

**CITY OF LAREDO
CITY COUNCIL MEETING
M2002-R-02
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
JANUARY 28, 2002
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
	Louis H. Bruni,	Council Member, District II
	John C. Galo,	Council Member, District
III	Johnny Amaya,	Council Member, District
IV	Eliseo Valdez, Jr.,	Mayor Pro Tempore, District V
	Joe A. Guerra,	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,	Assistant City Manager
	Jaime Flores,	City Attorney

IV. MINUTES

None

V. COMMUNICATIONS AND RECOGNITIONS

Announcements

None.

Invitations

None.

Recognitions

- a. Recognition of the winners of the Mayor's Cup Softball Tournament.

Horacio De Leon, Parks and Recreation Director, reported that the Mayor's Cup Softball Tournament was made up of teams of city employees from different departments. The teams were divided into two divisions and he reported the results:

"A" Division	1st place	Fire Department
"A" Division	2nd place	Utilities Department
"B" Division	1st place	Parks & Recreation Department
"B" Division	2nd place	City Hall

Overall winner of the 2001 Mayor's Cup was the Fire Department.

Team Manager award went to Larry Dovalina, City Manager.

Communiqués

Cm. Bruni mentioned he read a newspaper article dealing with the secondary water source issue. He mentioned that the article quoted a total project cost of \$80 million. He stated that he understands the capital improvements cost for the project will be between \$30 million to \$40 million. He also clarified that this project is not being solely funded by rate increases; it may be funded by the privatization of the Utilities Department. He stated that the City Council is not looking to increase taxes but it is interested in looking at ways to work toward solutions for the common good of all taxpayers.

Cm. Galo made similar comments regarding the misleading newspaper article. He also stated that the Sanitation Department received mention in the newspaper for its fine work. He expressed his appreciation to Joe Guerra, Public Works Director, and the crew involved.

He also expressed his appreciation to Tex-Mex Railway for maintaining the rights-of-way and asked all citizens to help keep those areas clean and not use them as dumping sites.

Cm. J. Valdez, Jr. stated that Laredo Independent School District is currently busing children at the recreational center and at the Boys and Girls Club. He wants to make sure that people are aware of this and that motorists stop when the buses are picking up and dropping off school children.

Mayor Flores mentioned she just returned from Washington, D. C. She mentioned the President's proposed reduction to the Transportation Funds by 27 %. She stated that

the complex issues being confronted by our federal government dictate the stance that President Bush is taking. She mentioned that she also visited with the Secretary of Transportation and Tom Ridge, Director of Homeland Security as well as other individuals that deal with the issues that confront us every day. On behalf of the President of the United States, Mayor Flores thanked the Police Chief and Fire Chief for the work they do and all those men and women who protect our lives and our property every day and put their lives at risk.

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

- a. Appointment by Council Member Joe. A. Guerra of Tony Trevino to the City Charter Commission.

Motion to approve.

Moved: Cm. Galo

Second: Cm. J. Valdez, Jr.

For: 7

Against: 0

Abstain: 0

Cm. Agredano not present.

- b. Appointment by Council Member Alfredo Agredano of Tom Mitchell to the City Charter Commission.

Motion to approve.

Moved: Cm. Galo

Second: Cm. J. Valdez, Jr.

For: 7

Against: 0

Abstain: 0

Cm. Agredano not present.

Cm. Agredano arrived at 5:50 p.m.

Cm. Bruni left at 6:15 p.m. and returned at 7:05 p.m.

VII. PUBLIC HEARINGS

1. Public hearing and introductory ordinance amending section 24.80 of the Laredo Land

Development Code by revising citations to the Texas Administrative Code in Section 42.80.2 (D), creating Section 24.80.3 requiring improvements and a plat to be filed for the subdivision of a parcel of land into two or more lots five acres or less which is intended for residential purposes within the corporate limits of the City of Laredo, creating Section 24.80.4 (D) requiring all water supply systems to be consistent with the standards developed by the TNRCC and as set out in 30 TAC Chapter 290, creating Section 24.80.4 (E)(2)(i) prohibiting pit privies, portable toilets, and on-site sewage facilities that do not meet the wastewater treatment standards developed by

TNRCC and set out in 30 TAC Chapter 285; and providing for publication and effective date.

Motion to open the public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Galo

Second: Cm. J. Valdez, Jr.

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

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

City of Laredo by rezoning Lot 1, Block 547, Eastern Division, located at 901 Gustavus St., from R-3 (Mixed 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. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

Nancy Rivera stated that they are trying to obtain a B-1 zoning designation change.

MOTION to close the public hearing, table and have staff bring the item back as a C.U.P.

Moved: Cm. Galo

Second: Cm. Ramirez

For: 7

Against: 0

Abstain: 0

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

City of Laredo by rezoning Lot 252, Block 13, Del Mar Hills Subdivision, Section 1, Area "A", located at #2 Lindenwood Drive, from R-1 (Single Family Residential District) to R-O (Residential-Office 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. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

Ron Whitehawk, representing the proposed purchaser of the property, spoke before City Council. He stated that the zoning there is consistent with what is immediately adjacent to it along Del Mar Boulevard. He mentioned that the front of the property would retain its residential appearance and the home will be used for professional office space.

