

CITY OF LAREDO
CITY COUNCIL MEETING

CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS
6:00 P.M.

MINUTES

M-98-R-09

FEBRUARY 23, 1998

I. CALL TO ORDER

With a quorum present Mayor Elizabeth G. Flores called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Elizabeth G. Flores led in the Pledge of Allegiance.

III. ROLL CALL

IN ATTENDANCE:

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

Motion to waive the rules of order and move up items C(1), A(1) and D(1).

Moved : Cm. Valdez

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

IV. INTRODUCTORY ORDINANCES

2. Authorizing the City Manager to execute all necessary documents to effectively convey fee simple title to Export

Storage Co., Incorporated, for the sale of the "Surface Only" at it's fair market value, of certain City properties described as **Parcel "A"** consisting of 13,890 square feet (55.55' x 250') out of that former section of the 1900 block of Garden Street between the west right-of-way line of Santa Rita Avenue and the east right-of-way line of Vidaurri Avenue and being bounded on the north by Block 557, W.D. and on the south by Block 550, W.D. and **Parcel "B"** consisting of 13,890 square feet (55.56' x 250') out of the former section of the 1900 block of Constantinople Street between the west right-of-way line of Santa Rita Avenue and the east right-of-way line of Vidaurri Avenue, being bounded on the north by Block 562, W.D. on the south by Block 557, W.D. situated in the Western Division, City of Laredo, Webb County, Texas, and hereby approving the submitted Improvement Plan and which is in compliance with Section 10 of the Street Closing/Sales Policy Handbook as approved per Resolution No. 97-R-140; and providing for an effective date. **(Action must first be taken on item #8 prior to action being taken on this item.)**

Ordinance Introduction: City Council

3. Authorizing the City Manager to execute an agreement between the City of Laredo Utilities Department, as Seller and the City of Laredo General Fund, as Buyer, to purchase the leasehold interest from the Utilities Department consisting of an office building and improvements located at 4002 Bartlett at the Laredo International Airport. The purchase price is \$400,000.00, being the appraised fair market value of the building and improvements.

Ordinance Introduction: City Council

4. Authorizing the City Manager to execute a lease between the City of Laredo Airport Fund, as Lessor and the City of Laredo General Fund, as Lessee, for two tracts of land containing approximately 8.973 acres, consisting of 6.597 acres out of Block No. 30 and 2.376 acres out of Block No. 22, recorded in Volume 5, Page 1, Plat Records of Webb County, said property is located at the Laredo International Airport.
 1. Lease term is for twenty five (25) years plus one 10 year renewal option.
 2. The initial monthly rent shall be \$3,908.67 plus annual CPI rent adjustments and to include rent adjustments based on fair market appraisal at each 10 year anniversary period.

Ordinance Introduction: City Council

- 5. Authorizing the City Manager to execute a lease between the City of Laredo General Fund, as Lessor and the University of Texas Board of Texas Board of Regents for use and benefit of the University of Texas Health Science Center at San Antonio as Lessee, for two tracts of land containing approximately 8.973 acres, consisting of 6.597 acres out of Block No. 30 and 2.376 acres out of Block No. 22, recorded in Volume 5, Page 1, Plat Records of Webb County, said property is located at the Laredo International Airport.
 - 1. Lease term is for twenty five (25) years plus one 10 year renewal option.
 - 2. The monthly rent during the term of the lease agreement and during any option to renew shall be \$10.00 per year.

The City hereby declares the establishment and construction of a localized medical education and research campus is sufficient consideration for this lease.

Ordinance Introduction: City Council

V. FINAL READINGS

Motion to waive the final reading of ordinance #98-O-023, #98-O-054, #98-O-056, #98-O-057, #98-O-061, #98-O-062, #98-O-063, #98-O-064, and #98-O-065.

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

Against: 0 Abstain: 0

- 6. 98-O-023 Ordinance amending the City of Laredo's 1997-1998 Annual Budget by increasing estimated revenues and appropriations in the Paseo Del Antiquo Laredo fund by \$1,345,198.00, and authorizing the City Manager to implement said budget, providing for publication and effective date. (As Amended) (City Council)

Motion to approve Ordinance #98-O-023.

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

Against: 0 Abstain: 0

- 7. 98-O-054 Amending Article IV which includes Sections 15-59 through 15-73 regarding handling, transportation and transfer of dangerous articles of Chapter 15 of the City of Laredo Code of Ordinance by deleting

10. 98-O-057 Ordinance waiving hourly parking fees for February 21, 1998, at the Laredo Transit Center in cooperative support of the Washington's Birthday Celebration Association related activities. The maximum potential loss is approximately \$2,346.00, based on full occupancy. (City Council)

Motion to approve Ordinance #98-O-057.

