

**CITY OF LAREDO
CITY COUNCIL MEETING
M2005-R-013
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
July 5, 2005
5:30 P.M.**

I. CALL TO ORDER

Mayor Elizabeth G. Flores called the meeting to order.

II. PLEDGE OF ALLEGIANCE

With a quorum present, Mayor Flores led in the Pledge of Allegiance.

III. ROLL CALL

In attendance:

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

IV. MINUTES

Approval of the minutes of June 13, 2005.

Motion to approve.

Moved: Cm. Agredano

Second: Cm. Amaya

For: 8

Against: 0

Abstain:

0

V. COMMUNICATIONS AND RECOGNITIONS

Announcements

None.

Invitations

None.

Recognitions

- a. Recognizing Laredo's Red Raiders and the Coaching Staff for winning the Southern Division Championship.

2005

Roster:

| | | | |
|------|------------------|------|-------------------|
| # 1 | Joey Hernandez | # 30 | Charlie Rendon |
| # 2 | Roland Ramos | # 33 | Bobby Squint |
| # 3 | Eli Ortiz | # 36 | Andy Gonzalez |
| # 4 | Zane Jerry | # 39 | Sean Clements |
| # 5 | Bobby Gomez | # 40 | Jose Luis Raya |
| # 6 | Xavier Guerra | # 45 | Johnny Cerda |
| # 7 | Dallas Lopez | # 46 | Abel Gonzalez |
| # 8 | Ricky Calderon | # 48 | Abraham Lopez |
| # 10 | Beto Castillo | # 51 | Lionel Palafox |
| # 12 | Rene Arriaga | # 53 | Gabriel Aguilera |
| # 14 | Oswaldo Ortega | # 53 | Tony Camarillo |
| # 15 | Rey Moreno | # 54 | Esteban Camarillo |
| # 17 | David Lopez | # 56 | Esteban Camarillo |
| # 19 | Erick Gonzalez | # 57 | Adrian Hernandez |
| # 21 | Juan Vargas | # 58 | Eric Oliva |
| # 22 | Luis Cruz | # 63 | Andres Palafox |
| # 24 | Jose Vela | # 64 | Alfredo Leal |
| # 27 | Javier Gonzalez | # 65 | Alejandro Dias |
| # 68 | Miguel Trevino | # 71 | Eddie Arrambide |
| # 72 | Sammy Williams | # 73 | Alfonso Gonzalez |
| # 75 | Danny Lozano | # 76 | Jesus Flores |
| # 82 | Edgar Gonzalez | # 83 | Rey Medina |
| # 85 | Clemente Palafox | # 90 | Arturo Rodriguez |
| # 98 | Benny Coffelt | # 44 | Alex Trevino |
| # 59 | Jose Ruedas | # 70 | Joel Contreras |
| # 88 | Juaquin Morales | | |

Trainer – Judy Garza

Coaches – Clemente Palafox, Juvenal Herrera, Gary Agent, Felipe Ortega, Dr. Jorge Molina, Eduardo Garcia and Joey Muniz.

Communiqués

Cm. Agredano congratulated everyone that participated in the 4th of July events. He also shared that his brother, which is serving in the armed services in Iraq, surprised his family members by coming home earlier than expected to attend a family event. He noted that he is very grateful to his brother, Carlos, and to other men and women who are serving their country.

Cm. Garcia thanked everyone that participated in the Seven Flags Seven Culture events especially the sponsors including the Laredo National Bank, Budweiser, Central Power & Light AEP, SP Consultant, Laredo Medical Center, BMP Radio, Guerra Communications, Lamar Advertising, KLDO, Laredo Morning Times, KGNS, KVTU, Coca Cola, United States Border Patrol, Novastar Communications, Molina County Store, Texas A & M International, Laredo Independent School District Athletic Department, and hundreds of volunteers. He voiced a special thanks to the Mayor's Office, City Council, City Manager's Office, City Attorney, Convention & Visitor's Bureau, Civic Center Staff, Finance Department, Fire Department, Health Department, Parks & Recreation Department, Police Department, Public Access Department, Public Works, Traffic Department, Public Enforcement, Solid Waste, and the Laredo Bridge. He specifically thanked Eddie Zavala, Bali Guzman, and the Minita Ramirez for putting on a great show for Laredo. He noted that the City planned event was very successful and many organizations had an opportunity to raise funds for their non-profit organization.

Cm. Galo said that he had a great time participating in the "Celebrity Game" held on July the 4th at the Student Entertainment Center. He also thanked the sponsors and volunteers that made the events a great success. He noted that the City of Laredo is suffering due to the lack of rain; therefore, City Council is seriously considering water rationing because of the type demand that the City is facing. He went on to say that the drought conditions are also placing tremendous demands on the City of Laredo Fire Department. He said that he did not want to place more of a demand on the County; however, the residents of the City should be priority for the City of Laredo Fire Department.

Cm. Amaya thanked the Council Members that participated in the creation of the July 4th events.

Cm. Rendon announced that the events that were held by the City during the Fourth of July holiday were a huge success. He was especially thankful to the participants and attendees of the annual District V Parade which honors veterans. He also thanked his wife for assisting with the parade. Lastly, he mentioned that he had attended the "celebrity" soccer game where he cheered with great enthusiasm for his team.

Cm. Belmares agreed with the other Council Members that all the events held the previous weekend were fantastic. On the same note, he congratulated Cm. Garcia for

his leadership skills in the 250th Celebration. He said that Eddie Zavala, Customer Service Coordinator for the City of Laredo, and Cm. Garcia put their hearts in their jobs and the success was due to their dedication to the events. He gave “kudos” to his children for leading in the Pledge of Allegiance at one of the Fourth of July events.

Mayor Pro Tempore Valdez congratulated the Council Members for participating in the celebrity game. He congratulated all the sponsors and volunteers for working behind the scenes in assisting with the celebrity game and fireworks.

Cm. Ramirez thanked everyone that participated in the 4th of July parade especially the parents. He said that the District VIII Parade is dedicated to the to those individuals that went to fight for our country and never came home and no one knows where they are better known as the MIA’s. He also mentioned the “watermelon eating contest” and said that everyone had a great time.
Mayor Flores thanked

The Mayor read the following media advisory:

“Citizens Urged to Voluntarily Conserve Water

Extreme heat, high usage leads to low water pressure throughout Laredo Entertainment Center

Laredo residents are being asked to voluntarily refrain from watering their lawns during the day.

Residents are asked to water their lawns between 8:00 p.m. – 8:00 a.m. only.

“During this period of extreme heat, we are asking residents to help ease some of the low water pressure faced in certain areas of the city, and not water their lawns during the day” said Larry Dovalina, City Manager.