Diana Santos spoke on behalf of her mother Alicia Vaughn. She asked City Council to consider this zone change request. The neighborhood has changed extensively and prospective home buyers mention that the traffic along the street is too busy and loud.

Jaime Flores, City Attorney, stated he has not reviewed this particular lot but from the information he received, the deed restrictions and covenants applied to all the residential areas in Del Mar. He stated that the covenants themselves state that the owner needs to have greater than 50% of the residents approve the zone change.

Keith Selman, Planning Director, stated that this property is under the same covenants as the previous application that went before City Council. It is part of those older subdivisions that fall under the covenants and deed restrictions.

Michael Dickerson, one of the proposed owners of the property, spoke before City Council. He urged City Council to go forward with the R-O zone change. He stated that the City does not have standing and the City has no business in any type of litigation. The parties that would be responsible are those owners involved in the plat. It is a civil action that does not have anything to do with the City's zoning.

Mayor Flores stated that she would like to get information as to what part of the subdivision falls under the deed restrictions.

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

Moved: Cm. Guerra

Second: Cm. Ramirez

For: 5

Against: 2

Abstain: 0

Cm. Agredano

Cm. Galo

Upon being put to a vote, the motion failed because it requires six votes in favor.

Motion to close the public hearing.

Moved: Cm. Galo

Second: Cm. Amaya

For: 7

Against: 0

Abstain: 0

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

City of Laredo by rezoning Lot 4, Block 1653, Eastern Division, located at 2719 Clark Blvd., 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 change.

Motion to open the public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

Carlo Menchaca stated that he was opposed to the proposed change and submitted a petition with 21 signatures.

Rogelio Rivera, City Engineer, stated that he and his wife are requesting the zone change for the purpose of establishing a gift shop at that location. He understands that there is plenty of opposition to the B-1 designation. There is another zoning designation which is an R-O which allows for the sale of handcrafted items. He mentioned that he would be in favor an R-O designation or a conditional use permit if City Council so decides.

Motion to close the public hearing and introduce as a C.U.P. for use as a gift shop and override Planning and Zoning Commission's recommendation.

Moved: Cm. Amaya

Second: Cm. Galo

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Amaya

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

City of Laredo by rezoning Lot 5, Block 1108, Western Division, located at 102 Matamoros St., from B-1 (Limited Commercial District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the proposed change.

Motion to open the public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Ramirez

Second: Cm. J. Valdez, Jr.

For: 7 Against: 0 Abstain: 0

Ordinance Introduction: Cm. Ramirez

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

City of Laredo by rezoning 49.95 acres, as further described by metes and bounds on attached Exhibit "A", located west of Bob Bullock Loop and south of the proposed Jacaman Road extension, from AG (Agricultural District), R-1 (Single Family Residential District), and M-1 (Light Manufacturing District) to B-4 (Highway Commercial District); providing for publication and effective date. The Planning and Zoning Commission has recommended approval of the proposed change.

Motion to open the public hearing.

Moved: Cm. Galo

Second: Cm. J. Valdez, Jr.

For: 7 Against: 0 Abstain: 0

Harry Jewett, representing the Jacaman interest, stated that this particular zone change is in conjunction with the sports arena project. He commented that they had a Master Plan to accommodate this particular project and the existing zoning pattern was based on an earlier plan. Now that the sports arena project is in place, they need to bring all of this into compliance. They have revised the Master Plan for this area and it has received approval from the Planning and Zoning Commission.

Motion to close the public hearing and introduce.

Moved: Mayor Pro Tem E. Valdez, Jr.

Second: Cm. Guerra

For: 7 Against: 0 Abstain: 0

Ordinance Introduction: Mayor Pro Tem E. Valdez, Jr.

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

City of Laredo by rezoning 6.19 acres, as further described by metes and bounds on attached Exhibit "A", located north of Kimberly Drive and east of Chris Lane, from R-1 (Single Family Residential 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 proposed change.

Motion to open the public hearing.

Moved: Cm. Galo
Second: Cm. Amaya
For: 7

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Guerra

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

FY 2001-2002 annual budget in the amount of \$13,147.00 in additional funds for the Medicaid Administrative Cost (MAC) Project of the City of Laredo Health Department for the period beginning October 1, 2001, through September 30, 2002.

Motion to open the public hearing.

Moved: Cm. Galo
Second: Cm. Amaya
For: 7

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Galo
Second: Cm. Amaya
For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

9. Public hearing and introductory ordinance amending the City of Laredo Fiscal Year 2001-2002 General Fund annual budget and Contractual Obligations Fund annual budget by transferring \$2,202,940.00 from the General Fund balance and appropriating it in the Contractual Obligations Fund. The amendment will draw down \$2,202,940.00 from the General Fund opening balance and appropriate a transfer out of \$2,202,940.00 to the Contractual Obligations Fund. Amending the Contractual Obligations Fund to appropriate \$2,202,940.00 for the Personal Property Finance Contractual Obligation for acquisition of machinery and equipment, automotive equipment and building improvements.

Motion to open the public hearing.