Moved : Cm. Perez

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

11. 98-O-060 Ordinance creating and adopting Article XI of Chapter 19, motor vehicles and traffic, entitled "Truck Traffic" to include new sections 19-400 through 19-530, with Section 19-512 reserved, thereby organizing current sections and the language of the code of ordinances as they pertain to truck traffic and adding new truck provisions; including: truck routes and sign posting, prohibition of nighttime residential departures from truck route, size and weight restrictions, oversize and overweight permits to be had at a central permitting office, oversize vehicle escort service license, truck parking in residential areas, near schools and in central business district, trailer parking on streets, adoption of provisions of the Federal Motor Carrier Safety Regulations, minimum truck parking fines, delinquent truck lists; providing for severability; and providing for an effective date and publication. (City Council)

Cw. Moreno asked if they are approving the position, if they approve the ordinance?

Mr. Pena answered no, they will not, they have to bring back an amendment to create the positions.

Cw. Moreno wanted to go on record as approving the concept, but not approving the additional positions.

Motion to table.

Moved : Cm. Bruni

Second: Cm. Casso

in the percentage of revenues received for alcoholic beverages from 15% to 20%.

Motion to approve.

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

Against: 0

Abstain: 0

VII. CITY MANAGER'S REPORT

18. Presentation of the 1996-97 Comprehensive Annual Financial Report (CAFR) prepared by the City of Laredo's Financial Services Department and audited by the independent audit firm of Baum & Mejia CPA's.

Mr. Clayton Baum and Mr. Raul Garza of the firm Clayton Baum made the presentation.

Mr. Garza reported that as a result of the new federal/state guidelines which became effective and were implemented for the fiscal year September 30, 1997, they have issued a total of three reports that cover three general areas.

- 1) The city's financial statements.
- 2) Its compliance with federal/state governing laws and regulations.
- 3) Its internal control structure in place to help monitor the three areas mentioned.

He added the type of report which he has issued is an unqualified opinion. It is the highest possible opinion which they can issue on any entity.

They did not find any material instances that were required by auditing standards to report to council. They did however make some observations and recommendations which they have included in the letter to management and which have been presented to the audit committee today.

He confirmed the audited unbalanced for the year ended September 30, 1997. The audited fund balance for the general fund at 9/30/97 is \$11,280,237. The budgeted fund balance for that period was \$8,559,761 ended up with \$2,720,476 more than anticipated. He said this primarily resulted because you received more revenues than anticipated and the expenditures were less than what was budgeted.

Cw. Moreno questioned, the money that is in excess of the original amount and the fund balance, are we able to spend it during the year? Are we doing this properly in terms of spending the money or not?

Mr. Garza quoted, "yes, those \$11,280,237 that is what is called the undesignated fund balance, so pretty much you have it at your discretion to use it in the new year as you see fit."

Jaime Flores, City Attorney, stated he has to review this issue and does not have an answer right now.

Mr. Pena said that from the management prospective, he does not recommend the City Council to appropriate money from the fund balance but legally, he thinks that everyone has looked at it and they are saying it is o.k. The charter has a provision that says that those fund balances, however, can only be used for one time expenditures, not for recurring expenditures so there is a restriction on the use of those fund balances.

19. Request for Executive Session pursuant to Texas Government Code Section 551.071(1)(a) to discuss contemplated litigation regarding Highland Subdivision Unit III and the North Laredo Wastewater Reclamation Plant, and return to open session for possible action thereon.

Mr. Pena requested that this item be pulled out and said that they do not need to have discussion on this item, and that was no action needed.

Motion to waive the rules and move this item to the end of the meeting.

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

Against: 0 Abstain: 0

VIII. COMMUNICATIONS

Mr. Rico Flynn congratulated and welcomed the New Mayor, Mrs. Betty Flores and congratulated Cm. Casso for the flag pole movement. He said he had done a location scout and that the best site is next to the Holiday Inn. He asked that they consult for advice from Mexico. He does not think that our flag should be bigger because it is Texas, that it should be the same

size and suggested that it be introduced on July 4th.

IX. CITY COUNCIL DISCUSSION AND PRESENTATION

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

A. Requests by Councilmember Louis H. Bruni

1. Discussion and possible action regarding infrastructure and water improvements in the Casa Verde acreage, and possible development of a joint agreement between the City of Laredo and Webb County for such improvements.

Cm. Bruni stated that on February 29, 1996 he was handed a petition by 60 property owners and residents of Casa Verde acres requesting water and wastewater services to include engineering of the roadway and construction of wastewater lines. It has been over two years and he thinks they have gotten very far behind in their request. He asked that staff formulate some kind a study where they can help these people.

He wants staff to formulate a report and recommendation on the cost to extend University Blvd. approximately 300-400 ft. to intersect with Casa Verde Road. He was told that the Killam Family has agreed and he will be speaking to them. He was told that they have agreed to give us the necessary right-of-way, which is approximately 300 ft., if they can extend University Blvd. 300 ft to intersect with Casa Verde Road they would eliminate 5,000 ft. of road that they now need to access their property and we would also eliminate a very dangerous TxDot crossing that intersects with Loop 20.

