

STATE OF TEXAS §
COUNTY OF WEBB §
CITY OF LAREDO §

On this the 28th day of November, 1983, the City Council of Laredo, Texas, convened in a Special City Council Meeting at the Civic Center Rooms 1 & 2 at 7:30 P.M., with the following members thereof present, to wit:

ALDO TATANGELO	:	MAYOR
VIDAL CANTU	:	ALDERMAN
CARLOS A. ZUNIGA	:	"
DAVID R. CORTEZ	:	"
JOSE A. VALDEZ	:	"
JOHN PETER MONTALVO	:	"
EUSTORGIO PEREZ	:	CITY ATTORNEY
MARVIN TOWNSEND	:	CITY MANAGER
FLORENCIO PENA	:	ASSISTANT CITY MANAGER
HORTENCIA C. GONZALEZ	:	CITY SECRETARY

ABSENT: Councilmen Santos Benavides and Saul N. Ramirez, Jr.

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With the quorum present, the Mayor called the meeting to order and the following proceedings were carried out:

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City Manager Townsend requested that Item II(B) and the Ordinances introduced on November 15, 1983 be addressed first since other matters on the agenda would require lengthy discussions and would be best addressed as the last items.

On motion of Councilman Valdez and the second by Councilman Cantu, Items II(B) and III(A) to (F) were addressed first. All voted in favor.

Item II(B) Consideration of change orders for and project coordination regarding the Downtown UDAG Street and sidewalk improvement project. Mr. Townsend presented the following concerns:

1. Requested approval of a proposed change order of \$7,154.40 involving 2" inch conduits to be installed by Vumore and for which provisions were not included in the project contract and costs. Motion for approval was made by Councilman Montalvo and second by Councilman Cantu. All voted in favor.

2. Reported that gas and water services lines from meter to property line (approximately 4 to 5 feet) were found to be in deteriorated condition as sidewalks were being removed. These lines belong to private property owners, but City has jurisdiction of sidewalk easements to the walls of property and proposed that this work be included as part of the project costs. He is to bring costs at the next meeting before this work can be proceeded with.

3. Proposed that street in front of City Hall Building be converted from a 56 feet width to a 44 feet width to allow for pedestrian walkway as well as angle parking adjacent to the building as well as parking across the building and allowing two lane traffic flow.

The latter two concerns are to be presented for consideration at the meeting of December 6, 1983.

Next matters to be approved were Items III(A) to (F) on motion of Councilman Cantu and the second by Councilman Zuniga. All voted in favor. (Introductory Ordinance)

Item III(A) Amending Zoning Ordinance and Comprehensive Plan for the City of Laredo; providing Zoning Districts to the newly annexed areas along U.S. Highway 83 south of the old city limits; and providing for effective date.

A public hearing was held by the Planning and Zoning Commission, on September 15, 1983. Opposition by one property owner

regarding the proposed R-1 Zoning designation for Lamrick Sub-division was registered at the meeting. The Commission recommends the R-1 Zoning and that this zoning plan for the recently annexed area along U. S. 83 be approved. (Councilman Zuniga).

Item III(B) Closing as public easements those portions of Malinche Avenue between Cleveland and Milk Streets, Diaz Street between Urbahn and Bartlett Avenues and Milk Street between Urbahn and Malinche Avenues in the Eastern Division. The abutting properties are owned by the City. The closing of these streets will consolidate five city owned blocks and will promote the reuse of this area. A Public hearing was held by the Planning and Zoning Commission and the Street Committee recommends approval. (Councilman Cortez).

Item III(C) Authorizing an amended lease with Burlington Northern Air Freight, Inc. to include certain provisions requested by Burlington, including:

1. deletion of City's right to accept or reject insurance company.
2. provision for written notice of default and 20, rather than 10 days to pay for costs of City to correct default, when City feel its rights are in jeopardy.
3. deletion of lien on stored merchandise, except merchandise owned by Burlington
4. adding test of reasonableness to a number of provisions.

All of the above changes, requested by Burlington Northern, are recommended. This lease was approved by the City Council on October 18, 1983. (Councilman Cortez).

Item III(D) Authorizing a renegotiated lease to September 30, 1984 with Laredo National Bank for 35,000 square feet of parking area at 4117 North Bartlett Avenue for \$400,00 per month or \$.0114 per square foot per month. The lease was previously with South Texas Bank. Laredo National Bank asked to have it transferred which was approved October 18, 1983 at the proposed rent of \$586 per month. After being made aware of the rent they declined to accept the lease.

After negotiations, LNB has agreed to pay \$400 per month which is recommended as a better alternative than vacant property. The City has 30 day cancellation provision. (Councilman Cortez).

