

CITY OF LAREDO
CITY COUNCIL MEETING

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

MINUTES

M98-R-01

JANUARY 5, 1998

I. CALL TO ORDER

With a quorum present Mayor Protem Jose R. Perez, Jr. called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Protem Jose R. Perez, Jr. led in the Pledge of Allegiance.

III. ROLL CALL

IN ATTENDANCE:

JOSE R. PEREZ, JR.,	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 "CHELO" MONTALVO,	"	, DISTRICT VIII
GUSTAVO GUEVARA, JR.,	CITY SECRETARY	
FLORENCIO PENA,	CITY MANAGER	
JAIME L. FLORES,	CITY ATTORNEY	

Motion waive the regular order of business and move up items 55-A(1), #53, 49, F(1).

Moved : Cm. Guerra

Second: Cm. Valdez

For: 6

Against: 0

Abstain: 0

Cm. Casso was not present.

Cm. Casso joined the meeting at 6:10 p.m.

IV. INTRODUCTORY ORDINANCES

2. Closing as a public easement a 15 foot wide section of Diana Avenue between Hillside Road and Aurora Street dedicated as a public easement as per the Jesus G. Sepulveda Replat of Block Four (4), Calton Gardens Subdivision, Number One (1), Northern Division of the City of Laredo, County of Webb, Texas recorded in Volume 2, Page 201 of the Webb County Plat Records and upon closing of the street, the City will retain the entire property as a utility easement and providing for an effective date.

Ordinance Introduction: City Council

3. Street Improvements Project 60; declaring the necessity for and ordering the paving and improvements of certain streets in the City of Laredo, Texas; approving the Street Paving Assessment Roll and cost estimates as prepared by the City Engineer; and directing the City Secretary to file this ordinance with the County Clerk as a notice of its enactment and ordering and setting a public hearing on the 17th day of February 1998.

Ordinance Introduction: City Council

Cm. Casso requested that Roosevelt Street be added to this project for paving.

Florencio Pena, City Manager, reminded council that they will do Project 60 in-house, they have already identified additional streets and the project has been closed. He said that we are in the design for Project 61 and will sell bonds to fund the project.

Cm. Casso said that Roosevelt should be done in-house since it is extremely narrow, it needs to be paved and has been neglected many years.

Mr. Pena replied that he will research and report as a separate project or include this in Project 61 because Project 60 is ready to go and will bring the report back to council.

4. Adopting the provisions of the return to work policies and procedures for all city employees including civil service employees pursuant to their collective bargaining agreement and civil service rules and authorizing the City Manager to implement the policies and procedures identified herein pursuant to the City of Laredo's Code of Ordinances.

Ordinance Introduction: City Council

5. Authorizing the City Manager to grant a Right-of-Entry Permit to the U.S. Government for military construction, training, and operations in the area encompassed by the following City-owned blocks, including any public right-of-way abutting said blocks: all of Block 672A WD, all of Block 666 WD, all of Block 677 WD, all of Block 667 WD, all of Block 676 WD, all of Block 668 WD, all of Block 675 WD, all of Block 669 WD, all of Block 670 WD, all of Block 671 WD, all of Block 672 WD, all of Block 660 WD, all of Block 659 WD, all of Block 657 WD, all of Block 658 WD, all of Block 645 WD, all of Block 644 WD, all of Block 630 WD, all of Block 629 WD, all of Block 416 WD, all of Block 415 WD, all of Block 414 WD, all of Block 425 WD, and all of Block 426 WD. Said Right-of-Entry Permit being described and providing for an effective date.

Ordinance Introduction: City Council

6. Rescinding Ordinances dated December 22, 1981, closing, vacating, and abandoning as a public easement that portion of San Ignacio Avenue between Matamoros and Houston Streets in the Western Division of the City of Laredo, Webb County, Texas; and Ordinance dated June 21, 1982, authorizing the City Manager to enter into the necessary contract and to execute a deed for certain City property formally known as the 800 block of San Ignacio Avenue between Houston and Matamoros Streets to Pablo Lozano and hereby reopening as a public easement the above mentioned street and providing for an effective date.

Ordinance Introduction: City Council

7. Authorizing the City Manager to accept modification of lease agreement to an existing lease with Panorama Broadcasting Company approved by Ordinance 84-O-160b; which was previously executed November 29, 1995 without City Council authorization.

Ordinance Introduction: City Council

8. Authorizing the City Manager to execute a certain lease agreement between the City of Laredo, as lessor, and the Laredo Children's Museum, Inc., a Texas Non-profit Corporation, as lessee, for a tract of land containing approximately 3.5189 acres or approximately 153,283.28 square feet, located at the New Laredo Public Library site located at the intersection of McPherson Road and Sandman Road, for a

primary term of twenty-five (25) years commencing January 5, 1998, through January 4, 2023, at the annual rental rate of ten and no/100 dollars (\$10.00) with one (1) twenty five (25) year renewal option.

Ordinance Introduction: City Council

Florencio Pena, City Manager, stated that there was a change to the contract on the amount in the insurance section of \$500,000 per occurrence for bodily injury to \$1,000,000.

9. Authorizing the City Manager to execute all necessary documents to effectively convey title to the State of Texas to the "Surface Only" of two parcels of land at the intersection of IH35 and FM3464 (Milo Interchange) for the construction of two turning lanes. Said parcels being situated in Porcion 20, Webb County, Texas; being generally described below and more particularly described by metes and bounds;
- PARCEL 1** - Being a 15,678.00 square feet (0.35992 of an acre) tract of land, more or less, out of and a part of the Barbara T. Fasken 489.11 acre tract of land lying and being in Porcion 20, Abstract 48, original grantee, Bautista Garcia, as executed by Palafox Exploration Company to Barbara T. Fasken by deed dated December 17, 1984, and recorded in Volume 1089, Pages 391-392, Webb County Real Property Records, save and except 8.68 acres conveyed to the State of Texas by deed recorded in Volume 1308, Pages 728-735, Webb County Real Property Records.
- PARCEL 2** - Being a 5,000.00 square feet (0.1148 of an acre) tract of land, more or less, out of and a part of the Barbara T. Fasken 489.11 acre tract of land lying and being in Porcion 20, Abstract 48, original grantee, Bautista Garcia, as executed by Palafox Exploration Company to Barbara T. Fasken by deed dated December 17, 1984, and recorded in volume 1089, Pages 391-392, Webb County Real Property Records, save and except 8.68 acres conveyed to the State of Texas by deed recorded in Volume 1308, Pages 728-735, Webb County Real Property Records.

Ordinance Introduction: Cm. Alvarado

V. FINAL READINGS

Motion to waive the final reading of ordinance #97-O-302, #97-O-322, #97-O-323, #97-O-324, #97-O-325, #97-O-326, #97-O-327, #97-O-328, #97-O-329, #97-O-330, #97-O-331, #97-O-332, #97-O-333, #97-O-334, #97-O-335, #97-O-336, and #97-O-337.

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

Against: 0 Abstain: 0

10. 97-O-302 Authorizing the City Manager to execute a License with The Laredo National Bank for a License and Automated Teller Machine Concession for approximately 100 square feet in the downstairs lobby area of the airport passenger terminal located at 5210 Bob Bullock Loop. License term is for five (5) years commencing on the first day the new airport passenger terminal opens for business and will terminate five (5) years thereafter. Minimum annual rent guarantee of \$7,200.00. (City Council) **(As Amended)**

Motion to approve Ordinance #97-O-302.

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

Against: 0 Abstain: 0

11. 97-O-322 Authorizing the City Manager to execute a Lease and Specialty Retail Gift Shop Concession Agreement with Jesus Garcia & Associates for approximately 1556 square feet constituting Room 222 at the new airport passenger terminal located at 5210 Bob Bullock. Lease term is for five (5) years. Rent includes a minimum annual guarantee of \$8,400.00 or 10% of annual gross sales of merchandise, whichever is greater. (City Council)

Motion to approve Ordinance #97-O-322.

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

Against: 0 Abstain: 0

12. 97-O-323 Authorizing the City Manager to execute an amendment to the lease agreement approved by Ordinance No. 93-O-029 dated March 1, 1993, with International Bank of Commerce and Sanchez O'Brien Oil and Gas Corporation, a joint venture, as Lessee, for the purpose of allowing Lessee to sublease its leased premises. Leased premises consist of approximately 26,965 square feet of land which includes 12,000 square feet constituting of the west portion of Hangar No. 1309 located at 4015 North Jarvis Avenue.

