

CITY OF LAREDO

CITY COUNCIL MEETING  
**M-2002-R-09**  
CITY COUNCIL CHAMBERS  
1110 HOUSTON STREET  
**LAREDO, TEXAS 78040**  
**MAY 8, 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 Elizabeth G. Flores led in the Pledge of Allegiance.**

III. ROLL CALL

**In attendance:**

Elizabeth G. Flores,  
Alfredo Agredano,  
Louis H. Bruni,  
John C. Galo,  
Johnny Amaya,  
Eliseo Valdez, Jr.,  
Joe A. Guerra,  
Jose A. Valdez, Jr.,  
Juan Ramirez,  
Gustavo Guevara, Jr.,  
Larry Dovalina,  
Jaime Flores,

Mayor  
Council Member, District I  
Council Member, District II  
Council Member, District III  
Council Member, District IV  
Mayor Pro Tempore, District V  
Council Member, District VI  
Council Member, District VII  
Council Member, District VIII  
City Secretary  
City Manager  
City Attorney

IV. MINUTES

**Approval of the minutes of February 19, 2002, March 25, 2002, and April 22, 2002.**

**Motion to approve.**

**Moved: Cm. Galo**

**Second: Mayor Pro Tempore E. Valdez, Jr.**

**For: 8**

**Against: 0**

**Abstain: 0**

V. COMMUNICATIONS AND RECOGNITIONS

## Announcements

**Cm. Agredano reported on the Washington trip last week which involved discussion on national concerns regarding security at our borders and international bridges.**

**Cm. Bruni submitted a report from the Southwest Texas Rain Enhancement Association meeting held on April 17, 2002. He also submitted a copy of the Association's Financial Statements which reflects the financial position of the Association as of December 31, 2001.**

**Cm. Galo submitted a letter from a city employee regarding the Webb County Appraisal District.**

**Mayor Pro Tempore Valdez, Jr. stated that he was one of the officials that inspected the airline facilities for Mexicana and Azteca Airlines out of Mexico City. He said he is very pleased because the efforts of City Council and the Airport Advisory Committee have paid off and jet service has finally arrived to Laredo. He urged the community to support these enterprises in order to ensure that jet service will be here to stay.**

**Cm. Guerra stated that the widening of Del Mar Boulevard is progressing steadily. He also urged those motorists in the area to drive with caution while construction is going on. He further mentioned that there will be an additional parking lot constructed for those residents who attend St. Patrick's Church.**

**Cm. Ramirez stated that during the Washington trip, he presented Senator Kennedy with a plaque recognizing his efforts in assisting children and elderly throughout the country and, particularly, in South Texas.**

## Invitations

**Toni Gamboa, representing the March for Jesus Committee, invited Mayor Flores, the Council Members, and the general public to join them on May 18, 2002, at 8:30 a.m. at the Civic Center parking lot for the March for Jesus 2002. This event will also honor our local heroes including military veterans, local firefighters, and law enforcement officers.**

## Recognitions

**None.**

## Communiqués

- a. Presentation by Joe Garcia, President of the Streets of Laredo, regarding Jamboozie Festival.**

**Joe Garcia reported on the success of this year's festival. He mentioned that the attendance was beyond the organization's expectations. He thanked Mayor Flores and the Council Members for all their support which made this event a great success.**

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

- a. Appointment by Council Member John C. Galo of Jose Diaz de Leon to the Vehicles for Hire Ad Hoc Committee.**

**Motion to approve.**

**Moved: Cm. Agredano**

**Second: Cm. Amaya**

**For: 8**

**Against: 0**

**Abstain: 0**

**VII. PUBLIC HEARINGS**

- 1. Public hearing** regarding the City Review Committee's recommendation on the proposal for privatization of the City of Laredo's water and wastewater operations.

Motion to open public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Dr. Hector Farias, representing VIDA, stated that he disagrees with the City Attorney in his explanation that the City has fulfilled all the requirements to allow for negotiations for a contract. He commented that in regards to the proposal for privatization, the City did not hold a public hearing prior to selecting United Water Services.

Mayor Flores outlined the steps that the City has followed to reach this point.

1. First of all, the formal process was started when the City issued a Request for Proposal (RFP) on August 8, 2000.
2. Then, pursuant to the terms of that RFP, the City formed a Review Committee to evaluate the responses to the RFP and to develop a recommendation to City Council.
3. To perform the evaluation, the Review Committee then structured its own methodology which involved analysis of cost, technical, and business considerations. The Review Committee utilized reports from consultants in reaching their recommendation. Specifically, the consultants were: Competitive Government Strategies, Inc. (for pricing aspects); THC Utility Management Specialists (for technical aspects); and Hawkins, Delafield and Wood, Attorney at Law (for business and contractual considerations).

4. The City Review Committee then presented its evaluation report and recommendation to the Water Issues Committee and the Privatization Oversight Committee and subsequently, to the full City Council on April 22, 2002.
5. On April 22, in fact, Council received a report from Attorney Rick Sapir of Hawkins, Delafield and Wood, outlining the respective values according to the evaluation categories.
6. Council, following the process in the RFP, studied all of the reports and the Review Committee's recommendation, and based upon their individual analysis, found that it was in the best interest of the City to proceed with negotiations for a contract with United Water Services.
7. Today, in accordance with the requirement which we placed in the RFP to hold public hearings once a recommendation is made to select a proposal, we want to hear from the public regarding the Review Committee's recommendation and the selected proposal and proposed contract with United Water Services, and with that I would like to move on to the proceedings.

Rick Sapir, with Hawkins, Delafield and Wood, reported that following review of the evaluation reports, the City Council had some discussion with him and then decided to move forward with United Water. In its judgment, the City Council felt that it would be in the best interest of the City. He went on to discuss some of the contract terms that the vendor has agreed to and which are beneficial to the City.

1. The company has agreed to perform all the management services for a guaranteed price. That price will only increase based upon an inflation index and based upon pre-negotiated increases related to growth in the system.
2. The company has agreed to various performance guarantees. With respect to these guarantees that the company is giving us, if the company does not meet the guarantees, not only will they have to pay damages, but they will also pay liquidated damages to the City for the harm inflicted for their failure to perform.
3. The contract will allow the City, in its own discretion, the right to renew the contract for an additional five years on the same terms and conditions agreed to today.
4. The company will offer employment to all the employees that work on these management services for equal or better wages and benefits, equal or better positions, and no layoff policy.
5. There will be an Employee Issues Committee formed to make sure that the company is complying with all employee-related issues in the contract.
6. The company will pay the first \$15,000.00 of all corrective maintenance work that needs to be done in the system.