Moved: Cm. Galo
Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

There was no public input.

Rosario Cabello, Finance Director, stated that this transaction would allow the City to secure the necessary funds in order to give the City the authority to order this equipment.

Motion to close the public hearing and introduce.

Moved: Cm. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

Ordinance Introduction: City Council

VIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

10. A. Request by Council Member Louis H. Bruni

1. Status report on the City of Laredo and Webb County Colonia project, with possible action.

Mr. Keith Kindle, Project Director with Turner, Collie, and Braden made a report before City Council. He mentioned that they held a design status meeting

today and he explained that they have the Mines Road preliminary design complete for work orders #1 and #2, with the exception of the design of the ground storage tank and pump station. Those are on hold pending the oversizing

completion. Over on 359, they do have six design contracts of which five and six elevated storage tanks they have not released a design engineer pending

the oversizing effort. For work orders #1 through #4, they have completed the

preliminary design and are about halfway through with the final design. There are some impacts, but those impacts are not that great and they can readily change the line size and finish up the design quickly. Going back to the start of

this project in August, the Water Development Board made a commitment of funds followed by the Border Environment Cooperation Commission in a communication in September. The Commission then approved the engineering

contracts in March and April of 2001. He stated that they are on schedule give or

take a couple of months and the final design time. Throughout the design status

meetings, they have been coordinating with the County on the right-of-way acquisition. They have been working closely with Tomas Rodriguez and

Yolanda Loera, the right-of-way Coordinator, to follow the acquisition and make

sure they are on schedule to provide water and wastewater to the residents by

June, 2003. In regards to the oversizing effort, they will be receiving the data this week for the fourth and final model run and the City has already received commitments from the developers. If the fourth model results in the same amount of money or less which was committed to, the developers are on board.

2. Status report on the Casa Verde acreage water and wastewater project, with possible action.

Keith Selman, Planning Director, reported that staff presented the proposed project to the residents which entails running the water and sewer lines along Casa Verde Road. Additional discussion ensued with the residents and there was discussion about extending beyond that road. He advised the residents that the City would need to acquire some rights-of-way. The property owners then came together to get the necessary signatures for acquisition of the right-of-way. He stated that they also talked at length about what needs to be done in order to connect to the water and sewer lines. There was discussion about municipal participation in some of those improvements. One of the things that was very important was assurance on the citizens' part regarding the commitment of City Council and staff to get these improvements done for this subdivision.

Cm. Galo inquired whether the City has a process in place that sees to the charter provisions that may present a problem and will this process be there as the City continues with the annexation.

Keith Selman replied that there was discussion about what was done in the Hilltop area as an example. There were assessments done in that area that may be a mechanism to get around the charter provisions. He stated that he does not believe they will run into too many dense populations where there are multiple families living on those tracts.

Cm. Galo stated that there has to be a uniform process for everyone as the City attempts to annex. He commented that the people should be informed that their property taxes will be rising as their property valuations go up.

Keith Selman stated that there was an attorney present who explained this to the property owners. He further stated that the City should standardize the process for the appraisal of these properties. The use and state of the property are what determine the value of the property. The platting of the property will be the mechanism to ensure the tie-in to the water and sewer services. Exactly what provisions are made for extending these services and how they will be implemented is a process that needs to be standardized.

Cm. Galo suggested that this be done before the City begins with the bond issue.

3. Status report on the FAR 150 Noise Study Project.

Jose Flores, Airport Director, reported that on January 14, 2002, City Council approved the motion to authorize execution of a contract for the Noise Study and the Airport Master Plan Update. The contract documents were submitted to the consultants as well as the Notice to Proceed. He mentioned that the study will take at least 12 months and that the City would need to invest close to \$30 million. To this date, the City has invested approximately \$12 million which means there is still more work to be done. He stated that the Community Development Department is assisting with the implementation of the noise abatement measures.

4. Discussion with possible action on extending the median brick-pavers from Spur

400 and Arkansas to the 2400 block of Clark.

Rogelio Rivera, City Engineer, reported that the department previously submitted a short report to City Council. He stated that the extension would cover approximately 2600 sq. ft. with a cost estimate of approximately \$13,000.00 to \$15,000.00. He mentioned that he would be required to ask for three proposals from contractors and in order to go forward with this project as soon as possible.

Motion to obtain \$13,000.00 from the discretionary funds for District II and follow up with Request for Proposals and that this item move quickly along in order to have the brick pavers placed all the way to 2400 Martin.

Moved: Cm. Bruni

Second: Amaya

For: 8

Against: 0

Abstain: 0

B. Request by Council Member Johnny Amaya

1. Discussion with possible action on a traffic study to slow down traffic in the Buena Vista area.

Roberto Murillo, Traffic Director, stated that in regards to this request, the department conducted a study back in 1998. His department had applied certain criteria at that time, and this location did not qualify for speed humps back then. Now, there is an ordinance in place that allows for installation of speed humps. He is asking the Council Member to provide the name of some residents in order to proceed with delivery of the information to them and go through the process like the ordinance calls for. He stated that the department could also add more speed limit signs and ask for assistance on speed control from the police department. He mentioned that he would be able to have a report ready on the traffic count within four weeks.