Motion to approve Ordinance #97-O-325.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

15. 97-O-326 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for a 100 foot communication tower on Lot 3, Block 1, Lam-Rick Subdivision, located at 105 Wright Way. (City Council)

Motion to approve Ordinance #97-O-326

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

16. 97-O-327 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 42, Block 1, El Rancho Subdivision, located on the northeast corner of the intersection of Loop 20 and Rancho Grande Street, from R-3 (Mixed Residential District) to B-1 (Limited Business District). (City Council)

Motion to approve Ordinance #97-O-327.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

17. 97-O-328 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 5, Block 179, Eastern Division, located at 3502 McDonnell Avenue, from R-3 (Mixed Residential District) to R-2 (Multi-Family Residential District). (Eliseo Valdez, Jr.)

Motion to approve Ordinance #97-O-328.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

18. 97-O-329 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 36.034 acres as further described by metes and bounds located on the northeast corner of the intersection of IH 35 and the Bob Bullock

expressed concern about the importance of the City of Laredo as owner and operator of all our bridges not setting any of their authority, as the City Manager or members of the City Council, to federal or state agencies. He said that there is concerned that these federal/state agencies are sneaking up on border cities and taking power away from us to determine how business is done in our communities, specifically there is a proposal before congress that is on the comment period and his purpose is to urge council to urge staff to object in a most strenuous possible term, language, and hire an attorney and/or lobbyist in Washington because this particular comment in the federal registrar requires that you comment before January 16, 1998.

He read language from the Customs proposal to give the Port Director the authority to determine what kind of vehicular traffic can occur on which bridges, whenever they want. He added that if this goes through, it will be impossible for the transportation industry (shippers from Mexico and possibly shipper from the interior of U.S.) to know with any certainty what their transportation costs are going to be because if this regulation is implemented it will give the Port Director complete authority independent of whatever the city might determine to redirect or restrict traffic at one crossing or another. His purpose is to say that the city should have the authority working in concert with Nuevo Laredo or the state of Nuevo Leon. He quoted that those are the city's prerogative, don't give them up to customs, because federal agencies have enough authority already. He said this is a huge power grab by customs if we do not object to it.

The proposal says, "generally enter the United States may be accomplished at any designated border crossing point, however certain vehicles are imported merchandise carried thereon could be processed more thoroughly, safely, and expeditiously by having the vehicle report to a particular border crossing point designated to handle the identified vehicle or merchandise rather than by allowing the vehicle or merchandise to enter at any border crossing point." It goes on to say, that customs port directors may wish to limit certain traffic in

this manner for many reasons including for the purpose of reducing congestion on a particular border crossing point, which is ironic to him because he thinks customs is a generator of congestion not a reducer. For the purpose of protecting public health and safety, it is not customs prerogative to protect the public health and safety of the citizens of Laredo, that is council's responsibility or our responsibility as citizens but he does not think we have to say to customs that they have better judgement than the citizens of Laredo, not customs generally. In this notification if this is passed they will be able to decide what is on our interest and what is not on our interest. He said all customs has done so far is completely disregard all the safety issues, of hazardous materials when they mandated that all northbound haz-mat come on the Colombia Bridge. He added that customs decreed all that coming north without any consideration for our friends and our sister city. He added there are 11 days to object because it says customs proposes to amend Section 123.1 which requires certain types of vehicles or vehicles that carry certain types of merchandise to be routed to a particular border crossing facility within the jurisdiction of port director. A particular border crossing point so designated by a Port Director it is proposed that the Port Director will communicate this to the public by the same means already specified in Section 123.1 for local instruction regarding proof of arrival.

He suggested that council have a staff person designated to do nothing, but monitor anything that has to do with truck transportation issues, and train blocking.

Charles Martens stated that the city has to stay competitive or Laredo is not going to proceed as planned. We live in a free enterprise system, Port Directors are not trained to handle transportation issues, Port Directors run customs officials position on declarations and the laws of crossing goods across our border, they are not in charge of designation of which bridge, which companies use. This is taking away the free enterprise spirit and burning the citizens of Laredo with a stop in growth.

Cm. Valdez feels that they should support some type of resolution opposing what they are trying to do in Washington.

Mr. Hall, representing the freight forwarding agents of Laredo, stated the ordinance being asked to adopt is one that is dealt with by a study commissioned by council and they have not received yet, because it is not finished yet and has not been turned in to the city.

Mr. Tom Wade, President of the Transportation Association, stated that Washington should not be telling us what we need to be doing here. The Transportation Industry should be able to come and face the governmental body that is going to regulate them on a local level. They should have the capability to come before council and address them, ask questions on traffic problems and not someone in Washington D.C. They say the Port Director is going to do it, but he guarantees it will be someone in Treasury in Washington deciding the traffic crosses not the port director. In reference to hazardous materials he said when council makes recommendations, council should be the ones recommending to the state where they want hazardous material routed inside the city limits, the State of Texas has the final authority, but the city should be making those recommendations.

He asked that the city draft a response at least to DPS, to Representative Cuellar, or to Senator Zaffirini and ask them to delay the implementation on this because the state obviously misunderstood the letter signed by certain Councilmembers, and misunderstood U.S. Customs directive. He suggested that they draft a letter or contact the Senator and the State Representative and urged them to have either the State Attorney General or TxDot have them postpone this (the implementation of this) at least until they come back with the recommendations that your consultants have done on bridge restrictions. He said the Federal Government has the final authority on Hazardous Material routes. They have the final authority, but council should tell them what is recommended by going through what the consultants have said. Their organization would

like to see that council draft a letter and ask for a postponement of the implementation of the restrictions on Bridge I and Bridge II. They should not be enforced at least until council has had an opportunity to review what the consultants have to say. He asked that council wait to receive the report before adopting the resolution.

Mr. Pena stated he will send a letter to Major Mills and ask him to send someone to our meeting on the 19th to explain the process of the adoption of this rule. They will explain that we have received numerous complaints regarding its implementation.

Motion to approve Ordinance #97-O-332.

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

Motion to reconsider item #97-O-332.

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

Motion to table the item.

Moved : Cm. Guerra
Second: Cw. Montalvo

Cm. Casso stated this item does not need to be tabled because this ordinance does is provide a frame work for what they will start doing. He fully agrees that the federal government should not be telling us what to do and is concerned about the federal government maybe giving other cities and unfair competitive advantage over us.

Second was withdrawn.

Motion dies for lack of second.

22. 97-O-333 Amending the City of Laredo FY 1997-98 annual budget by reclassifying eleven firefighters to eleven assistant drivers positions authorized by City Council effective January 1, 1998 and authorizing

Mr. Pena stated they would like to look at the state laws that allow cities to give preferential treatment to certain groups. He asked that the item be tabled and to be brought back on the 19th with a recommendation.

Motion to table for January 19th.

Moved : Cm. Moreno

Second: Cm. Alvarado

For: 7

Against: 0

Abstain: 0

25. 97-O-336 Approving an amendment to the contract with the Texas Department of Health and budget in the amount of \$190,332.00, for the Tuberculosis Elimination Program of the City of Laredo Health Department for the period beginning September 1, 1997, through August 31, 1998 and increasing revenue line item no. 226-0000-323-4042 from \$0 to \$190,332.00, and increasing expenditure line item no. 226-6062 from \$0 to \$190,332.00. (City Council)

Motion to approve Ordinance #97-O-336.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

26. 97-O-337 Approving an amendment to the contract with the Texas Department of Health and budget in the amount of \$192,828.00, for the Tuberculosis Prevention/Control Projects of the City of Laredo Health Department for the period beginning January 1, 1998, through December 31, 1998 and increasing revenue line item no. 226-0000-323-4071 from \$0 to \$192,828, and increasing expenditure line item no. 226-6076 from \$0 to \$192,828.00. (City Council)

Motion to approve Ordinance #97-O-337.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 7

Against: 0

Abstain: 0

VI. RESOLUTIONS

27. 98-R-01 Authorizing the appointment of the Assistant City Manager or in the case of his absence, a Senior

Department Director as Acting City Manager during times when the City Manager is out of town on City or personal business or is otherwise unavailable to attend to the day-to-day operations of the City.

Motion to approve Resolution #98-R-01.

