinance Introduction: Cm. Guerra

VI. FINAL READINGS

Motion to waive the final reading of Ordinance(s) #97-O-179, #97-O-180, #97-O-181, #97-O-182, #97-O-183, #97-O-184, #97-O-185, #97-O-186, #97-O-187, and #97-O-188.

Moved : Cm. Perez

Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

8. 97-O-179 Amending Section 2 of Ordinance No. 90-O-101, to clarify and set forth the voting powers of the Mayor Pro Tem of the City of Laredo, and for other purposes. (City Council)

Motion to approve.

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

9. 97-O-180 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. (City Council)

Motion to approve.

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

10. 97-O-181 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. (City Council)

Motion to approve.

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

11. 97-O-182 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. (City Council)

Motion to approve.

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

12. 97-0-183 Amending the provisions o 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. (City Council)

Motion to approve.

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

13. 97-0-184 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. (City Council)

Motion to approve.

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

14. 97-O-185 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. (Louis H. Bruni)

Motion to approve.

Moved : Cm. Perez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

15. 97-O-186 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. (Alfonso I. Casso)

Adan Gonzalez, a local attorney and area resident, asked council to deny this zone change request or at the least table it if denial is not considered. He spoke against the zone change request.

Chad Sims, area property owner, pilot, and a neighbor of Mr. Gonzalez, stated that the location is very close to the airport runways, approach and departure runways. His concern is the safety factor on forced landings on either departures or approaches with tall buildings and also during bad weather. He asked that the tall structures provision be looked at.

Cm. Bruni showed a video of the area. He stated that the Texas Department of Health has ruled against licensing the new Colombia Doctors Hospital if the facility were to be built on the proposed site due to the proximity of the airport runways. He stated for the record, "I do not oppose to the building of Doctors Hospital, Laredo needs additional facilities, and Laredo needs additional corporations to invest in our community. We just don't need to have a hospital built in an area that

would endanger the very people that we are trying to help. I submit and proposed to you that perhaps if we could...it would be in Laredo's best interest to work with Colombia HCA in the location more proper than the location we see in front of us. It's a new hospital, it is going to be there for 50 years, lets see if we can bring both sides together and work together on this issue."

He read for the record a fax sent to him from The Texas Department of Health - Licensing Division in reference to the proposed construction site for Colombia HCA replacing hospital as follows:

"Dear Mr. Bruni:"

"Thank you for the aerial map of Laredo...of the Laredo area containing the north portion of the airport and the proposed site for the new Colombia HCA Hospital. Hospitalizing standards Sections 6.3-11 prohibit building or licensing of hospitals near airports. The area in which the hospital cannot be built or license lies within an area defined by a perpendicular line to the runway two miles or 10,560 ft. of each end of the runway in a parallel line one half mile or 2,640 ft. from each side of the runway. The proposed site is directly in line with runway 17L and 17R. The location is well within the prohibited area. For this reason, any building within this area would not be licensed as a hospital by the Texas Department of Health and Licensing Division. Submitted by Mr. Z--- A. Pithut, P.E. & Chief Engineer in Austin, Texas."

Cm. Casso stated that regarding the airport runways, landing etc., that is not much of a council issue as much as a private sector issue because once they change the zone change what is going to happen is that it still has to go to the platting requirement and if they go to that stage and don't pass that stage they will be denied there. If what Cm. Bruni is saying about the ruling is true, because it has not been verified, if it is true then they won't pass that stage. He added that we shouldn't be here denying a zone change because of Cm. Bruni's argument. He stated what he has tried to do during the last three years is to be leave the politics out of the decision

making that goes on at City Hall, it is difficult to do, but he tries to do that. When a hospital tries to invest in other communities, they open their arms to these people. These people are going to invest \$70 million and provide 250 jobs. He concluded by saying that they have to create a pro-business environment in this community. He is also concerned that Cm. Bruni is exposing this municipality to a tremendous amount of liability because one of the principal partners is Del Trautman, but one of the minor is partners is his brother-in-law, Steve Whitworth.