Summer is typically when water consumption increases. Increased development throughout the city has also contributed to the high water demand, which has created areas throughout Laredo where residents are facing low water pressure, and on occasion, no water at all.

The City of Laredo Utilities Department is working to address the issue throughout Laredo. It is important to recognize that this is simply a voluntary request to help with the high usage the department is facing.”

Larry Dovalina, City Manager, said that the residents that are typically experiencing low water pressure are some of the areas where the City has a great deal of construction taking place. The City of Laredo Fire department had 42 grass fires during the Fourth of July which also weakened the water pressure. He also added that people need to be cognizant of their actions and to consider the repercussions of their thoughtlessness when they continue to violate the law by the use of

fireworks. At some point in time the City needs to include the County in and ordinance or some other power to completely restrict the sale of fireworks.

a. Mayor Elizabeth G. Flores reports on the City of Laredo Administrative Services Department.

The Mayor read the following information:

Administrative Services Department

There are five divisions within the Administrative Services Department that include: Personnel and Benefits, Employee Wellness, Risk Management, Civil Service/Retirees, and Training.

The Administrative Services Department has 24-full-time employees providing customer service to 2,220 city employees, 528 retirees, and the citizens of Laredo. The department is accessible to the community and employees with the offices mentioned below:

- 1110 Houston Street, 1st Floor- Fully Functional Human Resources Office
- 618 Del Mar – Fully Functional Human Resources Office
- 5512 Thomas – Employee Occupational Health Clinic/Risk Management Office

Personnel and Benefits

This division is responsible for maintaining the health and benefits fund (14,453,061), meeting the demand of increased health care costs, while providing affordable rates and competitive benefits for the employees and eligible retirees. It maintains and updates all personnel files. Furthermore, this division processes payroll changes for the current employees, separated employees and retirees:

- 2,275 Current employee personnel files
- 528 Retiree files
- 10,000+ Inactive personnel files
- Processed 152 former United Water employees to current city employee status
- Processed 321 new employees
- Processed 37 Civilian and Uniformed Promotions
- Processed 165 Employment Separations
- Processed 8,517 Payroll changes
- Processed 11,000 applications for employment
- Posted 370 internal vacant positions

Employee Wellness

This division promotes health and wellness to all City employees and returns injured or ill employees back to work in a healthy condition.

2,498 employees visited the Occupational Health Clinic; Cost savings to the Medical Plan of \$149,880

1,523 employees participated in the Buena Vida Program; which was a cost savings to the Medical plan of \$182,760

On-site physician – 370 employees seen; cost savings to the medical plan of \$22,000.

1,498 employees participate in the Disease Management Program

267 employees utilized the Employee Assistance Program (EAP)

Reviewed and processed 80 Serious Illness Pool cases

Return to Work Program

- 455 Employees Evaluated
- 455 Employees have Returned to Work

Drug & Alcohol Policy

- 363 scheduled Pre-employment screenings
- 158 employees have been tested for post accidents
- 37 CDL employees have been tested for post accident
- 226 random tests for CDL drivers
- 1 employee tested for reasonable suspicion

Risk Management

Minimizing the potential for risk for exposure to liability drives the activities of this division. Safety awareness, accountability and training are components of the City's initiative to provide a safe working environment for all employees. Investigating every accident and monitoring the Worker's Compensation utilization helps control costs, while maintaining operational objectives.

- Reduced Worker's Compensation Severity Injury Loss Time by 36% or \$1,401,291.
- Conducted 138 In-House Safety/Prevention Trainings
- 1,908 employees attended various safety related Trainings
- Conducted 187 Incident Investigations
- Collected 386 Workers Compensations checks totaling \$22,476
- Collected Restitution payments in the amount of \$131,000

Civil Service/Retirees

This division conducts the civil service entrance exam and promotional exams for all levels of police and fire personnel; and maintains the administrative operations to 528 retirees.

Conducted 74 Exit Interviews
Processed 58 Retirements
Processed 935 Civil Service Entrance Exam applicants
Conducted 55 Firefighter Hearings
Conducted 9 Police Officer Hearings

Training

The City of Laredo is committed to providing professional development for all of its employees, at all levels. The Tuition Reimbursement Program reimburses employees for tuition to attend a higher level of education. The Certified Public Manager Program is offered by Texas State University's William P. Hobby Center for Public Service and allows employees to become Certified Public Managers. The Employee Leadership Development Program continues to develop potential leaders within the City of Laredo organization.

- Certified Public Manager Program – 27 City Graduates
- \$70,000 Utilized in the Tuition Reimbursement Program
- 7 Co-Op Students – High School Level
- 6 Appeals & Grievance Hearings
- 68 Employees currently enrolled in Tuition Reimbursement Program
- 45 City Employees Certified in Code Enforcement Training
- 90 City employees have Graduated from the Employee Leadership Development Program
- 2,004 Employees have attended various type of trainings
- 25 employees enrolled in the Higher Education Employer Sponsored Program (College Credit Business English 1301)

The Administrative Services Department is committed to providing progressive and innovative programs to ensure that the public, employees, and retirees are given the highest level of service at an optimum cost.

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

a. Appointment by Council Member Gene Belmares of Salvador Mercado to the Historic / Landmark Board.

Motion to approve.

Moved: Cm. Agredano

Second: Cm. Amaya

For: 8

Against: 0

Abstain:

0

VII. PUBLIC HEARINGS

1. Public hearing and introductory ordinance amending the City of Laredo Fiscal Year

2004-2005 Risk Management Budget by appropriating \$202,000.00 from the beginning fund balance for expenditures related to workers' compensation, errors and omissions, and general liability and auto and mobile equipment.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Agredano

For: 8
0

Against: 0

Abstain:

There was no public input.

Motion to close the public hearing and introduce.

Moved: Mayor Pro Tem Valdez

Second: Cm. Agredano

For: 8
0

Against: 0

Abstain:

Ordinance Introduction: City Council

2. Public hearing and introductory ordinance amending the City of Laredo Fiscal Year 2005 General Fund Budget and Bridge System Fund by transferring \$1,578,503.00 from the General Fund and appropriating it in the Bridge System Fund. The amendment will temporarily draw down \$1,578,503.00 from the General Fund opening balance and appropriate a transfer out in the same amount to the Bridge System for the purpose of funding the second phase of Bridge 1, Bridge of the Americas for toll system equipment. (Action on item #14 required prior to introduction of ordinance)

Motion to open the public hearing.