7. The company will guarantee a maximum of electricity utilization so if they use electricity above what they guarantee, they will be responsible for paying the cost of that electricity.
8. The company will be offering employment to the utility construction crews will not be able to charge the City for the labor done on capital improvements.
9. The company has agreed to a very strong guarantee agreement that will guarantee all the obligations of the company.
10. The contract will allow for the City to terminate the service agreement at any time, for any reason, even if the company is not in breach by paying a stated termination fee.
11. The company will supply a \$2,000,000.00 letter of credit to the City that the City can draw upon in the event of a breach of the contract or in the event the company otherwise owes the City money.
12. The company will replace meters on an accelerated basis. This program will require all meters under one inch to be replaced if they are ten years of age by two years into the contract. Also, meters greater than one inch have to be calibrated and serviced annually.

Richard Geissler stated that he came to urge the City Council not to abandon this issue but to postpone it.

Bill Skeen stated that he is in favor of privatization simply because Laredo is growing. The City needs to spend \$50,000,000.00 to add water and waste water systems to the current system in order for the City to continue with the growth. He mentioned that it is very important for the City to be able to take on this project in order to save monies that can be used to help with the City's infrastructure and the secondary source of water.

Jorge Enriquez, Utilities Department worker, stated that his concern is his fellow workers. There are some employees who have devoted themselves to the water system for over 13 years who stand to lose their seniority. Also, regarding the hiring practices, the employees are not sure whether they will keep their same positions. He asked if the employees have to re-apply or are they being hired in the same position they currently hold.

Rick Sapir reported that there is a specific provision within the contract that is called "crediting years of service and accrued time" that deals with this issue. It provides for the company recognizing each transferred employee's years of service with the City to time of the commencement date without any regard to any annual leave, sick leave, etc. The provision also allows for the company to determine eligibility for investing in the company's benefits and to determine eligibility for amounts of vacation leave, sick leave, and other payroll policies of the company. With respect to being re-hired to the same position, the company will offer full-time regular employment to all the managed designated employees. The offer of employment shall be unconditional and should

not be subject to health, competency, or any other tests. Offers of employment shall be for positions or responsibilities substantially similar in nature to the positions or responsibilities of the employee under the City's employ, and no offer of employment shall be for a position lower than that held by the employee at the time of the offer.

Beto Ramirez, Interim Utilities Director, stated that an employee who has been with the City for 14 years and would want to retire after completing six years of service with the company would not be eligible for retirement. He explained that the Texas Municipal Retirement System works independently and the employee would, therefore, not be credited for the years of employment with United Water.

Dan Migura, Administrative Services Director, reported that, in regards to those employees who have 13 or 14 years of service with the City, he identified about 40 employees that would fall in the category of 4 to 5 years and 15 to 20 years. He mentioned that TMRS requires an employee to be in the system and these employees can essentially leave the City employment and still participate in the system. He pointed out that they can also start a new pension plan with the company. He stated that the City allows for an employee to retire at any age after completion of 20 years of service or 60 years of age with five years vested. The company's plan allows for retirement at age 65 and they have other requirements that must be met. He explained the concern from those City employees who would be eligible for retirement in 6 or 7 years. The committee and staff have carved out those employees that have 15 years of service or more and placed them in a group referred to as managed employees. As managed employees, they will continue to enjoy the TMRS benefit. At the point where they reach the 20 years, they can choose to retire or they can choose to leave their money there. At that point in time, they go into the company as a non-managed employee and continue with the company benefits.

Jim Creedon, with United Water, explained that the pension issue is a complex one to explain. The question involving those 4 employees may not add up to having a greater value if they choose to work with United Water. The employees will come over with the number of years of service that they currently have. The company's requirement is the 65 years of age for retirement eligibility, but there is also the 55 years with 20 years of service.

Gary Miller, with OMI/Thames, wanted to clarify a number of points. He stated that the purpose of the public hearing was to discuss the recommendation on the proposal for privatization. Also, there was a specific RFP and selection criteria laid out in the RFP for the companies to put forward in their proposal. He stated that the process was fair and the firms competed in good faith. He mentioned that the proposals were ranked after extensive evaluation by the consultants, and there was a clear differentiation in the proposals submitted.

Motion to close public hearing and introduce.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

2. **Public hearing** granting Reliant Energy Entex, a division of Reliant Energy Resources Corp., and its successors, the right, privilege and franchise to construct, lay, maintain and operate pipelines and gas mains in, under, over, across and along, and to use present and future streets, alleys, public thoroughfares and grounds of the City of Laredo, for the purpose of transporting, distributing and selling gas (natural, artificial or mixed) for all purposes for which gas is or may be used to the municipality and inhabitants of said City of Laredo, Texas, and to any other person or persons, for a term of twenty years; providing for the manner of acceptance of this franchise by Entex; providing for payment by Entex to City for the rights and privileges granted by this franchise; and making miscellaneous provisions in connection therewith.

Motion to open public hearing.

Moved: Cm. Galo

Second: Mayor Pro Tempore E. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. Galo

Second: Mayor Pro Tempore E. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

3. **Public hearing and introductory ordinance** amending and revising the 2000 International Fire Code by adding Section 105, and amending Sections 3402, 3406, and Appendix H to provide for Regulation of Mobile Fueling via Amendment of Section 3406 of Chapter 34, "Flammable and Combustible Liquids" of the Code of the City of Laredo; providing for the issuance of permits, that this ordinance be cumulative, severability, a saving clause, publication, and effective date.

Motion to open public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. J. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

4. Public hearing and introductory ordinance **authorizing the City Manager to amend the City of Laredo FY 2001-2002 annual budget in the amount of \$65,000.00 to continue the renovations and modifications to building number 60 (16,000 sq. ft.) located at the 4800 block of Maher Avenue. The Laredo Police Department leases this building from the Laredo International Airport. Modifications are needed to expand the fiber optic cabling, re-wire cat 5 voice/data line for the entire building, secure property/evidence warehouse, and replace the roof. Funding for the project is available through the Laredo Police Department Trust Fund Opening Balance.**

Motion to open public hearing.

Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. J. Guerra

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

5. Public hearing and introductory ordinance **amending the City of Laredo's 2001-2002 annual budget by increasing estimated revenues and appropriations in the Ryan Street Railroad Bridge Conversion and Zacate Creek Pedestrian and Bicycle Facility Project accounts by \$571,200.00 and authorizing the City Manager to implement said budget; providing for publication and effective date.**

Motion to open public hearing.

Moved: Cm. Galo

Second: Cm. J. Guerra

For: 8

Against: 0

Abstain: 0

There was no public input.

Erasmus Villarreal, Community Development Director, reported that he has met with the consultant of the Ryan Street Bridge project. The consultant has provided preliminary designs for the project and he has been given additional direction on how to continue with the design in order to make this project whole.

Motion to close public hearing and introduce.

Moved: Mayor Pro Tempore E. Valdez, Jr.

Second: Cm. J. Guerra

For: 8

Against: 0

Abstain: 0

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

6. Public hearing and introductory ordinance **amending Ordinance 2001-O-219 and authorizing the standardization in the manner by which bridge toll fares are tabulated for all southbound vehicular traffic. As further described in Exhibit "A" and hereby repealing all conflicting sections in all Ordinances currently in effect.**

Motion to open public hearing.