He wants that on an immediate short term, they contact the property owners and respectfully request that they furnish the right-of-way, that we go in there and clear the right of way, and construct a 25-30 foot caliche road so that the dangerous intersection can be eliminated.

On the long term (during budget hearings) he suggested that staff see how they can help these people pertaining to water and wastewater infrastructure.

Mr. Pena stated the property was annexed in 1991, it included a 1,500 acre tract, he did not have an opportunity to get with staff regarding the reason for the annexation, but in the service plan it did provide for the city to immediately provide police protection, garbage collection which is being

provided, and water and sewer services would be in accordance with the subdivision ordinances of the city. As they plat the property owners are required to extend their lines, the City Charter also addresses the concern of water/sewer by stating that the city cannot extend at the request of developers the water/sewer lines. They talked to the Texas Water Development Board to see if they qualify for any kind of funding like the colonias, and they got a replied that basically said "no" it did not, it did not have the elements of a colonia project. So as the area plats, basically they will be extending water and sewer lines at the cost of the developer.

In terms of the paving of streets, there is no restriction on that. Currently in the Calton Gardens area they have numerous streets that are unpaved and that they are currently in the process of finalizing the plans to go in there even though they do not have the adequate right-of-way, but in order to reduce the cost of maintenance go in there and lay some asphalt. He said that this would be an effort to keep down the maintenance cost.

Cm. Bruni stated that there is no developer out there that is going to foot the bill, these are 70 property owners, and we as city annexed them. His concern is that it seems that there will never be services out there because they keep talking about the developer. He said they need to find out how to get infrastructure to them, besides the pavement of the road and besides taking the dangerous curve off.

Mr. Pena stated that state law allows cities to do assessment for water and sewer. That would not be doing the water/sewer extension at the cost of the city. In essence what they would do there, they would have to hold public hearings, and levy a lien on all abutting property owners, they will be in essence paying for it, but they would be on an assessment basis. He said they can explore that possibility. They would still pay for it, but the city may have to foot the bill upfront and then get reimbursed upon the platting of the properties. It is called the sewer/water assessment program.

Mayor Flores stated that they need to meet with the property owners and talk about the possibilities.

Cm. Bruni stated they have meet with these people four or five times in February of 1996 and nothing has been done.

Mr. Pena stated they have discussed water/sewer assessments

with some property owners.

Fernando Roman, Utilities Directors, stated the last time they put the project together (last year) they were looking at \$700,000-\$800,000 to bring water and sewer. To bring the services fully to all lots it would be approximately \$800,000. Some residents suggested that whenever we extend the Jacaman Road from McPherson to the Loop, that if we were to put the water line at that point, that it would knock about \$150,000 out of the total amount and they would like that because then obviously the tap goes down for them. To do a water/sewer assessment they are looking at about three quarters of a million that the city would have to invest.

Mr. Javier Elizondo stated they have patiently waited for two years, they are not developers, and does not know what the elements of a colonia are, but he wants to know how water and sewer were put all the way to the detention center without getting a lien from the property owners. He said they do not want any more studies done on this item.

Mr. Pena stated there is an income requirement, the cost benefit ratio, and it was funded through an Economic Development Grant and that grant was to assist the county to provide services to their detention facility which provided job opportunities. The criteria used there met that requirement. He further stated that City Council approved that application and it was submitted.

Cm. Bruni wants staff to set up a meeting with the landowners of the area.

Motion instructing staff to look at the feasibility of extending University Blvd. approximately 300-400 ft. to intersect with Casa Verde Road.

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

Against: 0 Abstain: 0

Motion to instruct staff to find the necessary funding to provide water and wastewater infrastructure for the Casa Verde acres for the next fiscal year and that staff come back with the report on the funding.

Moved : Cm. Bruni
Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

2. Presentation by Abraham Rivera of the University Club at TAMIU regarding the 4th of July fireworks display, with possible action.

Mr. Abraham Rivera suggested a fireworks display for the 4th of July at the Casa Blanca Fireworks Display. He contacted several organizations that do this professionally. He contacted personnel in charge of Casa Blanca at the Texas Parks & Wildlife Division as whether or not they can do the fireworks display there and was advised favorably. He also contacted Laredo Philharmonic to ask them whether or not they would play and the indicated that they were interested in doing so. The theater was also contacted and asked to perform and they said they would love to do this.

He said that the cost is reasonable and he thinks that instead of the city funding this, he can get most of the stores involved to contribute to the fireworks display. This could save the city money, he will ask the stores if the city backs this endeavor in some way. He suggested that maybe the city can provide the Park and Ride facility such as was it used for the Jalapeno Fest, this would minimize any type of damage to the park. He spoke to several store managers and thinks they might put about 3/4 of the actual cost of the fireworks display if they know the city is backing it up in some way. This display would encourage people to stay in Laredo instead of going out of town to see a fireworks display.