Moved: Mayor Pro Tem Valdez

Second: Cm. Amaya

For: 8
0

Against: 0

Abstain:

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. Rendon

For: 8
0

Against: 0

Abstain:

Ordinance Introduction: City Council

3. Public hearing and introductory ordinance authorizing the issuance of City of Laredo,

Texas International Toll Bridge Revenue Improvement and Refunding Bonds, Series 2005A in the Principal Amount of \$25,700,000.00 for the purpose of purchasing and installing of second phase of toll bridge collection system, removal of sidewalks, and the adding of a lane for Bridge No. 2, design and construction improvements at Building E, together with additional sidewalks for Bridge No. 1, construction and improvements for erosion control and bridge supports for Bridge No. 3, construction of ramp from Bridge No. 2 to Bridge No. 1 and other improvements in connection with the International Toll Bridge System and the refunding of State Infrastructure Bank Loans with Texas Department of Transportation, approving an official statement, authorizing the execution of a purchase contract, and the execution of an escrow agreement and authorizing amendment to the City's Budget to appropriate such proceeds for purposes authorized herein, and authorizing and ordaining other matters related to the subject.

Motion to open the public hearing.

Moved: Cm. Garcia

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. Amaya

For: 8
0

Against: 0

Abstain:

Ordinance Introduction: City Council

4. Public hearing and introductory ordinance authorizing the issuance of City of Laredo,

Texas General Obligation Refunding Bonds, Series 2005 in the principal amount of \$21,500,000.00; approving an Official Statement; authorizing the execution of a purchase agreement and an escrow agreement; making provisions for the security thereof; and authorizing amendment to the City's Budget to appropriate such proceeds for the purposes authorized herein, establishing procedures for selling and delivering the bonds; and ordaining other matters relating to the subject.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Amaya

For: 8
0

Against: 0

Abstain:

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Rendon

Second: Cm. Amaya

For: 8
0

Against: 0

Abstain:

Ordinance Introduction: City Council

5. Public hearing and introductory ordinance authorizing the issuance of City of Laredo,

Texas Combination Tax and Revenue Certificates of Obligation, Series 2005 in the Principal amount of \$17,000,000.00 for the purpose of paying all or a portion of the City's Contractual Obligations for the purpose of purchasing trucks, vehicles and equipment for the Fire Department and purchasing trucks and vehicles for the Planning, Building and Public Works Departments, acquiring and constructing a City Communication System and Improvements to City Health Clinic and the acquisition of land and equipment, together with improvements for Municipal Parks and the acquisition of land and preliminary design for drainage purposes, and for the payment of legal, fiscal, and engineering fees in connection with such projects; authorizing amendment to the City's Budget to appropriate such proceeds for purposes authorized herein; and approving an Official Statement; authorizing the execution of a purchase contract and authorizing amendment to the City's Budget to appropriate such proceedings for purposes authorized herein and ordaining other matters relating to the subject.

Motion to open the public hearing.

Moved: Cm. Garcia

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. Belmares

For: 8
0

Against: 0

Abstain:

Ordinance Introduction: City Council

6. Public hearing and introductory ordinance authorizing the issuance of City of Laredo,

Texas Waterworks and Sewer System Revenue Bonds, Series 2005, in the principal amount of \$7,400,000.00 for the purpose of improving and extending the City's Combined Waterworks System and Sewer System, approving an Official Statement, authorizing the execution of a purchase contract, and making provisions for the security thereof; and authorizing amendment to the City's budget to appropriate such proceeds for purposes authorized herein, and ordaining other matters relating to the subject.

Motion to open the public hearing.

Moved: Cm. Garcia

Second: Cm. Amaya

For: 8
0

Against: 0

Abstain:

Luis Alfonso Diaz De Leon, the Commander of the American G. I. Forum, requested to speak on an issue that he saw in the ten o'clock news regarding the disconnection of water at the La Pulga area. He added that a few weeks ago the water was disconnected at the Larga Vista area. He expressed concerns for the people that reside along the affected area that are living without water during the hottest days of the year.

Mayor Flores noted that this issue has nothing to do with Public Hearing number 6.

Luis Alfonso Diaz De Leon asked why the water was disconnected.

Mayor Flores commented that there are extenuating issues.

Mr. Diaz De Leon noted that the Council should address the current problems. He expressed his dissatisfaction with the Mayor because he was told that he would not be allowed to speak to Council. He considered the Mayor's decision a violation and an insult to a veteran that served his country to protect her and others during a time of war.

Motion to close the public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. Rendon

For: 8
0

Against: 0

Abstain:

Ordinance Introduction: City Council

7. Public hearing and introductory ordinance authorizing the issuance of the City of

Laredo, Texas International Toll Bridge Revenue Refunding Bonds, Series 2005B in the principal amount of \$26,700,000.00 for the purpose of refunding International Toll Bridge System Revenue Bonds, approving an official statement, authorizing the execution of a purchase contract and the execution of an escrow agreement, and making provisions for the security thereof, and authorizing amendment to the City's budget to appropriate such proceeds for purposes authorized herein; and ordaining other matters related to the subject.

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. Agredano

Second: Cm. Belmares

For: 8

Against: 0

Abstain:

0

Ordinance Introduction: City Council

VIII. INTRODUCTORY ORDINANCES

8. Authorizing the City Manager to execute a lease with Ernest Health, Inc., for approximately 69,790.67 square feet of land consisting of the former Maher Avenue located between Bartlett Avenue to the south and Bustamante Street to the north at the Laredo International Airport. Lease term is for one (1) year commencing on August 1, 2005 and ending July 31, 2006. However, it is agreed by the parties that the lease may be terminated by either party on not less than thirty (30) days written notice from the party terminating to the other. Monthly rent shall be \$2,443.00, providing for reduction of the leased area and rental obligation at time of closing of public sale of a portion of Maher Avenue to Lessee; providing for an effective date.

Ordinance Introduction: City Council

9. Approving the public sale of a portion (approximate west half) of the former Maher Avenue right-of-way (surface only) consisting of approximately 34,730.39 square feet located between Bartlett and Bustamante Street at the Laredo International Airport to Ernest Health, Inc., abutting property owner, in the amount of \$329,939.00, and authorizing the City Manager to execute all necessary conveyance documents; providing for effective date.

Ordinance Introduction: City Council

10. Authorizing the City Manager to execute a lease with Webb County (Floyd Day Care) for approximately 1.0128 acres of land located at 4704 Naranjo Street at the Laredo International Airport. Lease term is for two (2) years commencing on August 1, 2005 and ending on July 31, 2007. Monthly rent shall be \$1,862.00 and will be adjusted annually according the changes in the Consumer Price Index; providing for an effective date.

