

**CITY OF LAREDO  
CITY COUNCIL MEETING  
M2005-R-012  
CITY COUNCIL CHAMBERS  
1110 HOUSTON STREET  
LAREDO, TEXAS 78040  
June 27, 2005  
5:30 P.M.**

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

Mayor Flores led in the Pledge of Allegiance.

**III. ROLL CALL**

In attendance:

Elizabeth G. Flores,	Mayor
Alfredo Agredano,	Council Member, District I
Hector Garcia,	Council Member,
District II	
John C. Galo,	Council Member,
District III	
Johnny Amaya,	Mayor Pro Tem,
District IV	
Johnny Rendon,	Council Member, District V
Gene Belmares,	Council Member, District VI
Jose A. Valdez, Jr.,	Council Member, District VII
Juan Ramirez,	Council Member,
District VIII	
Gustavo Guevara, Jr.,	City Secretary
Larry Dovalina,	City Manager
Cynthia Collazo,	Deputy City Manager
Jaime Flores,	City Attorney

**IV. MINUTES**

Approval of the minutes of May 16, 2005 and June 6, 2005.

Motion to approve.

Moved: Cm. Agredano

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

## **V. COMMUNICATIONS AND RECOGNITIONS**

### **Announcements**

Cm. Garcia expressed his appreciation to all his family and friends for their prayers and condolences for the Garcia Family following the passing of his brother. He also presented Mayor Flores with a recognition plaque from the Womens' City Club. He invited the public to the Seven Flags - Seven Cultures Festival to be held this Friday, July 1, 2005 and Saturday, July 2, 2005, for the City's 250<sup>th</sup> Anniversary Celebration.

Cm. Galo offered his condolences to the family of Army Sergeant Roberto Arizola, 31 years old, who became the second casualty from Laredo. He hopes that the City of Laredo will bestow appropriate honors and dignities to this fallen military hero.

Mayor Pro Tem Amaya congratulated Patricia Taylor, Convention and Visitors Bureau Interim Director, together with the Convention and Visitors Bureau staff for the outstanding job they did in executing the special events that culminated with the Miss Texas Pageant this past weekend.

Cm. Rendon invited the constituents of District V and surrounding areas to the Third Annual Veterans Parade. The parade is set to begin at the corner of Mayberry Street and Springfield Avenue and will head on south toward Eistetter Park.

Cm. Belmares commended the City of Laredo delegation that went to New York for the bond rating. He mentioned that the entire group did a fantastic job as always and he hopes the work they did pays off in the coming years. He also congratulated the Convention and Visitors Bureau staff for the fantastic job done in carrying out the pageant events here in Laredo. He also congratulated Mayor Pro Tempore Amaya for his service as Mayor Pro Tempore for the past year and thanked him for the great job he has done.

Cm. Valdez stated that the members of the City's delegation had very productive meetings and brought issues to the table that are of concern to our city. He added that the bond ratings will reflect the success and outcome of those meetings.

Cm. Ramirez invited the community to attend the 4<sup>th</sup> of July parade that starts at 9:00 a.m. on Monday, July 4<sup>th</sup>. He mentioned that it will begin at St. Peters Plaza and will end at the Civic Center grounds. There will be several activities during the day at the Civic Center which will be free to the public. In the evening, there will be a baseball game at Veterans Field where he will give free apple pie and ice cream to everyone.

Mayor Flores read a thank you note from the Class of 2005 graduate Angie Natalie Coronado to Mayor Pro Tem Amaya for the financial assistance he provided for her to pursue her course of study. Mayor Flores also thanked Rosario Cabello, Finance Director, for the financial packages provided for the presentations held in New York. She added that the good fiscal responsibility of the City Manager and the department directors who have provided careful management of the budget has allowed the City Council to make positive presentations before the rating agencies and the insurance companies. She also showed her appreciation to Noe Hinojosa, Financial Advisor to the City of Laredo, for his work. She also thanked Ms. Adriana Hinojosa for the jewelry she presented to her which Ms. Hinojosa made in honor of the 250<sup>th</sup> Anniversary Celebration.

### **Invitations**

None.

### **Recognitions**

- a. Recognition of District IV Scholarship Committee Co-Chair, Ricardo De Anda and 2005 District IV recipients: Danilea Fuentes, Melinda Yvette Peña, Angie Nataly Coronado  
Molina, Sala, and Jennifer Tellez of Nixon High School; Julia Gayle Gamez, Omar O. Jesus  
Yolanda Valdivia of Martin High School; Misael Esparza of L.B.J. High School; A. Reyes of United South School; Valeria Gonzalez and Linda Sari Palacios of Laredo  
Community College.

Mayor Flores and Mayor Pro Tem Amaya presented all the students with Certificates of Recognition for their achievements.

### **Communiqués**

- a. Mayor Elizabeth G. Flores reports on the City of Laredo Tax Department.

Mayor Flores stated that the mission of the Tax Department is to bill, collect, and receive the funds for the City of Laredo in a fair, equal and uniform manner while at the same time providing accountability, compliance, and excellent customer service. To that end, the department achieved that last year with the following accomplishments:

They increased the current year property tax collection rate from 95.36% to 96.83%.

They increased the prior year property tax collection rate from 32.31% to 39.46%.

They have collected \$2.2 million above budget projections in the overall collection of property tax, hotel-motel occupancy tax, and other miscellaneous receivable accounts.

They improved the effectiveness and efficiency of the department by electronically interfacing utility pay station payments, name and address changes on the tax rolls, mortgage payment files, and property tax refunds.

During FY03-04, a total of \$39,009,208 was collected in property taxes.

In addition to property taxes, the Tax Department collects on the following: utility water payments, hotel-motel occupancy tax, paving assessment, alarm permits, liquor license permits, force cleaning, hazardous material spills, and demolitions. Overall, the Tax Department collected over 80 million dollars in FY03-04.

The Tax Department continues to look for ways to better serve the citizens of Laredo. The initiatives they are striving to achieve this year include:

- Continue to increase the current year collection rate and attain 97%
- Continue to increase the prior year collection rate and attain 40%
- Enhance the Tax Department website by including: on-line payment options, links to informative websites, answer to most frequently asked questions, forms and applications, and account information such as ownership and balances.

## **VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES**

- a. Appointment by Council Member Alfredo Agredano of Mike Garza to the Third Party Funding Committee.

Motion to approve the appointment by Council Member Alfredo Agredano of Mike Garza to the Third Party Funding Committee.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

- b. Appointment by Council Member Johnny Rendon of Mike Chapa to the Historic / Landmark Board.

Motion to approve the appointment by Council Member Johnny Rendon of Mike Chapa to the Historic/Landmark Board.

Moved: Cm. Agredano

Second: Cm. Valdez

For: 8  
0

Against: 0

Abstain:

## VII. PUBLIC HEARINGS

### 1. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by authorizing a Conditional Use Permit for a Nationalization of Vehicles Service on Lot 1, Block 857, Western Division, located at 3302 Santa Ursula Avenue; providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the proposed Conditional Use Permit.

Motion to open the public hearing.

Moved: Cm. Galo  
Second: Cm. Garcia

For: 8  
0

Against: 0

Abstain:

Ms. Sandra Rocha Taylor spoke in favor of the zone change.

Motion to close the public hearing and introduce.

Moved: Cm. Valdez  
Second: Cm. Ramirez

For: 8  
0

Against: 0

Abstain:

Ordinance Introduction: Cm. Valdez

### 2. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning Lot 1-6, Block 1, Sierra Vista Subdivision, Unit IV-A, located north of Sierra Vista Boulevard and west of Wright Way, from R-1 (Single-Family Residential District) to R-2 (Multi-Family Residential District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia  
Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

Mr. Pedro Lugo, of 4520 Wright Way, spoke against the zone change because he is concerned about the high traffic problems in that area.