Cm. Casso recommended that maybe something can be done for the year 2000. They are estimating about \$1,000 per minute for the display, Mr. Elizondo is asking \$7,000 from the City and the rest from the stores, or a letter of support stating that the City likes the idea, the city cannot afford it, but suggested maybe supporting the concept so that he can go to the merchants with the letter asking them if they can fund the entire thing. He said they might be able to give him a resolution if it is not going to require funding.

Cm. Bruni thinks there is no problem trying to get this done and stated he will be happy to help find monies with the private sector.

Cm. Alvarado was in favor, but said his concern is that in the past organized groups have sponsored this type of events, and when these activities are done they also have insurance

to cover any type of liabilities. He said someone needs to be responsible for that type of insurance and if this is an organized effort, by endorsing it (as a city) we would expose ourselves to some liability.

Cm. Bruni suggested that the legal aspect be taken care of by the City Attorney and Mr. Rivera, but in concept they can endorse something without any legal ramification. The promoter will have all the necessary insurance. He suggested that they have a meeting with Mr. Rivera and the City Attorney to see if there is any liability to the City and see if they provide him with the support letter.

Requests by Councilmember Alfonso "Poncho" Casso

1. Discussion and possible action regarding an Economic Development Corporation.

Cm. Casso stated he will not attend the workshop of the sales tax. He expressed that Council needs to decide if we are in favor of the Economic Development Corporation and if we are, what are the pros and cons and do we want to fund this corporation through. The only way they can create an Economic Corporation is through that sales tax and thinks that they need to decide whether that is what this council wants to pursue and whether they want to do it in the May or August election.

The other issue is whether they are going to tie it jet service or to some other type of projects. He said he does not like the approach being used to sell it to the public (through Jet Service), they need to sell it as an Economic Development Corporation even though the concept may be difficult for some people to understand. They need to decide because it will be difficult selling it in August and they have to go on record as a Council to either supporting it or not supporting it. They need to try to do it together as a community because there is opposition, but if it is delayed until August they are going to amount more opposition and it will not pass in August because it will be the only item before the voters.

This council has made a decision to have this in May so he'd like to hear from council on whether they are in favor of these Economic Development Corporation and are they willing to fight for it or just kind of sit back and let somebody else fight for it and how is it going to be explained to the people.

Cw. Montalvo's concern was that they do not have the projects in place.

Cm. Casso stated the only way he will support this is if monies are going for infrastructure.

2. Discussion and possible action regarding providing financial incentives for the Colombia Bridge.

Cm. Casso said that the Bridge Manager and him have been talking about doing something to try to encourage more utilization of the Colombia Bridge through financial incentives, maybe lowering fees at Colombia. He asked that staff look into lowering the fees at Colombia, he knows that the Bridge Manager is working on something and perhaps this will give him his marching order to bring something before council. If they look at the number of more empties that crossed last year versus the loaded trucks, there were more empties (395,000 empties vs. 344,000 loaded) and if they can do something to re-route some of those empties from Bridge II to Colombia, through financial incentives it would reduce a lot of the congestion in downtown and in IH-35. He wants that staff bring something back because the Bridge Manager had mentioned that he could actually enhance revenues by reducing the fees in Colombia, he wants to see what is formulated or what strategy he has.

Cm. Casso wants staff to include incentives for empties, loaded, bobtails, etc for southbound trucks.

3. Discussion and possible action regarding the fire training facility.

Cm. Casso stated it was his understanding that some of those bond monies were misappropriated and they were used in another project. He wants to know how much money was used of the total amount, the duration of time or if it has been paid back, or what exactly is happening?

Conrado Hein, Finance Director, explained that back in late 1994 or early 1995 council approved the purchase of the acreage for the landfill. About 57 acres at a cost of \$625,000.00 that was used from the bond money to construct the fire training facility. Out of the total price for the 200+ acres that were bought for the present landfill, the first 50+ acres, that are in the front, those were designated for a fire training facility, and those acres were given the

appraised value at \$625,000, those were purchased by bond money and they were approved by council.

Cm. Casso stated they approved it, but that was for the fire training facility, now the land is not for the fire training facility.

Mr. Hein stated three of four acres were used for the construction of the recycling facility. Presently Carlos Mejia is looking at the feasibility of the construction of the fire training facility.

Cm. Casso asked how much money has been invested for land for the fire training facility at this landfill? Lets say we decide we are not going to locate there, what are we going to do with the \$625,000.00 plus interest. He added that as council they never authorized to use bond monies to buy landfill property, it was to buy property for a fire training facility.