Motion to table indefinitely.

Moved : Cm. Bruni

Second: Cm. Perez

For: 6	Against: 2	Abstain: 0
Cm. Perez	Cm. Casso	
Cm. Bruni	Cm. Guerra	
Cw. Moreno		
Cm. Valdez, Cm. Alvarado, and Cw. Montalvo		

16. 97-O-187 Ordinance amending the City of Laredo's 1996-1997, 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. (As Amended) (City Council)

Motion to approve.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8	Against: 0	Abstain: 0
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17. 97-O-188 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. (City Council)

Motion to approve.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8	Against: 0	Abstain: 0
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VII. RESOLUTIONS

- 18. 97-R-085 Opposing the proposed Nuclear Waste Dump to be located in Sierra Blanca, Hudspeth County, Texas. (Sponsored By Mayor Saul N. Ramirez, Jr.)

Motion opposing the proposed Nuclear Waste Dump to be located in Sierra Blanca, Hudspeth County, Texas.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8 Against: 0 Abstain: 0

- 19. 97-R-088 Authorizing the City of Laredo to participate in the following investment pools: LOGIC (Local Government Investment Cooperative) and Lone Star Investment Pool. The City of Laredo Investment Policy requires approval by City Council in order to join any investment pool. LOGIC and Lone Star Investment pools are both in compliance with the Public Funds Investment Act; both offer safety of principal; both offer diversification of the City Portfolio; both offer liquidity and higher yields.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Guerra

For: 8 Against: 0 Abstain: 0

VIII. MOTIONS

- 20. Approval of bid specifications and authorization to advertise for bids for the following:
 - a) Computer Equipment - Police Department, Engineering, Tax Department, Utilities Department, Bridge System. A tentative bid award date is set for September 15, 1997. Funding is available in the Police Department Trust Fund - Capital Outlay, Engineering Department Design, Drafting, Capital Outlay, Bridge System -Capital Outlay.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7 Against: 0 Abstain: 0

Cm. Casso was not present.

21. Authorizing the City Manager to solicit request for proposals from qualified environmental services for drilling 4 additional Groundwater Monitoring Wells at the City's Municipal Landfill in compliance with Texas Natural Resource Conservation Commission (TNRCC) Chapter 330 Subchapter I (Groundwater Sampling and Monitoring) and Subchapter J (Closure).

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

22. Approval of construction plans and authorization to advertise for bids for the Telecommunications Offices and Public Access Facility, and authorization to bid the project with tentative award on September 22, 1997. The facility is to be located in the Civic Center on the 900 block of garden Street. Funding is available in the Public Access Channel Account.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

23. Authorizing the City Manager to pursue a planning grant from the Border Environment Cooperation Commission (BECC) for the preparation of a water master plan; authorizing the issuance of Request for Qualifications from engineering firms for said project.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

24. Approval of a contract with RWL Group, Dallas, Texas, for an amount not to exceed \$9,500.00, to conduct a funding study with respect to the surplus or deficit position of the Health and Benefits Fund in order validate the recommended pension upgrade approved by the City Council at the budget workshop, to become effective January 1, 1998.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

25. Approval of a contract with RWL Group, Dallas, Texas, for an amount not to exceed \$8,000.00, to conduct a rate study of the City's health benefits plan.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

26. Authorizing the use of monies located in the City Council's Reserve For Capital Improvement account to facilitate the purchase of a marble monument to be placed at Veterans Field in the amount of \$2,075.00, from Joe Jackson Heights, Laredo, Texas.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

27. Authorize the purchase of seven portable radio for the Police Department through the Houston Galveston Area Council of Governments (HGAC) - Cooperative Purchasing Program, in the total amount of \$13,370.00. These voice secure radios will be purchased through the cooperative purchasing contract vendor Motorola. This equipment is needed for the implementation of the Community Oriented Policing Program. Delivery of these radios is expected within sixty days.

Motion to approve.