C. Request by Mayor Pro-Tempore Eliseo Valdez, Jr.

1. Discussion with possible action on drafting a resolution asking our legislators to

draft a bill to change the state laws regarding the discharging of fire arms in the city limits. That the responsible act be considered a felony because of the endangerment of lives and the concern for public safety. That the same process be followed as was done to change the fines and penalties for poaching. That the law allow law enforcement agencies to take action based on complaints and phone calls from citizens, and that the law enforcement officers be able to take action without necessarily having to witness the discharging of the fire arm, that they be able to secure a search warrant based on the complaints. Discussion to include a report from staff, Customer Service Representatives, Legal Department, and the Police Department.

Agustin Dovalina, III, Police Chief, stated that as a citizen and as a law enforcement officer, he shares this concern. He has been in communication with the Legal Department on how to draft such a resolution. He did advise City Council that the department is specifically bound by the Texas Code of Criminal Procedure in regards to the specific authority and arrest powers of peace officers. He will also be contacting Rep. Richard Raymond to inquire about the specifics in order to begin drafting that particular resolution and see it to fruition. He will be looking closely at this in order to ensure compliance with all statutory requirements. He mentioned that calls are always received in connection with discharging of firearms and firecrackers. He recommends continuing with public service announcements and advising the public not to participate in that type of activity. His department is committed to enforcing as vigorously as it can all the violations related to that particular activity.

Motion to ask the City to draft a resolution asking our legislators to draft a bill to change the state laws regarding the discharging of firearms within the city limits.

Moved: Mayor Pro Tem E. Valdez, Jr.

Second: Cm. J. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

2. Request for status report on the continued development of the Zacate Creek Linear Park, with possible action. Report should include information on the status of Phase II, Phase III, the enhancement grant for the beautification and conversion of the Union Pacific Bridge to a pedestrian bridge. Also, a request for status report on what staff has done to assure the contractor that worked on Phase I, repaired the pitted and cracked sidewalks.

Rogelio Rivera, City Engineer, reported that on Phase II of the Sidewalks from Saunders to Taylor/Chicago has been completed. He has already spoken to the contractor and walk through the project to see if there is anything that needs to be addressed.

With regards to Phase III, IV and V of the Zacate Creek Linear Park, a design contract was awarded to Rosin Group. They do have preliminary plans for certain areas of the project, but the final plans are on hold pending word from the State for the grant.

Conversion of the Union Pacific Bridge to a pedestrian bridge was awarded to Consultants Land Design. They are working on the environmental aspects of the project. Once the environmental component is completed, they will follow with the design plans and specifications for the project.

In regards to the follow up on Phase I of the project, that has been completed. However, there are areas that are again showing pitted areas and cracking. The contractor has been advised, in writing, to address this issue.

3. Request for a traffic study to consider the reduction of the speed limit on Loop 20

at or before the intersection of the Loop and Del Mar to include the area all the way to the entrance of the University and the new fire station. The study to also consider lighting, signage, and the creation of an acceleration lane for the traffic attempting to get on the Loop off Del Mar.

Roberto Murillo, Traffic Director, reported that as to the acceleration lane, he provided a photograph showing that there is one already in existence. He stated that there are degrees of speed limits, from 40 m.p.h. to 45 m.p.h. depending on the area. In order to actually place a speed limit on that stretch of road coming south on the Loop and which approaches Del Mar Boulevard, they need to get approval from the Transportation Commission. The proposed speed limit for the entire area is 60 m.p.h. but there is always a possibility that the speed limit could be lowered upon completion of a follow-up speed study to determine the proper speed for the area. On the street lighting issue along the Loop, there are no lights included in the project other than at intersections. There are three locations that includes street lights: McPherson Road, Del Mar Boulevard, and University Boulevard. He mentioned that the street lights along the roadway by the airport were funded by the city.

Mayor Pro Tem Valdez, Jr. inquired whether there were any figures on the number of traffic accidents along Del Mar Boulevard and Loop 20.

Roberto Murillo replied that there are no facts and figures but commented that TxDOT will be installing a traffic light at that intersection.

Mayor Pro Tem Valdez, Jr. mentioned that this issue should be looked at further and possibly work with TxDOT, take it up before the MPO Committee and make it a part of the legislative agenda.

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

1. Discussion with possible action regarding Veteran's monument.

Francisca J. Martinez, mother of fallen veterans, requested that the monument be erected to honor the Vietnam veterans.

Luis Diaz de Leon spoke on behalf of Jesus Hernandez. He stated that the State Commander will be in Laredo on Friday for a visit. He has made arrangements for the State Convention of the G.I. Forum to be held at La Posada on June 28th and 29th. He stated this is of pressing importance to him because he would like to relate to fellow members of the G.I. Forum that the City of Laredo is working towards completion of this project. He mentioned that there is also a delegation of the Women's G.I. Forum who function independently of the men's group.

Larry Dovalina, City Manager, stated that this project is being worked through the Parks and Recreation Department. He stated that a committee is to be formed which will be responsible for writing the Request for Proposals and other necessary items in order to erect the monument.

Mayor Flores inquired whether the Request for Proposals could be prepared for review by the second meeting in February.