Mr. Pena explained that the 57 acres were part of the total 200 acres that were bought, the total sale was \$1.2 million for the 200 acres, 50 acres of it was charged to the bond fund in the amount of \$625,000.00, the 150 acres remaining were sold for the other \$600,000.00, so 150 acres were bought for 650 acres and the 57 were bought for \$650,000.00 The city had a lease, a 30 year lease, for \$35,000.00 a year for that landfill and they bought it for \$1.2 million.

The other issue was that it was bought for a fire training facility, but what happened since then was that in 1995 they built the MURF which was land that was purchased with bond money which needs to be reimbursed. In the meantime the Fire Chief has been looking at these 50 acre track which abuts Highway 359, its not a very suitable site for a fire training facility. They have a lot of head knocking to whether they want to build it there or not. Carlos Mejia was contracted to design the training facility in that location, he is two weeks away from showing his optimum design within that location. There is sense among staff that it is not the optimum location for this facility. As soon as they get the report from Mejia to see how it fits, either they build it there or their recommendation to council then would be to properly make a decision to put it to market to sell it so they can use that money to buy some other property to build a fire training facility. Arbitrate law says if you do not spend the money within five years, there is a penalty and we are about there, either this year or next year they will be

on that phase because these bonds were purchased tax exempt. Within the next three months, they need to decide on the location so they can go forward to build the facility.

Cm. Casso wants to see the chronology and all the paperwork as to what led to that decision. He wants to see council votes and the action taken because it was a bad decision.

Cm. Pena stated there is an alternative, and that is to build it at that location, which is what the original intention was.

Cm. Casso stated they need to decide whether they are going to build there or not, he also wants to hear from the Fire Chief as to what he thinks about that location based on his professional opinion.

Chief Ramirez stated he was not in favor of the location for several reasons, in 1994 there was a lot less population and it could have been more attractive, but at this time there are many people moving to that area, it has been annexed, and the configuration of the land is not to his liking. At this time they are waiting for the design from Mejia Engineers to see if it is conceivable, they are still looking at several other options that may be conceivable.

Mr. Pena stated they will have a recommendation by the second meeting in March if it is feasible to build there based on what the engineers have designed or whether they should start considering other sites.

4. Discussion and possible action regarding the Airport Advisory Board.

Cm. Casso explained that when they went to the workshop he heard many of the Airport Board Members upset that they were not being informed with due time and told him that they got the jet service report that day at the meeting. He said they want to get these reports in advance so that when they go to these meetings they have read them and they don't have to spend time reading them during the workshops and or at the meetings. He added that the Airport Board did not go through this report before it went to the workshop and they are the ones working on jet service.

Mr. Pena stated that council appointed a committee consisting of Mr. Bruni, the Mayor, and two Citizens to negotiate the contract with the airlines. They worked with that committee

and there was a lot of information that was somewhat kept close because of the negotiations with Continental and American and they didn't want either one to have an understanding of the whole picture. There are still many details that have to be deliberated and they will either work with the Airport Advisory Board or with this committee however council wishes.

Cm. Casso stated it is great that this committee was created, but nevertheless, that committee should have gone to the Airport Advisory Board. They should have at least gotten this report in advanced.

Cm. Bruni stated nobody saw the report, not even the committee or the council until that day.

C. Requests by Councilmember Eliseo Valdez, Jr.

1. Report regarding the status of the City's utilities work portion of the Hwy 59 reconstruction and widening project.

Cm. Valdez stated there are business concerns, some businesses are experiencing about 45% loss of their normal business, and he wants to know what commitment he can get from Mr. Roman as far as the utilities portion of the work. He also wants an idea as to what the original construction schedule is? What the revised schedule is going to look like, and if they are able to implement some of the ideas discussed today.

Fernando Roman, Utilities Director, briefed a recap of the work done by the Utilities Department. There are water lines replacements close to the curve, most of the work is required between McPherson and IH-35, that is most of the labor intensive work. They have 9-10 crossings under the highway that they are doing as part of the bid that will be opened this Friday. There are several adjustments between Ejido and McPherson that are not very challenging.

On the wastewater side they have the most challenging work. They have 8 blocks of 18" line that need about 13 feet down and need to be backfilled with a certain specification and a method good enough to resist trailers and heavy traffic.

There is approximately 6,000 ft. of sewer line that needs to follow going east from that 18" line. All this replacements are necessary because the project seeks to eliminate the hump on 59 which provides the drainage for the runoff and instead

they are putting a storm sewer.

They have advanced and should be getting to Barcelona and should be advancing to Valencia by March 9th. This is in anticipation of the results of the project bid which are going to be opened on February 27th. They will award the project on March 2nd. They are hoping to get a contractor that can mobilize within 7-10 days after they let the project and that would mean that they could get started by March 9th or 12th. In the meantime, they will maintain their force at work and continue working on the same sewer line as though we are doing the whole job. They have asked TxDot to give them four months to finish all the water work between IH-35 and McPherson and they are saying that it would not necessarily lengthen the overall time of the project.