Moved : Cm. Bruni
 Second: Cm. Guerra
 For: 7 Against: 0 Abstain: 0

28. 98-R-02 Supporting the construction of Expressway Standard facilities providing direct connection access to I.H. 35 from F.M. 3464 (Milo Road) thereby providing for the efficient movement of goods and services over Laredo's proposed International Bridge IV.

Motion to approve Resolution #98-R-02

Moved : Cm. Bruni
 Second: Cm. Guerra
 For: 7 Against: 0 Abstain: 0

29. 98-R-04 Authorizing the City Manager to enter into and execute an inter-local Governmental agreement between the City of Laredo and the Laredo Independent School District regarding a joint use and maintenance agreement for the Ochoa/Sanchez Park.

Motion to approve Resolution #98-R-04.

Moved : Cm. Guerra
 Second: Cm. Valdez
 For: 7 Against: 0 Abstain: 0

30. 98-R-05 Authorizing the City Manager of the City of Laredo to accept an allocation of FY96 redirected funds from the Texas Historical Commission's Certified Local Government Program in the amount of \$3,445.20; and authorizing the City Manager to execute the necessary documents.

Motion to approve Resolution #98-R-05.

Moved : Cm. Guerra
 Second: Cm. Valdez
 For: 7 Against: 0 Abstain: 0

31. 98-R-06 Authorizing the City Manager to execute a Letter of Understanding with Ms. Kay Blakeman Carmona, for the widening of Gallagher Avenue, whereby Ms. Carmona agrees to voluntarily donate, to the City of Laredo, the **East fifteen feet** of Block No. 3 and the **West ten feet** of Blocks Nos. 2, 15, and 18, in the Calton Gardens Subdivision No. 1, City of Laredo, Webb County, Texas; 1) the manufactured homes which are located within the proposed alignment, being relocated within the park, at the City's expense, 2) the City bearing the burden of the subsequent costs of all water, sewer, and electrical re-connections to the relocated manufactured homes, 3) the City's bearing of all costs relevant to utility connection fees, into the proposed lines within the Gallagher Avenue right-of-way, 4) the City of Laredo improving that entire section of Gallagher Avenue between Calton and Hillside Roads, with curb and gutter; under a single, unified, construction project at no cost to the abutting property owner, and 5) the provision of ingress to and egress from Ms. Carmona's properties during project construction.

Motion to approve Resolution #98-R-06.

Moved : Cm. Guerra

Second: Cm. Valdez

For: 7

Against: 0

Abstain: 0

32. 98-R-07 Accepting a grant from the Texas Department of Health in the amount of \$78,916.00 for the HIV/AIDS Prevention. Counseling and Partner Elicitation/ Notification (PCPE) Project of the City of the Laredo Health Department for the period beginning January 1, 1998, through December 31, 1998.

Motion to approve Resolution #98-R-07.

Moved : Cm. Guerra

Second: Cm. Valdez

For: 7

Against: 0

Abstain: 0

VII. MOTIONS

33. Approval of bid specifications and authorization to advertise for bids for the following:
- a) Bunker Gear - Fire Department
 - b) Ion Chromatogram, - Utilities Department

- c) Light Bars - Police Department
- d) PVC, Ductile Iron Pipe, Annual Contract - Utilities Dept.
- e) Rebuild Water Meters, Annual Contract -Utilities Department
- f) Vehicles, - Building (2-1/2 ton trucks), Engineering (1-1/2 ton extended cab truck), Fire (1-utility 4 wheel vehicle, 3-midsize vehicle), Traffic (1-3/4 ton truck, 1-midsize vehicle, 1-cargo van), Public Works (5-1/2 ton trucks, 1-cargo van), Parks and Recreation (1-3/4 ton truck, 1-1/2 ton truck), Health (2-1/2 ton truck), NPDES-Engineering-Environmental (2-1/2 ton extended cab trucks)
- g) Scraper/Compactor - Public Works Landfill Operations
Staff will also request bid pricing for two additional 1/2 ton pick-up trucks for the Fire Department. These will only be purchased in the event that monies become available from any savings which may be realized from the purchase of this equipment with C.O. proceeds.

Motion to approve.

Moved : Cm. Casso
Second: Cm. Alvarado
For: 7

Against: 0 Abstain: 0

34. Approval of bid specifications and authorization to advertise for bids for the purchase of library books (two opening day library book collections, one for English Language and one for Spanish Language materials).

Motion to approve.

Moved : Cm. Casso
Second: Cm. Alvarado
For: 7

Against: 0 Abstain: 0

35. Approval of the construction plans and specifications and authorization to advertise for bids 1997-98 Street Recycling Project (162 Blocks) with tentative award on February 17, 1998. Funding is available in the Capital Improvement Fund Street Materials.

Motion to approve.

Moved : Cm. Casso
Second: Cm. Alvarado
For: 7

Against: 0 Abstain: 0

36. Approval of the construction plans and specifications and authorization to advertise for bids for the Laredo Independent

School District (LISD) Ochoa-Sanchez Park located at Locust Street and Monterrey Avenue with tentative award on February 17, 1998. This is a City of Laredo/LISD Project with funding available from Community Development Ochoa Park.

Motion to approve.

Moved : Cm. Casso
Second: Cm. Alvarado
For: 7

Against: 0 Abstain: 0

37. Authorization to advertise for Request for Proposals (RFPs) for consulting services to provide surveys, design and preparation of plans and specifications for an 18 Inch Diameter Sewer Line on Hillside Road from Yeary Street to IH-35 to relieve a 90 block area of sanitary sewer surcharges. Funding is available in the Sewer System Hillside Trunk Line.

Motion to approve.

Moved : Cm. Alvarado
Second: Cm. Guerra
For: 7

Against: 0 Abstain: 0

38. Authorization to advertise for Request for Proposals (RFPs) for consulting services for design activities or program management for the Texas Water Development Board-Funded "Mines Road and Highway 359 Colonias Program." Funding is available in the TWDB Colonias Project Advertising Expense.

Motion to approve.

Moved : Cm. Alvarado
Second: Cm. Guerra
For: 7

Against: 0 Abstain: 0

39. Authorize the purchase of nine mobile radios for the Police Department through the Houston Galveston Area Council of Governments (HGAC) - Cooperative Purchasing Program, in the total amount of \$29,267.71. These voice secure radios will be purchased through the cooperative purchasing contract vendor Motorola. This equipment is needed for the nine new vehicles ordered for the Police Department in December. Delivery of these radios is expected within sixty days.

Motion to approve.

Moved : Cm. Alvarado

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

40. Award of annual service contract to the **LOWEST BIDDER MEETING SPECIFICATIONS**, Castaneda's Dump Trucks, Inc., Laredo, Texas, in the estimated amount of \$42,000.00, for providing hauling services. This contract vendor will be hauling approximately 1,000 cubic yards of dry sludge per month from the Water Treatment plant to the City landfill. The City did receive a lower bid from R. Aguero Trucking, Laredo, Texas, however this vendor is not a registered hauler with the Texas Natural Resources Conservation Commission (TNRCC) and the City of Laredo. These certifications and permits are required by the TNRCC to transport this material.

Motion to approve.

Moved : Cm. Alvarado

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

41. Award of a construction contract to the **LOWEST BIDDER**, American Contracting Corporation of Texas, Laredo, Texas in the amount of \$152,000.00, for the Re-Roofing of the Center for the Arts Building Project located at 500 San Agustin Avenue, Old Mercado Historic District. Funding is available in the Capital Improvement Fund Center for the Arts Project.

Motion to approve.

Moved : Cm. Alvarado

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

42. Award of an engineering contract to Camp, Dresser and McKee, Austin, Texas, for an amount not to exceed \$36,350.00, to provide professional engineering and construction services to design and prepare plans and specifications for the purchase, installation, and start up of the second belt filter press at the Southside Wastewater Treatment Plant. Funding is available in the Sewer System South Laredo Plant Expansion.

Motion to approve.