Item III(E) Amending paragraph 6.0 of Article 6 of the Zoning Ordinance, concerning non-conforming uses or buildings; providing that temporary variances granted by the Planning and Zoning Commission prior to the effective date of this ordinance may be continued as a non-conforming use subject to the Zoning Ordinance and platting requirements; and providing for effective date. (Councilman Zuniga).

(NOTE: Further changes are expected to occur at the next Planning and Zoning Commission meeting scheduled for December 15, 1983 with further recommendations to be brought before Council at one of their January meetings).

Item III(F) Amending sub-paragraph 1., of paragraph entitled uses permitted in the B-1 District of Section 13.1 under Article 13, of the Zoning Ordinance of the City of Laredo by deleting the initials RSM and adding R-2; and providing for effective date. (Councilman Zuniga).

Item III(A)1 Next were presentations of service plans of fringe areas being considered for possible annexation. After presentation by Carlos Villarreal, concerns were expressed by Councilmembers as to City's ability to service additional areas at this time, with present needs within city. The City Manager indicated that the City had for many years provided many of essential services to those areas east of City between Villa Del Sol and Highway 59, including Moreno Addition and portions of Chacon and Paul Young Additions.

After additional discussion, motion by Councilman Valdez was to instruct the City Manager to return with formal service plan and that public hearings as mandated by law be set. Second was by Councilman Cantu. All voted in the affirmative.

Item II(A)2 Both sides of McPherson Road from the north City limits to the south limits of the Del Mar Conservation District. Mr. Larry Vetter made a presentation and showed a map of the area as well as the proposed service plan. Councilman Ramos expressed his concern as to the existant problem with McPherson Road which had been the County's problem. Mr. Townsend indicated this would be no different than any other city street.

Approval for a service plan and hearings within areas was made on motion of Councilman Ramos and second by Councilman Valdez. All voted in the affirmative.

At this point, Councilman Valdez asked that Miss Shelley Huntsman, present in the audience, be recognized.

Item II(A)3 Del Mar Conservation District. Mr. Townsend made a presentation of a proposed service plan of the Del Mar area, indicating that there were some areas for which updated information had not been secured. The Assistant City Manager Florencio Pena also presented the tax rate report which he compiled for a ten-year comparison. After a lengthy page-by-page analysis of the available information secured on Del Mar's available resources, Councilman Cantu made a motion instructing the Community Development Department and the Planning Department to prepare a service plan for Del Mar. Second was by Councilman Valdez, City Attorney Eustorgio Perez responded to questions asked by Councilmembers regarding pending litigation between City of Laredo and Del Mar by saying that the judge wanted to hear both sides thoroughly before court of appeals made its prudent decision. Attorney Perez further indicated that there were no orders pending to prohibit this body from acting on annexation. Mr. Ed Woodruff President, Del Mar Conservation District, also approached Council and generalized on the following points:

"(1) There is litigation concerning the annexation. The issue of annexation still must be resolved by the courts. Its true the laws concerning annexation in the State of Texas are very clouded. There are specific laws to specific areas but no general law con-

cerning annexation. We feel, and as your attorney has pointed out, that this is a case of first impression. The judge feels like there is grounds for the case and he will hear it. The judge pointed out in his last hearing that it is a hearing he would like to hear in very, very short time and resolve the issue, because it involves two different governing bodies.

(2) It should be pointed out at this time that in 1975 the austere body of the City Council of the City of Laredo denied annexation to Del Mar Conservation District when the residents of Del Mar asked for it. Also, the Del Mar Industrial Park was refused annexation in 1975.

(3) In answer to Councilman David Cortez question before - about services to Del Mar Industrial Park - these services were supported by the City of Laredo because the cost to the developer to supply the services from Del Mar was very, very expensive at the time. The City of Laredo said they would guarantee the services at 1½ times the rates charged to residents of the City.

(4) It was pointed out that the tax rate collection in Del Mar is up to 98%. The main reason that the type collection rate is so high is that as an incorporated municipal utility district, we have the right to discontinue any services for lack of payment of taxes. I believe you do not have this privilege, your honor.

(5) The annexation law as interpreted by our attorney and by the Director of the Del Mar Conservation District states that the services have to be equal or better than the services the residents of that particular area are now receiving not equal to what the City is receiving.

(6) Only 35% to 40% of the entire Del Mar Conservation District is developed at this time. Should the Water Plant and Sewer Plant be taken over by the City, future development of Del Mar will be suppressed.

(7) The total growth of Del Mar would need \$23 million in Capital Improvements as informed by our Del Mar Conservation District consulting engineers. ”

He alluded to remarks made earlier by Mr. Townsend on a page-by-page basis of his report. He indicated he would make some remarks on several points as follows:

On page 5 - Utility Rate Comparison - Minimum charges - There are 400 residential connections out of 1400 in Del Mar, that were serviced by the limited or minimum connection fees.