Moved : Cm. Perez

Second: Cm. Valdez

For: 7

Against: 0

Abstain: 0

28. Authorizing the City Manager to request bids and to purchase street lights to be placed on trees and around light poles in the Downtown area bounded by IH-35 on the East, Moctezuma on the North, Zaragoza Street on the South, and Santa Maria Avenue on the West. This project will provide increased

illumination and enhance the area's safety and aesthetics. To fund this project, staff further seeks authorization to transfer \$170,000.00, of 22nd Action Year Community Development Block Grant funds from the Economic Development Loan Account No. 211-9640-535-1189 to the Street Light Account No. 211-9640-535-1158.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Valdez
For: 7

Against: 0 Abstain: 0

29. Acceptance of the Construction of Cells No. 7 and No. 8 per Subtitle D Requirements of the Texas Natural Resource Conservation Commission (TNRCC) for the City of Laredo Landfill located at Texas Highway 359 and approval of final payment in the amount of \$25,201.39 to Big D Lining Systems Company, Midland, Texas. Funding is available in account No. 666-2760-353-1200.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Valdez
For: 7

Against: 0 Abstain: 0

30. Acceptance of the 36 Inch Diameter Water Line Project from the Jefferson Street Water Treatment Plant to FM 1472 Water Tower at Mines Road, and approval of total release of the retainage in the amount of \$112,621.05 to McLean Construction Company, Inc., Killeen, Texas. A deduction of \$2,360.00, for contact clips not placed is recommended, therefore final payment is \$110,261.05. Funding is available in the Retainage Payable Account.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Valdez
For: 7

Against: 0 Abstain: 0

31. Approval of change order no. 2, a decrease of \$1,356.35, acceptance of the Malinche Avenue Re-Alignment Street Improvements from Bartlett/Locust to Frost Street Project, and approval of final payment in the amount of \$24,251.05 to Ramex Construction Company, Inc., Houston, Texas. Funding is

available in the Capital Improvement Fund Malinche Re-Alignment Project and Retainage Payable Account.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Valdez
For: 7

Against: 0 Abstain: 0

32. Approval to reject the sole bid received from Leyendecker Construction Company in the amount of \$2,198,000.00 for the construction of the Father Charles McNaboe Recreational Complex and authorizing City Staff to work on a plan whereby some of the construction work can be done in-house and portions to be subcontracted out, with the concurrence of the Texas Department of Parks and Wildlife and United Independent School District (UISD).

Motion to approve.

Moved : Cm. Perez
Second: Cm. Valdez
For: 7

Against: 0 Abstain: 0

33. Award of a construction contract to the LOWEST BIDDER, A.E. Construction Company, Inc., San Antonio, Texas, in the amount of \$263,930.86, for the Construction of 68 accessible ramps at 17 intersections at San Agustin Plaza, Bruni Plaza and Saint Peters Plaza and related access routes. A total of three bids were received for this project. Contract time is 130 working days. Funding is available in the Community Development Curb Construction ADA and Capital Improvement ADA Improvements.

Motion to approve.

Moved : Cm. Bruni
Second: Cw. Montalvo
For: 7

Against: 0 Abstain: 0

34. Award of an asbestos abatement contract to the LOWEST BIDDER, Bexar Environmental San Antonio, Texas in the amount of \$23,598.00 for the Asbestos Abatement of Laredo International Airport Buildings 1324 & 1425. This project is part of the Economic Development Administration Airport/Medical Infrastructure Improvement Project. The City received a total of seven (7) bids. Funding is available in the Airport/Medical Infrastructure Improvement Project Fund.

Motion to approve.

Moved : Cm. Bruni
Second: Cw. Montalvo
For: 7

Against: 0 Abstain: 0

35. Award of an engineering contract to G.G. Salinas Engineering, Laredo, Texas, in the amount of \$38,600.00 to provide surveys, design and prepare plans and specifications for the construction of sidewalks along Community Development lock Grant (CDBG) residential neighborhoods to provide safe walkways to connect neighborhoods to local schools. Funding is available in the Community Development CD Projects/Sidewalks Account.