Ordinance Introduction: City Council

11. Amending Ordinance #99-O-180 by authorizing the City Manager to execute a First Amendment to that certain Ground Lease between the City of Laredo and SBC Texas Towers LP, a Delaware limited partnership ("Tenant") dated June 28, 1999, to increase the height of the monopole, located at 200 W. Travis (Cruz Field), from a 100 foot monopole to a 130 foot monopole and consent to the collocation of Alamosa PCS. All other terms and conditions of the lease remain in full force and effect.

Ordinance Introduction: City Council

IX. FINAL READING OF ORDINANCES

Motion to waive the final readings of Ordinances # 2005-O-143; # 2005-O-144; # 2005-O-145; # 2005-O-146; # 2005-O-147; # 2005-O-148; # 2005-O-149; # 2005-O-150; # 2005-O-151; # 2005-O-152; # 2005-O-153; # 2005-O-154; # 2005-O-155; # 2005-O-156; # 2005-O-157; # 2005-O-158; # 2005-O-159; # 2005-O-160; # 2005-O-161; # 2005-O-162; # 2005-O-163; # 2005-O-164; # 2005-O-165; and # 2005-O-166.

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

Against: 0

Abstain:

0

12. 2005-O-143 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.

Motion to adopt Ordinance # 2005-O-143.

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

Against: 0

Abstain: 0

rezoning

2005-O-144 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-144.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning 2005-O-145 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-145.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning 2005-O-146 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-146.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning 2005-O-147 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-147.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning

2005-O-148 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-148.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning

2005-O-149 Amending the Zoning Ordinance Map of the City of Laredo by

out

Lots 3-6, Block 1569, Eastern Division, and adjacent .076 acre tract

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.

Motion to adopt Ordinance # 2005-O-149.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-150 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 as amended; providing for publication and effective date.

Motion to adopt Ordinance # 2005-O-150.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning

2005-O-151 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-151.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

rezoning

2005-O-152 Amending the Zoning Ordinance Map of the City of Laredo by

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.

Motion to adopt Ordinance # 2005-O-152.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-153 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 adopt Ordinance # 2005-O-153.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005

2005-O-154 Authorizing the City Manager to amend the City of Laredo FY 2004-

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 adopt Ordinance # 2005-O-154.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-155 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 adopt Ordinance # 2005-O-155.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-156 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 adopt Ordinance # 2005-O-156.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-157 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 adopt Ordinance # 2005-O-157.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-158 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 adopt Ordinance # 2005-O-158.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-159 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 adopt Ordinance # 2005-O-159.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-160 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 adopt Ordinance # 2005-O-160.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Laredo 2005-O-161 Authorizing a one time exemption for those former United Water

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.

Motion to adopt Ordinance # 2005-O-161.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-162 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.

Motion to adopt Ordinance # 2005-O-162.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-163 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.

Motion to adopt Ordinance # 2005-O-163.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-164 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.

Motion to adopt Ordinance # 2005-O-164.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-165 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.

Motion to adopt Ordinance # 2005-O-165.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2005-O-166 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.

Motion to adopt Ordinance # 2005-O-166.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

X. RESOLUTIONS

13. 2005-R-064 Confirming the City Manager's recommended appointment of a member

to the Firefighter's & Police Officers' Civil Service Commission of the City of Laredo.

Motion to approve and reappoint Luis Landin.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8 Against: 0 Abstain: 0

14. 2005-R-066 A resolution expressing official intent to reimburse the General Fund

in

the amount of \$1,578,503.00 related to Phase 2 Toll Bridge Equipment, pursuant to the issuance of City of Laredo, International Toll Bridge System Revenue Bonds, Series 2005.

Motion to approve.

Moved: Cm. Galo
Second: Cm. Amaya

For: 8 Against: 0 Abstain: 0

15. 2005-R-067 A resolution expressing official intent to reimburse the General Fund
in

the amount of \$90,950.00 related to the purchase of a replacement ambulance from Wheel Coach Industries, Inc., pursuant to the issuance of City of Laredo, Texas Combination Tax and Revenue Certificates of Obligation, Series 2005.

Motion to approve.

Moved: Cm. Galo
Second: Cm. Amaya

For: 8 Against: 0 Abstain: 0

XI. MOTIONS

16. Authorizing the City Manager to amend Physician Contract No. FY03-113,
between

the City of Laredo and David Cruz, M.D., dated October 1, 2003, in which the Physician provides medical services to city employees through the Employee Health and Wellness Division. The amendment will allow the City to exercise its one (1) year option to renew the contract with Dr. Cruz and to change the method of compensation. The estimated cost of this one-year contract renewal is \$25,000.00. Funding is available in the Health Benefits Fund / Employee Health Division Budget.

Motion to approve.

Moved: Cm. Galo
Second: Cm. Amaya

For: 8 Against: 0 Abstain:
0

17. 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 a liquidation damage (copy attached); and approval to revise the plans and re-bid the project.

Motion to table for next meeting.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain:

0

18. Consideration to ratify the emergency purchase of a replacement ambulance from

Wheel Coach Industries, Inc., Orlando, FL., in the total amount of \$90,950.00, through the Texas Local Government Purchasing Cooperative (Buy Board). Funding has been made available in the Fire Department Budget. (Approval of item #15 required prior to approval of motion)

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain:

0

19. Authorizing the City Manager to accept funds from the Center for Disease and Humanitarian Assistance Medicine (CDHAM) in the amount of \$7,330.00 for the City of Laredo Health Department for a pre-conference meeting, held on June 21, 2005 as part of the U.S. Mexico Border Health Association 63rd Annual Conference. The funds helped defray costs of the pre-conference meeting and were previously appropriated.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

20. Consideration to award a repair contract to American La France Gulf Coast, Houston,

Texas in the amount of \$45,465.00 for dealer repairs to the aerial platform for aerial truck AT-2. This aerial platform of this truck was damaged in an accident. Funding is available in the Fire Department Budget.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain:

0

21. Consideration to award contract FY05-106 to the low bidder, Safety Glass Co., Laredo,

Texas, in the amount of \$47,500.00 for the replacement of fourteen (14) pairs of entrance doors at the Civic Center complex; and rescind the March 7, 2005 contract awarded to Freedom Construction due to their inability to secure the required performance and payment bonds. Funding is available in the Civic Center Fund.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8
0

Against: 0

Abstain:

22. Consideration to award annual contract number FY05-104 to the low bidder, JJJ International Safety, Laredo, Texas, in the estimated amount of \$35,000.00, for the purchase of safety products for all operations. Contract pricing has been established for safety products such as safety belts, vests, safety glasses, rain suits, hard hats, traffic cones, warning flags, water coolers, and gloves. These items will be purchased throughout the year by all departments on an as needed basis.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8
0

Against: 0

Abstain:

23. Consideration to extend the Vehicles for Hire Ad Hoc Committee through December 31, 2005. The Vehicles for Hire Ad Hoc Committee was created on May 7, 2001.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain:

XII. STAFF REPORTS

24. A. Presentation by Riazul Mia, Environmental Services Director, on the proposed

TPDES storm water permit (WQ0004592000) issued by Texas Commission on Environmental Quality (TCEQ) for the City of Laredo, with Laredo Community College & Texas Department of Transportation (District 22) as Co-permittee with possible action.