On page 6 - Non-Residential Rate Comparison - The City would lose one half of the rate that they currently charge for those same people which would affect financial status as far as Del Mar Conservation District Revenues.

Page No. 8 - Under Outstanding Floating Debt Short Term - UNB - The lift station and the force mains currently being installed at one time was estimated at \$60,000 in expenses and currently is \$180,000 and would change the \$309,000 figure substantially.

Page No. 10 - Figures shown for 1979-80 and 1980-81 are based prior to devaluation and have since changed drastically.

Also, from audit statements that have been quoted in the past, there was no rate of growth shown. Del Mar grew tremendously from 1978 to 1981. This drastically affected the tax rate and the revenues. The growth figure is not shown anywhere in the service plan.

Page No. 14 - Proposed Service Plan. One Police automobile has been mentioned when Sheriff has allowed 5 to 7 vehicles to patrol area. \$120,000 is being allowed in budget for future services in Del Mar with a guarantee that Sheriff's Department would continue to fund the deputies available in Del Mar. When Del Mar did this, they were accused of getting a "free ride". A possible class of "rookies" for early Spring is contemplated. By the time completion of training occurred, it would be long after final annexation of Del Mar. Therefore, experienced officers would be taken away from protection of the City of Laredo.

Fire Protection - The City is currently being paid \$225,000 for this year and there is no guarantee that the County will continue to pay the \$225,000 at the time the Municipal Utility District of Del Mar is annexed.

Mr. Woodruff also alluded to Councilman Ramos' comments regarding: pressure and price of water rights being removed (Page 15). He stated that every other community along the river would be after the same rights. The present water rights in Del Mar are enough to service the present consumers and all lots already receiving final approval. There is no surplus.

Page 16 - Water treatment - The 200,000 gallons elevated reservoir supplies all water pressure in Del Mar. As they have expanded, water pressure has been dropping. One of their Capital Improvements will be another half million gallon elevated Water Storage. The figure of 402,000 gallons of storage is inaccurate since one ground storage tank has been disconnected because of rust and need for complete replacement.

Waste Water System - The present system is operated at a financial deficit and supported by maintenance and operation funds.

Garbage and Trash - Service is now performed once weekly, in entire district.

Landfill - Mr. Woodruff understands that the County has leased the site and given it to the City to maintain. He further feels residents of Del Mar are in Webb County and already under that agreement.

Streets and Drainage - County budgets \$40,000/year for street maintenance and repair which would be lost and the City would be responsible. There are several streets now needing to be resurfaced - Lindenwood, Del Mar Boulevard, Fenwick and fronting St. Patrick's Church. Drainage has been responsibility of Del Mar Conservation District and are presently having problems including Sesame, Del Mar Boulevard and other streets. The Boulevard is now too congested as the County would not restrict truck traffic thru this street and northern McPherson. The Boulevard must be replaced with a narrower median and turning lanes installed. The District had intended to do that when water line replaced, which has not been mentioned in plan. Del Mar's raw water coming from the river comes thru a 25-year line needing to be replaced at a cost of \$315,000.

Parks - If the park mentioned reverts to owner, the plans for fields for soccer, and other sports will no longer exist.

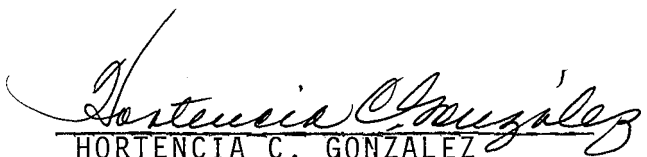
Del Mar pays \$665,000 to the County. The only service obtained is Sheriff protection and some street maintenance. This does not compensate the services rendered for the amount paid.

The Health Department provides mosquito control spraying.

Reference was made to a letter received from a downtown merchant (Mac's Toys) who complained of on-going construction in the downtown district (UDAG Project) affecting his business with the coming Christmas season. Councilman Ramos inquired as to what the duration of the project would be. Mr. Carlos Villarreal indicated that meetings with the architect and the project engineer indicated that by December 10th, construction of that portion of pedestrian walkways of those businesses mostly affected would be terminated. Maximum efforts are being made so that inconveniences to traffic flow may be minimized.

There being no further discussion, motion for adjournment was made by Councilman Valdez and the second by Councilman Montalvo. All voted in favor.

Adjournment was at 9:45 P.M.


HORTENCIA C. GONZALEZ
City Secretary

APPROVED BY CITY COUNCIL ON
DEC 06 1983 