Moved : Cm. Bruni

Second: Cw. Moreno

For: 7

Against: 0

Abstain: 0

43. Approval of change order no. 1, a decrease of \$6,496.54 for the balance of quantities actually constructed in place, acceptance of the City of Laredo and the Laredo Independent School District (LISD) Sidewalk Program (13 LISD Schools) for Buenos Aires Elementary, Ochoa/Sanchez Elementary, J.C. Martin Elementary, D.D. Hachar Elementary, Kawas Elementary, Ligarde Elementary, Daiches Elementary, and Zachary Elementary Schools, for Cigarroa Middle, Memorial Middle and Lamar Middle Schools, and also for Cigarroa and Nixon High Schools, and approval of final payment in the amount of \$63,988.61, to Pete Gallegos Paving, Inc., Laredo, Texas. The original contract amount was \$313,682.32. This change order will bring the total contract amount to \$307,185.78. Funding is available in the Capital Improvement Fund School Sidewalk and in Community Development 21st Action Year Sidewalks and 22nd Action Year Tomas Sanchez Sidewalks.

Motion to table.

Moved : Cw. Moreno
 Second: Cm. Alvarado
 For: 7

Against: 0 Abstain: 0

44. Authorizing the City Manager to accept and execute a 1996-97 urbanized area formula program grant amendment (No. TX-90-X406-01) from the Federal Transit Administration in the maximum amount of \$4,700,312.00, (Federal Share) an increase of \$2,330,000.00 from \$2,370,312.00; and providing for grant funds to be deposited in the Mass Transit Department accounts.

Motion to approve.

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

Against: 0 Abstain: 0

45. Authorizing a refund of \$23,359.33 to Royal Joint Venture to settle a \$29,016.13, overpayment to the City on sewer charges related to the Unitec Wastewater Treatment Plant, and an underpayment of \$5,656.80, on water availability charges for Unitec Industrial Center Phase 5.

Motion to approve.

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

Against: 0 Abstain: 0

46. Approval of agreements between the City of Laredo and the following Little League organizations:
- a) Del Mar Little League
 - b) Hillside Little League
 - c) National Little League
 - d) Rio Grande Little League
 - e) Gateway Girls Softball
 - f) Northwest Little League
 - g) American Little League
- for the use of baseball fields to conduct their programming. The agreement is for the term of one (1) year from the date of approval, with the provision for renewal on an annual basis.

Cw. Moreno requested that staff proceed in working an agreement for the Optimist Park.

Motion to approve.

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

Against: 0 Abstain: 0

47. Approval of an agreement between the City of Laredo and Laredo Independent School District, for the use of Benavides Softball Complex and Laredo International Airport Base II field to conduct their girl's softball programming. The agreement is for the term of three (3) months beginning February 1, and ending April 30, 1998.

Motion to approve.

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

Against: 0 Abstain: 0

48. To approve and authorize the City Manager to enter into a contract between the City of Laredo and Grupo Empresarial, Nuevo Laredo, S.A. De C.V., a Mexican Corporation which runs the Tecolotes De Los Dos Laredos, a professional 'Triple A' Mexican Baseball League, for twenty (20) regular season games to be played at Veterans Field during the 1998 season.

Motion to approve.

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

Against: 0 Abstain: 0

49. To approve and authorize the City Manager to enter into an agreement with Martinez and Associates and Baker and Botts, L.L.P., to monitor activities of the legislative and executive branches of Texas State government for the term January 6, 1998, through September 30, 1998, at a monthly cost of \$4,000.00, plus pre-approved expenses.

Florencio Pena, City Manager, explained that they have met Mr. Martinez and have drafted an agreement that basically provides for a retainer contract with his firm that will represent the City in Austin on matters dealing with the legislature. The retainer will provide monitoring of all activities as they affect the City, provide monthly reports, provide an initial meeting with the City Council and key staff people and possibly pertinent private sector people to discuss the interim studies that are currently done by legislature that may affect the city.

He added that in the contract we do provide for additional services at an additional cost if and when they become necessary, for example, if there is a topic that we desire further research or actual advocacy to be performed that we may need to get with the firm and the private sector to see how we are going to fund those additional advocacy efforts.

This \$4,000 retainer will provide a beginning basis or a start to develop a relationship as we have with our consultant in Washington, to prepare us for the 1999 Legislative Session. We will be evaluating how our relationship works and around the summer of 1998 we would be in a position to have a brain storming session with them and the private sector to develop our Legislative Agenda for 1999, at that point a new contract may need to be developed, but that would be into the next budget year which would be on October of 1998 to September of 1999.

He added that there are \$12,500 budgeted and they need an additional \$2,600.00.

Cm. Perez said that one of the things that they had instructed was for the Metro Government to meet with the County, because there was mentioned that they were interested in joining in or at least start a dialogue with them and with the private sector. He feels that before going into any contract that they (County and private sector) be included so they can express what their ideas are and what their mission is.

Cm. Bruni stated that he does not think the Metro Government Committee met with the liaisons from the County and it was his feeling that this council had asked that committee to meet. He wants to know what the County's position is in reference to financially assisting the city to have this liaison in Austin and maybe even having somebody in-house.

County Commissioner Roque Vela stated that anytime that the City and the County can join forces for the common good, and for the good of the taxpayers, he thinks it is something that they need to do. He added they are correct, the Metro Government Committee never met and they should be given the opportunity to meet and have dialogue to see what is best for the City and the County and be able to make the dollar to go a long ways and be able to put the cost down on taxpayers.

Motion to table the item, set up a meeting with the Metro Government Committee between the City and the County at the earliest convenience, plus the private sector, and work out a contract and define the issues that they are going to concentrate in, and that the item be brought for the next meeting.

Moved : Cm. Bruni
 Second: Cw. Moreno
 For: 4

Against: 2 Abstain: 0
 Cm. Valdez
 Cm. Guerra

VIII. CITY MANAGER'S REPORT

50. Presenting a status report on the progress of the Santa Isabel Water Well with possible action. Requesting authorization to hire NRS Engineers to conduct research on a well water pre-treatment process to protect the Reverse Osmosis System from variations on water quality, for \$11,500.00, as an amendment to their existing contract.

Fernando Roman, Utilities Director, stated there are two issues, the first is the need to conduct a pre-treatment study to determine how to best protect the \$1.2 million investment made. They now have in place membranes that are very delicate, the process to take the salt out of the water and produce good water and they are now operational. He added they we do not have customers yet, but they can operate. They have been looking at some wells around the area which also have slightly different qualities of the water that all has to do with the useful life of the membranes. They can use

the water as is and the membranes will have a certain life, then they would have to replace them which is the most expensive part of the process.

He proposed that on a continuous effort to learn all the lessons that they need to learn, to see if indeed this organization and the exploration of ground water has a place in our long term pursuit of a water supply and that is that we deal with the pre-treatment issues. Since we do not know what variations of water we could get from the different wells, but they do know that they need to protect the membranes to look at the possibility of having pre-treatment study to see how to tackle all these undesirable things that could ruin the membranes. He was asking that council consider amending the contract with NRS to look at a pre-treatment process to protect the membranes. He said in the past there was comment on whether we continue putting monies on this project or do we mothball it. He feels they should not mothball it, and feels we need to learn all the lessons we can because at some point they we were looking at putting some wells in the city as a secondary source of supply. He recommended that we continue learning from this water well while we can, he does not think this is a master investment after what has been done, the pre-treatment equipment that he is recommending to study could become a \$100,000-\$200,000 issue, it does not have to be done right away, but he thinks it is important that we know what we have to deal with so that we can either count with this groundwater supply or discount it.

The second issue is that they have explored the possibility of putting a water point at the Santa Isabel well. The county has relocated the water point or is in the process of relocating that from the vicinity of Mines Road and IH-35 to the La Bota Ranch. They had requests that the city and the county put a second water point at the Santa Isabel Well. He added that Penitas has about 400 individuals. A person at Penitas would have to drive approximately from the junction approximately seven miles to the existing water point. When that water point is relocated three miles closer to them, they will only have drive four miles from the junction. If they were to put a second point, at Santa Isabel they would also have to drive four miles to Santa Isabel, so for them (Penitas residents) it is going to be identical to go to the La Bota Ranch or to go to a city sponsored water point at the Santa Isabel.

The other population that would benefit from this is would be Los Minerales, and a sparse population along the Mines Road

that would benefit from a short distance to Santa Isabel. The drive could be anything from one to four miles. He recommends that they let the second water point (La Bota water point) take place and see how it works because it will have good access. He added that the county is planning that it have a driveway and drainage. He said they are looking at \$30,000-\$50,000 cost.