The following permit was submitted for approval:

Part I: AUTHORIZATION

City of Laredo,

Laredo Community College
Texas Department of Transportation

Are authorized to discharge from the City of Laredo Municipal Separate Storm Sewer System (MS4) (SIC9111) including all areas, except for any agricultural lands, located within the corporate boundary of the City of Laredo served by, or otherwise contributing to discharges to the MS4 owned or operated by the permittees, located in Webb County Texas via the MS4 to various ditches and tributaries that eventually reach the Rio Grande Below Amistad Reservoir in Segment Number 2304 of the Rio Grande River Basin only according to conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of storm water and certain non storm water discharges along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of this issuance.

Part II: Discharges authorized by this Permit

A. This permit authorizes all existing or new storm water point source discharges to

surface water in the state from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittees, except as follows:

1. The following discharges, whether discharged separately or commingled with

municipal storm water, are not authorized by this permit.

a. Non-storm water and industrial storm water: Discharges of non-storm water discharges associated with industrial activity; or other storm water discharges required by the TCEQ to obtain a TPDES permit.

b. Discharges of materials resulting from a spill.

c. However, nothing in subsections a. and b. is intended to negate any person's

ability to assert the force majeure (Act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC 70.7

This permit does not transfer liability for the act of discharging without, or in violation of, an National Pollutant Discharge Elimination System (NPDES) or a

TPDES permit from the operator of the discharge to the permittee. Also see Part III, Item B.7. of this permit.

B. Responsibilities of the Permittees:

1. Each permittee is individually responsible for:

A. Compliance with permit conditions relating to discharges from portions of the

MS4 for which they are the operator;

B. Storm Water Management Program (SWMP) implementation on portions of the

MS4 for which they are the operator;

C. Compliance with annual reporting requirements;

D. Collection of representative wet weather monitoring data, according to such agreements established between permittees; and

E. A plan of action to assume responsibility for implementation of the storm water

management and monitoring programs on their portions of the MS5 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.

2. Permittees are jointly responsible for permit compliance on portions of the MS4

where operational or SWMP implementation authority over portions of the MS4 shared or has been transferred from one permittee to another in accordance with legally binding agreements.

Part III: Storm Water Management Program

A. Each permittee shall contribute to the development, implementation and revision

of a comprehensive Storm Water Management Program (SWMP) which includes pollution prevention measures, treatment or pollutant removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the MS4 that reach Waters of the United States (U. S.) Each element of the plan must be developed to include measurable goals, whenever feasible.

The SWMP shall identify the areas of permittees' jurisdiction for each program element, control, and activity. Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or with private entities in cooperative efforts to satisfy the requirements of Part III of this permit in lieu of creating duplicate program elements for each individual permittee. The SWMP, taken as a whole, must include controls

necessary to effectively prohibit the discharge of non-storm water into the MS4 (except as described in Part III.B6 of this permit), and reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).

The SWMP shall cover the term of the permit and shall be updated as necessary or as required by the TCEQ, to ensure compliance with Section 402 of the Clean Water Act, Chapter 26 of the Texas Water Code, applicable EPA and TCEQ regulations, and the requirements of this TPDES permit. Any modifications to the SWMP shall be made in accordance with Part III.G2 and 3 of this permit. Compliance with the SWMP is defined as compliance with Part III.B. The SWMP, and all approved updates are incorporated by reference.

The controls and Best Management Practices (BMPs) included in the SWMP constitute effluent limitations for the purposes of compliance with the requirements of 30 TAC Chapter 319, Subchapter B, related to Hazardous Metals, unless otherwise limited in the permit.

B. The SWMP shall, at a minimum, contain the following elements:

1. Structural Controls: The MS4 and any storm water structural controls shall be operated in manner to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP).
2. Areas of New Development and Significant Redevelopment: The permittees shall implement a comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant redevelopment after construction is completed. The goals of such controls shall include:
 - A. New development – limiting increases in the discharge of pollutants in storm water as a result of development; and
 - B. Redevelopment – reducing the discharge of pollutants in storm water.
3. Roadways: Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.
4. Flood Control Projects: Impacts on receiving water quality shall be assessed for all flood control projects. Where feasible, new flood control structures must be designed and constructed to provide pollutant removal from storm

water. The feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated and implemented to the maximum extent practicable.

5. Pesticide, Herbicide, and Fertilizer Application: The permittees shall develop and

implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittees employees or contractors, to public right of ways, parks, and other municipal property. Permittees with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to the application and distribution of pesticides, herbicides, and fertilizers.

6. Illicit Discharges and Improper Disposal:

a. Illicit non-storm water discharges to the MS4 shall be prohibited. For the purposes of this permit, the following discharges need not be addressed as illicit discharges by the permittees nor prohibited from entering the MS4:

1. Discharges regulated by a separate NPDES or TPDES permit;
2. Discharges for which an NPDES or TPDES permit application has been submitted; and

3. Other non-storm water discharges, as described below, that are not prohibited by

the permittee in the SWMP. The SWMP shall identify any categories of non-storm water discharges that are not prohibited from being discharged into the MS4, in accordance with the following conditions:

a. Categories of non-storm water discharges that the permittees may exempt

from prohibition on non-storm water entering the MS4 include water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharged from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; street wash water; individual residential vehicle washing; wash waters using only potable water without detergents or surfactants, and which are similar in quality and character to street wash water or individual residential vehicle washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; as well as any other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges. Program descriptions shall address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to surface waters.

For the purposes of this permit, “ground water infiltration” means uncontaminated ground water that enters an MS4 (including sewer service connection and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. This does not include, and is distinguished from, “inflow”. For the purpose of this permit, “inflow” is defined as water that enters the MS4 (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.

- b. The non-storm water discharges exempted from the prohibition of non-storm water must be reasonably expected not to be significant sources of pollutants based on either the nature of the discharges, or conditions placed on the discharges by the permittees.
- c. The SWMP shall describe any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. Permittees shall prohibit any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined by the permittees to be contributing significant amounts of pollutants to the MS4.