Moved: Cm. Galo

Second: Mayor Pro Tempore E. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. Agredano

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

7. Public hearing and introductory ordinance **authorizing the City Manager to amend the FY 2001-2002 annual budget in the amount of \$18,020.00 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 public hearing.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

8. **Public hearing and consideration of an appeal of Order #391 issued on April 24, 2002, by the Historic District Landmark Board regarding the denial for total demolition of the locally significant historic landmark Bruni Elementary School building. In addition, the Landmark Board requested the submittal of an estimate/study for the preservation of the complete south façade of the 1927 landmark Bruni.**

**Location: All Block 264 WD**

**Commonly known as: 1508 San Eduardo Ave., Bruni Elem. School**

**Petitioner: Carmen Ramos-Trevino and Dr. Paul Cruz, Laredo ISD**

Motion to open public hearing.

Moved: Cm. Galo

Second: Cm. Ramirez

For: 8

Against: 0

Abstain: 0

Elsa Ibarra Valdez, residing in St. Peter's historical district, stated that she is in favor of preserving the school.

John Peter Montalvo, Laredo Independent School District board member, stated that there comes a time where our representatives need to make a logical decision. He mentioned that he came before the City Council to plead with each one to give these students the opportunity to be on equal footing with and to have access to the same resources that other students have. He asked that City Council vote in favor of demolishing Bruni Elementary.

Lali Lerma, area resident, stated that education comes first and the building must be demolished in order to construct a modern facility.

Maria Teresa Tovar, mother of a Bruni Elementary student, stated that the education and safety of the students at this school is being compromised.

Sally Volz Zuck, resident of St. Peter's historical district, mentioned that the reason for retaining a historical building is because of its architectural significance. She stated that this building has character and should not be torn down.

Dr. Dennis Cantu, Laredo Independent School District Board President, stated that no one questions the reasons why the Historical District/Landmark Board is attempting to preserve the building. However, he believes that the students deserve to obtain an education in a well-built, modern learning environment. He urged for a compromise between the two sides and suggested that the architect preserve the façade of the building.

John Keck, Chairman of the Historic District/Landmark Board, stated that both options presented by the architects would have resulted in good educational facilities for the students with no marked difference in cost.

Jose Valdez, Laredo Independent School District trustee, stated that the issue being presented is very clear. The concern here is the education of our children and the needs of our children come first.

Cm. Galo inquired whether there was any discussion on the cost to Laredo Independent School District of the other block and whether the City might be able to offer some assistance. He also inquired whether any discussion took place about constructing a new school building behind the existing building.

Dr. Paul Cruz stated that the School Board did meet with the Historic District/Landmark Board to discuss other possible sites. He stated that the school district has 28 campuses within a 13.9 square mile area and this creates difficulty in trying to purchase more property because there is not much space within the school district.

Roberto Cantu, member of the Historic District/Landmark Board, mentioned that he would not like to see the school torn down.

Mayor Flores inquired whether consideration was given to preserving the façade or was this possibility disregarded.

Jorge Cabello, Construction Manager for Laredo Independent School District, reported that an official study was not conducted because an official study would cost some money that the district does not presently have in its budget. There were several unofficial studies conducted on the feasibility of preserving the south façade. If the school district would consider preserving the south façade, they could not build on the southern portion in front of the façade. However, building behind the south façade would require that they leave some type of buffer area and this would eat up into the available space. He mentioned that the school district has purchased the block north of the existing school, and the approved plans brought before the school board show that the proposed school addresses the land mass issue and the structural issue.

Mayor Flores inquired whether the City could provide any financial assistance in this instance.

Larry Dovalina, City Manager, stated that the City is struggling with the current budget without incurring other additional costs.

Motion to approve demolition of the building, close the public hearing, and introduce the appeal.

Moved: Cm. Ramirez

Second: Mayor Pro Tempore E. Valdez, Jr.

For: 6

Cm. Ramirez

Mayor Pro Tem Valdez, Jr.

Against: 1

Cm. Bruni

Abstain: 1

Cm. J. Valdez

Cm. Guerra  
Cm. Amaya  
Cm. Galo  
Cm. Agredano

Ordinance Introduction: City Council, except Cm. J. Valdez, Jr.

9. Public hearing and introductory ordinance **providing community residents an opportunity to comment on their housing and community needs and projects that they wish to see funded through the 28<sup>th</sup> Action Year Community Development Block Grant, the 2002 HOME Investment Partnerships Grant, and the 2002 Emergency Shelter Grant in support of the preparation and submission of the 2002 Consolidated Plan to the U.S. Department of Housing and Urban Development. Also for discussion and comment is the Fiscal Year 2000-2001 Consolidated End of the Year Performance Report regarding the City's administration of HUD Programs.**

Motion to open public hearing.

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

Against: 0

Abstain: 0

Erasmus Villarreal, Community Development Director, reported on last year's performance report submitted to the Department of Housing and Urban Development.

He stated that the department had a 94% expenditure rate with the funds directed toward those activities that benefited low to moderate income citizens. They did not exceed their administrative cap of 20% of the grant. They met the ratio that they are graded on by utilizing 1.5 times the amount of funds received. They also met the two-year commitment and the 5-year expenditure deadline. The City's progress was deemed to be satisfactory overall. He reported that in terms of the consolidated planning process for next year, the current allocation for community development block grants would be \$1,437,000.00; the allocation for the home program would be \$1,500,000.00; and under the emergency home shelter grant, the allocation would be \$153,000.00.

Motion to close public hearing and introduce.

Moved: Mayor Pro Tempore E. Valdez, Jr.  
Second: Cm. Amaya  
For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

10. Public hearing and introductory ordinance **amending the City of Laredo FY 2001-2002 Annual Budget to appropriate revenues and expenditures upon the acceptance of a donation of \$2,000.00 from L & F Distributors/Budweiser, \$3,000.00 from Clark Hardware, Inc., and \$1,000.00 from Conoco Pump-N-Shop for a \$4,200.00 sponsorship of the professional mascot d/b/a "Reggy" and a**

**\$6,000.00, sponsorship of the professional mascot d/b/a the “Famous Chicken” and the purchase of miniature baseball bats with the Tecos logo for a total amount of \$1,500.00, respectively. Funding is available in the Veteran’s Field Fund.**

Motion to open public hearing.

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

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

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

Against: 0

Abstain: 0

Ordinance Introduction: City Council

- 11. Public hearing and introductory ordinance amending the City of Laredo’s FY 2001-2002 Annual Budget in the Laredo Municipal Housing Corporation Fund by appropriating revenues and expenditures of \$36,227.00 from Claim #0200080288 for fire damages at 569 A-Maple Court on January 13, 2002, and authorizing the City Manager to implement said budget.**

Motion to open public hearing.

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

Against: 0

Abstain: 0

There was no public input.

Motion to close public hearing and introduce.