Ms. Maria Guadalupe Garcia stated that there are traffic problems in their subdivision. She mentioned that the traffic problems keep mounting in that part of the city. She would like to preserve the subdivision the way it is without the addition of a multi-family apartment building.

Ms. Melba Medrano, resident, stated that she is against the construction of the apartment complex within the subdivision.

Mr. Abraham Zarate spoke in favor of the apartment project they intend to build. He stated that there is a tremendous need for rental housing in the area.

Motion to close the public hearing and deny.

Moved: Cm. Agredano

Second: Cm. Valdez

For: 8

Against: 0

Abstain:

0

3. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning 15.95 acres, as further described by metes and bounds in attached Exhibit "A", located south of Hwy 359 and east of Concord Hills Boulevard, from R-1 (Single Family Residential District) to M-1 (Light Manufacturing District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.

Motion to open the public hearing.

Moved: Cm. Galo

Second: Cm. Garcia

For: 8

Against: 0

Abstain:

0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 8

Against: 0

Abstain:

0

Ordinance Introduction: Cm. Garcia

4. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by authorizing a Special Use Permit for a bar on Lot 4, Block 33, Western Division, located at 903 Lincoln Street; providing for publication and

effective date. The Planning and Zoning Commission has recommended approval of the Special Use Permit.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Valdez

For: 8  
0

Against: 0

Abstain:

Mr. Claude Goldsmith spoke on behalf of Laredo National Bank. He stated that he was against the recommendation to approve a special use permit for a bar. He mentioned the proximity of this location to Bethany House which provides meals and assistance to our needy. He encouraged the City Council to be selective in the way it seeks to invigorate the downtown area.

Ms. Shirley Mathis, representing Bethany House, stated that she was opposed to the issuance of special use permit at this location and asked City Council that it be denied.

Mr. Rene Carlos Hinojosa stated that he is the one that is planning to open the location downtown. He mentioned that he is planning to open an upscale bar with operations from Thursday through Sunday from 8:00 p.m. to 2:00 a.m.

Motion to close the public hearing and deny.

Moved: Cm. Ramirez

Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

5. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning 10.54 acres, as further described by metes and bounds in attached Exhibit "A", located south of Southgate Boulevard, from AG (Agricultural District) to R-1A (Single-Family Reduced Area District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.

Motion to open the public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. Garcia

For: 8  
0

Against: 0

Abstain:

Ordinance Introduction: Cm. Agredano

6. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning 7.49 acres, as further described by metes and bounds in attached Exhibit "A", located approximately east of the intersection of Peoples Blvd. and Port Lavaca Street, from R-1MH (Single Family Manufactured Housing District) to R-1A (Single-Family Reduced Area District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

Mr. Ron Whitehawk, representing the property owner, stated that this area is part of a master planned development. He noted that the density will not change and what they are requesting is a change from mobile home development to single family residential development. He mentioned that the property owner has the same request for the next two items that follow.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Ramirez

For: 7  
1

Against: 0

Abstain:

Cm. Valdez

Ordinance Introduction: Cm. Belmares

7. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning 28.86 acres, as further described by metes and bounds in attached Exhibit "A", located approximately east of the intersection of Peoples Blvd. and Port Lavaca Street, from R-1MH (Single Family Manufactured Housing District) to R-1A (Single-Family Reduced Area District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.



Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 7

1

Against: 0

Abstain:

Cm. Valdez

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Amaya

For: 7

1

Against: 0

Abstain:

Cm. Valdez

Ordinance Introduction: Cm. Belmares

8. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning 13.36 acres, as further described by metes and bounds in attached Exhibit "A", located approximately east of the intersection of Peoples Blvd. and Port Lavaca Street, from PUD R-1MH (Single Family Manufactured Housing District) to PUD R-1A (Single-Family Reduced Area District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Valdez

For: 8

0

Against: 0

Abstain:

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 7

1

Against: 0

Abstain:

Cm. Valdez

Ordinance Introduction: Cm. Belmares

9. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning Lots 3-6, Block 1569, Eastern Division, and adjacent .076 acre tract out of Mercer Street R.O.W., as further described by metes and bounds in attached Exhibit "A", located at 102 N. Zapata Hwy., from B-3 (Community Business District) to B-4 (Highway Commercial District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia  
Second: Mayor Pro Tem Amaya  
For: 8 Against: 0 Abstain:  
0

There was no public input.

Motion to close the public hearing and introduce.

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

Ordinance Introduction: Cm. Galo

10. Public hearing and introductory ordinance amending the Zoning Ordinance  
Map of the

City of Laredo by authorizing the amendment of Ordinance 2002-O-275, which permitted an outdoor children's amusement service business, on Lots 7 and 8, Block 305, Eastern Division, located at 818 and 820 Clark Boulevard, by amending the hours and days of operation and eliminating the fence requirement; providing for publication and effective date. The Planning and Zoning Commission did not support the applicant's proposed conditional use permit amendment. The Commission recommended approval of the modifications as recommended by staff.

Motion to open the public hearing.

Moved: Cm. Galo  
Second: Mayor Pro Tem Amaya  
For: 8 Against: 0 Abstain: 0

Ms. Susana Garza, resident, stated that she agrees to eliminate fencing which is adjacent to the property.

Keith Selman, Planning Director, explained that there is a provision that whenever a commercial use abuts a residential use there must be an opaque fence requirement because of the commercial use at that location. He stated that the second element of the amendment was to reduce the time of operation currently under the conditional use permit. The owner wants to change that from 9:00 p.m. to 11:00 p.m. and staff's recommendation is to move that to 11:00 p.m. only on the weekends.

Motion to close the public hearing and introduce with amendments as recommended by City staff.

Moved: Cm. Amaya  
Second: Cm. Belmares  
For: 8 Against: 0 Abstain: 0

Ordinance Introduction: Cm. Amaya

11. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the City of Laredo by rezoning Lot 1, Block 1, Ejido Subdivision, located at 3301 Santa Barbara Street, from R-3 (Mixed Residential District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia  
Second: Cm. Agredano  
For: 8 Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and deny as per Planning & Zoning Commission.

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

12. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the City of Laredo by rezoning 9,100 sq. ft., as further described by metes and bounds in attached Exhibit "A," located west of Snowfalls Drive and Piedmont Street, from R-1 (Single-Family Residential District) to R-2 (Multi-Family

Residential District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

Mr. Ron Whitehawk, representing Mrs. Consuelo Buchanan, stated that the property is unplatted and in addition to the zoning change, her property would have to be platted.

Mr. Whitehawk explained that some time ago a subdivision was created around her parcel of land. He distributed a letter from the property owners of the subdivision which states that they do not have a problem with her zone change request.

Motion to close the public hearing and deny the zone change request.

Moved: Cm. Belmares

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

13. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning Lot 6, Block 1645, Eastern Division, located at 2716 Corpus Christi Street, from R-1 (Single-Family Residential District) to B-1 (Limited Commercial District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

Mr. E. Howard, of 2707 Corpus Christi, spoke against the zone change request because of the traffic concern.

Ms. Melissa Gomez, on behalf of Raquelin's Day Care Center, stated that she was in support of the zone change request.

Ms. Jamee Romo, former client, spoke in favor of the zone change request.

Ms. Rachel Vurbeff, property owner, spoke in favor of the zone change.

Keith Selman, Planning Director, stated that the owner does not qualify for a conditional use permit because she does not conform with the parking requirement.