- b. Overflows and Infiltration: Each permittee shall implement controls where necessary and where feasible, to prevent dry weather and wet weather overflows from sanitary sewers into the MS4; and shall limit the infiltration of seepage from municipal sanitary sewers into the MS4.
- c. Floatables: The permittees shall ensure the implementation of a program to reduce the discharge of floatables (e.g.: litter and other human generated solid refuse) into the MS4, which shall include source controls and, where necessary, structural controls and other appropriate controls.
- d. Household Hazardous Waste and Used Motor Vehicle Fluids: The discharge disposal of used motor vehicle fluids, household hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into the MS4 shall be prohibited. The permittees shall ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis. Household hazardous waste collection centers which are operated by the permittees as a SWMP element are not considered an industrial

activity requiring a separate TPDES authorization for the discharge of storm water.

- e. MS4 Screening and Illicit Discharge Inspections: The permittees shall implement a Dry Weather Screening Program described in Part III.B.11.a (Monitoring and Screening) of this permit, to locate portions of the MS4 with suspected illicit discharges and improper disposals.
 - f. Elimination of Illicit Discharges. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of illicit discharge within thirty 30 days is not possible, the permittees shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.
 - g. The permittees shall maintain, and update as necessary, a list of discharges directly to the MS4 that have been issued an NPDES or a TPDES permit. The list shall include the name, location and permit number of the discharger.
7. Spill Prevention and Response: The permittees shall continue and improve as necessary existing program which prevent, contain, and respond to spills that may discharge into the MS4. The spill response programs may include a combination of spill response actions by the permittees (and/or another public or private entity), and legal requirements for private entities within the jurisdiction of the permittees.
8. Industrial & High Risk Runoff: The permittees shall continue and improve as necessary the existing programs to identify and control pollutants in storm water discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittees determine are contributing a substantial pollutant loading to MS4. The program shall include:
- a. Priorities and procedures for inspections and for establishing and implementing control measures for such discharges: and
 - b. An Industrial and High Risk Monitoring Program as described in Part III.B.11.c. of this permit.

9. Construction Site Runoff: The permittees shall implement a program to reduce

the discharge of pollutants into the MS4 from construction sites. This program shall include:

- a. Requirements for the use and maintenance of appropriate structural and nonstructural control measures to reduce pollutants discharged to the MS4 for construction sites;
- b. Inspection of construction sites and enforcement of control measure requirements;
- c. Appropriate education and training measures for construction site operators; and
- d. Notification, as appropriate, to building permit applicants of their potential responsibilities under the NPDES/TPDES permitting regulations and permits for construction site runoff.

10. Public Education: The permittees shall implement a public education program

component with the following:

- a. a program element to promote, publicize, and facilitate public reporting of illicit discharges or improper disposal of materials, including floatable, into the MS4;
- b. A program element to promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes; and
- c. A program element to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.

11. Monitoring and Screening Programs: The permittees shall implement the following monitoring and screening programs:

- a. Dry Weather Screening Program: This program shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. The permittees shall screen a minimum of 20% of the MS4 each year with a focus on outfalls and past dry weather discharges, outfalls associated with facilities having documented historical problems, and areas associated with citizen complaints.

Screening methodology may be modified based on experience gained during the actual field screening activities, and is not required to conform to

the protocol for field screening at 40 CFR. Sample collection and analysis is not required to conform to the requirement of Part V.B.2 of this permit, "Test Procedures."

b. Wet Weather Screening Program: The permittees shall identify, investigate, and

address areas within their jurisdiction that may be contributing excessive levels of pollutant to the MS4. The program shall:

1. Screen the MS4, as specified in the SWMP; and
2. Specify the sampling and non-sampling techniques to be used for current screening and also for follow-up screening. Sample collection and analysis for this Wet Weather Screening Program is not required to conform to the requirements of Part V.B.2 of this permit, "Test Procedures."

c. Industrial and High Risk Runoff Monitoring Program: The program shall include

monitoring for pollutants in storm water discharges to the MS4 from municipal landfills, other treatment, storage, or disposal facilities for municipal waste (e.g., transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the MS4.

1. This program shall include the collection of quantitative data on those parameters which have been identified by the permittee as a pollutant of concern for that facility, and shall:

a. coincide with the corresponding industrial sector-specific requirements of the TPDES Multi-Sector General Permit (MSGP) or any applicable general permit issued after September 29, 1995. This exception is not contingent on whether a particular facility is actually covered by the general permit; or

b. coincide with the monitoring requirement of any individual permit for the storm water discharges from that facility.

c. include pollutants of concern for the storm water discharge from that facility as identified by the permittee.

To avoid the duplication of efforts, the permittees may review data collected by a facility as required by any individual or general permit for that facility rather than performing an additional sample collection and analysis.

In lieu of the monitoring discussed above, the permittees may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittees accept a “no exposure” certification, the permittees shall conduct annual site inspections of the facility to verify the “no exposure” exemption.

- C. Deadlines for SWMP Compliance: Full implementation of the SWMP is required upon permit issuance, unless a compliance schedule is provided in the permit for a portion of the SWMP.
- D. Roles and Responsibilities of Permittees: for shared programs, the SWMP shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority: Each permittee shall ensure legal authority to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:
 - 1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
 - 2. Prohibit illicit discharges to the MS4;
 - 3. Control the discharge of spills and the dumping or disposal of material other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
 - 4. Control through interagency agreements among permittees the contribution of pollutants from one portion of the MS4 to another;
 - 5. Require compliance with conditions in ordinances, permits, contracts or orders;
and
 - 6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.
- F. SWMP Resources: Each permittee shall provide adequate finances, staff

equipment, and support capabilities to implement their activities under the SWMP.

G. SWMP Review and Updates:

1. SWMP Review: The permittees shall participate in an annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.
2. SWMP Updates: The SWMP shall not be revised by the permittees without the prior written approval of the TCEQ, except as follows:
 - a. Adding components, controls, or requirements to the SWMP may be made by the permittees at any time upon written notification to the TCEQ.
 - b. changes replacing less effective or infeasible Best Management Practice (BMP) specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittees 60 days from submittal of the request. Such requests must include the following:
 1. an explanation of why the BMP was eliminated;
 2. an explanation on the effectiveness of the replacement BMP; and
 3. an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.
 - c. changes resulting from any compliance schedules contained in this permit may be requested following completion of an interim task or final deadline. Unless denied in writing by the TCEQ, proposed changes meeting the criteria contained in the applicable schedule shall be considered approved and may be implemented by the permittees 60 days from submittal date.
 - d. Change requests or notifications must be made in writing, signed by all directly affected permittees in accordance with Part V. B. 8 of the permit, and must include a certification that all permittees were given an opportunity comment on the proposed changes prior to submittal to TCEQ.
3. SWMP Updates Required by the TCEQ: The TCEQ may require changes to the SWMP as needed to :

- a. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;
- b. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; or
- c. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code.