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

Against: 0

Abstain: 0

Ordinance Introduction: City Council

- 12. Public hearing and introductory ordinance amending the City of Laredo’s FY 2001-2002 Full Time Equivalent (FTE) positions by amending the budget to create .19 FTE for an additional Associate Municipal Court Judge position. Funding for this position is available in the 2001-2002 Municipal Court salary line item.**

Motion to open public hearing.

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

Against: 0

Abstain: 0

Larry Dovalina, City Manager, stated that this is an introductory ordinance and he is aware that there is some consideration of an appointment. He suggested that the City Council hold off in making the appointment until the position is officially created following the final reading.

Diana Navarro, local attorney and candidate for municipal court judge, stated that she has a concern about the creation of an additional position for associate judge. She asked that this item be tabled until after the runoff election of June 1, 2002. She mentioned that City Council normally considers the municipal court judge's recommendations. She further stated that this additional position should only be created if it is actually needed. She made a suggestion to City Council that the position be posted and that a procedure be followed to consider different applicants for the position.

Tommy Ochoa, Municipal Court Clerk, stated that the current associate judge appointment was approved November 19, 2001, for a two-year term.

Motion to close public hearing and introduce.

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

Against: 0

Abstain: 0

Ordinance Introduction: City Council

## VIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

### 13.A. Request by Council Member Louis H. Bruni

1. **Status report on the secondary source of water contract with Montgomery Watson/Harza, with possible action.**

**Item was tabled at the request of Cm. Bruni and will be placed on the agenda for the meeting of May 20, 2002.**

2. **Discussion with possible action regarding the residents who sold avigational easements to the City of Laredo Noise Abatement Project and now wish to sell their homestead.**

**Erasmus Villarreal, Community Development Director, stated that he has looked into this matter and has received calls from several residents. He mentioned that he has conferred with the FAA and has been told by the agency that this could be addressed. He stated that he would like to finish**

the first phase which includes notifying approximately 40 residents that need to be made aware of this option. Once they get through with those 40 residents, they will come back and address these 4 residents that would like to sell.

3. Discussion with possible action on the quality of life at Cheyenne Subdivision. (Co-sponsored by Council Member Alfredo Agredano)

Larry Dovalina, City Manager, stated that the City will be organizing a multi-faceted task force that will be enforcing all the city ordinances and ensure that they are being implemented in this particular neighborhood.

4. Status report on the intersection of Saunders and Milmo, with possible action.

Cm. Bruni stated that there is an entrance at this car dealership that is going to multiply the traffic problems at this intersection. He would like to condemn all necessary property in order to widen the road to the extent of the current width of city streets.

Cynthia Collazo, Assistant City Manager, stated that staff will come back with a resolution at the next City Council meeting declaring the public necessity to acquire that property.

Assistant Chief Granados reported that there were seven traffic accidents in 2001 and so far there have been two this year.

**B. Request by Council Member John C. Galo**

1. Asking City Council to support a resolution stating the upgrade of Loop 20 and Cuatro Vientos Road to a freeway section.

Keith Selman, Planning Director, stated that he does not believe the resolution should reflect exactly what the MPO resolution states. He feels that they should not convolute the issue of the work being done on Cuatro Vientos Road. He suggests that the City craft a resolution where they can move forward with what they are doing on Cuatro Vientos Road and simultaneously seek funding for upgrading the roadway.

Larry Dovalina, City Manager, stated that the City is in the process of developing a roadway between those two roadways.

2. Discussion with possible action allowing people to apply for a Conditional Use Permit in lieu of a zone change.

Keith Selman, City Planner, reported that the department has put together a rough draft on this matter. He will bring it to City Council along with two other ordinance amendments that he has coming forward.

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

1. Discussion with possible action regarding down payment assistance. (Co-sponsored by Council Member John C. Galo and Council Member Alfredo Agredano)

Cm. Valdez would like to see if the City can change some of the requirements to allow more individuals to become homeowners.

Erasmus Villarreal, Community Development Director, stated that the down payment assistance is a federally funded program that has been in existence since 1992. Initially, the program began subsidizing \$2,500.00 with a required 50% match by the home buyer. In May, 1997, in working with the home building community, they realized that the need changed. After meeting with the home builders association, it was agreed that the loan would increase to \$3,000.00 for those individuals who were at 80% of median income. There was also a demand for those individuals who were at 60% of median income who may not be able to get into housing with a \$3,000.00 loan. As a result, it was decided to establish a maximum of \$5,000.00 for those individuals at 60%. In June, 1998, the amount of down payment assistance for those at the 60% of median income was not sufficient to be able to get them into housing. As a result, the City Council raised the amount of assistance to \$9,000.00. At present, the program has individuals at 80% of median income who are eligible to receive up to \$6,000.00 and those individuals at 60% of median income are eligible to receive up to \$9,000.00 of down payment assistance. This assistance comes in as a second lien to allow for release of the first lien or if sale of the home becomes necessary.

Cm. Valdez mentioned that one of the main areas of interest was the provision of refinancing the loan.

Erasmus Villarreal stated that a refinancing option was one that was originally placed into the program. However, because of the fluctuation of interest rates there are some homeowners who have financed at higher interest rates and now the current homeowners are financed at lower interest rates. By refinancing their loans, it becomes a savings to them. But if we require them to pay a second lien, then there is no savings to them.

Steve Snow, local homebuilder, stated that building costs continue to be on the rise. He would like to see an increase on the down payment assistance program to make housing more affordable and allow more families to move into new homes. He also suggests that the allocation be increased to double that of last year's allocation. He would like to see if there could be additional processors brought on staff to expedite the paperwork. He would like to see an annual meeting scheduled to review the DPA results and also create a working group to review and discuss policy.

Motion to have staff organize a meeting with Laredo Builders Association to work out their concerns and come back to City Council with recommendations at the next City Council meeting.

Moved: Cm. J. Valdez, Jr.

Second: Cm. Amaya

For: 8

Against: 0

Abstain: 0

**D. Request by Council Member Juan Ramirez**

**1. Status report on the improvements of Veteran's Field, Los Dos Laredos Park, Scott Street Park and El Cuatro Park.**

**Horacio De Leon, Parks and Recreation Director, went over a report that he submitted to City Council last Friday outlining the status of the different parks.**

**Veterans Field – all building materials have been ordered and received to construct the dressing rooms and storage facility; the parks construction crew has recently prepared the foundation for the construction of these facilities;**

**Los Dos Laredos Park – the department recommends that the new youth basketball courts be installed at the existing basketball court; no other cement slab exists for this use; staff is requesting poles for height adjustment for adjustable basketball poles and backboards;**

**Scott Street Park – cement slabs have been completed and the dugouts have been installed; the parks department is awaiting additional quotes for the proposed irrigation system as previous quotes were significantly higher than the available budget allows;**

**El Cuatro Park – the firm of Harry Jewett and Associates has been selected as consultant for the project; the acquisition of adjoining lots four, five, six, and seven is being scheduled for closing by the title company; complete acquisition of these lots is expected within two weeks' time; funding for this project is \$250,000.00.**

**He went on to mention the installation of shades over at the Civic Center Pool that have been paid out of discretionary funds.**

**2. Discussion and possible action expanding the parking meter district to include Scott and San Agustin to Juarez.**

**Larry Dovalina, City Manager, mentioned that he has had an opportunity to review the Parking Meter Fund on a regular basis. He mentioned that said fund had never exceeded the revenues collected for more than \$400,000.00. Due to the additional parking areas, namely the facilities at both the river and upper level parking areas, the City is projecting the**

fund to exceed \$1,000,000.00. He stated that rather than expanding into the residential areas, it would be beneficial to look at where development is occurring in the downtown area and purchase some properties within those areas to increase parking.