Larry Dovalina, City Manager, stated that monies are available in the Reserve Fund but he pointed out that the C.I.F. Fund was impacted by the lack of bridge revenues. As a result, many of the items affected by bridge revenues have been held back.

Motion to bring this item forward and for submission of the Requests for Proposals for the meeting of February 25, 2002.

Moved: Cm. J. Valdez, Jr.

Second: Cm. Galo

For: 7

Against: 0

Abstain: 0

2. Discussion with possible action pertaining to status report on Santa Maria reconstruction.

Rogelio Rivera, City Engineer, reported that this has been a very difficult project to coordinate with all the contractors involved. One of the items that are of concern is the replacement of the underground utilities. They have been working well with everyone, however, there is the concern over the replacement of the waterline all the way from Jefferson St. to Washington St. This work is expected to be completed by July, 2002, therefore, the streets cannot be paved until then.

Cm. J. Valdez, Jr. inquired whether the City has looked into possible replacement of old utility lines along Lafayette St. and Jefferson St.

Rogelio Rivera mentioned that the departments have looked at everything and that is one of the reasons the program for the utility replacement is so extensive.

3. Consideration to request bids for skate park modules at the Father McNaboe Park

to be funded through discretionary funds and requesting the assistance of City crews to construct the concrete slab for the modules, with possible action.

Motion to request bids for skate park modules at the Father McNaboe Park to be funded through discretionary funds from District VII.

Moved: Cm. J. Valdez, Jr.

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

E. Request by Council Member Juan Ramirez

1. Discussion with possible action regarding the request of more funds for the Jamboozie Festival.

Viviana Frank, President of the Streets of Laredo Urban Mall, discussed some of the plans for this year's festival which is scheduled for February 16th from 6:00 p.m. to 1:00 a.m. She mentioned that there would be four stages with approximately 15 bands performing. The new location will allow for a larger crowd to enjoy the festival. The location for this year's festival will be the streets around the Center for the Arts: Hidalgo, Flores, San Agustin, and Lincoln. One of the reasons for the funding request is because the event will cost approximately \$32,000.00 this year. The organization has paid for the lighting, sound stages, rental expenses, etc. They also asked for permission to tap into two electrical meters in order to supply power for the event.

Mayor Flores stated that she will look into the City's promotional budget and see what other funds can be designated for their organization. She pointed out that the City Council contributed some monies during the budget process to assist with the expense involved in making this event possible.

Motion to help the organization with additional funding for the Jamboozie Festival.

Moved: Cm. Ramirez

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

2. Discussion with possible action regarding the request of more books and videos

for the downtown library.

Janice Weber, Library Director, reported that there is \$42,000.00 budgeted for books, \$4,000.00 for videos, and \$4,900.00 for magazines. There are several things that dictate the need for more books at the library; some being the square footage, budgeted funds, and shelving capacity. The facility currently has available the capacity for approximately 2,000 additional volumes. They have applied said budgeted funds and have on order over 2,000 volumes to supply this facility.

3. Discussion with possible action regarding children crossing at Washington and Corpus Christi to J.C. Martin Elementary.

Roberto Murillo, Traffic Director, reported that his department is working on a project to update the cabinet to the traffic light at that location. The crews have also installed pedestrian indicators, including a crosswalk for those crossing to that school. There is also another traffic light at the other side of that bridge on San Enrique but children choose to cross at this intersection. He suggested talking to the school principal to distribute a flyer to make sure parents use the crosswalks. He mentioned that they could also look at adding more street lights to that area, but many times that is ineffective because pedestrians are always looking for a shortcut.

4. Discussion with possible action regarding parking for parade underneath freeway at Santa Ursula and San Dario.

Roberto Murillo, Traffic Director, reported that a letter was sent to TxDOT requesting use of those areas for parking space. The response was received and a second letter was sent to TxDOT on that concern.

Cynthia Collazo, Assistant City Manager, mentioned that a lengthy response was received from TxDOT. The response mentioned that Laredo Independent School District had also inquired about the use of said space for parking of school buses. What TxDOT did was contact the Superintendent for the school district and set a response deadline of January 8th to advise whether they were still interested in the space. She mentioned that, together with the Legal Department, she requested that TxDOT work on an Interlocal Agreement with the City and that the City would then partner with the school district. She stated that she has not received a response to that letter, and she is looking at contacting the right-of-way person at TxDOT to expedite designation of some temporary use. She mentioned that TxDOT is requiring some type of crossing guard to be present.

Mayor Pro Tempore Valdez, Jr. inquired whether she believed that TxDOT's request to the City was fair and reasonable versus what they request of the City of Austin in regards to providing improvements.

Cynthia Collazo, replied that they asked TxDOT to consider a reasonable type of agreement that is comparable to other cities' requests.

IX. FINAL READINGS OF ORDINANCES

Internet Availability: www.ci.laredo.tx.us

Motion to waive the final readings of Ordinance # 2002-O-013, # 2002-O-014, # 2002-O-015, # 2002-O-216, # 2002-O-017, # 2002-O-218, # 2002-O-219, # 2002-O-220, # 2002-O-221, # 2002-O-222, # 2002-O-223 and # 2002-O-224.