Cm. Bruni thinks it is completely inappropriate for the city to discontinue its investigation of groundwater. He thinks that it is something that they should even be a year or two more advanced than what they are right now. He feels that they should continue their evaluation of groundwater under Webb County because as a community we cannot only have one source of water. It was also called to his attention that Amistad Dam is approaching another record low and we cannot have the community just waiting to see if mother nature is going to rain that particular watershed.

Motion to authorize the hiring of an NRS Engineering to conduct research on a well water pre-treatment process to protect the Reverse Osmosis System from variations on water quality, for \$11,5000.

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

Against: 0 Abstain: 0

51. Status reports regarding the implementation of the City of Laredo FAR PART 150 Airport Noise Compatibility Program and installation of the Terminal Automated Radar Display Information System (TARDIS). And report regarding cost of extending the Air Traffic Control Tower hours of operation to 24 hours per day.

Jose Flores, Airport Director, reported that on the Noise Compatibility Program, Runway 17L/35R was reopened on Tuesday, December 23rd, this will have positive noise abatement benefits, minimal but it will help some in reducing the noise on the south end of the airport. Also, as of December 29th, FAA has not released any funding to any airport in the country for noise abatement purposes. We are still being considered, but they have issued no grants for any airport across the country.

Also, FAA is responding to a congressional inquiry regarding Laredo's noise abatement program, so hopefully we will get word from FAA on funding.

Regarding the TARDIS issue, they received a faxed Memorandum of Understanding, from FAA that has been signed by FAA. They are waiting to receive the originals so that they can sign off on it. This is a prerequisite before they can start with the installation of the system, it is tentatively scheduled for January 22nd, they have all the equipment purchased on hand, they are just waiting for the execution of the Memorandum of Understanding and they will be here tentatively on January 22nd.

Third, regarding keeping the control tower opened 24 hours a day, the additional cost would amount to approximately \$80,000 yearly. They do not have the monies budgeted for this purpose, they can also say that between 10-6 a.m. they average about two operations per hour and the noise will be there whether the tower is opened or not, it will not diminish much.

Cm. Bruni asked they find the necessary funding to man the tower 24-hours and get somebody on that TARDIS System.

Mr. Flores stated the traffic averages about two flights per hour between 10-6 a.m., it is their goal to try to secure 24-hour coverage, they have made the request to FAA to fund that since they are funding approximately 85-90% of the cost of the tower. It is their goal to hopefully one day be there 24 hours, they just don't have the monies at this time.

Cm. Bruni asked that staff send a letter to our State Representative and our Senator to help us get the necessary funding. He thinks that we also need to have somebody on the TARDIS System, because it is fine that the Houston control is looking over our skies, but they have a lot more skies that they are looking at also, and with the new jet service that we might be getting we are going to have different airliners servicing the passenger community, whereas we need to have everything in place.

52. Presentation with City Council concurrence regarding the plan to relocate various City Hall Departments to other City buildings.

Motion to proceed with Community Development to move to the Transit Facility.

Moved : Cm. Casso

Second: Cm. Bruni

For: 7

Against: 0

Abstain: 0

53. Update on the status of the Colonias Facility Plan and financial application, with possible Request for Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with legal counsel concerning contemplated litigation regarding contractual provisions with the consultant Paul Garza and Associates, and return to open session for possible action.

Roque Vela, County Commissioner and Commissioner that represents the colonias in Hwg. 359, was before council concerned about the lengthy delay of the project. He briefed council on the results of the meeting held in Austin that Senator Zaffirini called, where there were county and city representatives, the Texas Water Development Board as well as the Environment Engineers and the Chief Engineer (Paul Garza and Associates) and what came out of that meeting. The facility plan cannot be completed until June, 1998 and added that this frankly is too long. This plan has been delayed long enough, it should have been completed about two years ago, and we should be under construction. He asked that council use all the resources available to them to bring this project to a completion, to submit the facility plan to the Water Development Board so they can approve it, get financing so they can move forth and provide the basic needs to the people of the colonias.

At this time Council discussed item #49 and then returned to item #53.

Fernando Roman, Utilities Director, reiterated the conclusion that Commissioner Vela presented regarding the meeting in Austin. He added that the facility plan and the other reports associated with that, the Environmental Reports and the Financial Application are very much completed. There is one problem, that is that the project is at a stand still because there is a conflict between the main contractor and the sub-contractors in the sense that there is a need to pay. The contractor needs to pay the sub-contractors for them to release the information that is necessary for the TWDB to review the project. The information has been produced, the environmental work has been done, and everything is on somebody's hands. He said we are at a standstill because the parties that need to exchange that information are not doing so due to a failure to pay by the main contractor. He added that Mr. Garza is telling us he has the ability to pay in a very short time. Assuming that these problems are resolved and that we immediately begin the review process with TWDB

then we are looking at approximately six months for them to finish all the review from the technical review which would begin as soon as the contractor produces the final copy and he is assuming that will occur in about 30 days. On February 1st if the board has that copy, then they can produce the review in about 7-30 days, so they are looking at a worst case scenario which would be March 1st which is the technical review completion. Once that review is done, if there is anything to do on part of the contractor to fix or to change something, then that would take an additional amount of time. If there nothing else to do, then the documents are submitted to the Financial Analyst with the board which would also take 30-60 days to complete the review. They were clear in telling us that the review is not necessary that it is a matter of staff taking their time to do it, but that there is a certain amount of time that they need to produce the agenda items to go to the board to produce all the mailings to produce public hearings and some of the things are not necessarily a person on the desk reviewing the matter. The board was very candid, they told them that if every goes perfect that we can expect funding by June or July.

Motion to go into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with legal counsel concerning contemplated litigation regarding contractual provisions with the consultant Paul Garza and Associates.

Moved : Cw. Montalvo
Second: Cm. Alvarado
For: 6

After Executive Session Mayor Protem Perez announced that no formal action was taken.

Mr. Roman clarified and made it clear what the project is. Most of the work has been done by contractors working for Paul Garza & Associates who is our main contractor. We have a contract with Paul Garza. Hogan & Associates and Crane Engineering, etc., have done work for Paul Garza & Associates, the work is approximately 95%, there is coordination issues that need to be put together, because of problems with payment that Paul Garza has not made to the sub-contractors, the sub-contractors refuse to put the project together. This refusal is setting us back in the schedule to where nothing will move until they get paid. He added that the city has paid Mr. Garza for the work that has been produced or presented by him in turn he has had problems paying the sub-contractor.

Mr. Paul Garza stated there are some very minor things that need to be done to complete the work as far as the Historic Commission is concerned, and as far as all the state agencies and it all has to do with the fact that there was a supplement required as a result of the finding of a Johnston Frankenia Grass that is in the endangered list. There are five lots involved in a strip of about 250 feet long of pipe, it really is a minor thing, unfortunately it has held up other things from happening. He added that the work has been completed as far as the engineering report and environmental report except for the final phase of that environmental because of the supplement he just mentioned. His contract with the sub-contractors was such that they would bill us on hourly basis and they received the bills sometime in June 1997. They requested that they submit this on an hourly breakdown because the state in order to reimburse the city requires that all of the items be done on an hourly basis. They have since received this from one of the contractors, and the other is still working on it. The supplement itself which was to be handled by the county paying that amount of \$14,900.00 that matter is still unresolved as far as the county coming through. At the time that they met in Austin they were told that matter has not officially completed so Mr. Roman and him have been talking about paying that item and receiving the credit back from the county at an appropriate time when they do their paperwork. Most of the delay is as a result of the sequence of hearings and the review cycle that the state has to go through. The engineer supervisor at the state level understands fully that the only thing they have to do at this point and time was to modify that one line that had to do with this grass that was encountered. The budget itself has not changed, that means that there will be no other review beyond that item and he thinks there will be no delay between them and the state. He added that Hogan Corporation had billed them for 80% of the work, they asked them to break it down in an hourly basis and that has been completed. The second item of completing this minor adjustment was a \$3,000 addition to his contract which at a meeting that he held before in the City Manager's agreed to pay that direct. As far as he knows that has not been done, in any event this are minor matters and the will be taken care of within 10 days.

Cm. Alvarado stated that this is a joint project, there has been a lot of pressure because this project should have been completed several years back and now this council is being lead to believe that the work has come to a stand still because of some financial obligations that Mr. Garza has with

the subcontractors and they do not want to take the risk of losing this particular project because some money is owed to the subcontractors. Mr. Garza is telling us that he will take care of the subcontractors within the next couple of days. He quoted that "we have come to a point now where we are reaching a very critical point, where we can lose the total project and we need to have some assurances from yourself that this will be taken care of and we can't wait another two weeks we need to hear from you that this matter will be taken care of. This council has been led to believe that you have been paid for these services and that you have not paid the subcontractors for the work that they have done already."