If the TCEQ requires changes to the SWMP, the TCEQ will notify the permittees in writing of the required changes; will provide an explanation of the required changes; will set forth the time schedule for the permittees to develop these changes; and will allow the permittees an opportunity to propose alternative program changes to meet the objective of the request. The TCEQ will make changes through a permit amendment, which will be conducted in accordance with 30 TAC 305.62.

4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation: The permittees shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that can not be implemented immediately.

Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittees shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be submitted in the annual report.

- H. Retention of SWMP Records: The permittee shall retain the SWMP and all associated records for at least three years after coverage under this permit terminates.

Part IV. Monitoring and reporting requirements

- A. Beginning upon permit issuance (unless stated otherwise) the permittees shall implement a Wet Weather Characterization sampling program in accordance with either Provision IV.A.1 or IV.A.2 as follows:

1. Representative Storm Event Monitoring: Monitoring shall be conducted on

representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System (MS4).

a. Monitoring Requirements and Locations: During the period beginning upon date of issuance and lasting through date of expiration, the permittee is authorized to discharge from the Laredo MS4 subject to the following monitoring requirements:

b. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the TCEQ in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the TCEQ, or unless the outfall contains numeric effluent limitations, use of an alternate monitoring location may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. Six samples shall be collected during the first year of monitoring at substitute outfalls.

2. Representative Rapid Bioassessment Monitoring: The permittees have the option of developing and implementing a rapid bioassessment monitoring program.

a. The permittees shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies.

b. Permittees utilizing the rapid bioassessment monitoring option shall conduct monitoring of the MS4 as described in Part IV.A.1 of this permit, except the monitoring for Years Two, Three, and Five are no longer required.

c. If the permittees elect to develop and implement a rapid bioassessment monitoring program, the permittees shall submit a monitoring program to the TCEQ for approval no later than one year from the effective date of this permit. An approvable program must include:

1. monitoring of at least two water bodies receiving storm water discharges from the MS4 plus a reference site located within the same ecological region as the MS4, but that does not receive discharges from the MS4;

2. monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and

3. concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the MS4 is monitored.

Unless contacted by TCEQ within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittees may implement the alternate rapid bioassessment program.

- d. The permittees shall provide written notification to the TCEQ's Storm Water & Pretreatment Team (MC-148) at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.

3. Storm Event Date: for sampling conducted for Part IV.A.1 of this permit and any additional sampling conducted for Part IV.A.4., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in Part IV.A.1.a of this permit, the permittees shall maintain records of the storm events which generated the sampled runoff: date and duration (in hours); rainfall measurements or estimates (in inches); the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

4. Seasonal Loading and Event Mean Concentrations. All necessary sampling data shall be collected to provide estimates for each of the five monitoring locations of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in Part IV.A.1.a. of this permit. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for the fourth year of the permit.

5. Sample Type. Collection and Analysis: The following requirements apply only to samples collected for Part IV.A.1 and A.4. of this permit.

- a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample must be taken.
- b. Grab samples taken during the first two hours of discharge shall be used for the analyses (if required) of pH, temperature, cyanide, oil & grease, and E. coli. For all other parameters, data shall be reported for flow-weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.

c. Samples shall be collected of the discharge resulting from a storm event that is

greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

The required 72 hour storm event interval is waived where the preceding storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the permittees document that less than a 72 hour interval is representative for local storm events during the season where sampling is being conducted.

6. Temporary Suspension and Waivers: Requirements to conduct representative

monitoring as described in Part IV.A.1.a (1) within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions that result in the temporary suspension of a permit requirement to conduct seasonal monitoring must be documented and included as part of the Annual Report. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.

When seasonal monitoring is temporarily suspended, the monitoring must be conducted in the same season the following year, in addition to any monitoring required for that season. If the temporarily suspended monitoring requirement cannot be fulfilled during the same season of the following year, then it is permanently waived.

B. Floatables Monitoring

Permittees shall maintain two monitoring locations for removal of floatable material in discharges to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the Annual Report required in this permit.

C. Annual Report

The permittee shall prepare an annual system-wide report to be submitted no later than March 1 of each year. The report shall cover the previous permit year as defined in Part VI.C of his permit, and shall include the following separate sections, with an overview for the entire MS4:

1. The status of implementing the SWMP;

2. Any proposed changes to the SWMP in the coming year;
3. Revisions, if necessary, the assessments of controls and the fiscal analysis reported in the permit application or the most recent annual report;
4. A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
5. A summary of the number of the NPDES and TPDES Notices of Intent received
for each general permit, the number of site notices received from small construction site operators seeking coverage for storm water discharges, and the number of inspections conducted at industrial facilities and construction sites;
6. Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each annual report;
7. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
8. Identification of any water quality improvements, degradations, and progress
toward any measurable goals or measured reductions in pollutants.

Preparation and submittal of a system-wide annual report shall be coordinated by the City of Laredo. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the City of Laredo no later than 45 days prior to report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with the Part V.B.8. of this permit and include a statement or resolution that the permittees' governing body or agency has reviewed or been appraised of the content of the Annual Report.

D. Certification and Signature of Reports

All reports required by the permit and other information requested by the TCEQ shall be signed and certified in accordance with Part V.B.8. of this permit.

E. Reporting, Where and When to Submit

1. Representative monitoring results obtained during the reporting period running from September 1st to August 31st shall be submitted on Discharge Monitoring Report Forms along with the Annual Report
2. Signed copies of the Annual Report required by Part IV.C, and other reports required by this permit, shall be submitted to the TCEQ's Wastewater Permitting Section, Storm Water & Pretreatment Team and to the TCEQ Regional Office.

Fact Sheet and Executive Director's Preliminary Decision

TPDES permits contain technology-based discharge limits or controls reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based discharge limitations and/or conditions may be incorporated in future permit actions. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity data bases to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

In general, TPDES storm water permits do not contain water quality-based effluent limits. Instead, they emphasize requirements that permittees must prevent or effectively reduce exposure of storm water to pollution. As stated in 30 TAC, controls on the quality of permitted storm water discharges are largely based on implementing best management practices and/or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on storm water are needed.

2. Specific Recommendations

As stated above, no numeric effluent limitations are proposed at this time. The following narrative provisions are required as part of the permit to comply with 30 TAC Chapter 307.