Cm. Galo recommended that they could send this back to the Planning and Zoning Commission to allow for a conditional use permit in order to work on the parking issue and explore the possibility of going before the Board of Adjustment.

Mayor Flores explained that the City Council is trying to do give the owner the ability to allow for expansion of the business without changing the zoning designation.

Motion to close the public hearing, send it back to staff for a CUP and at the same time work with the Board of Adjustment within a 30-day window.

Moved: Cm. Garcia

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

14. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning Lots 5, 6 and 7 and part of Lots 1, 2, 3, 4 and 8, Block 854, Eastern Division, located at 4501 McPherson Road, from B-3 (Community Business District) to B-4 (Highway Commercial District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the zone change.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

Mr. Ron Whitehawk, representing the property owner, stated that this is a shopping center on McPherson Avenue north of Saunders. He mentioned that one of the tenants in the shopping center has been an eight-liner establishment for the past two years.

There is a recent city ordinance that has changed the zone for this business from a B-3

to a B-4 zoning category. This has necessitated the property owner to come before

City Council in order for this type of business to be legalized. He is asking City

Council to change the zoning designation so that the business can continue to operate.

Motion to close the public hearing, override Planning and Zoning and introduce.

Moved: Cm. Amaya

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Amaya

15. Public hearing and introductory ordinance amending the Zoning Ordinance Map of the

City of Laredo by rezoning Lot 8 & west 1/3 Lot 7, of Block 9, Eastern Division, located at 601 Market Street, from R-3 (Mixed Residential District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the zone change.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

Mr. Ron Whitehawk, representing Arturo and Servando Benavides, stated that the

property is presently split-zoned. The front door of the business on Market Street is

zoned as a B-3. He explained that the business then extends to the back of Cortez

Street. He added that he polled the neighbors on Cortez Street and the majority of

them are not opposed to the zone change.

Motion to close the public hearing, override Planning and Zoning Commission's recommendation, and introduce.

Moved: Cm. Galo

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Galo

16. Public hearing allowing interested persons to comment on the 2005-2010 Five Year

Consolidated Plan and One Year Action Plan which identifies the projects proposed to be funded by the U.S. Department of Housing and Urban

Development through the 31st Action Year Community Development Block Grant (CDBG), the 2005 HOME Investment Partnerships Program (HOME), the 2005 American Dream Downpayment Initiative; the 2005 Emergency Shelter Grant (ESG) and through CDBG Program Income.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

Mayor Flores mentioned that the department has made changes under the Graffiti Removal Program by adding \$3,000.00 to buy the diesel truck in place of a gas truck. The department is recommending removing the \$3,000.00 from the Community Development Administration column.

Ms. Magdalena Martinez, resident of Colonia Hermosa, inquired whether these funds could be used for the improvement of the homes.

Erasmus Villarreal, Community Development Director, replied that the funds that are awarded are also to assist with repairs to private homes. The program that is identified as Milmo Improvements is specifically designed to make improvements to drainage, paving and other improvements. He added that there are also monies set aside for those home owners who qualify and for those homes that need repairs.

Motion to close the public hearing.

Moved: Cm. Galo

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

17. Public hearing and introductory ordinance amending the City of Laredo FY 2004-2005

Annual Budget by appropriating revenues and expenditures in the amount of \$3,500.00 in funds from the Texas Department of State Health Services for the Public Health Preparedness and Epidemiology Program of the City of Laredo Health Department for the period beginning June 1, 2005 through August 31, 2005.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares  
Second: Cm. Agredano  
For: 8

Against:

Abstain:

Ordinance Introduction: City Council

18. Public hearing and introductory ordinance authorizing the City Manager to amend the

City of Laredo FY 2004-2005 Annual Budget by increasing revenues and expenditures in the amount of \$8,789.00 in additional funds totaling \$52,735.00 from the Texas Health and Human Services Commission for the Children's Health Insurance Program (CHIP) Outreach Project of the City of Laredo Health Department, and to extend the grant period two additional months. The term period beginning September 1, 2004 through August 31, 2005; and authorizing the City Manager to execute the contract.

Motion to open the public hearing.

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Agredano  
Second: Cm. Belmares  
For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

19. Public hearing and introductory ordinance amending the City of Laredo FY 2004-2005

Annual Budget by appropriating revenues and expenditures in the amount of \$50,000.00 in additional funds totaling \$397,956.00 from the Texas Department of State Health Services to meet the prenatal needs for the Maternal and Child Health (MCH-Title V) Program of the City of Laredo Health Department for the period beginning September 1, 2004 through August 31, 2005.

Motion to open the public hearing.

Moved: Cm. Belmares  
Second: Cm. Garcia  
For: 8

Against: 0

Abstain: 0



There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

20. Public hearing and introductory ordinance amending the City of Laredo FY 2004-2005

Annual Budget by appropriating revenues and expenditures in the amount of \$7,290.00 in additional funds totaling \$141,632.00 from the Texas Department of State Health Services to provide chronic disease health care for the La Familia Health Care Program of the City of Laredo Health Department for the period of September 1, 2004 through August 31, 2005.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

21. Public hearing and introductory ordinance amending the City of Laredo FY 2004-2005

Annual Budget by appropriating revenues and expenditures in the amount of \$15,000.00 in additional funds, totaling \$96,751.00 from the Texas Department of State Health Services for the Title V Family Planning Services of the City of Laredo Health Department for the period beginning September 1, 2004 through August 31, 2005.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

22. Public hearing and introductory ordinance accepting a grant awarded and amending the

City of Laredo FY 2004-2005 Annual Budget by decreasing revenues and expenses in the amount of \$6,582.00 to reflect actual grant amount of \$630,685.00 awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA), at no cost to the city, to fund the Laredo Financial Task Force. Funds will be used to pay personnel salaries, travel and operational expenses from January 1, 2005 through December 31, 2005.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

23. Public hearing and introductory ordinance accepting a grant awarded and amending the

City of Laredo FY 2004-2005 Annual Budget by increasing revenues and expenses in the amount of \$1,240.00 to reflect the actual grant amount of \$99,916.00 awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA), at no cost to the city, to fund the STX Multi-Agency Drug Related Corruption Task Force. Funds will be used to pay overtime, fringe benefits and operational expenses from January 1, 2005 through December 31, 2005.

Motion to open the public hearing.

Moved: Cm. Belmares

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

24. Public hearing and introductory ordinance authorizing the City Manager to execute a reimbursement agreement for the Santa Rita Subdivision 36 inch and 27 inch sanitary sewer line with 13 applicants, who are named in the agreement, to provide for possible reimbursement of part of the costs incurred by the applicants, in constructing a 36 inch and 27 inch sanitary sewer line in south Laredo from the South Laredo Wastewater Treatment Plant to the Laredo Community College and across Hwy 83.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Belmares

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

## VIII. INTRODUCTORY ORDINANCES

25. Authorizing a one time exemption for those former United Water Laredo Employees who worked for the City of Laredo prior to privatization and have been reinstated by the City of Laredo, as of May 6, 2005, of the restrictions that would have otherwise applied to these employees, specifically Code of Ordinances sections 2-59 (D) –continuous employment for six months not required; 2-59 (H) –allowed credit for annual leave earned in excess of allowable maximum amount which was paid to employee; 2-60 (K) –allowed credit for sick leave earned in excess of allowable maximum amount which was

paid to employee; 2-60 (A)(1) continuous employment for six months not required to charge days used to serious illness pool; and 2-60(A)(4) –to credit the number of hours in serious illness pool they had earned less the hours they used prior to October 1, 2002; providing for severability and effective date.