Mr. Garza stated there is some truth to that, but they have paid some of them, and the problem is not so much the paying as much as completing their chores pursuant to their contract. What they will require them to do now is to submit drafts. He assured council that they are going to complete the project.

Cm. Casso stated that if this issue was not taken care of by January 19th, council will be forced to come with the money and they will have to seek legal action against Paul Garza and they do not want to do that.

Motion to authorize the City Manager to take all legal action necessary, including filing suit, to recover losses/costs by non-compliance with contractual provisions and breach of contract by Paul Garza and Associates.

Moved : Cm. Alvarado

Second: Cm. Guerra

For: 6

Against: 0

Abstain: 0

54. Request for Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with legal counsel concerning the pending litigation styled Royal Joint Venture et. al. v. Louis H. Bruni, individually and in his Official Capacity as City Council Member, City of Laredo, Civil Action No. L-95-136 in the U.S. District Court for the Southern District of Texas, and return to open session for possible action.

Motion to go into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with legal counsel concerning the pending litigation styled Royal Joint Venture et. al. v. Louis H. Bruni, individually and in his Official Capacity as City Council Member, City of Laredo,

Civil Action No. L-95-136 in the U.S. District Court for the Southern District of Texas,

Moved : Cm. Bruni

Second: Cm. Casso

For: 7

Against: 0

Abstain: 0

After Executive Session Mayor Protem Perez announced that no formal action was taken.

Motion

Moved : Cm. Casso

Second: Cm. Valdez

For: 7

Against: 0

Abstain: 0

IX. COMMUNICATIONS

A) Cm. Casso wants a report from the City Manager regarding why it is that one of the candidates has a police officer with a police car in a political ad commercial because that is not only wrong, it is not fair and is illegal. He wants to know how that happened.

B) He noticed that on airport property, on city buildings, that the city owns some that are being used and some that being leased, there are also many political signs and wants to know under what authority do we grant they are doing this. He stated it is inappropriate to have mayoral candidates place their signs on city property.

Luis Landin, Traffic Director, stated there is an ordinance prohibiting posting of signs on public right-of-way. He said that his staff will remove the signs that are in violation and they can be picked up at the traffic compound.

X. CITY COUNCIL DISCUSSION AND PRESENTATION

55. 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 a request by the Community Action Agency (CAA) for City of Laredo aid in helping to insure that the Elderly Nutrition Program is not closed due to a lack of funding.

Jose Valdez, Director of Community Action Agency, requested funding assistance from the city to continue the program in the amount of \$20,000 and keep the program going until September 30th. The county has indicated that they will discuss and match \$20,000.00 if the city comes up with \$20,000. The people that are serviced by this program are only local people in the city. He added there are five sites in the city and the services are not provided outside city limits. The sites where they provide services are: Azteca, Base Site, Buenos Aires, Mother Cabrini, and Santa Cruz (Ladrillera).

Mr. Pena stated the city has a contract with Meals on Wheels for \$18,000.00, last year they asked for additional \$25,000 to fund the elderly nutritional program and the contract was amended with Meals on Wheels to provide the additional \$25,000.

Motion to instruct the City Manager and staff to do everything possible to look for additional monies to amend the contract.

Moved : Cm. Valdez

Second: Cw. Moreno

For:

Against: 0

Abstain: 0

Mr. Pena concluded by saying they will bring the contract on the next meeting.

B. Requests by Councilmember Louis H. Bruni

1. Discussion and possible action regarding the widening and storm drainage improvements to Cherry Hill Drive between Calton Road and the new Mercy Hospital.

Rogelio Rivera, Engineer Director, stated they are looking into the issue, and also working that the a subsequent item, the widening of Calton Road from McPherson to that intersection where there is the "Y" at Cherry Hill. He said the will be looking at the two projects together. The one on Calton is on the bond sales, the other one, the MHMR has finished their new facility and they will be looking for additional right-of-way on that stretch. He added that they have to enhance the drainage there because it is in bad shape. They will develop a cost estimate and bring it back to council.

2. Discussion and possible action regarding the widening and

sidewalk improvements to Calton Road between McPherson Avenue and Cherry Hill Drive.

Note: This item was covered by item #1.

3. Requesting a briefing on the City's Street Cut Policy with possible action.

Cm. Bruni stated there are streets with brand new overlay with patches and the public looks at it like we are not properly planning our street cuts.

Mr. Pena stated that the city streets were not paved until 1980's, many of those water/sewer lines were put in back then and they were not put in with service lines so many streets that get paved end up being cut as a result of poor planning in the 1700, 1800's and early 1900's. Recently there were more than 250 blocks a year and staff does the best they can, they have delayed some projects trying to find where water lines need to be replaced. There will be occasions where they are going to miss a water line that is going to break because of the weather, and having to cut the street. He thinks the number of incidents have come down significantly from what it was in the past, but they will try their best to keep that from occurring, but in the older parts of town service lines were not put in, and the streets were paved.

Cm. Bruni suggested that the city investigate the possibility of buying an underground boring machine instead of cutting across. He requested that staff get a cost estimate on a boring machine and that the city do not allow other subcontractors to patch the streets, that they be done in-house and that they be billed appropriately, that staff figure some kind of mechanism that would trigger when there is a break in the street and utilities department goes in there to fix the break that there is some triggering mechanism that tells Public Works to go and patch the holes created.

4. Presentation by Tex-Mex Railroad representatives regarding the donation of a parcel of property situated between Arkansas Avenue and New York Avenue to provide traffic access to area residents.

Mr. Pena stated the paperwork has been submitted to Tex-Mex, they are waiting for their response, there are funds available and they are in the process for construction plans for that project.

Erasmus Villarreal of Community Development stated that the agreement is in Tex-Mex hands and they have not received it yet. It is their understanding that they will make the donation.

Mr. Rivera stated that as far as when the project will be started on the proposed right-of-way, they have done the staking out and are ready to go with the design, but he understands that we do not have the transfer of the property yet.

Mr. Pena stated they will call TxDot to see what the delay is and will follow-up.

5. Discussion and possible action regarding the Airport Advisory Board's recommendation concerning the building remodeling of the Laredo Morning Times building leased from the city.

Mr. Charles Martens, Airport Advisory Board Member, stated that they had a presentation on this issue, they listened to their position, the board took a policy to recommend but with the stipulation that they also consult with FAA for a couple of various reasons. They understand everybody's position here was genuine, they were kind of on a deadline type of a thing, like a hurry up and do by January 1st. They were not very happy about having this brought up on those kinds of grounds. They do not believe it was staff's fault or the Laredo Morning Times position either. He has talked to the publisher of the Times and he wants to do what is right in this particular case. They had a couple of opened comments on this, one of which brought up a security measure which he feels is genuine because at one point earlier in the history of Laredo they had also been a petition brought before the Airport Advisory Board to locate a halfway house for misdemeanor offenses and at that point FAA along with the Federal Judge said that this was not a compatible use. They didn't want even low in-crime people out there near the airport for security matters. The request at that point was for a site across from the terminal (west of the terminal), but this particular site for security is separated by a couple of hurricane fences. Why would we want to put federal prisoners next to the airplanes, this was something he wanted to consult FAA on. The other problem brought up was, the people that will be there work during the day, but can you imagine sleeping there at night, the prison fellow was not worried about the quality of life for these prisoners or he would not have asked to put these people 250 yards from jet engines. There are people in the Heights area that are 500-600 yards away that can't sleep at night and we

are trying to house them. He was disappointed with the prison people himself, he personally did not think it was too much of a compatible site and too much of good use for us to be housing people with probably a felon record or they would not be a federal prisoner.