Roberto Murillo, Traffic Director, stated that the City currently has the northern boundary at Moctezuma Street. The reason they have not considered placing meters on the other side of the tracks is because there is no demand in those areas for parking. If they consider extending placement of meters over to Scott Street, this would take it over the railroad tracks and into the residential areas.

Motion to extend the parking meter boundary to Scott Street between Juarez Ave. and San Agustin Ave. and to instruct the City Manager to conduct a survey to determine what portion of the land belongs to the City.

Moved: Cm. Ramirez

Second: Mayor Pro Tempore E. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

3. Discussion and possible action on installing parking meters on the 800 and 900 blocks of San Agustin, 1100 block of Flores, 1100 block of Convent, 1100 and 1200 blocks of Washington.

Roberto Murillo, Traffic Director, reported that the department is already making plans to install meters around the Webb County Administrative Offices. In regards to the 800 and 900 blocks of San Agustin Ave., those spaces are presently being reserved for county officials. As soon as the new building is completed, those spaces will be coming back to the City.

(Recess)

(Press Availability)

## IX. INTRODUCTORY ORDINANCES

14. Authorizing the City Manager to execute a lease with Aero JBR Laredo, Inc., for approximately 996 square feet constituting Building No. 193 located at 5301 Maher Avenue at the Laredo International Airport. Lease term is for one (1) year commencing on March 1, 2002 and ending on February 28, 2003 and may be extended for two (2) terms of one (1) year each ending on February 29, 2004 and February 28, 2005. Monthly rent shall be \$800.00 and will be adjusted annually during the primary

**and extension terms of this lease according to changes in the Consumer Price Index;  
providing for effective date.**

**Ordinance Introduction: City Council**

- 15. Approving and authorizing the City Manager to execute a utility easement to the Texas Department of Transportation for the purpose of installing fiber optic cable to integrate the City of Laredo Traffic Management Center (TMC) to the TXDOT's Traffic Management Center. Said proposed utility easement is located at the Laredo International Airport on land known as Lots 1, 2, 3, and west portion of Lot 4 being Block No. 1988, Eastern Division, City of Laredo, Webb County, Texas.**

**Ordinance Introduction: City Council**

- 16. Approving a contract with the Federal Aviation Administration on behalf of the Transportation Security Administration (TSA) and authorizing the City Manager to execute said contract. The purpose of this contract is to reimburse the City of Laredo for its costs in providing a uniformed sworn and certified law enforcement officer at the passenger security screening checkpoint at the Laredo International Airport until such time as the TSA assumes responsibility for such functions. The total estimated cost of this agreement shall not exceed \$200,351.40. The effective date and term of this agreement is from May 10, 2002 and shall continue in effect until December 1, 2003 or until earlier terminated by the parties. The TSA may choose to extend the term of this agreement, at its sole discretion, for up to an additional 90 days beyond the above stated completion date; providing for an effective date.**

**Ordinance Introduction: City Council with a correction in the amount: \$250,098.00**

- 17. Authorizing the City Manager to accept Grant Offer No. 3-38-0136-33-02 in the amount of \$41,626.00 from the Department of Defense Fiscal Year 2001-2002 supplemental appropriation through the Federal Aviation Administration and authorizing the City Manager to amend the City of Laredo Airport Fund FY 2002 Budget to appropriate the grant revenue and expenditures. The Grant reimburses the Airport Fund for Increased Law Enforcement Officer Personnel / Overtime and Outside Services, Contractor Support expenses incurred as a result of the events of September 11, 2001. The grant does not require a local match; providing for an effective date.**

**Ordinance Introduction: City Council**

- 18. Closing the intersection at Loring Avenue and Aldama Street to vehicular traffic traveling in a northerly and southerly direction by barricading at the north and south right-of-way lines of the Texas Mexican Railway Company tracks, said intersection is situated in the Eastern Division, City of Laredo, County of Webb and providing for an effective date.**

**Ordinance Introduction: Cm. Galo**

- 19. Authorizing the City Manager to execute a lease with the Boys and Girls Club of Laredo, Inc. at the unimproved real property located a the San Isidro Devine**

**Mercy Church Subdivision, Laredo, Webb County, Texas and being more fully described in exhibit "A" of the lease agreement for the construction and operation of a Boys and Girls Club facility. The term of the lease is twenty-five (25) years commencing upon the approval of the agreement by City Council. An extension of the lease is offered through an option term of an additional twenty-five (25) years. The annual base rent shall be one (\$1.00) dollar for the term of the lease and will be increased to ten (\$10.00) dollars for the option term.**

**Ordinance Introduction: City Council**

**X. FINAL READINGS OF ORDINANCES**

**Internet Availability: [www.ci.laredo.tx.us](http://www.ci.laredo.tx.us)**

**Motion to waive final readings of ordinances # 2002-O-080; 2002-O-081; 2002-O-082; 2002-O-083; 2002-O-084; 2002-O-085; 2002-O-086; 2002-O-087; 2002-O-088; and 2002-O-089.**

**Moved: Cm. Bruni**

**Second: Mayor Pro Tempore E. Valdez, Jr.**

**For: 8**

**Against: 0**

**Abstain: 0**

**20. 2002-O-080 Amending the Fiscal Year 2001-2002 budget of the City of Laredo in the amount of \$10,000.00 in additional funds from the Texas Department of Health for the HIV/AIDS Prevention and Education Project of the City of Laredo Health Department for the period beginning January 1, 2002, through December 31, 2002.**

**Motion to adopt Ordinance #2002-O-080.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

**2002-O-081 Authorizing the City Manager to amend the City of Laredo FY 2001-2002 annual budget by appropriating revenues and expenditures in the amount of \$30,000.00 for Project Alcance. This program will support outreach and educational services of the Promotora Program. Driscoll Children's Health Plans of Corpus Christi has awarded a \$30,000.00 grant to the City of Laredo Health Department for the period beginning September 1, 2001 through August 31, 2002.**

**Motion to adopt Ordinance #2002-O-081.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

**2002-O-082 Repealing Ordinance Number 2001-O-279 and authorizing the issuance of a Conditional Use Permit for a portrait studio on Lots 4, 5, and the East ½ of Lot 3, Block 1268, Eastern Division, located at 2219 Clark Blvd; providing for publication and effective date. (As Amended)**