Motion to approve.

Moved : Cm. Bruni
Second: Cw. Montalvo
For: 7

Against: 0 Abstain: 0

36. Approval of amendment no. 2, an increase of \$45,000.00 to the engineering contract with NRS Consulting Engineers, Harlingen, Texas, for additional Resident Project Representative (inspection services) due to construction delays for the Milmo Avenue, East Corridor and Other Booster Pump Station Project and for the 5 Million Gallon Water Storage Tank and High Service Pump for the sierra Vista Booster Station in South Laredo. Staff recommends seeking reimbursement for these additional inspection costs from the contractor by assessing liquidated damages for delays. Original contract amount was for \$175,400.00. This amendment brings the total to \$243,400.00. Funding is available in the Waterworks System Fund.

Motion to approve.

Moved : Cm. Bruni
Second: Cw. Montalvo
For: 7

Against: 0 Abstain: 0

37. Authorizing the City Manager to amend the City's contract with Parsons Brinckerhoff Quade & Douglas, Inc., for Environmental Assessment Services (EA) associated with the Laredo Northwest International Bridge (Fourth Bridge) and connecting roadways to extend the contract period to January 15, 1997.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Bruni
For: 7

Against: 0 Abstain: 0

- 38. Referring proposed amendments of the City of Laredo Comprehensive Land Use Plan to the Planning and Zoning Commission and requiring said amendments to be brought back before the City Council no later than September 15, 1997, in accordance with Article IX, Section 9.03 of the Charter of the City of Laredo.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Bruni
For: 7

Against: 0 Abstain: 0

- 39. Motion to (1) accept the Webb County Appraisal District Property Appraisal Roll, (2) accept the Effective Tax Rate Calculation, (3) setting a Public Hearing for August 25, 1997, to adopt the proposed Tax Year 1997 tax rate, and (4) authorizing the Tax Assessor/Collector to begin publication of notices.

Motion to approve.

Moved : Cm. Perez
Second: Cm. Bruni
For: 7

Against: 0 Abstain: 0

IX. CITY MANAGER'S REPORT

- 40. Discussion and possible action regarding implementing Section 4, of the Interlocal Agreement between the City of Laredo and the County of Webb for the provision of fire protection, emergency medical and rescue services for all unincorporated areas of the County outside the incorporated limits of the City as it relates the terms of this section. Section 4 provides that a 365 day notice be given to re-negotiate or cancel said agreement.

Motion to approve.

Moved : Cm. Bruni
Second: Cm. Guerra
For: 6

Against: 0 Abstain: 0

Mayor Protem Perez and Cm. Casso not present.

41. Authorize the City Manager to proceed with the permanent closure of the 1100 Block of Zaragoza Street. This section of street, between Convent Avenue and Flores Avenue, has been temporarily closed since March 12, 1997 when Bridge I was closed to vehicular traffic for emergency repairs. The permanent closure of Zaragoza Street is being recommended to remove traffic backups that occur in the San Agustin Historic District by prohibiting access to Bridge I from Zaragoza Street, to reduce vehicular and pedestrian conflicts at the intersection of Convent Avenue/Zaragoza Street, and to improve pedestrian access to Bridge I.

Motion to proceed with the permanent closure of the 1100 block of Zaragoza Street.

Moved : Cw. Moreno

Second: Cm. Guerra

For: 6

Against: 0

Abstain: 0

Mayor Protem Perez and Cm. Casso not present.

42. Requesting the City Council conduct an evaluation of performance of the City Manager as per Section 6 of the Employment Agreement between the City of Laredo and Mr. Florencio Pena, III, with possible Executive Session pursuant to Section 551.074 of the Texas Government Code to deliberate said evaluation.

Motion to go into Executive Session pursuant to Section 551.074 of the Texas Government Code to deliberate said evaluation.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

After executive session Mayor Ramirez announced that no formal action was taken.