Jose Luis Flores, Airport Director, stated that the Airport Advisory Board acted on a recommendation from staff, they have received the request from the Laredo Morning Times that they were proposing to sublease this property, they checked the lease agreement that they have with them, the lease agreement permits them to sublease without the city's prior approval provided that the lessee shall not sub-leased for the purpose of a lounge, dance hall, club or laundry-mat. They have the rent to sub-lease without the city's approval. The lease also states that the proposed use has to comply with all local, state and federal laws and regulations. They have consulted with FAA and heard from one office in FAA, they have since referred us to another office (the Civil Aviation Security Office) in Houston, they are waiting to hear from them on this issue to make sure that it does comply with their requirements, they should be hearing from them in the next couple of weeks. The lease requires that the lessor has to approve the plans and specifications for any construction work done on the property and staff with this information presented and made recommendation to the board to approve it and the Advisory Board recommended approval subject to meeting all the local, state, and federal laws and regulations and provided that the property fenced off.

Mr. Bruni questioned the red stop work sign and said that since the City Council has not approved any plans for remodeling why does there have to be a stop work order on the front door.

Mr. Flores explained that they had to stop work order because they were proceeding to do the work without a building permit and they did not have authority to do the work.

Mr. Pena stated they proceeded and we put a stop work order, they ceased construction, at this point we are waiting for the Civil Security Field Office to give us their response regarding the appropriateness of that use at that location. He said they are waiting the response from the Civil Aeronautics Security Field Office and secondly, they do need to see their plans so that we can review their conformity to what we feel is need for that area. One of the additional requirements is that a fence be built around it and he thinks

that we can make a request for reasonable modifications to that building. He feels that the fence would be required, because we have an airport there that we are concerned about.

Cm. Bruni clarified if the Airport Director's recommendation is that we receive the paperwork from FAA concerning the security issues and also if it is acceptable to put this halfway house there.

Mr. Pena stated that is basically what they are asking for. The only other issue is the concurrence by the lease holders to see if they intend to include the fence.

Cm. Bruni stated it is prudent for council to wait for communication from FAA and then bring the item back.

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

1. Discussion and possible action regarding the Hachar Road.

Cm. Casso wants a timetable and see if we can start going forward on the right-of-way acquisition, because with the Fourth Bridge becoming available in about two years we are going to need another road and feels that they should start going forward on this.

Carlos Mejia, representing George Hachar, stated this is a project that needs to take off because it represents planning ahead. It is a dangerous road, there are two kinds of mixed traffic, some going to bridges and other to the industrial parks. Once Bridges I & II are closed then all the truck traffic is going to Bridge IV or Colombia and there is only Mines Road and IH-35, but IH-35 in the future will only lead to the Mines Road so we will be in need of more east/west arterial roads. The major thoroughfare was developed by the city and it indicates that in the future there will be two roads, from IH-35 to Las Tienditas and the other in the vicinity of Pico Road to IH-35.

Keith Selman, Planning Director, stated they had posted an MPO meeting. At that time the discussion and directive by council at that time was that in the updating of the Master Plan to look at moving the outer loop up in terms of project periods, because right now it is towards the end of the 20-year plan. The ideas being to move it up and during the amendment process of the Transportation Plan which is what they will do. What is being called the Hachar Road is considered the outer loop, that is an unproposed on-system road, that is a state

funded highway. The Pico Road is not proposed to be on system rather proposed to be off system, meaning that it will be done by the developer, the city or some other funding mechanism other than through state funding unless it were to be put in the system.

Cm. Casso wants that we get the process of the study going on, get a timeline, gets cost, and start working on the right-of-way acquisition, and that they start with the Hachar Road to make the outer loop a reality and connecting the southern most extreme with the northern extreme and start to connect it.

Cm. Valdez went on record, stating that we should be thinking about the outer loop and get going.

Motion to go ahead and do a survey for the Outer Loop and incorporate the Killam Road.

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

Against: 0 Abstain: 0

D. Requests by Councilmember Cecilia May Moreno

- 1. Discussion and possible action regarding a request for the placement of "No Parking" signs on the east side of the 1600 Block of Cedar Avenue. (Co-sponsored by Cm. Alfonso Casso)

Motion to that a "No Parking" signs be placed on the east side of the 1600 block of Cedar Avenue.

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

Against: 0 Abstain: 0

E. Requests by Councilmember Eliseo Valdez Jr.

- 1. Status report regarding the pedestrian bridge for the Northeast Hillside Recreation Center.

John Vidaurri, Assistant City Manager, stated that this is a 1997-98 CIF Project, they have approximately \$50,000.00 budgeted for it, they will get the project completed before the end of the year. This is a project that was discussed with the Marine Corp of Engineer, they have agreed to do the project, but can not get to it until July or August of this year. There is another option and that is perhaps having the Public Works crew do the project in-house. There have been

discussions with Mr. Guerra regarding the project for the pedestrian bridge and he feels he has the capability of doing it in-house at a less cost than what they have budgeted for it.

Mr. Valdez feels that \$50,000 is more than enough and thinks they cannot wait until the end of the year. He wants to see what can be done to get the project going on a fast track.

Mr. Pena stated that it can be done as soon as possible, they can probably start it in 30-60 days.

Mr. Vidaurri stated they are looking at a 90-120 day period before they can have that bridge in place.

2. Status report regarding the street markings for school children crossing Springfield Avenue on their way to Alma Pierce Elementary School.

Mr. Valdez wants to know the status on the street markings and see if they can install school flashing lights.

Mr. Landin stated they conducted a study, there were 42 children that cross Eistetter and Springfield. From the city study conducted by the Traffic Engineer, they are recommending a school flasher on that area that will go all the way to Bustamante and Springfield to cover the area that most of the children cross. They will ask LISD to appropriate the \$2,500 which they normally do on school flasher and will move forward on that recommendation as soon as possible.

F. Requests by Councilmember Joe A. Guerra

1. Discussion and possible action concerning a request by Texas A&M International University to provide additional fixed route bus service on weekdays and implement service on Saturdays.

Gilbert Segovia, Transit Director, stated they received a request from TAMIU and had a meeting with some student government representatives regarding additional service. They conducted a survey of the student body to determine what some of the needs might be.

Ms. Alejandra Diaz, Vice President of the Student Government Association at TAMIU stated they surveyed 138 students on campus, out of those 138 persons 15% were people from the University Village (the on campus housing facilities), 85%

were from people living outside campus. She added that out of the 15% who live on campus 57% need the bus service, of the 85% living outside campus 26% need the bus service. She continued by saying that they have to take into consideration that not even 2% of total population of the university community was surveyed.

Out of the 138 surveyed, 30% would like a stop at the mall which is not an issue discussed at the moment, but she would like that it be on the record. She said 33% need transportation on the weekends, that is a major change that they would benefit from because many students living on campus do not have means of transportation on weekends, 36% said that the best time for scheduling the bus on weekends is a bus in the morning, afternoon and evenings around 6:00 p.m.

Cm. Guerra stated that the main issue is additional bus routes.

She added there is a proposal on adding one extra hour in the morning (Monday thru Friday) an additional 12:00 noon to 12:55 p.m. and one extra hour from 9:00 - 9:55 p.m. because there are classes going on from 9:30-9:45 plus the computer lab which closes at 10:00 p.m.

On weekends it would be two hours, from 10:00 a.m. to 11:55 a.m. (Saturdays) and four hours in the evening from 2:00-5:55 p.m. because there is ongoing business at campus, there are people who live there, computer labs and the library are opened.

Mr. Segovia stated that the survey results were not shared with the Transportation Committee because they received them the evening before the December meeting. He presented options discussed with the Student Association in terms of an immediate addition of service for this semester. He pointed that on the weekday service they would be closing the afternoon gap (4 hours) and extending it in the evening and adding Saturday service. There is no proposal to add Sunday service, because they did not look at adding Sunday service, but it is a matter of dollars and cents at this point, and to do so at this time would be a consideration that council should take.

He presented a cost summary to council, no list was submitted to the City Secretary.

The annual cost would be \$23,006 for the weekday addition, and

\$14,000 for the Saturday service increment basically they would be looking at amending the budget to provide for this additional service.

Cm. Guerra recommended that they start implementing at least with the weekday service, 10 hours at 52 weeks at whatever the hourly rate is implement that as a starter and then go from there.

Cw. Moreno suggested that they adjust the schedules because there are holidays where everything is closed and the cost on service.

Gary Jacobs stated that yes the students should have bus service, it should be for seven days a week, but he is not sure why the city has to subsidize it. He said that TAMIU should pay the City, that they should buy the buses and the city should operate them.

Cm. Bruni suggested that they have dialogue with TAMIU on this issue, to see if they want to participate with the funding.

Motion to find the necessary funding to have the shuttle bus service required for the students and the people that go to school at TAMIU, with alternative funding from TAMIU.