Several scenarios that they can do in the meantime with the traffic are:

- 1) To maintain the three lane closure as it is right now. The advantages of this is that the site is completely controlled and it is safer. In terms of construction it allows for a faster pace, because they do not have to be moving barricades and moving machinery back and forth.
- 2) That the 21 blocks from Ejido to McPherson remain the way they are because the contractor can do a lot of work right now. They have gotten out of the way on that north side of the street and there is nothing to impede their progress. They were discussing the pros and cons of allowing the city to open the five lanes of McPherson Road except for three blocks that are needed for the construction plus traffic control. Some pros are that there are about 12 blocks opened to normal traffic and normal circulation. The cons are that the safety liability goes up and traffic will be coming in and out of those five lanes into two lanes. They also have to remove all the machinery at night from the site, cover the trenches.

The decision they have to do is, do we open about 12 blocks for the full five lanes, assuming the liability and the safety aspects of job, which we would do as a city? Do we leave the three lanes closed for the duration of the job, eliminating the safety issue, the safety liability, but knowing that we have to do something else so that the merchants can get some relief from the problems that we have right now. This is basically where they are right now. He said they did not conclude the meeting today with a conclusion, or recommendation because they need to meet with

Mr. Pena and do additional work with him before they bring a recommendation to council.

Cm. Bruni wants that they meet with TxDot to look at the possibility of working at night and that they also look at shortening the time line of 18 months.

Juan Villarreal, Area Engineer for TxDot and Salvador Mercado, Director of Operations, were before council to give an update on the project. They gave an overview of the project construction, the cost is approximately \$5.7 million, the project was let in June 1997, they delayed the start of construction until after the Christmas Holidays, because they felt that is the time most of the merchants in the area have the most benefit. At this time, the lapse time of the project is 3% and the project is approximately 5% complete.

As far as to how many blocks are ready as far as utilities and why Price Construction is not working on all 21 blocks, he said that the area from Ejido to McPherson had crossings all along. They could not proceed with construction until these crossings were adjusted. All of the crossings have been adjusted and this was as of last week. As of this week they started with the storm sewer system, the sewer system that the contractor is installing is going to be at a rate of 100 meters a day, it will progress fast and will get to McPherson fast. TxDot looks at safety and they will go out of its way to expedite the project, they are talking to the city of possibilities of changing or refacing the construction. If it is decided to go into different phasing where they reconstruct only up to McPherson and wait for the city to get done with utilities, they would still have to go down to the two lanes after the utilities are out of the way. They have scheduled weekly meetings with the contractor and the utility companies, where they provide them with the schedules, updates of what they have done and weekly plans.

Cm. Perez wants a month per month status report in order to have merchants informed of the status of the project.

Mr. Mercado stated they met with the property owners on February 5th which is when they found out about some of the concerns that they should have probably addressed earlier. Some of the things asked by the property owners have been addressed. He stated there were two things that were brought up, working at night and they are looking at this tonight. Some operations are opened for working at night, but not the storm sewer. They checked on the accidents and as of January

1997 there were 21 accidents and in January 1998 they had 30. U.S. 359 is 97% complete, the contractor is 99.9 % complete and he has used only 97% of his time.

Mr. Hector Alvarado, a businessman on Saunders, was concerned about the pace in which the project is done. He asked help from the City, because businesses are dying, sale percentages have gone down, TxDot is concerned about employee safety, but asked what about them who are the backbone of the city and wants to know what will be done about it.

Tony Gutierrez, of Kimberly Flower Box, stated they need some relief. He said that if they are laying a sanitary sewer on the north side of the highway, why don't they lay the storm sewer right next to it? He knows that there are design problems, that they need to take care of, but asked that as they excavate that they do the two sewers and only do it one time, instead of closing on one side and opening on the center, that could have been a design that could have taken priority on the project. He thinks that they should study that situation and maybe open only once, lay the two sewers, and go about the business. He asked for relief in the area of taxes from the city.

Cristina Gloria, owner of Gloria Monument Company, had the same concerns as the other property owners. She has had problems with too much traffic, she pointed a situation that occurred to her concerning a safety issue, and stated her business is going down, and has had drop in sales. In Valentine' Day she had no sales in flowers and is losing in the monument sales.

Rosie Gregory on behalf of Gregory Driving School and Texas Against Drunk Drivers, questioned why contractors didn't take merchants into consideration before they closed the contract. When she sees accident rates there is nothing that they can do to slow down motor vehicles drivers unless they kick off a public service announcement to remind the motor vehicle drivers of their responsibility in driving and to look at the stores on Saunders. She asked what would it take for the City Council or for the Public Access Channel to get together with these merchants and make a safety tip for the rest of Laredo. They can re-enact Mrs. Gloria's situation and create it into a public service.

Mr. Roque Godines a concerned citizen stated he is not a business person who said these people are asking for help and he wants to see how fast help will come for them.