Anthony Stahl, from the Fire Department Local 1390, wants City Council to be aware of the problems they have had with Mr. Pena in regards to their contract. He said that most recently was this weekend when Mr. Pena went public with the news media about the Assistant Fire Chief's position. He wants to know if the councilmembers knew of the Assistant Fire Chief's position and if it was in the contract?

Mayor Ramirez stated all he knows from its administration if it is not governed by the agreement.

Mr. Stahl stated that under their contract the Assistant Fire Chief's position is covered under their contract, they have 90 days to fill the position. The contract stipulates that only the Fire Chief can fill that position and it is covered by federal law. Right now they don't have an Assistant Fire Chief. They just want to make sure that the communication between the City Manager, City Council, and Fire Fighters are straight. He added that on previous years it was mentioned about 19 firefighters, the bond election was in 1993 and since then nothing has been done, it has been four years and all the other projects are being done right now or have been finished and he feels they are still behind the times. He wants clarification on the Assistant Fire Chief's position. He thinks there is a big communication gap, it hasn't been there, and does not think they have to come before City Council because this are things that should be taken care by the City Manager.

Fernando Alarcon, President of the Union Association, stated that the Fire Chief shall have the right to appoint the position of Assistant Chief, the appointee shall be a member of the of the Laredo Fire Department who shall have a minimum of five years in the classified service, and it is under Article 6. Under Article 14, it says he is under the pay scale, an Assistant Fire Chief shall receive no less than 15% more than the Deputy Chief or the Fire Marshall with over 30 months, and shall have equally enjoy the other benefits provided by this contract. He added this contract is backed up by a federal law and this position needs to be filled according to civil service within 90 days. It came to their attention that this issue is in the budget, that they want to eliminate this position, and that would be violating the contract, and they are going to go ahead and fight for this position because it's a complete violation to their contract. They feel that under their union they have not been dealt right when the county negotiations were being done. The city is contracting the fire department, under this contract it stipulates that they deal with the city only and he feels it is not right for them not to be part of the negotiations when they are subcontracted. He made it known to Mr. Pena that it is a violation of this contract while the negotiations were ongoing with County, they mentioned to him that they must be part of the negotiations.

Mr. Steve Landin, member of the Firefighters Association, echoed what Mr. Stahl and Mr. Alarcon have said, added it is a position in the contract, negotiated previously and emphasized that they have had problems with Mr. Pena since he was appointed and want to see if they can work with somebody because the open door policy is not there.

Florencio Peña, Interim City Manager, stated that manning of the Fire Department and Police is a basic responsibility of the City Council. It is a management right that is spared down in contract. They will review the contract and make certain that there is no violation. He added that this is the first time he heard of this concern, that there was a provision in the contract, they will look at the contract to see if there is anything there, he is just not familiar with any contract that is negotiated for fire or police that doesn't give a sole responsibility for City Council to set its manning, its level of positions it wants in an organization. In regards to his open door policy, it is an open door policy, and he feels a little tick on the back that he waited to come to this meeting to bring this issue to his attention. He hopes that they do deal with their chief first and that the chief lets him know. He intends to work fully with the Fire Department at council's direction and he knows that the position of Assistant Fire Chief position is a critical position. His door is open and willing to discuss matters before council, he will look at the provision of the contract to make sure there is no violation there.

Cw. Montalvo stated that the Fire Chief is the one that should come to the City Manager and do whatever dealings have to be made. The union comes before the council when they are negotiating the contracts. They have to talk to their Fire Chief in regards to their guidelines and rules.

Jaime Flores, City Attorney, stated that Legal will review it and will bring back a report to council.

43. Request for Executive Session pursuant to Section 551.071 of the Texas Government Code to discuss pending litigation to-wit: City of Laredo vs. Texas Mexican Railway Company and Missouri Pacific Railroad Company, d.b.a. Union Pacific Railroad Company, Cause No. 96CVQ-00193-D2, in the 111th Judicial District Court of Webb County, Texas.