Moved: Cm. Galo

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

11. 2002-O-013 Accepting a grant awarded by the University of Texas Health Science Center at San Antonio for the South Texas/Border Region Health Professional Education Initiative for Public Library health related materials and amending the City of Laredo FY 2001-2002 Annual Budget in the amount of \$2,000.00.

Motion to adopt Ordinance # 2002-O-013.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

- 2002-O-014 Amending the City of Laredo FY 2001-2002 Annual Budget to appropriate \$80,000.00 in the Friends of the Library Fund.

Motion to adopt Ordinance # 2002-O-014.

Moved: Cm. Bruni

Second: Agredano

For: 8

Against: 0

Abstain: 0

- 2002-O-015 Accepting a direct aid grant from the Texas State Library--Lone Star Libraries Program and amending the City of Laredo FY 2001-2002 Annual Budget in the amount of \$22,131.00.

Motion to adopt Ordinance # 2002-O-015.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

- 2002-O-016 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning

Lots 9 and 11, Block 654, Eastern Division, located at 1119 Travis St., from R-3 (Mixed Residential District) to B-1 (Limited Commercial District); providing for publication and effective date.

Motion to adopt Ordinance # 2002-O-016.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-017 Amending the City of Laredo 2001-2002 annual budget by appropriating

\$612,860.00 from the Bridge System Construction fund balance into the Toll Plaza Improvement Account. Funding will be used for Bridge I rehabilitation of the bridge deck and removal of submerged concrete components in the river near Bridge I.

Motion to adopt Ordinance # 2002-O-017.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-018 Establishing a payment plan for cemetery burial plots and services. Payment plan sets penalty and finance charges assessed on Cemetery Accounts Receivables of 2% for those accounts not liquidated after 90 days and a finance interest rate of 8% per year; providing for effective date and publication.

Motion to adopt Ordinance # 2002-O-018.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-019 Amending the City of Laredo's FY 2001-2002 annual budget for the Hazmat Fund to appropriate \$150,000.00 from the fund balance to pay a portion of the remodeling cost for the new Environmental Services Department office at 619 Reynolds Street.

Motion to adopt Ordinance # 2002-O-019.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-020 Authorizing the City Manager to amend and appropriate the FY 2001-2002 annual budget in the amount of \$30,000.00 from the Texas Department of Health Local Projects Grant. The grant award of

\$30,000.00 will be assigned toward the purchase of an ambulance for the Laredo Fire Department.

Motion to adopt Ordinance # 2002-O-020.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-021 Authorizing the City Manager to execute a lease with the Washington's Birthday Celebration Association, Inc., for approximately fifteen (15) acres of concrete ramp located on the southwest cargo ramp of the Air Operations Area of the Laredo International Airport. Lease term is for one (1) day on February 24, 2002. City Council finds and declares that a valid public purpose would be served in setting the rental fee at \$1.00; providing for an effective date. (As amended)

Motion to adopt Ordinance # 2002-O-021.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-022 Authorizing the City Manager to execute a lease with San Antonio MTA,

L.P., d/b/a Verizon Wireless for ground space at the McPherson Water Tower located at 8711 McPherson, Laredo, Webb County, Texas and being more fully described in Exhibit "A" of lease agreement to construct on such premises a 120 ft. monopole and related equipment building for use with its communications business. Term of the lease is for five (5) years commencing January 28, 2002 and ending January 27, 2007 with four (4) successive renewal terms of five (5) years. Annual base rent shall be \$8,400.00 each year during the term of the lease and will be increased by four percent (4%) on each anniversary of the commencement date; providing for effective date.

Motion to adopt Ordinance # 2002-O-022.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8 Against: 0 Abstain: 0

2002-O-023 Authorizing the City Manager to execute all necessary documents to effectively convey fee simple title to the "Surface Only", at its adjusted market value of \$4,005.00 for certain property described as a 18,520 sq. ft. more or less, tract of land out of the former section of the 600 Block of Jarvis Avenue between Cleveland Street and the south property line of Block 1292-A, Eastern Division to Jesse J. Martinez,

Hector F. Martinez and Jorge R. Martinez provided that the City of Laredo retains a 15-foot wide drainage easement; said tract being situated in the Eastern Division, City of Laredo, Webb County, Texas, being described in Exhibit "A" and providing for effective date.

Motion to adopt Ordinance # 2002-O-023.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

2002-O-024 Authorizing the City Manager to execute a lease with the Laredo Little Theater, a non-profit organization, for the El Metro Park & Ride Lot located at 4600 Daugherty for the purpose of holding a concert. The lease term is for one day beginning Thursday, February 14, 2002 at 8:00 a.m. until Saturday, February 16, 2002 at 3:00 a.m. Rental fee shall be \$1.00. (As amended)

Motion to adopt Ordinance # 2002-O-024.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

X. RESOLUTIONS

12. 2002-R-008 Expressing the opposition of the City Council of the City of Laredo to the

proposed rules, as written, implementing a revised Frontage Road Policy by the Texas Department of Transportation.

Motion to approve Resolution # 2002-R-008.