Mr. Bob Price, President of Price Construction, stated he understands and is sympathetic to their plight. As to their capability there has been eluding that they have too much work, spread too thin, etc. He explained the job was awarded in June there have been numerous delays to this project. It was not awarded initially, it was held off due to the staging of the utilities. When they normally get a contract with TxDot the utilities are cleared, the bid and the job into the same month that its awarded by the highway commission and 30 days later they go to work and that has not been the case here.

He said Price Construction employs 320 men, they have access to \$20 million worth of equipment, they do work in 3/4 of the state, they have the record to show that they are ahead of their timeline in all their projects. It is important to know that Price has a contract for the Highway Department they have to demonstrate their financial capabilities to do these projects, they are not overextended at this point and time as evidenced by their records, however they are constrained other ways. They are bond by the contract document, the bid, a scope of work, once they are the low bidder they are bound by those specifications and contract documents. They must conform by the sequence of work, conform with the traffic control plan contained in the documents, wait on material approvals from TxDot, work with the chain of command encountering change orders and result in delays, and must wait on work performed by other parties. They are at the starting gate and he can appreciate the frustration, from the residents, the business people and the Councilmembers but they do have constraints. This project is an extremely structured project, to be and will be built in phases and stages, he can assure every person associated with this project that there will be delays and inconveniences, but want them to be assured that they have the capabilities to progress the job more rapidly than any other contractor that can come into Webb County.

2. Status report regarding the program that was developed by the utilities department to address the frequent line breakages in the Hillside Terrace area, with possible action.

Fernando Roman, Utilities Director, identified that Nebraska, South Dakota and Oklahoma had the highest frequency of vibrates. During the budget work shop last year the project was estimated at approximately \$230,000 but has been revised and calculations may be more in the order of \$120,000 based

on considerations that need to be taken.

In regards to the allocation of crews, seven crews are in the department, three on emergency response, one in resurfacing which is presently doing Gustavus and will be complete in approximately two months which is the most likely candidate to be moved out to the Hillside area. Two crews are working TxDOT which probably will be committed for four months and have one doing taps and other construction projects and as work permits that crew will be called to move into the Hillside and begin replacing some of the lines. In the meantime, when a broken pipe occurs it will be replaced rather than patching, but in reality there is about 3,000 ft. of line that needs to be replaced and has an estimated value of \$120,000.

D. Requests by Councilmember Mario G. Alvarado

1. Discussion and possible action regarding the establishment of a water point at the Santa Isabel Water Well.

Fernando Roman, Utilities Director, stated that the well is working, the reverse osmosis unit is working, and it can produce water.

In the past, they have discussed the possibility of putting a water point similar to the one the county operates at the foot of La Bota Ranch elevated storage tank. They have been looking at distances, for example the distance of Penitas, they traveled the 74 miles to go to La Bota vs. going to Santa Isabel. For them putting a water point at Santa Isabel wouldn't necessarily be more convenient than going to La Bota, however there is population (approximately 120 people) between the Las Tiendas Road and Santa Isabel that would benefit them by having a water point. The water point would benefit us to keep the production up and keep the plant working. He said that the county invested about \$15,000 plus the machinery (water dispenser) on the water point at La Bota and he suggested that Council identify \$20,000 to begin so that they can install a water pump in the area and then serve the people who live in the immediate vicinity of Santa Isabel.

He added they have been indicated to pursue some co-funding with the county and they have indicated that whatever residual monies they have to La Bota project, they would be glad to consider that for a project. He said he does not know what amount of money it is, but that they could take the

item to their Commissioners Court and discuss the item in their session.

Cm. Alvarado questioned what arrangement if any, do we have with the county regarding water points throughout the city and what are the average monthly estimates on the bills.

Mr. Roman explained, we give them the location where it can be installed, we furnish the meter, they make the arrangements to have the site improved, we simply do the meter reading and send them the bill, they upgrade the water point. He does not have the volume figures on estimates on the monthly bills, but will bring them at a later date. The one that has the most consumption is at the Casa Blanca Lake and the one on the Mines Road.

Mr. Roman stated thinks that the \$20,000 can be taken from some residual funds on projects that have been finished, they will bring a report on an analysis of the reserves so that council can see where monies can be obtained.

Cm. Alvarado asked Mr. Roman place this item on the Webb County Commissioners Court Agenda to make the request and that he be advised when the item is placed on the Commissioners Court agenda.

Cw. Montalvo wants copies of the receipts that the county pays for those water services.

Motion to instruct Mr. Roman to proceed on this item, meet with the county before March 16th to see what kind of financial arrangement can be made and who is going to pay for the meter cost and the consumption of water. He wants Mr. Roman to come back with the volume figures, reserve figures and that this item be brought back for Council approval on March 16th.