Ordinance Introduction: City Council

26. Authorizing the City Manager to grant a Right-of-Entry to the United States of America in the area encompassed by the following City-owned Blocks, for use as a work area for environmental exploration and survey, Southward and Eastward up to Tilden Avenue, including any public right-of-way abutting said blocks and any river vega land. Said Blocks being delineated on attached copy of City Plat: All of Blocks 015, 016, 017, 018, 019, 57 & 58, Eastern Division, City of Laredo and all of Blocks 414, 415, 416, 425, 450A, 629, 630, 644, 645, 658, 659, 672, 672A, 673, 674, 675, 676, 677, 680, 708, 708B & 724, Western Division, City of Laredo. Said Right-of-Entry being described on attached Exhibit 1; and providing for an effective date.

Ordinance Introduction: City Council

27. Authorizing the City Manager to execute a lease with Webb County, for its Head Start Program, for the rental of the parcel described as Lots 1, 2, 3, & 4, Block 321, Eastern Division, City of Laredo, Webb County, Texas, for a term of two (2) years, at a monthly rent of \$575.00, and the form of said lease is attached as Exhibit "A"; and providing for an effective date.

Ordinance Introduction: City Council

28. Authorizing the City Manager to execute a lease with Webb County, for its Head Start Program, for the rental of the parcel described as Lots 6, 8, the W ½ of Lots 5 & 7, the North 56' of Lot 4, and the W ½ of Lot 3, Block 912, Western Division, City of Laredo, Webb County, Texas, for a term of two (2) years, at a monthly rent of \$625.00 and the form of said lease is attached as Exhibit "A"; and providing for an effective date.

Ordinance Introduction: City Council

29. Authorizing the City Manager to execute a lease with Webb County, for its Head Start Program, for the rental of the parcel described as Lots 7, 8, 9, 10, 11 & 12, Block 1302, Eastern Division, City of Laredo, Webb County, Texas, for a term of two (2) years, at a monthly rent of \$525.00 and the form of said lease is attached as Exhibit "A"; and providing for an effective date.

Ordinance Introduction: City Council

30. Amending Chapter 19, "Motor Vehicles and Traffic", Article VIII; Stopping, Standing

or Parking of the Code of Ordinances of the City of Laredo: Specifically Section 19-364, Restricted Parking Areas, establishing a "Bus Only/No Parking Tow Away Zone", everyday between the hours of 3:00 a.m. and 10:00 p.m. on the east side of the 700 Block of Juarez, and on the north side of the 1300 Block of Farragut Street, and a "Taxicab Stand / No Parking Tow Away Zone" everyday between the hours of 3:00 a.m. and 10:00 p.m., on the south side of the 1300 Block of Matamoros Street, within the City limits of Laredo; providing for severability, for an effective date and publication.

Ordinance Introduction: City Council

**IX. FINAL READING OF ORDINANCES**

Motion to waive the Final Reading of Ordinances # 2005-O-127; # 2005-O-128; # 2005-O-129; # 2005-O-130; # 2005-O-131; # 2005-O-132; # 2005-O-133; # 2005-O-135; # 2005-O-136; # 2005-O-137; # 2005-O-138; # 2005-O-139; # 2005-O-140; # 2005-O-141; and # 2005-O-142.

Moved: Cm. Galo  
Second: Cm. Agredano

For: 8    Against: 0    Abstain: 0

31. 2005-O-127 Authorizing the City Manager to amend the City of Laredo Fiscal Year

2004-2005 Annual Budget by increasing revenues in the amount of \$9,000.00 to the City of Laredo Health Department's share of program income projected to be earned through lab fees, dental co-payments, adult health lab fees, and Medicaid fee reimbursements collected by the Texas Department of State Health Services Office of Public Health Practice (OPHP) Program, grant period from September 1, 2004 through August 31, 2005. The program income generated will be applied to further the activities and the scope of work of this program.

Motion to adopt Ordinance # 2005-O-127.

Moved: Cm. Galo  
Second: Cm. Agredano

For: 8    Against: 0    Abstain:  
0

2005-O-128 Authorizing the City Manager to amend the City of Laredo Fiscal

Year

of 2004-2005 Annual Budget by increasing revenues in the amount

\$2,000.00 to the City of Laredo Health Department's share of program income projected to be earned through fees collected from client co-payments and Medicaid fee reimbursements by the Texas Department of State Health Services-La Familia Health Care Program, grant period from September 1, 2004 through August 31, 2005. The program income generated will be applied to further the activities and the scope of work of this program.

Motion to adopt Ordinance # 2005-O-128.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

Fiscal Year 2005-O-129 Authorizing the City Manager to amend the City of Laredo

2004-2005 Annual Budget by increasing revenues in the amount of 17,618.00 to the City of Laredo Health Department's share of program income projected to be earned through fees collected from vaccines administered by the Texas Department of State Health Services-Immunization Action Plan (IAP) Program, grant period from January 1, 2004 through August 31, 2005. The program income generated will be applied to further the activities and the scope of work of this program.

Motion to adopt Ordinance # 2005-O-129.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

Year 2005-O-130 Authorizing the City Manager to amend the City of Laredo Fiscal

2004-2005 Annual Budget by increasing revenues in the amount of

\$1,000.00 to the City of Laredo Health Department's share of program income projected to be earned through fees collected from x-rays and Medicaid fee reimbursements by the Texas Department of State Health Services-Tuberculosis Elimination Program, grant period from September 1, 2004 through August 31, 2005. The program income generated will be applied to further the activities and the scope of work of this program.

Motion to adopt Ordinance # 2005-O-130.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8 Against: 0 Abstain:  
0

Budget by 2005-O-131 Amending the City of Laredo Fiscal Year 2004-2005 Annual

appropriating revenues and expenditures in the amount \$86,124.00 in additional funds from the Texas Department of State Health Services for a total budget amount of \$549,201.00 for the Public Health Preparedness and Epidemiology Program of the City of Laredo Health Department for the period beginning September 1, 2004 through August 31, 2005.

Motion to adopt Ordinance # 2005-O-131.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8 Against: 0 Abstain:  
0

Year 2005-O-132 Authorizing the City Manager to amend the City of Laredo Fiscal  
expenditures in the 2004-2005 Annual Budget by increasing revenues and

amount of \$12,274.00 from the University of Texas at San Antonio for a "Walking in Laredo / Andando en Laredo" (Pilot) Pedometer Pilot Study by the City of Laredo Health Department, and to extend the term of the study six additional months from June 15, 2005 through December 31, 2005, bringing the total grant amount to \$15,674.00.

Motion to adopt Ordinance # 2005-O-132.

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8 Against: 0 Abstain:  
0

Budget by 2005-O-133 Amending the City of Laredo Fiscal Year 2004-2005 Annual  
appropriating revenues and expenditures in the amount of  
\$27,500.00  
from the Texas Department of State Health Services – Office of  
Border  
Health for the City of Laredo Health Department, period beginning  
June  
1, 2005 through August 31, 2005. These funds are awarded  
specifically  
for the “Binational Health to Foster Development” Conference to  
be held  
on June 21, 2005 through June 24, 2005.

Motion to adopt Ordinance # 2005-O-133.

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8 Against: 0 Abstain:  
0

2005-O-135 Authorizing the City Manager to accept a grant in the amount of  
\$50,000.00 from the Texas Department of Transportation for the  
Driving  
While Impaired Enforcement and authorizing the City Manager to  
amend  
the City of Laredo’s Fiscal Year 2004-2005 Annual Budget in the  
amount  
of \$50,000.00. This grant is for overtime salaries and fringe  
benefits  
which are funded 100% by the Texas Department of  
Transportation.