Motion to go into Executive Session pursuant to Section 551.071 of the Texas Government Code to discuss pending litigation to-wit: City of Laredo vs. Texas Mexican Railway

Company and Missouri Pacific Railroad Company, d.b.a. Union Pacific Railroad Company, Cause No. 96CVQ-00193-D2, in the 111th Judicial District Court of Webb County, Texas.

Moved : Cm. Perez

Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

After executive session Mayor Ramirez announced that no formal action was taken.

X. COMMUNICATIONS

- a. Mr. Tom Waite, Ex-Vice President of the Laredo Transportation Association, spoke on the traffic conditions in northwest Laredo. He stated that he would like the City address the problems at IH-35 and Milo Interchange. There are some corners that can be addressed for a short term solution. He said that the State of Texas has money to do the corners, but that the city needs to annex those corners for right-of-way purposes.

Mayor Ramirez stated that we are in the process of preparing documentation to address that whole area.

Florencio Peña, Interim City Manager, stated that staff has made a request to the landowner to deed over the land and that they are in negotiations.

- b. Mr. Ron Anderson, from TG108, Inc., addressed the council for assistance in acquiring the Laredo Manor Apartments. He stated that the acquisition will be by a non-profit organization which will be acquiring the property. He asked for council support in addressing the drainage problem.

XI. CITY COUNCIL DISCUSSION AND PRESENTATION

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

A. Requests by Councilmember Jose R. Perez, Jr.

1. Discussion and possible action regarding the naming of a Police Chief, and additionally requesting that the City Manager submit the name(s) of individuals to be considered for the position of Police Chief.

Florencio Peña, Interim City Manager, stated that he had interviewed four candidates which were: Richard Clark, Agustin Dovalina, Steven Garza, and E.J. Laurel. His recommendation at this time was E.J. Laurel.

Motion to confirm the nomination of E.J. Laurel as Chief of Police.

Moved : Cm. Guerra

Second: Cm. Casso

For: 3

Cm. Casso

Cm. Guerra

Cm. Alvarado

Against: 4

Cm. Perez

Cm. Bruni

Cm. Valdez

Cw. Montalvo

Abstain: 0

Cw. Moreno was not present.

Motion to confirm the nomination of Agustin Dovalina as Chief of Police.

Moved : Cm. Perez

Second: Cw. Montalvo

For: 5

Cm. Perez

Cm. Bruni

Cw. Moreno

Cm. Valdez

Cw. Montalvo

Against: 2

Cm. Casso

Cm. Guerra

Abstain: 0

B. Requests by Councilmember Louis H. Bruni

1. Presentation by Efrain Gutierrez regarding the use of the public access channel.

Mr. Gutierrez stated that he is not being given the opportunity to have access to Access Channel staff and equipment. He added that there is little training to the public on the use of public access equipment and that they are not allowed to use the expensive equipment, but rather they must rely on inexpensive cameras. He continued by stating that he has been discriminated against for the time use of the equipment.

Mayor Ramirez stated that the equipment is not equipment that was bought recently, it was part of the approved bond issue when they first constructed it. It is not only for the City Council, but for the Cable Commission Meetings, Planning &

Zoning Meetings, Workshops, etc. We have been very limited in the resources that we've had available to the general public through our Public Access because of the facilities that we currently occupy. He added that as a result of the agreements that have taken place with Time Warner they will be constructing a complete studio facility and capable of allowing greater access to the general public for the use of the public access equipment. He encouraged the general public that is interested in accessing the equipment to come and apply for the use of the equipment, added that regrettably we are limited in the money we have available.

Mr. Gutierrez stated what bothers him is the lack of creativity and the lack of training being provided which he thinks are serious and should be addressed.