Moved : Cm. Alvarado

Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

X. PUBLIC HEARINGS

21. Second public hearing for the voluntary annexation of 420.00 acres, more or less, of Unitec Industrial Park Tract as described below, as required by Section 43,052 of the Texas

Local Government Code.

TRACT 1: Unitec Industrial Park Tract - 420 acres,
more or less. Petitioner: Royal Joint Venture.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0 Abstain: 1
Cm. Bruni

Ordinance Introduction: City Council

- 22. Public hearing concerning the application by TransTexas Gas Corporation c/o Ralph Bryant amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 7.72 acres, as further described by metes and bounds, located on State Highway 359, also known as TransTexas Gas Corporation, from R-1 (Single Family Residential District) to M-1 (Light Manufacturing District). The Planning and Zoning Commission recommends approval of the zone change.

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 7.72 acres, as further described by metes and bounds, located on State Highway 359, also known as TransTexas Gas Corporation, from R-1 (Single Family Residential District) to M-1 (Light Manufacturing District).

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0 Abstain: 0

Ordinance Introduction: Cm. Perez

- 23. Public hearing concerning the application by Mercy Hospital, Owner, and Hamilton Management, Inc., Applicant, amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 5.122 acres, as further described by metes and bounds, located at the 6300 Block of US 59, from AG (Agricultural District) and R-1A (Single Family Reduced Area District) to R-1-MH (Single Family Manufactured Housing District). The Planning and Zoning Commission recommends approval of the proposed zone change.

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 5.122 acres, as further described by metes and bounds, located at the 6300 Block of US 59, from AG (Agricultural District) and R-1A (Single Family Reduced Area District) to R-1-MH (Single Family Manufactured Housing District).

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0 Abstain: 0

Ordinance Introduction: Cm. Bruni

- 24. Public hearing concerning the application by Mercy Hospital, Owner, and Hamilton Management Inc., Applicant, amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 0.997 acres, as further described by metes and bounds, located at the 6400 Block of U.S. Highway 59, from AG (Agricultural District) to B-3 (Community Business District), and authorizing the issuance of a Conditional Use Permit for manufactured housing sales on said site. The Planning and

Zoning Commission recommends approval of the proposed zone change and conditional use permit.

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 0.997 acres, located at the 6400 Block of U.S. Highway 59, from AG (Agricultural District) to B-3 (Community Business District), and authorizing the issuance of a Conditional Use Permit for manufactured housing sales on said site; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cw. Montalvo

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Bruni

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Bruni

- 25. Public hearing concerning the application by Donato D. Ramos, Owner, and North House Properties, Ltd., Applicant, amending City of Laredo Ordinance No. 96-O-097 which authorized the issuance of a Special Use Permit for a Mobile Home Park on 24.5 acres, as further described by metes and bounds located on Hwy 59, also known as Casa Del Sol Mobile Home Park, by revising the site plan. The Planning and Zoning Commission recommends approval of the amendment to Ordinance No. 96-O-097.

INTRODUCTION OF AN ORDINANCE

Amending City of Laredo Ordinance No. 96-O-097 which authorized the issuance of a Special Use Permit for a Mobile Home Park on 24.5 acres, as further described by metes and bounds located on Hwy 59, also known as Casa Del Sol Mobile Home Park, by revising the site plan.

Motion to open the public hearing.

Moved : Cm. Perez

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Bruni

26. Public hearing concerning the application by Claudia and Mary Ellen G. Fox amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 1 and 2, Block 470, Eastern Division, located at 4217 Marcella Avenue, from R-3 (Mixed Residential District) to B-1 (Limited Business District). The Planning and Zoning Commission approval of the zone change.

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 1 and 2, Block 470, Eastern Division, located at 4217 Marcella Avenue, from R-3 (Mixed Residential District) to B-1 (Limited Business District).

Motion to open the public hearing.

Moved : Cm. Bruni

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved : Cm. Valdez

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Valdez

27. Public hearing amending the City of Laredo's FY 1997-98 General Fund by appropriating \$400,000.00, from fund balance to be transferred to the Water Fund and appropriating said balance in the Water Fund revenues and expenses.

INTRODUCTION OF AN ORDINANCE

Amending the City of Laredo's FY 1997-98 General Fund by appropriating \$400,000.00, from fund balance to be transferred to the Water Fund and appropriating said balance in the Water Fund revenues and expenses.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0 Abstain: 0

Ordinance Introduction: City Council

XI. ADJOURNMENT

Motion to adjourn.

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

Against: 0 Abstain: 0

Adjournment time: 9:45 P.M.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 29 ARE TRUE, COMPLETE, AND CORRECT PROCEEDING OF THE CITY COUNCIL MEETING HELD ON THE 23RD DAY OF FEBRUARY, 1998. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE.


GUSTAVO GUEVARA, JR.
CITY SECRETARY

Minutes Prepared by: Delia Rodriguez

Minutes approved on: April 20, 1998