**Motion to adopt Ordinance #2002-O-082.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

**2002-O-083 Amending the Zoning Ordinance Map of the City of Laredo by authorizing the issuance of a Conditional Use Permit for the storage and handling of hazardous materials Blocks 14, 46, and 75, Eastern Division and those portions of Willow Street and Cedar Avenue which were previous public right-of-ways, located at 420 Logan Avenue; providing for publication and effective date. (As amended)**

**Motion to adopt Ordinance #2002-O-083.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

**2002-O-084 Amending the Zoning Ordinance Map of the City of Laredo by rezoning 2.6479 acres, as further described by metes and bounds in attached Exhibit "A", located north of International Blvd. and east of Bazan Subdivision, from R-3 (Mixed Residential District) to B-3 (Community Business District); providing for publication and effective date. (As amended)**

**Motion to adopt Ordinance #2002-O-084.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

**2002-O-085 Amending the Zoning Ordinance Map of the City of Laredo by authorizing the issuance of a Conditional Use Permit for the storage and handling of hazardous materials on Blocks 56, 67, and 68, Eastern Division and those portions of Cedar Avenue, Piedra China Street, and Logan Avenue which were previous public right-of-ways, located at 301 Logan Avenue; providing for publication and effective date. (As amended)**

**Motion to adopt Ordinance #2002-O-085.**

**Moved: Cm. Bruni**  
**Second: Cm. Galo**  
**For: 8                      Against: 0                      Abstain: 0**

**2002-O-086 Authorizing the City Manager to accept and execute the Vehicle Capital Replacement (VCR) grant 0201 (22) contract no. 51222F6007 with the Texas Department of Transportation in the total dollar amount of \$773,126.00; consisting of federal funds of \$773,126.00 and providing for a soft match of \$193,282.00 state toll credits and amending the FY 2001-2002 budget by appropriating all grant funds in the total amount of \$773,126.00; and providing for grant/contract funds to be deposited in the City of Laredo Transit Fund.**

**Motion to adopt Ordinance #2002-O-086.**

**Moved: Cm. Bruni**  
**Second: Cm. Galo**  
**For: 8                      Against: 0                      Abstain: 0**

**2002-O-087 Setting the maximum speed limit within the city limits of Laredo, Webb County, Texas, as 50 miles per hour from mile post 1.100 to mile point 7.008 of Loop 20 as defined in the Texas Department of Transportation control section map 0086-14 to be in effect during the reconstruction of Loop 20.**

**Motion to adopt Ordinance #2002-O-087.**

**Moved: Cm. Bruni**  
**Second: Cm. Galo**  
**For: 8                      Against: 0                      Abstain: 0**

**2002-O-088 Authorizing the City Manager to execute a Lease Amendment to the lease agreement authorized by Ordinance No. 2001-0-138 dated July 16, 2001, between the City of Laredo and South Texas Development Council for approximately 2,048 square feet constituting Suite Numbers 12, 14, 16 and 18 of Building No. S-1 located at 1718 E. Calton Road. Said Amendment will decrease the leased area from 2,048 square feet to 1,376 square feet by deleting Suite No. 16 and decrease the monthly rent accordingly from \$2,580.50 to \$1,733.78, effective October 1, 2001. All other terms and conditions remain in effect and unchanged; providing for an effective date.**

**Motion to adopt Ordinance #2002-O-088.**

**Moved: Cm. Bruni**  
**Second: Cm. Galo**  
**For: 8                      Against: 0                      Abstain: 0**

**2002-O-089 Authorizing the City Manager to execute a Lease Agreement with South Texas Development Council for approximately 300 square feet constituting Suite Number 22 of Building S-1 located at 1718 E. Calton Road at the Laredo International Airport. Lease term is for one-year (1) year commencing on April 1, 2002 and ending on March 31, 2003 and may be extended for two (2) terms of one year (1) each ending on March 31, 2004 and March 31, 2005. Monthly rent shall be \$375.00 and will be adjusted annually during the primary and extension terms of this lease according to changes in the Consumer Price Index; providing for an effective date.**

**Motion to adopt Ordinance #2002-O-089.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

## **XI. RESOLUTIONS**

**21. 2002-R-040 Declaring the public necessity to acquire a 40' wide utility easement for the South Laredo 36" sanitary sewer outfall line [as shown on exhibit "1"] which impacts six parcels of land and authorizing the city attorney to file condemnation proceedings to acquire those parcels which staff is unable to acquire by negotiations with the owner or owners, the six parcels being out of lots and blocks described in a deed from John de Witt Furrh, Jr. To Mary M. Furrh recorded in volume 133, pages 518-519, Webb county deed records, and the six parcels being 40' wide utility easements fully described in exhibit "2", and briefly referenced herein, as follows:**

Tract "A" - 13, 980.07 sq. ft. (0.3209 of an acre) tract out of Lot Nos. 2, 3, 4, 6, 7, 8, Block 1030, Eastern Division, City of Laredo.

Tract "B" - 456.94 sq. ft. (0.0105 of an acre) tract out of Lot No. 1, Block 1029, Eastern Division, City of Laredo.

Tract "C" - 10,248.15 sq. ft. (0.2353 of an acre) tract out of Lot Nos. 3, 4, 5, 6, 7, Block 1032, Eastern Division, City of Laredo.

Tract "D" - 5,243.96 sq. ft. (0.1204 of an acre) tract out of Lot Nos. 1, 2, Block 1033, Eastern Division, City of Laredo.

Tract "E" - 5,030.30 sq. ft. (0.1155 of an acre) tract out of Lot Nos. 5, 6, Block 1044, Eastern Division, City of Laredo.

Tract "F" - 11,586.55 sq. ft. (0.2660 of an acre) tract out of Lot Nos. 1, 2, 3, 7, 8, Block 1043, Eastern Division, City of Laredo.

**Motion to approve Resolution #2002-R-040.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

For: 8

Against: 0

Abstain: 0

- 22. 2002-R-041 Authorizing the City Manager to submit a grant application to the Governor's Automobile Theft Prevention Authority to fund the Laredo Auto Theft Task Force for the period of September 1, 2002 through August 31, 2003. The City of Laredo is requesting \$721,000.00 to fund the Laredo Auto Theft Task Force. The ATPA will be designating approximately \$578,000.00, the City of Laredo will be designating \$112,000.00 and Webb County will be designating \$32,000.00 in matching funds.

Motion to approve Resolution #2002-R-041.

Moved: Cm. Bruni

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

- 23. 2002-R-042 Authorizing the City of Laredo to participate in Texas Class Local Government Investment Pool (MBIA Municipal Investors Service Corporation) a public fund investment pool designating authorized representatives and adopting the trust agreement.

Motion to approve Resolution #2002-R-042.

Moved: Cm. Bruni

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

- 24. 2002-R-043 A resolution canvassing the returns of the General City Election held on May 4, 2002; approving the results; and ordering a special run-off election, if necessary.

City Secretary, Gustavo Guevara, Jr., read the election results of May 4th and announced that there will be a Runoff Election for the office of Municipal Court Judge and City Council Member, District 2.