Larry Dovalina, Telecommunications Officer, stated that some of the concerns that Mr. Gutierrez raised, have also been raised at prior telecommunications meetings. They are trying to work and see if they can spur activity/creativity within the city to have additional producers. He welcomed Mr. Gutierrez's support and would like to have him join the PAC Director in trying to come up with some kind of approach to be able address those problems. There are problems that they wish they could resolve and make the climate as suitable as possible for people to come in and use the facilities. One of the reasons they pushed for the new building and the items related to the equipment and settlement were precisely for that reason. They felt that there was a need for additional facilities, they will be happy to have Mr. Gutierrez look at the plans. One of the studios is aimed directly at community production and they other for governmental. He added that Public Access as our franchise is written, not only deals with Public Access for the public but it also involves educational access, governmental access, and religious access which is one of the few franchises in the nation who in fact has a religious access schedule. They decided at an early stage as to how to deal with those access questions, they formulated the franchise with that intent. The ordinance that puts together the public access and the operation of public access were all done with certain ideas in mind. There is a process for people who have concerns, complaints, comments, about how Public Access operates for them to follow. There is a process for when a program gets rejected, it is not within the goal of Public Access to censor any kind of programming. They have a set of rules that have been revised that can be changed or amended, and he welcomes input from any citizen.

Mr. Bruce Miller Earl, Chairman of the Telecommunications Commission, stated that the present equipment is not adequate for field training. He welcomes Mr. Gutierrez's input and he will address his concern at the future meetings of the Telecommunications Commission.

C. Requests by Councilmember Cecilia May Moreno

1. Status report regarding the painting of the Lyon Street water tanks.

Fernando Roman, Utilities Director, reported that they are in the final stages of the repairs and that he has not been furnished with a design by Nixon High School Administration and that he will contact them again for the status on the design.

D. Requests by Councilmember Joe A. Guerra

1. Presentation by Ale Arreguin regarding the elimination of the building inspectors from the Fiscal Year 1997-1998 Annual Budget thereby saving millions of dollars for the city.

Mr. Arreguin spoke on the elimination of building inspectors as his personal recommendation and gave the following report:

- a. A new idea that would eliminate the building inspectors from the city budget and it would save the city about half a million dollars a year, and the service it provides of inspecting construction will not be eliminated.
- b. Who benefits
 1. The city and taxpayers save about half a million dollars a years every year, and it still will be able provide the same service, but with more quality and faster service to the property owners who will be constructing.
 2. The city will be up a million dollars.
 3. The city can reduce the building permit fees by half, thus the property owners who are going to built will save over half a million dollars a year.
 4. The property owners benefit:

- a. Permits fees reduced
 - b. Better quality and quantity service of inspections
 - c. More inspectors added at no cost to city
 - d. Inspectors will be responsible and liable.
5. The building Inspectors benefits:
- a. Stand to double their current income
 - b. Will be licenses by the city
 - c. City will maintain a rotating system for fair practice between inspectors, and have a codes of ethics, rules and procedures that they will follow. City will also set fees that they can charge for each inspection.
 - d. Will be able to deduct all his expenses
 - e. Will provide weekend services
 - f. Will be responsible and liable
 - g. Will answer to a committee on any major violations or disputes concerning their rules, procedures and policies.

Mr. Arreguin provided the council with an organizational chart list and existing building code expenses on labor cost, vehicle cost, and office costs.

Cm. Guerra stated that we should take Mr. Arreguin's comments and suggestions under advisement and that he gets together with the Building Director, CD Director, City Attorney, City Manager, and any other department that may be involved.

Jaime Flores, City Attorney, stated that there are many valid ideas on what Mr. Arreguin is proposing, there are many points and discussions that have to take place before something such as this can be implemented.

Cm. Guerra suggested this idea be pursued at staff level.

Benny Salinas, Building Director, stated that the plumbing inspectors must work for a municipality in order to get a license.

Mayor Ramirez state that they will take Cm. Guerra's suggestion, which is to take it under advisement and have Mr. Pena, the City Attorney, and the Building Inspector review the recommendations to see if it is something that is possible.

E. Requests by Councilmember Mario G. Alvarado

1. Request to traffic department staff to work with the Texas Department of Transportation on placing street name signs going into the Industrial Parks on Mines Road with possible action.