Moved: Cm. Bruni

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

13. 2002-R-009 Adopting the Vehicles for Hire ADHOC Committee's Charge, holding the

committee responsible to advise the Transportation and Traffic Safety Advisory Committee, on issues pertaining to proposed amendments to the Vehicles for Hire ordinances to include Article II Taxicabs, Article IV Scenic Tours and Charter Convention Service, and Article V Commercial Vehicles for Hire. The committee is also charged with submitting proposed amendments for approval by the Transportation and Traffic Safety Advisory Committee.

Motion to approve Resolution # 2002-R-009.

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

Against: 0

Abstain: 0

14. 2002-R-010 A resolution expressing official intent to reimburse the cost of \$2,202,940.00 associated with the acquisition of automotive, equipment and building improvements for various City of Laredo Departments.

Motion to approve Resolution # 2002-R-010.

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

Against: 0

Abstain: 0

XI. MOTIONS

15. Consideration to approve regular City Council meetings for March 2002 scheduled for March 11th and March 25th due to the annual Washington trip.

Motion to approve.

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

Against: 0

Abstain: 0

16. Consideration to award a contract to the sole bidder, Business Integrators, Inc., McAllen, Texas, in the amount of \$202,428.00, for the upgrade of the Police Department's AS/400 system. The AS/400 computer maintains the Police Department's dispatching report software and the upgrade is essential for the implementation of the portable display stations that will be installed in the patrol units. Funding is available in the Police Trust Fund-Capital Outlay Budget.

Motion to approve.

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

Against:

Abstain:

17. Consideration for approval of Change Order No. 1 a decrease of \$60,817.40 for the balance of quantities actually constructed in place, acceptance of the City-Wide Sidewalks Project No. 12b (33 Blocks) and approval of final payment in the amount of \$27,059.22 to Atlas Commercial Services, Laredo, Texas. Final contract amount is \$220,822.20. Funding is available in the Community Development 26th Action Year Sidewalks.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

18. Consideration for acceptance of the Administrative Offices & Scale House for the City

of Laredo Solid Waste Division and approval of final payment in the amount of \$36,314.00 to Laredo Class One Builders, Inc., Laredo, Texas. Final contract amount is \$338,255.00. Funding is available in the Solid Waste Fund Buildings & Retainage Payable Account.

Motion to approve with corrections to final payment amount of \$31,139.00 and final contract amount of \$333,080.00.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

19. Consideration for approval of Change Order No. 2 an increase \$38,094.25 for the balance of quantities actually constructed in place, acceptance of the City-Wide Sidewalks Project No. 13 (16 Blocks), Project No. 16 (12 Blocks) and Project No. 17b (8 Blocks) plus additive alternates 1 and 2 (2 blocks in Project 16) for a net total of 38 Blocks and approval of final payment in the amount of \$87,758.85 to Pete Gallegos Paving, Inc., Laredo, Texas. Final contract amount is \$354,915.75. Funding is available in the Capital Improvement Project.

Motion to postpone.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

20. Consideration to authorize the City Manager to enter into a lease agreement with local

Little League Associations. This agreement authorizes the use of league fields for a fee of \$1.00 and term of twelve (12) months. The primary purpose of this agreement is to institute a baseball program for the youth of Laredo.

Motion to approve.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

21. Authorizing the City Manager to amend a contract with Camp Dresser and McKee, Inc.

for an amount of \$398,800.00 under the Odor and Corrosion Control Project of the 1998A Contractual Obligation, for design of odor control facilities for the Zacate Creek Wastewater Treatment Plant, inclusive of a chemical injection study, and additional rehabilitation of process treatment facilities. The total amended contract will be \$568,600.00.

Motion to approve.

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

Against: 0

Abstain: 0

22. Authorizing the City Manager to award a professional services contract to Ferris & Flinn, LLC, Harlingen, Texas in the amount of \$87,400.00 for inspection services of the Jefferson Street Water Treatment Plant 60 MGD High Service Pump Station.

Motion to approve.

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

Against: 0

Abstain: 0

23. Approving monthly adjustments to the tax roll. The amount to be adjusted for the month of December 2001, represents an increase in levy of \$14,097.99. These adjustments are determined by Webb County Appraisal District and by court orders.

Motion to approve.

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

Against: 0

Abstain: 0

24. Consideration to have the City Manager enter into a standard performance contract with CPL/AEP in order to receive incentive payments based on energy savings by replacing a portion of the incandescent light bulbs with light emitting diodes for traffic signals throughout the city of Laredo.

Motion to approve.

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

Against: 0

Abstain: 0

XII. STAFF REPORTS

25. Update report on the status of the Colonias Waterline Project.

This item was addressed under 10.A.1.

26. Report on the Secondary Water Supply Project. Presentation by Consultants, CH2MHILL on the status of proposal evaluation from the January 15th submission.

Eric Rothstein, on behalf of CH2MHill, reported that the City has received two responses: one from United Water and the other one from U. S. Filter. These proposals are in response to a substantial Request for Proposal. Said request requires

that the proponents provide information on their proposed approach and information on

their proposed pricing. In that pricing, there are certain forms that have to be filled out

in order to be ensured of receiving information to facilitate a similar comparison.