	Total Votes	Majority
<b><u>MAYOR:</u></b>		
Felipe Cardenas	3,688	27.24%
Benito Soto, VII	275	2.03%
Carlos Salinas	819	6.05%
Elizabeth G. (Betty) Flores	8,755	64.67%
<b><u>MUNICIPAL COURT JUDGE:</u></b>		
Margarito Benavides	2,818	20.44%
Diana Navarro	3,528	25.58%

Jose Salvador Tellez	1,335	9.68%
Alfonso "Boyer" Ornelas	6,106	44.28%

**DISTRICT I:**

Alfredo Agredano	673	100.00%
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**DISTRICT II:**

Hector "Tito" Garcia	677	47.37%
Raymond Bruni	538	37.64%
Armando Ramirez	214	14.97%

**DISTRICT III:**

John C. Galo	1,182	100.00%
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**DISTRICT VI:**

Ron Whitehawk	992	33.74%
Jose Mario Guerra	464	15.78%
Gene Belmares	1,484	50.47%

Motion to approve Resolution #2002-R-043.

Moved: Cm. Agredano

Second: Cm. Galo

For: 8	Against: 0	Abstain: 0
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XII. MOTIONS

25. Authorizing the City Manager to execute privatization contract for the City of Laredo's Water and Wastewater operations.

Motion to authorize the City Manager to complete the outstanding negotiations, if any, and execute the contract with United Water for privatization of the City's water and wastewater operations subject to any changes the City Manager deems necessary in his best interest for the City of Laredo.

Moved: Cm. Galo

Second: Cm. Bruni

For: 6	Against: 0	Abstain: 2
Cm. Agredano		Cm. Amaya
Cm. Bruni		Cm. J. Valdez, Jr.

**Cm. Galo  
Mayor Pro Tem E. Valdez, Jr.  
Cm. Guerra  
Cm. Ramirez**

- 26. Authorizing the City Manager to enter into a license agreement with the Texas Natural Resource Conservation Commission (TNRCC) to locate and operate ambient air monitoring equipment at a station to be located at the World Trade Bridge.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

- 27. Authorizing the issuance of a request for proposals for the Americans with Disabilities Act Paratransit Plan Update for Laredo, TX. The Metropolitan Planning Organization has budgeted \$50,000.00 for the project and funding is available through the MPO account.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

- 28. Authorizing the issuance of a request for proposals for the development of a Bus Rapid Transit Plan for Laredo, TX. Funding is available through the Metropolitan Planning Organization account pending an amendment to the Unified Planning Work Program.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

- 29. Consideration to award six month supply contracts (FY 01-078) to the low bidders, Arnold Oil Co., dba Lone Star Lubricants, Laredo, Texas, in the estimated amount of**

**\$36,515.26, and Leyendecker Oil Inc, Laredo, Texas, in the estimated amount of \$12,175.19 for the purchase of lubricants for the Fleet Maintenance Division. The bid pricing will be firm for a one-year period and all items will be purchased on an as needed basis. Funding is available in the Fleet Maintenance Fund.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

**30. Consideration to award the following annual contracts for repair parts and service for the heavy equipment fleet, sweepers, motorcycle and lawn maintenance equipment:**

**Rush Truck Center of Laredo, Laredo, Texas (FY 02-078) in the estimated amount of**

**\$50,000.00; Industrial Disposal Supply, San Antonio, Texas (FY 02-080) in the estimated amount of \$25,000.00; Corpus Christi Harley-Davidson, Inc. Corpus Christi,**

**Texas (FY 02-079) in the estimated amount of \$25,000.00; and RPM Parts & Small**

**Engine, Laredo, Texas (FY 02-076) in the estimated amount of \$15,0000.00. All parts**

**will be purchased on an as needed basis. Funding is available in the Fleet Maintenance budget.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

**31. Consideration to award contract FY 02-073 to the low bidders, Galls Inc., Lexington,**

**KY, in the estimated amount of \$30,000.00, Gateway Uniform Services, Laredo, Texas, in the estimated amount of \$15,000.00 and Skaggs Uniforms, San Antonio,**

**Texas, in the estimated amount of \$12,000.00, for the purchase of uniforms, boots and**

**accessories. Funding is available in the Fire Department Budget.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

32. **Consideration to award a contract number FY 02-095, to the sole bidder, WRG Training & Simulation System, Sherwood, OR in the amount of \$123,962.20, for the purchase and installation on mobile fire training props for the fire training facility.**

**The props include: a tractor trailer roll over prop, jet turbine engine fire/landing gear**

**with wing, propane tank, LNG distribution prop, commercial chemical/gas meter fire**

**prop, storage container fire simulator, vehicle fire simulator, fire extinguishing pan fire**

**simulator, and an electrical pan fire simulator. Delivery is expected within ninety**

**days. Funding is available in the Fire Department budget.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

33. **Consideration for approval of the selection of consultant Reliant Energy, Houston, Texas for the CNG Compressor Station at City of Laredo Fuel Distribution Center**

**(Design/Build Project) and authorization to negotiate a professional services contract.**

**Funding is available in the Fleet Management Buildings account.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

34. **Consideration for approval of the selection of consultant Arcadis of the Feasibility**

**Study to construct a Water Park and authorization to negotiate a professional services**

**contract. Funding is available in the Capital Improvement Fund.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

35. Consideration to award annual supply contract number FY 02-092 to the low bidder Arguindegui Oil Co., Laredo, Texas, in the estimated amount of \$766,085.00, for the purpose of transporting loads of unleaded and low sulfur diesel fuel and tank wagon loads of high sulfur diesel fuel, for the City of Laredo's fleet. The transport load contract pricing per gallon for unleaded fuel is approximately \$.003/gallon less than the previous contract period. Funding is available in the Fleet Maintenance Fund.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

36. Consideration to award contract FY 02-074 to the sole bidder, AOC-Acetylene Oxygen Co., Laredo, Texas in the estimated annual amount of \$40,000.00 for providing welding gases, welding rods, and cut links for use by all city departments. This is annual contract with provisions for one additional year upon mutual consent. Funding is available in the following departmental budgets: Public Works-Fleet Maintenance and Parks and Recreation Department.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0

37. Consideration to award a contract FY 01-091 to the low bidder, Four Alarm, MES, Inc., Houston, Texas, in the amount of \$41,060.00 for the purchase of two sets of hydraulic rescue tool systems for the Fire Department-EMS Division. This equipment will be assigned to the new ambulance units. Funding is available in the 2002-A PFFCO Contractual Obligation bond.

Motion to approve.