Motion to adopt Ordinance # 2005-O-135.

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8 Against: 0 Abstain:  
0

Transit 2005-O-136 Authorizing the City Manager to accept and execute the Federal  
Administration (FTA) Grant, Section 5307, TX-90-X664, in the  
amount



of \$2,081,869.00 for Fiscal Year 2004-2005; and to amend the Transit System's Operating Budget by decreasing the Fiscal Year 2004-2005 FTA Operating Grant contribution from \$3,200,000.00 to \$2,081,869.00 and increasing the Transit sales tax match for operating expenses from \$4,079,947.00 to \$5,198,078.00 and providing for grant funds to be deposited in the City of Laredo Transit Fund.

Motion to adopt Ordinance # 2005-O-136.

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8 Against: 0 Abstain:  
0

2005-O-137 Authorizing the City Manager to execute an amendment to lease agreement authorized by Ordinance No. 2005-O-074 dated April 4, 2005, with Paul Young Properties, Ltd., for approximately 3.632 acres of land located north of the Airport Passenger Terminal at the Laredo International Airport by allowing Paul Young Properties, Ltd., to assign its leasehold interest to Paul Young Chevrolet, Inc. All other terms and conditions remain unchanged and in effect; providing for an effective date.

Motion to adopt Ordinance # 2005-O-137.

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8 Against: 0 Abstain:  
0

lease 2005-O-138 Authorizing the City Manager to execute an amendment to the agreement approved by Ordinance No. 91-O-266 dated December 2, 1991, and as amended by Ordinance No. 2000-O-210 dated August 28, 2000, with Josefa Lago de Sarabia, Lessee, for Hangar No. 162 located at the Laredo International Airport. Said lease will be amended as follows:

- on  
September 30, 2014;
- written  
consent from Lessor;
- Fourteen  
Thousand Seven Hundred Forty-Six Dollars (\$14,746.00)
- for  
Lessee's use to make structural roof repairs; and
- D. Waive Lessee's rental obligation for three months.  
All other terms and conditions remain in the same and in effect; providing for an effective date.

Motion to adopt Ordinance # 2005-O-138.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8 Against: 0 Abstain:  
0

2005-O-139 Approving and authorizing the City Manager to sign an interlocal agreement with Webb County for the purposes of:

- (1) accepting a grant in the amount of \$50,000.00 from Webb County for lighting improvements at the baseball field at Father McNaboe Park;
- (2) accepting a grant in the amount of \$50,000.00 from Webb County for specified improvements to be done at Noon Lions Park; and
- (3) authorizing the City Manager to lease a parcel of 4,956.00 square feet out of the Ladrillera Recreation Center Area to Webb County for a term of 5 years at no rent, and 60 day right of termination and commencing when this ordinance is passed; all as set forth in Exhibit 1 attached to this ordinance; and providing for effective date.

Motion to adopt Ordinance # 2005-O-139.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

between  
2005-O-140 Closing as public easements those sections of Maher Avenue

Bustamante Street and Bartlett Avenue, including the west turning lane

towards Bartlett Avenue and that section of Daugherty Avenue between

Bustamante Street and Maher Avenue, situated in the Laredo Airport

Subdivision, City of Laredo, County of Webb, Texas, and providing for an effective date.

Motion to adopt Ordinance # 2005-O-140.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8 Against: 0 Abstain:  
0

2005-O-141 Authorizing the City Manager to execute all necessary documents to

effectively convey fee simple title to Consuelo Lugo Rivas and Fred

Boubel, Jr. for the "Surface Only" at its adjusted market value of \$3,641.00 for certain property described as Tract "A" containing 661.66

sq. ft. (0.0152 of an acre), and Tract "B" containing 2,354.46 sq. ft. (0.0541 of an acre) both tracts being out of the former north one-half

section of Canada Avenue between O'Kane and Clark Streets provided

that the City of Laredo retains entire Tract "B" as a drainage and utility

easement; said tracts being situated in the Eastern Division, City of

Laredo, Webb County, Texas being generally described on attached

Exhibits "A", "B" and "C" and providing for an effective date.

Motion to adopt Ordinance # 2005-O-141.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8 Against: 0 Abstain:  
0

2005-O-142 Amending Chapter 19, "Motor Vehicles and Traffic", Article VIII; Stopping, Standing or Parking, of the Code of Ordinances of the City of

Laredo; specifically Section 19-364, restricted parking areas, establishing

a "No Parking Anytime/Tow Away Zone" on the east and west side of

Livingston Drive, between North Star Drive and Shiloh Drive and Between Shiloh Drive and 300 feet north of Shiloh Drive, within city limits of Laredo; providing severability and for an effective date and publication.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8  
0

Against: 0

Abstain:

## X. RESOLUTIONS

32. 2005-R-058 Authorizing the City Manager to submit a grant application to the United

States Environmental Protection Agency in the amount of \$87,750.00 with the City designating \$29,250.00 in matching funds for a total of \$117,000.00 for the Chacon Creek Stream Restoration Project, Phase-2. There are two (2) projects sites covered by this grant along Chacon Creek. Site 1 (27.95 acres) is the upper portion of the project area, which lies along Chacon Creek from Highway 359 downstream to Highway 83. Site 2 is the lower portion of the project area and includes a short stretch of the stream immediately upstream for the Rio Grande (9.97 acres). Activities include the removal of exotic vegetation and man-made debris, restoration of native trees, shrubs, grasses and forbs, control erosion and stabilize the bank along a limited, problem area on lower Chacon Creek. Matching funds are available in the NPDES fund.

Motion to approve Resolution 2005-R-058.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

33. 2005-R-059 A resolution of the City of Laredo, Texas authorizing intervention in the

AEP Texas Central Company's True Up Proceedings to be filed at the Public Utility Commission of Texas, and authorizing the joining with other intervening Cities to coordinate efforts to protect municipal and rate payer interests; authorizing the hiring of attorneys and consultants; and requiring AEP for reimbursement of the Cities' rate making costs.

Motion to approve Resolution # 2005-R-059.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

34. 2005-R-060 Declaring a public necessity to utilize the area under IH-35 between Park

Street and Sanchez Street, as a parking staging area for the Seven Flags-Seven Cultures Festival on July 1-2, 2005 and authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for the use of said property.

Motion to approve Resolution 2005-R-060.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

35. 2005-R-061 To accept the findings of the Community Needs Assessment prepared by

Fox, Smolen and Associates, the Technical Evaluation prepared by Columbia Telecommunications Corporation and the Franchise Fee Audit and Financial Analysis prepared by C2 Consulting Services; of Time Warner Cable for the City of Laredo Cable Franchise renewal process. (Action on item #62 recommended)

Motion to approve Resolution 2005-R-061.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

36. 2005-R-062 Supporting the development by Laredo Racing Partners of a Class 2

Racetrack Facility that would facilitate thoroughbred and quarter horse racing, pari-mutuel betting and simulcast race wagering as a means to further promote local tourism and economic development.

Motion to approve Resolution 2005-R-062.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

## **XI. MOTIONS**

37. Consideration for approval to annul the construction contract with Brothers Paving,

Inc., Laredo, Texas, for the Ejido Avenue Extension (Pita Mangana Boulevard – Chacota Street). The construction contract was awarded on January 27,

2005, however Brothers Paving Inc., has been unable to provide the surety as required by the bid documents. Per Section C-409 of the contract documents, in the case annulment of award, the proposal guaranty shall become the property of the Owner (City of Laredo), not as a penalty but as a liquidated damage (copy attached); and approval to revise the plans and re-bid the project.