Moved : Cm. Bruni

Second: Cm. Alvarado

For: 6

Against: 0

Abstain: 0

2. Discussion by Esequiel Maldonado on the plumbing code, permits, bonds, and other issues related to the Building Department.

Mr. Esequiel Maldonado, owner of Maldonado's Plumbing Company, spoke of several concerns regarding permits. He said he has to show his license in order to get a permit and staff do not ask other plumbers to show them, they only ask for the license number which he thinks it's unfair. He feels that whomever and whenever anyone shows up for a permit they should all show the actual license so that city staff can know the status of their license or the expiration date. He said he wrote a letter to Mr. Pena on this issue on January 20th and has not received anything positive on the issue up until now. He also wrote to the Attorney General's Office which in turn was told to come before council to have a discussion and see what can be done.

1) On the permits issue he stated that for each master plumber to do business and get a permit they need to have a bond with the city. Also there is a statute that states that you have to have a least a minimum of \$300,000 on liability for each Master Plumber doing business in the State of Texas. He would like to see that done here in Laredo besides the \$50.00 bond because with the \$50.00 requirement there are many Master Plumbers taking out permits for individuals that are not licensed, but yet doing plumbing work.

2) Next issue is adopting the Plumbing State Code Law, he asked that they read and review the information submitted by him and see what can be done. He said that maybe an ordinance can be implemented or that maybe it is already in the statutes of the Plumbing Code (the Southern Building Code). He wants that the city have an inspector for the water protection supply, because there are six plumbers in Laredo, according to the Texas Natural Resources we should have that ordinance in place and enforced and those inspections should have to done two years ago. He added there is a lot of building construction going on, and since Laredo is the second fastest growing city in the nation, we still have two plumbing inspectors for 25 years and he feels that is outdated.

3) He addressed the plumbing code and its enforcement, stating some people are doing plumbing jobs without a license and some plumbers lending the licenses and asked that more strenuous enforcement be done. He said there are 20-25 companies doing business in Laredo and they are not registered with the city as a plumbing company. He asked that Mr. Pena look into these law and see what is appropriate to do.

4) He pointed there are bonafide employees or partnerships, he feels that the Building Department should have a listing of all those plumbers, because it is important that they have a separate bond and general liability insurance to run their business or partnership.

5) The registration of the plumbing company, some of the companies are not registered. He said the city is missing because of the lack of enforcement, between \$50-1,000 for each plumbing violation that an individual does. When there is an individual or plumbing company that has a license expired, and they are doing business, the city has the right to go out there and stop that job until they get the proper plumbing company out there with the proper certifications to do the plumbing. He said there are many violations going on right now, wants that City Council do something about these issues

soon because its hurting their business. He asked that they do ordinances and enforce them.

XI. PUBLIC HEARINGS

- 56. Amending the City of Laredo's Special Police Program 1997/1998 manyears by reclassifying two police officers from general fund to Special Police Program for the Local Law Enforcement Block Grant from the U.S. Department of Justice. This grant will be in its second year of funding for the period of October 1, 1997 through September 30, 1998.

INTRODUCTION OF AN ORDINANCE

Amending the City of Laredo's Special Police Program 1997/1998 manyears by reclassifying two police officers from general fund to Special Police Program for the Local Law Enforcement Block Grant from the U.S. Department of Justice. This grant will be in its second year of funding for the period of October 1, 1997 through September 30, 1998.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Guerra
Second: Cm. Alvarado
For: 7

Against: 0 Abstain: 0

Ordinance Introduction: City Council

- 57. Public hearing regarding an ordinance to transfer Designated Fund Balance for Construction to the Bridge Construction Projects for Fiscal Year 1997-98 and amending the City of Laredo's 1997-1998 Bridge Construction Fund for said purpose in the amount of \$371,061.00, and authorizing the City Manager to implement said budget.

INTRODUCTION OF AN ORDINANCE

Ordinance transferring Designated Fund Balance for Construction to the Bridge Construction Projects for Fiscal Year 1997-98 and amending the City of Laredo's 1997-1998

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Guerra

Second: Cm. Valdez

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

59. Public hearing amending the City of Laredo's 1997-1998 annual budget by increasing estimated revenues and appropriations in the general fund by \$3,445.20, and authorizing the City Manager to implement said budget, providing for publication and effective date.

INTRODUCTION OF AN ORDINANCE

Amending the City of Laredo's 1997-1998 annual budget by increasing estimated revenues and appropriations in the general fund by \$3,445.20, and authorizing the City Manager to implement said budget, providing for publication and effective date.

Motion to open the public hearing.

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 7

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

60. Public hearing amending the contract with the Texas Department of Health and budget in the amount of \$78,916.00, for the HIV/AIDS Prevention, Counseling and Partner Elicitation/Notification (PCPE) Project of the City of Laredo Health Department for the period beginning January 1, 1998, through December 31, 1998.

INTRODUCTION OF AN ORDINANCE

Amending the contract with the Texas Department of Health and

budget in the amount of \$78,916.00, for the HIV/AIDS Prevention, Counseling and Partner Elicitation/Notification (PCPE) Project of the City of Laredo Health Department for the period beginning January 1, 1998, through December 31, 1998.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

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

Against: 0 Abstain: 0

Ordinance Introduction: City Council

- 61. Public hearing amending the City of Laredo's 1996-1997 Annual Budget in the amount of \$62,712.00, for additional salary, overtime, fringe benefit costs and direct operating expenses for the Multi-Financial Disruption Task Force awarded by the Office of National Drug Control Policy for the period of July 1, 1997 and ending June 30, 1998.

INTRODUCTION OF AN ORDINANCE

Amending the City of Laredo's 1996-1997 Annual Budget in the amount of \$62,712.00, for additional salary, overtime, fringe benefit costs and direct operating expenses for the Multi-Financial Disruption Task Force awarded by the Office of National Drug Control Policy for the period of July 1, 1997 and ending June 30, 1998.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cw. Montalvo

Second: Cm. Guerra

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

62. Public hearing repealing Ordinance No. 97-O-275 and amending the City of Laredo's 1997-1998 annual budget authorizing the reclassification of one (1) Lieutenant for one (1) additional Captain, reclassification of two (2) Sergeants for two (2) additional Lieutenants, reclassification of three (3) Investigators for three (3) additional Sergeants, and reclassification of (10) Police Officers/Cadets for ten (10) additional Investigator positions at the Laredo Police Department and authorizing the City Manager to implement said budget.

INTRODUCTION OF AN ORDINANCE

Repealing Ordinance No. 97-O-275 and amending the City of Laredo's 1997-1998 annual budget authorizing the reclassification of one (1) Lieutenant for one (1) additional Captain, reclassification of two (2) Sergeants for two (2) additional Lieutenants, reclassification of three (3) Investigators for three (3) additional Sergeants, and reclassification of (10) Police Officers/Cadets for ten (10) additional Investigator positions at the Laredo Police Department and authorizing the City Manager to implement said budget.

Motion to open the public hearing.

Moved : Cm. Alvarado

Second: Cw. Moreno

For: 7

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Alvarado

Second: Cm. Valdez

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

63. Public hearing accepting comments on the Land Use Assumptions for the City of Laredo, its Extra Territorial Jurisdiction and

other areas for the purpose of implementing water and sewer Impact Fees. The Impact Fees will support the infrastructure needs associated with growth and will be considered in order to minimize the need for future rate increases.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce the ordinance.

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

Against: 0 Abstain: 0

XII. MOTION TO RECESS AND CONVENE AS THE LAREDO MASS TRANSIT BOARD

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

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

Against: 0 Abstain: 0

- 64. Authorization to solicit proposals for the purchase of five (5) used transit buses. These buses will be used to expand transit services to needed areas. The criteria to be used to purchase these buses includes: purchase cost, condition of bus, maintenance history, and transportation cost to deliver these units.

Motion to approve.

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

Against: 0 Abstain: 0

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

Moved : Cm. Valdez
Second: Cm. Casso

For: 7

Against: 0

Abstain: 0

XIII. ADJOURNMENT

Motion to adjourn.

Moved :

Second:

For:

Against: 0

Abstain: 0

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 48 ARE TRUE, COMPLETE, AND CORRECT PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON THE 5TH DAY OF JANUARY, 1998. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE



GUSTAVO GUEVARA, JR.
CITY SECRETARY