Motion to instruct staff to work with the Texas Department of Transportation on placing street name signs going into the Industrial Parks on Mines Road.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

F. Requests by Councilmember Consuelo "Chelo" Montalvo

1. Instructing staff to meet with the Hamilton Hotel developers and aid them in preparing a Section 108 Loan package and bring back to the City Council for approval.

Cw. Montalvo stated that she had received the package, but needs more information from staff.

Motion to instruct staff to provide Cw. Montalvo with the necessary information.

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 7

Against: 0

Abstain: 0

2. Nominating Roberto Luis Trevino, 1422 Wingfoot, to be my representative on the Airport Advisory Board.

Motion to approve Roberto Luis Trevino as the Airport Advisory Board.

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

XII. PUBLIC HEARINGS

45. Public hearing regarding an ordinance amending the Capital Grant TX-90-X374 budget line item Bus Purchases; from \$900,000.00, to \$983,481.00; appropriating unused FY 95-96 federal operating funds in the amount of \$66,785.00 and applying previously appropriated transit sales tax funds for

bus purchases, in the amount of \$16,696.00, to serve as the 20% match.

INTRODUCTION OF AN ORDINANCE

Ordinance amending the Capital Grant TX-90-X374 budget line item Bus Purchases; from \$900,000.00 to \$983,481.00; appropriating unused FY 95-96 federal operating funds in the amount of \$66,785.00 and applying previously appropriated transit sales tax funds for bus purchases, in the amount of \$16,696.00, to serve as the 20% match.

Motion to open the public hearing.

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cw. Montalvo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

XIII. 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. Valdez

For: 8

Against: 0

Abstain: 0

46. 97-RT-086 Resolution authorizing the City Manager to accept and execute a grant from the Texas Department of Transportation for the State Urbanized Transportation Fund for the 1998-99 biennium in the amount of \$909,887.00; and providing for grant funds to be deposited in the Transit Department Accounts.

Motion to approve.

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

47. Motion to authorize staff to sell surplus vehicles, miscellaneous bus parts, and steel bus wheels to the highest bidder. Said vehicles have exhausted their useful lives; and parts are obsolete. All items are being offered "as is" with no implied or express warranties or claims of serviceability.

<u>Model</u>	<u>Unit</u>		
1982 Gillig	8216		
1982 Gillig	8221	1982 Gillig	8224
1982 Gillig	8215	1982 Gillig	8220

Motion to approve.

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

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

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

M97-R-26(S)

SUPPLEMENTAL

AUGUST 18, 1997

IX. CITY MANAGER'S REPORT

A. Discussion and possible action regarding the assessment of the U.S. Marine Corps Corp-of-Engineers Capital Improvement Projects.

Florencio Peña, Interim City Manager, provided the following list of projects for council review:

- Zacate Creek Linear Park
- Father McNaboe Park
- N.E. Hillside Park Pedestrian Bridge
- Zacate Creek/Erosion Control
- Dryden/Optimist Park Improvements
- International Blvd. Exercise Trail
- Century City Park

Tinaja/Chacan Creek Pilot Channel
 Villa del Sol/Cheyenne Park
 Airport Perimeter Road Construction
 Relocation of Airport Security Fencing
 Townlake Drainage Improvements
 Regional Fire Training Facility
 Chaparral Channel Improvements
 Cemetery Improvements
 River Parking Redevelopment Project
 Upper Zacate Creek Detention Pond

Motion to accept the list for review.

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

Against: 0 Abstain: 0

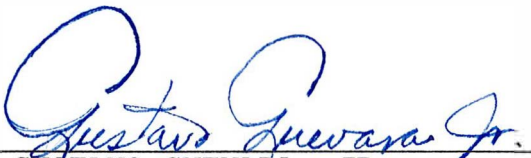
XIV. ADJOURNMENT

Motion to adjourn. Time: 8:35 p.m.

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

Against: 0 Abstain: 0

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



 GUSTAVO GUEVARA, JR.
 CITY SECRETARY

Minutes approved: September 29, 1997