Mr. Ramon Soliz, from Brothers Paving, stated that the reason they have been going back and forth on this item is due to the bid bond requirement. He explained that he had obtained a performance bond out of Las Vegas. He mentioned that the bonding company had given him a good price for a bid bond. He later found out that this bonding company was not licensed in Texas. He was told that they were going to be licensed in Texas and he passed on this information to the Engineering Department. He then proceeded to look for another bonding company that he previously used for a City project. That particular company went very high on the conditions and asked for a high Letter of Credit. After that, he tried working with them and then finally spoke to the Engineering Department to explain the situation on the performance bond. He is requesting an additional week from the City to work on obtaining the Letter of Credit.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Motion to rescind the vote on motion # 37.

Moved: Cm. Belmares

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

Motion to table.

Moved: Cm. Belmares

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

38. Consideration for approval to rescind the selection of Cook-Joyce, Inc., for the design

and permitting of the Materials Recovery Center for the City of Laredo Landfill in accordance with the requirements of the Texas Commission on Environmental Quality and approving the selection of Freese and Nichols, Inc., Fort Worth, Texas, in association with Trinity Consulting Company, Laredo, Texas, and Sepulveda Associates, Laredo, Texas, and authorization to negotiate a professional services contract. Funding is available in the Solid Waste Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

39. Consideration for approval of Change Order No. 4 a decrease of \$822.50 for the

balance of quantities actually constructed in place, acceptance of the Seven Flags Park Rehabilitation and approval of final payment in the amount of \$40,813.49 to Rhino Builders, Ltd., Laredo, Texas. Staff recommends two days liquidated damages for contract time overrun in the amount of \$800.00; therefore, the net final payment is \$40,013.49. Final contract amount is \$455,269.75. Funding is available in the Capital Improvement Fund – Seven Flags Park.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

40. Appointment of Mayor Pro Tempore as per Ordinance 90-O-101 at the first meeting

after all council members are elected and qualified, City Council shall confirm one of the Council Members who shall be known and designated as Mayor Pro Tempore.

Motion to approve the appointment of Cm. Jose A. Valdez, Jr. as Mayor Pro Tempore.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

41. Consideration to authorize the City Manager to sell surplus equipment to our Sister

City of Leon, Guanajuato, Mexico. The sale consists of five used Ford Crown Victoria patrol units in the total amount of \$10,000.00.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

42. Authorizing the City Manager to grant a public fireworks display permit at the Laredo Country Club and at Fire Station #11 on July 4, 2005 for Atlas Enterprises,

Incorporated.

Motion to approve with a correction to replace location from Fire Station #11 to the soccer field site at the Student Activity Complex.

Moved: Cm. Galo

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

43. To authorize the City Manager to execute an agreement to retain the law firm of Baker

Botts, LLP for a sum not to exceed \$80,000.00 to work with the City Attorney in the appeal of Martha Escamilla et al vs. the City of Laredo, Cause No. 2004CVQ000450-D2, in the District Court 111th Judicial District Webb County, Texas to the Fourth Court of Appeals, San Antonio, Texas. Funding is available in the General Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

44. Authorizing the City Manager to amend the Laredo Development Foundation third

party funding contract Section 4 by increasing the awarded amount by \$30,600.00 from \$407,400.00 to \$438,000.00. Funding is available in the General Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

45. Authorizing the City Manager to enter into a contract with Martinez Pharmacy in the

amount not to exceed \$51,545.00, to provide public health services to clients of the HIV/AIDS Programs of the City of Laredo Health Department for the period beginning April 1, 2005, through March 31, 2006. Funding is available in the State Grants HIV/Ryan White and the HIV/Health and Social Services Accounts.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0



46. Adopting a schedule of hearings and proceedings for voluntary and unilateral annexations for calendar year 2005, in accordance with Section 43.052 of the Texas Local Government Code.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

47. Consideration to award contract number FY05-103, to the low bidder, Home Depot,

Laredo, Texas in the estimated amount of \$25,000.00 for the purchase of Portland cement and concrete mix sacks. These materials are purchased on an as needed basis by the Utilities, Public Works and Traffic Departments for construction and repair projects. Funding is available in the respective departmental budgets.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

48. Consideration to award annual contract FY05-074, to the low bidders, Laredo Wholesale, Laredo, Texas, in the base amount of \$58,110.50, Vehicle Maintenance Program, Inc., Boca Raton, Florida in the base amount of \$37,716.90, and A & A Automotive Supplies, San Antonio, Texas, in the base amount of \$15,442.90 for the purchase of general repair auto parts. These replacement parts will be purchased on an as needed basis for all City fleet vehicles. The contract items include: oil/fuel filters, front end parts, hoses, clamps, belts, lamps/bulbs, service lubricants, and brakes. Funding is available in the Fleet Maintenance Budget.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

49. Consideration to award service contract FY05-098 to Corpus Christi Harley-Davidson,

Laredo, Texas in the estimated annual amount of \$25,000.00 for repair parts and service for the Police Department's motorcycle fleet. Funding is available in the Fleet Maintenance budget.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

50. Consideration to award contract FY05-099 to Nick Benavides, Laredo, Texas, in the

total amount of \$38,000.00, for the cleaning of a section of Zacate Creek located north of the Zacate Creek Wastewater Treatment Plant. Funding is available in the Environmental Services Department Budget.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

51. Consideration to authorize the purchase of a pavilion shelter from Hunter-Knepshield

of Texas, Plano, Texas through the Texas Local Government Purchasing Cooperative (Buy Board) contract pricing in the total amount of \$28,146.69. This pavilion shelter will be installed as part of the Chacon Creek Hike and Bike Trail Project. Funding is available in the Capital Improvement Project (CIP) Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

52. Consideration to award contract number FY05-102, to the low bidders, Precision Delta

Corporation, Ruleville, MS, in the amount of \$64,455.00; Dakota Ammo, Inc., Sturgis, S.D., in the amount of \$7,693.50; and G.T. Distributors, Inc., Austin, TX., in the amount of \$6,841.02 for the purchase of practice and duty ammunition for the Police Department. Bids were requested on the following ammunition types: .45 ACP, 9mm, 40 cal., 38 cal., .45 Plus, .380 and .223 cal. The Police Department's recommendation is based on a specific brand of ammunition. Funding is available in the Police Department budget.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

53. Consideration to award contract FY05-097 to Clark Hardware LTD., Laredo, TX, in

the estimated annual amount of \$40,000.00 for the purchase of plumbing supplies for city maintenance and repair projects. This is an annual contract

and all items will be purchased on an as needed basis throughout the year for various city departments. Funding is available in the Parks and Recreation Department, Airport, Public Works, Civic Center, Health, Municipal Housing and Utilities Department Budgets.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

54. Consideration to rescind the contract amount awarded by the City Council on June 6,

2005 to Arguindegui Oil Co, Laredo, Texas, for bid FY05-076 for the purchase of unleaded and low sulfur and high sulfur diesel fuel; and consideration to award this contract to Oil Patch Petroleum, Inc., Corpus Christi, Texas.