This

RFP is a relatively standard document in the industry for this type of procurement.

This is a procurement that contemplates integrative project delivery, design, build, and

operations of the facility under a single procurement process. This type of rigorous type of procurement process has been proven to be an important vehicle by which the

Utilities Department may protect their interests. In addition, the Request for Proposals

provides a service agreement whereby the proponents would be required to provide information about their exceptions to, and agreements with, that service agreement.

These provisions relate to the allocation of risks, limits of liability, and specifics about the contractual requirements for each of the parties. They have received these documents and are in the process of evaluating them. The evaluation issues will go to questions about the proposed verification approach for the groundwater supply, etc. The next step of the evaluation process would be to prepare requests for information and clarification from the proponents within the next week. By late February, they will be requiring specific comments on the contract in the Request for Proposals whereby each proponent would be invited to be proposing on *that* contract with no general exceptions provided. The proponents will be asked to go through the contract, identify what their specific exceptions are, in order to proceed forward with the negotiation. They will then evaluate those responses and proceed to initiate contract negotiations with one or both of the proponents depending on their responses. They are anticipating doing this by the end of February and targeting for contract approval within a month after that. Once that happens, there is about a 12-month to 18-month process anticipated for verification of the groundwater supply and will follow with construction thereafter.

Cm. Galo inquired whether the bottom line is that neither company is able to provide water at this time and neither one is willing to assume the risk.

Eric Rothstein replied that the risk allocation over the quality and quantity of water supply has been pushed back substantially to the City.

Cm. Bruni mentioned that the City should look at other options as well. He stated that if the City does privatize, those cost savings are earmarked to go straight into the secondary source of water.

Larry Dovalina, City Manager, stated that part of the process taking place is that the City has formed a non-profit corporation in order to be able to do the design-build process through that non-profit corporation as an entity of the City. He said the City is poised to carry out the project, but he stressed the need to ensure that the City does not lose sight of where it is going and that the City be firm on everything that it is doing.

Mayor Flores suggested that the consulting firm provide an update to City Council on a regular basis in order to make them aware of what the issues are.

Mayor Pro Tem E. Valdez, Jr. inquired over the proposed savings to the privatization project.

Beto Ramirez, Interim Utilities Director, stated that with regard to the privatization, he is expecting submission of a draft proposal by the consultants on February 15th to be reviewed by the City Manager's Office and City Council. He mentioned that this will give a better indication of what the cost savings will be to the City. There are some areas within the contract in which they need to ask the companies for re-pricing. He expects to have some solid numbers in terms of cost savings by the end of February.

Cm. Galo inquired whether it is the Webb County Consolidated School Board who holds the land in Webb County and the Commissioners Court acts as the trustee for that land within the target area.

Larry Dovalina, City Manager, stated that it is part of the property that is in the geological survey.

Cm. Bruni inquired whether that is a sufficient amount of land to do the well spacing.

Eric Rothstein replied that it is more a question of what is underneath the land.

Cm. Galo mentioned that he does not believe that Webb County is able to purchase the water from the school board; they are required to find an outside party to purchase the water.

Larry Dovalina, City Manager, stated that if the County determined that there was any water underneath that they would have any party to sell it to other than the City of Laredo.

Cm. Galo stated that the City should be doing the study if it is determined that it is

within the target area and the City should then pay the royalty directly to the school board.

Mayor Flores requested that the City Manager look into this matter that Cm. Galo has brought up.

27. Presentation of the fiscal year 2000-2001 Comprehensive Annual Financial Report (CAFR) prepared by the City of Laredo's Financial Services Department and audited by the Independent Audit Firm of Garza, Martinez, & Co.

Rosario Cabello, Finance Director, stated that at the Audit Committee meeting held earlier, a number of points covered in the letter to management were discussed.

Joe A. Guerra, Chairman of the Audit Committee, reported that the committee had a very productive meeting. The committee made a number of findings of some minor significance. He stated that everyone was in agreement that the proper steps will be taken to rectify the concerns that the auditors pointed out.

Raul Garza, of Garza, Martinez, & Co., reported that the committee voiced their concerns and made several recommendations to them. He stated that the concerns encountered were addressed to the firm's satisfaction. He commented that the report issued to the City reflected that everything was in order. This year, the City had budgeted \$11.4 million as a fund balance and ended up with \$14.6 million. The increase was attributed to increases in franchise fees, sales taxes, and savings expense.

Cm. Guerra mentioned that the Audit Committee went ahead and extended the contract to the auditing firm for an additional two years.

XIII. EXECUTIVE SESSION

The City Council hereby reserves the right to go into executive session at any time during this public meeting, when it deems it necessary to consult privately with its attorney about any item upon this agenda, pursuant to the provisions of Section 551.071(2) of the Texas Government Code.

XIV. ADJOURNMENT

Motion to adjourn.

Time: 9:10 p.m.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

I, Gustavo Guevara, Jr., City Secretary, do hereby certify that the above minutes contained in pages 01 to 24 are true, complete, and correct proceedings of the City Council meeting held on January 28, 2002.

Gustavo Guevara, Jr.
City Secretary