- a. No discharge of toxics from the MS4 in toxic amounts. 30 TAC Chapter 307 requires that "Surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life."
- b. No discharge of pollutants in quantities that would cause a violation of State water quality standards.
- c. No degradation or loss of designated uses of receiving waters as a result of storm water discharges from the MS4.

d. Area-Specific Requirements: None.

e. Discharge Monitoring Requirements:

The permittees must comply with either option 1 or 2 as follows and item 3:

1. Representative Storm Event Monitoring: The permittees shall monitor for the

parameters listed below at Outfalls 001, 002, 003, 004, and 005 once per season throughout the permit term (results shall be reported in mg/L unless otherwise noted):

Biochemical Oxygen Demand, 5-day
Chemical Oxygen Demand
Oil and Grease
Total Suspended Solids
Total Dissolved Solids
Total Nitrogen
Total Kjeldahl Nitrogen
Total Phosphorus

Riazul Mia, Environmental Services Director, said the City received their first EPA permit in 1998 and it expired in 2003. By that time, the State of Texas was delegated to the NPDS program so it became a TPDS program. The City of Laredo applied for a permit in 2002 and it has taken two years to get out the draft permit. Once the draft permit was received staff was given seven days to comment so they asked TCQ to allow more time for the permit to be reviewed.

Larry Dovalina, City Manager, expressed his concerns about the City of Laredo being the first city to receive the particular permit from TPDS. He noted that he is concerned about how the language is structured in the draft permit. The City of Laredo does not want to be a guinea pig or place them in a position of failure. On the other hand, the City of Laredo is criticized by individuals saying that we are not friendly to the environment but this draft ordinance places the city on the cutting edge of environmental issues that our department deals with on a daily basis.

Cm. Galo asked why Laredo Community College and the Texas Department of Transportation are listed in the permit.

Riazul Mia said because they pay to be part the City's program instead of following their own program. They are listed as co-permittees and are obligated to follow the permit process.

Angela Moorman, representative from Russell, Moorman & Rodriguez, L. L. P., said that her firm was identified as part of the permitting team along with Carter Burgess to initiate the application in 2002. She addressed issues and discussed certain changes that the permit would impose upon the City. She advised that the new permit is similar to what the City current has in place and

discussed areas of difference. She discussed one particular change being the flood control system. She said that prior language focused on water quantities and not water quality and TCQ will change the focus to water quality instead. Cm. Galo asked who is the fining authority.

Angela Moorman, explained that there is actually two programs and TCQ is the permitting authority under both programs. TCQ issues what is called the construction general permit that is directly applicable to all construction activities of one or more acres. They also issue the MS4 permit to the City of Laredo pursuant to the cities MS4 permit the construction permit has to be developed and that is outlined in the federal rules that all phase I and phase II cities had to develop a construction

Riazul Mia said the City of Laredo is responsible for all the development under the Storm Water Management Ordinance. The city enforces the law but the money for the permit is given to the TCQ.

Motion to authorize the City Manager to negotiate the TPDES storm water permit which is issued by Texas Commission on Environmental Quality for the City of Laredo, with Laredo Community College & Texas Department of Transportation.

Moved: Cm. Galo

Second: Mayor Pro Tempore Valdez

For: 8
0

Against: 0

Abstain:

XIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

25. A. Request by Council Member Gene Belmares

1. Status report on the drainage issues in Village Heights.

Rogelio Rivera, City Engineer, reported that the construction at the Woodridge Subdivision pond outlet has been resumed. The engineer Rosin-Johnson-Gomez- Seca and the contractor had an agreement with the gas companies to open cut a trench for the installation of the pond outlet pipes. With the pond outfall and spillway in place, the water should not over-top the pond banks and the risk of flooding for the residences at Village Heights Subdivision should be greatly minimized. He added that the engineer of Woodridge Subdivision told him that the developer for the subdivision and the developer for the San Isidro Ranch are working on an agreement to over detain in the San Isidro Las Bougainvillea's, Phase 4 pond and the detention volume produced by Woodridge and Village Heights via a channel proposed for construction through Woodridge Subdivision and proposed to be connected to the existing channel at Village Heights Subdivision, Phase X. If this agreement is finalized, the detention pond at Woodridge will be backfill.

Juan Gomez, Titan Engineering, advised that there was a meeting at the Parks & Recreation to discuss the proposition to the City. He said that the proposed draft has been submitted to planning and zoning for approval. He noted that he has been approved for 8 ½ acres south of Charlie Borchers Elementary School and it will be called Parkview. He asked the Council to consider allowing them to use the city property for a flood plain because there is another 8 ½ acres for a proposed subdivision. He added that they have done a comprehensive study of the area. He said that they use the park as a detention pond without taking the park capabilities.

Cm. Belmares advised that he has seen the plans. One of the advantages of doing what they are requesting is that they will add an arterial to Shiloh that runs right in front of Borchers which will allow the traffic to move freely through that area. Secondly, the park will be developed as part of the project monies that are earmarked by the developers for park construction.

Horacio De Leon, Parks & Recreation Department, requested for Council to take this issue to the Parks and Recreation Board he will return at a later date with its recommendations.

Cm. Belmares stated that this park needs to go forward. He stated that it is the only fair thing to do for those individuals in those four subdivisions that abut those five acres.

2. Discussion with possible action regarding the maintenance of the American Electric Power (AEP) easement between Candlewood and New Castle.

Larry Dovalina, City Manager, said there has been discussion regarding the ownership of the easement and it does belong to the city. The research was convoluted because it was done in different instruments and at some point CP&L has an easement that was interestingly done in 1952 which was filed until 1987. The City has another easement that was done in 1982. It is clear that the city does own the property and it has an easement on either side of the power lines. He said that he believes that the councilmember's concern was erosion and he has pictures of that. He has listed for placed the item on the CIP plan as a non funded project.

Motion to instruct staff to prepare a CIP project and then put it into the CIP as an unfunded project.

Moved: Cm. Belmares

Second: Mayor Pro Tempore Valdez

For: 8

Against: 0

Abstain:

0

- B. Request by Mayor Pro-Tempore Jose A. Valdez, Jr.

1. Discussion with possible action to consider the creation of a bus stop on Island

Street for use by students attending the Laredo Job Corps.

Motion to instruct staff send it with a positive recommendation to the board.

Moved: Cm. Valdez

Second: Cm. Garcia

For: 8

Against: 0

Abstain:

0

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.

XVII. ADJOURNMENT

Motion to adjourn.

Time: 8:38 p.m.

Moved: Cm. Galo

Second: Cm. Belmares

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 39 and they are true, complete, and correct proceedings of the City Council meeting held on July 5, 2005.

Gustavo Guevara, Jr.
City Secretary