Arguindegui Oil Co. has notified the City that they made a mistake in their bid contract pricing and will be unable to fulfill the contract requirements. Funding is available in the Fleet Maintenance Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

55. Consideration to award contract number FY05-073, to the low bidder meeting specifications, Landfill Service Corporation, Apalachin, NY, in the amount of \$343,053.12 for a two (2) year contract for providing the equipment and material for an alternative daily cover system for the landfill operation. Funding for this contract is available in the Solid Waste Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

56. Consideration to award contract number FY05-088, to Phoenix Recycling, Pawleys

Island, SC. in the amount of \$92,475.00 for the purchase of 1.5 million plastic bags for use in the City's Recycling Program. The bid pricing is thirty two (32) percent higher than the previous purchase amount. Funding is available in the Solid Waste Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

57. Consideration to renew the contract for the collection of delinquent property taxes with

De Anda Law Firm for the period of October 1, 2005 to September 30, 2008. New contract reflects minor changes which strengthen reporting and documentation requirements. Attorney fee's payable to Attorney under this contract shall not exceed the amount actually received by the City as collection costs from delinquent taxpayers.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

58. Refund of property tax in the amount of \$12,659.45 to the following taxpayers and

companies:

1. A refund in the amount of \$2,015.05 payable to Green Tree Servicing due to an overpayment. Account # 812-06000-364.

2. A refund in the amount of \$4,077.72 payable to Benchmark Energy

Products due

to a decrease in value as certified by the Webb County Appraisal Review Board. Supplement #10. Account# 801-02024-135.

3. A refund in the amount of \$6,566.68 payable to Alexander Investments due to a

decrease in value as certified by the Webb County Appraisal Review Board. Supplement #10. Account# 324-00041-010.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

59. Approving monthly adjustments to the tax roll. The amount to be adjusted for the

month of May 2005 represents a decrease of \$38.53. These adjustments are determined by the Webb County Appraisal District and by court orders.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

60. Authorizing the City Manager to execute a Letter of Intent agreement with The Laredo

Water Company, through its managing partner B1, LLC, (referred to as "Company") that will authorize the City Manager to enter into non-exclusive, formal discussions and negotiations of terms related to the Company's proposal to sell water to the City of Laredo.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

61. Consideration to reject the two bids received for the Laredo Street Drainage Improvements Phase I since both bids are 45% to 67% over the projected consultant cost estimate and over the project budget; and approval to revise the plans and re-bid the project.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

## **XII. STAFF REPORTS**

62. A. Presentation by Blasita J. Lopez, Public Information and Telecommunications

Manager, Fox Smolen and Associates and C2 Consulting Services summarizing the findings of independent studies conducted for the franchise renewal with Time Warner Cable.

Blasita Lopez, Public Information Officer and Telecommunications Manager, reported that the current franchise will expire in December, 2005, and the City is working to renew that franchise agreement with Time Warner Cable. She stated that there were three different studies conducted. The first study was done in May, 2004, which began with the technical review. There was also a community needs assessment along with a franchise fee audit and financial feasibility review. The findings that are brought tonight before the City council were completed with the assistance of the Telecommunications Commission this month. She provided a summary of the franchise renewal process for 2005:

- Review entailed a physical inspection of the headend or the Calton Road office physical infrastructure; an electrical test of the system and a random site inspection of the layout of the fiber throughout the community.
- Finding #1: Signal quality issues with broadcast from Mexico-not our jurisdiction. Improve quality of the signal imported from San

Antonio. TW used to microwave the signal from SA to Laredo; now distributing the same signal through fiber in the last year after this review was conducted.

- Finding #2: Fiber in generally good condition.
- Finding #3: PAC broadcast quality functioning properly. This must be maintained by conversion to digital technology; enhanced audio transmission capability by providing a second audio channel and stereo sound; upgrade to a digital file server/automation system.
- Finding #4: Redundancy for various I-Net sites and identified the extension of the I-Net to new City facilities and certain other locations.

Connie Kennedy, President of C2 Consulting Services, discussed the franchise fee analysis which was issued in December, 2004. She explained that the review looks at the provisions of the franchise fee agreement to see what and how franchise fees are supposed to be remitted to the City. There were nine different issues that were noted during the analysis. Time Warner saw the report and they responded in February to those issues. She stated that there were five issues that they were in agreement. There were some minor calculation errors where an allocator had not been appropriately assigned. She explained by saying that there were certain revenues that were not subscriber specific, such as advertising revenues, that have to be allocated to the City based on the total number of subscribers in the system. The company has agreed with the amount found within those miscellaneous errors and it is about \$6,700.00 that they agreed was owed on those issues. Also, the company agreed that in some deductions they were double counting some refunds and rebates and they agreed that they would remit the franchise fees based on that double counting. The company has also agreed that they had not included revenues from the infomercials that had not been included in the revenue calculations. There was also an issue regarding collection agencies remitting some money to them. The company did not necessarily agree with the findings, but did agree to pay on the issue which was \$90.00. There was an offsetting issue as well where they were actually paying on some sales tax that they should not have included. The net on all the items that they agreed on comes to approximately \$1,700.00 before interest. There were four very large items that were discussed in the report that the company did not agree to and there is ongoing communication between the attorney working with the City on this project and the company on those issues. The company does not agree that they should pay on pole attachment although these are revenues. They do not agree on paying on any cable construction where the company is receiving revenue from a consumer. The company does not agree that it should reimburse for the revenues received from vendors who remit money back to the company and which are classified as programmer receipts. She mentioned that these items where the company is in major disagreement are still under discussion. She added that her report shows that they do not agree to \$44,000.00 due to the City in unpaid franchise fees and Time Warner has agreed to less than \$1,700.00.

Paul Smolen, of Fox Smolen and Associates, stated that they conducted some telephone polls and provided the City Council with their results. He mentioned that the redundancy of the I-Net sites is vital to the City of Laredo in order to have the recommendations to the technical people. He mentioned that the City also needs to add backup power supply in some of the vital areas of the city. He added that the City needs additional I-Net infrastructure, including addition of cable connections in the classrooms.

Marilyn Fox, of Fox Smolen and Associates, stated that she was in charge of reviewing the compliance area of customer service. Under current law, a City can adopt the FCC standards but if it prefers, it can adopt more standards than are required. She stated that she included a score card which outlines the City's franchise requirements and the FCC's standards. She reported that there were eight areas in which they did agree with the FCC standards. She added that there are areas under the current franchise that are not exactly the same as the FCC standards. From the company's perspective, there is some confusion as to which ones they are going to comply with. She explained that one of those things was the amount of times that the outages were to be addressed. The company has the records of when they responded but they did not really measure the length of time when they responded to the problem versus getting the problem fixed. She advised the City Council to take a look at the whole body of customer service standards and make some well defined requirements for reporting; make sure the company knows what those are; and if they do not follow those requirements, then have some strong financial remedies written into the agreement.

### **XIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS**

#### **63. A. Request by Council Member John C. Galo**

1. Discussion with possible action regarding obtaining insurance coverage of pre-existing exclusions as it pertains to former United Water Laredo employees who worked for the City of Laredo prior to privatization and who have been reinstated by the City.

Dan Migura, Administrative Services Director, reported that the City has a health benefits plan that describes how it will conduct the benefits. He stated that all new employees must meet a six or 12-month exclusion on pre-existing conditions. He explained the situation involving those employees who worked for the City, who got privatized with United Water, and have now come back to work for the City. He is working on whether they should be considered as employees who had been with the City all along. One of the issues they have to resolve is whether the City has the ability to waive the pre-existing condition. In doing so, the City needs to learn whether the stop-loss carrier is going to take that risk. He mentioned that the stop-loss carrier is willing to take on that risk with those employees. He is requesting that City council waive the requirement for the pre-existing condition on all those employees.

Motion to waive the requirements for the pre-existing condition exclusions as it pertains to former United Water employees who worked for the City of Laredo prior to privatization and who have been reinstated by the City of Laredo.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action regarding the acquisition of 20 acres for the future development of a water/spray park.

Cm. Galo stated that most people have a problem with the terminology of what a water/spray park is. He mentioned that this could be a great success and could be done at a much larger scale. He stated that Horacio De Leon has reported that there are already some people who are interested in developing the park. He mentioned that the first phase is going to be the acquisition of land that is accessible to our residents and to the tourists as well.

Cm. Valdez mentioned that he would like to propose that the City look at using the area recently purchased for the multi-level parking structure which has 48 acres.

Cm. Galo requested that Horacio De Leon, Parks Director, make contact with those individuals who had shown an interest in the water/spray park and return to City Council with a report.

3. Discussion with possible action regarding the City's ability to re-route the City's colonia water and sewer lines around those areas for which right of way and or easement is denied by the property owner and to eliminate those areas from the project.

Larry Dovalina, City Manager, mentioned that he has already instructed the engineers to do so. He added that whatever amendments are to be made to the proposed plan will be done by the Texas Water Development Board. He stated that since they approved the water connections and they did the preconstruction survey to determine the lots that will be served, the amount of money that the City will be given is all predicated on that pre-construction survey.

Cm. Galo stated that the Supreme Court has ruled in favor of the municipalities and governmental agencies that possess eminent domain power and there need not be that great a necessity to push this forward. He stated that the County already has the ability to condemn those property owners who do not want to participate.

City Manager Dovalina stated that in order to condemn, the City would have to have the funds identified and available to pay for the costs involved.



Cm. Valdez suggested that the City instruct staff to talk to the County Commissioners to move forward with the eminent domain process.

Cm. Galo inquired whether the engineers have been instructed to re-route the lines.

City Manager Dovalina stated that in some instances the engineers have re-routed the water and sewer lines around those property owners who are reluctant to grant the City a right-of-way.

Pablo Martinez, of the Utilities Department, stated that they have been working with the property owners and the County to do changes on the alignment of the water lines and sewer lines. He added that there are other changes still pending because there is a concern on some lots because the property is owned by several family members and assignment requires their signature.

Cm. Galo inquired when the Utilities Department believes the first colonia residents will be able to have water from the line to their individual property.

Pablo Martinez stated that they have a project called Tanquesitos #2 for which plans and specifications are complete. They are looking at bidding out that particular project in the next three months. He added that every project takes approximately one year from the time of construction to complete.

## B. Request by Council Member Gene Belmares

### 1. Discussion with possible action regarding the installation of speed humps on Village

Boulevard, east of Springfield Avenue.

Roberto Murillo, Traffic Director, reported that they received this request in March. He stated that they conducted a traffic study and the location does qualify for speed humps. He mentioned that they did submit a letter to the residents and has not heard a response as of yet.

Motion to approve the use of \$5,300.00 from District VI discretionary funds for the installation of speed humps.

Moved: Cm. Belmares

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

### 2. Discussion with possible action regarding the maintenance of the American Electric

Power (AEP) easement between Candlewood and New Castle.

Motion to table.

Moved: Cm. Belmares

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

C. Request by Council Member Juan Ramirez

1. Discussion with possible action regarding the installation of traffic lights at Matamoros and San Enrique and Houston and San Enrique Streets.

Roberto Murillo, Traffic Director, stated that they will proceed with doing an evaluation to see if a traffic signal is warranted. However, he suggested that they wait until the school year begins in order to get a better count of the pedestrian crossing.

Motion to proceed with a traffic study.

Moved: Cm. Ramirez

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action regarding the 4th of July parade and providing an electrician for the July 4th festivities at the Civic Center Ballroom.

Cm. Ramirez stated that he has been approached to request an electrician.

Mayor Flores stated that the Civic Center grounds are not available to any other group following the 250<sup>th</sup> Anniversary Celebration Seven Flags – Seven Cultures Festival. The Civic Center and the grounds are being occupied from June 27<sup>th</sup> through July 5<sup>th</sup> for the City's festivities related to the 250<sup>th</sup> anniversary celebration. Mayor Flores suggested that Cm. Ramirez hold his parade and the other outdoor activities and performances could be set up at Veterans Field.

3. Discussion with possible action regarding odor control and traffic at the intersection of Zaragoza and Flores.

Cm. Ramirez stated that La Posada has done some remodeling on their property and they have moved their registration desk to the west.

Larry Dovalina, City Manager, stated that the City is embarking on a plan to head a project to begin re-analyzing old data available on the storm sewers and drains. He explained that Environmental Services is going to sector off a portion of that downtown area and will take photos of all the storm sewers and drains to be able to determine where the fault is.

Heberto Ramirez, Utilities Director, stated that the sewer line that goes on Flores Street up to La Posada has been replaced. They will be looking at the storm drains for the cross connections and that is where the Environmental Services Department comes in.

Riazul Mia, Environmental Services Director, reported that a vacuum truck goes down almost every week to the downtown area and vacuums that area. They are asking consulting firms to submit their Request for Qualifications proposal for the evaluation of the downtown storm sewer systems and illegal connections.

#### **XIV. EXECUTIVE SESSION**

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

#### **XV. RECESS AS THE LAREDO CITY COUNCIL AND CONVENE AS THE LAREDO MASS TRANSIT BOARD**

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

Moved: Cm. Galo

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

64. Consideration for approval to award a construction contract to the lowest bidder, ALC

Construction, LLC, Laredo, Texas, in the bid amount of \$36,305.00 for the reconstruction of the Market/Bartlett Intersection. Funding is available in the Transit System Improvements Other Than Buildings – TRMARK.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

65. Consideration for approval to award a construction contract to the sole bidder J. Solis

Maintenance and Welding Services, Laredo, Texas, in the base bid amount of \$135,735.00 for the Transit Sales Tax Project which includes the Reconstruction of Arkansas Avenue / Clark Street Intersection and San Eduardo Avenue / Sanchez Street Intersection. Funding is available in the Transit System Improvements Other Than Buildings – TREDUA.

Motion to approve.

Moved: Cm. Galo  
Second: Cm. Amaya  
For: 8

Against: 0

Abstain: 0

66. Consideration to rescind the contract awarded by the Mass Transit Board on June 6,

2005 to Arguindegui Oil Co., Laredo, Texas for bid FY05-076 for the purchase of unleaded and low sulfur and high sulfur diesel fuel; and consideration to award this contract to Oil Patch Petroleum, Inc., Corpus Christi, Texas. Arguindegui Oil Co. has notified the City that they made a mistake in their bid contract pricing and will be unable to fulfill the contract requirements. Funding is available in the Transit Fund.

Motion to approve.

Moved: Cm. Galo  
Second: Cm. Amaya  
For: 8

Against: 0

Abstain: 0

**XVI. ADJOURN AS THE LAREDO MASS TRANSIT BOARD AND RECONVENE AS THE LAREDO CITY COUNCIL.**

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

Moved: Cm. Galo  
Second: Cm. Agredano  
For: 8

Against: 0

Abstain: 0

**SUPPLEMENTAL AGENDA**

**I. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS**

1.

**A. Request by Council Member Jose A. Valdez, Jr.**

1. Discussion with possible action to consider naming the new community center located at 1601 Farias, the "Lilia Perez Community Center". (Co-sponsored by CM Hector Garcia)

Motion to approve.

Moved: Cm. Valdez  
Second: Cm. Galo  
For: 8  
0

Against: 0

Abstain:

## II. ADJOURNMENT

Motion to adjourn.

**Time:** 10:08 p.m.

Moved: Cm. Valdez

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

I, Gustavo Guevara, Jr., City Secretary, do hereby certify that the above and foregoing is a true and correct copy of the minutes contained in pages 01 to 38 and they are true, complete, and correct proceedings of the City Council meeting held on June 27, 2005.

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Gustavo Guevara, Jr.  
City Secretary