Moved: Cm. Bruni

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

- 38. Consideration to reject single bid of \$39,517.44 for the Library shelter at 1120 E. Calton Road.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

- 39. Consideration for approval of the selection of Consultant Harry Jewett Associates, Inc. for the El Cuatro Park to be located west of Santa Cleotilde Avenue and south of Iturbide Street and authorization to negotiate a professional services contract. Funding is available in the Community Development 27<sup>th</sup> Action Year.**

**Motion to approve a full-year contract.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

- 40. Consideration for approval of the selection of consultant Howland Surveying Company, Inc., DBA Howland Engineering and Surveying Company, Laredo, Texas, for the Resident Project Representative (Inspection Services) for the Laredo International Airport Passenger Terminal and Related Airside/Landside Improvements Phase "E" Taxiway "J" and for the Construction for the Northeast Cargo Apron, Construction of the Service Road and Reconstruction of Taxiways "A", "D", & "G" and authorization to negotiate a professional services contract. Funding is available in Airport Grant #27-FAA Runway 17 & Taxiway J. Grant #32 NE Cargo Apron, Grant #31-Service Road & Parcel, Grant #29-Taxiway "A", "D", & "G".**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

- 41. Consideration to award a construction contract to the lowest bidder TJ & T Enterprises, Inc. Cypress, Texas, for the Laredo International Airport Passenger Terminal and Related Airside/Landside Improvements Phase "E" in the base bid amount of \$4,701,540.00. Funding is available in the FAA Airport Improvement Program Grant Project No. 3-48-0136-27. This grant will be supplemented by an additional AIP Entitlement grant.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

- 42. Consideration to award a construction contract to the lowest bidder Marshall Company, Ltd. Corpus Christi, Texas for the International Fire Fighting/Public Safety Training Facility Phase II in the bid amount of \$1,397,732.32. Funding is available in the Fire Training Facility Project Buildings.**

**Motion to approve with a correction in the amount to \$1,397,723.32.**

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

**Against: 0**

**Abstain: 0**

- 43. Consideration to award a construction contract to the lowest bidder J. Solis Maintenance & Welding Services, Laredo, Texas, for the CDBG Sidewalks City-Wide Project No. 19C (35.5 Blocks) in the bid amount of \$209,008.97. Funding is available in the Community Development 26<sup>th</sup> Action Year Sidewalks.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

- 44. Consideration to award a construction contract to the lowest bidder Pete Gallegos Paving, Inc., Laredo, Texas, for the CDBG Sidewalks Project No. 20 (43 Blocks) in the bid amount \$223,741.50. Funding is available in the Community Development 27<sup>th</sup> Action Year School Sidewalks.**

**Motion to approve.**

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

**Against: 0**

**Abstain: 0**

- 45. Consideration to award contract number FY 02-093, to the low bidder, Safety Supply Inc., San Antonio, Texas, in the estimated amount of \$27,520.00 to provide powdered electrolyte replacement drinks (Gatorade) for City service crews. Electrolyte replacement drinks are purchased on an as needed basis during the summer months for the service crews to prevent dehydration. The contract pricing is approximately 8% less than the previous contract period. Funds are available in the following budgets: Public Works, Sanitation, Fleet Maintenance, Traffic Safety, Engineering, Risk, Parks and Recreation, and Utilities Departments.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

- 46. Consideration to award contract number FY 02-085 to the low bidder meeting specifications Exerplay, Cedar Chest, NM, in the amount of \$140,120.00 for furnishing all labor and material needed to install two modular skate park systems that will be installed at McNaboe Park and the Lafayette Linear Park. Funding is available in the Capital Improvement Project budget (City Council District 7) and Community Development Capital Project-Lafayette Linear Park.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

- 47. Consideration to authorize change order no. 1 in the amount of \$11,145.00 to the professional services contract executed with Roger B. Hartman, dba THC Utility Management Specialists (THC) for providing additional consulting services related to the privatization of the water and wastewater operations. Funding is available in the Utilities Department Water and Wastewater budgets.**

**Motion to approve.**

**Moved: Cm. Bruni**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

### **XIII. STAFF REPORTS**

- 48. Report regarding a request for an extension for Laredo Police Officer, Leonardo Gutierrez on his injury leave with pay, with possible action.**

**Dan Migura, Administrative Services Director, stated that Leonardo Gutierrez has received injury leave with pay through December 8, 2001. On June 14, 2001, City Council took action to extend his pay 90 days and requested that he bring a prognosis on his condition for any further consideration on leave. To date, Mr. Gutierrez has been paid through March 16, 2002, full pay since June, 2000. The doctor's prognosis states that he should be able to return to work in 3 months without restrictions. He is recommending that City Council encourage Mr. Gutierrez to pursue retirement until he can return to full duty as a police officer.**

**Mr. Gutierrez stated that he does not have enough annual leave or sick leave. He mentioned that he is only requesting a 60-day extension.**

**Cm. Galo inquires as to what would happen if the officer would return to work and is re-injured.**

**Dan Migura, Administrative Services Director, stated that if he were to return to work and be re-injured, then it is treated as a re-injury of a previous injury and he would continue to be off on injury leave.**

**Motion to grant a 60-day extension.**

**Moved: Cm. Guerra**

**Second: Mayor Pro Tempore Valdez, Jr.**

**For: 8**

**Against: 0**

**Abstain: 0**

- 49. City Manager's report regarding revocation of taxi driver's permit for Ms. Nora Madrid in response to her appeal for reinstatement, with possible action.**

**Larry Dovalina, City Manager, reported that this deals with a case in which a taxi driver was convicted of a felony. Under the existing ordinance, it states that the City Manager shall revoke the permit and does not provide for any leeway from the City Manager. He asked that in considering the appeal that the City Council also consider setting a precedent for instances in which other individuals convicted of other felonies such as a sexual assault, driving while intoxicated, etc. may ask for reinstatement.**

**Mayor Flores inquired as to the process for appeal by a taxi driver.**

**Jaime Flores, City Attorney, stated that upon revocation of a permit, the permit holder shall have the right to appeal the revocation in writing to City Council. Thereafter, the City Manager shall submit the appeal and supporting facts to City Council. He also stated that City Council may, as it determines appropriate, reinstate the permit or deny the permit.**

**Cm. Galo inquired whether the taxicab was used in commission of the felony.**

**Roberto Murillo, Traffic Director, stated that the taxicab was used to commit the felony.**

**Homero Martinez, attorney for Nora Madrid, stated that he believes there are problems with the ordinance. He emphasized that under the current ordinance, he does not believe this case is distinguishable because the ordinance does not treat any of the reasons for revocation any differently. He asked that City Council allow Ms. Madrid to reinstate her permit.**

**Motion to deny the taxi driver's claim to reinstate and to have the City Manager address the possibility of transfer of permit.**

**Moved: Cm. Galo**

**Second: Cm. J. Valdez, Jr.**

**For: 6**

**Against: 2**

**Abstain: 0**

**Cm. Agredano**  
**Cm. Galo**  
**Cm. Amaya**  
**Mayor Pro Tempore Valdez, Jr.**  
**Cm. Guerra**  
**Cm. J. Valdez, Jr.**

**Cm. Bruni**  
**Cm. Ramirez**

**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.**

- 50. Request for Executive Session pursuant to Texas Government Code Section 551.072 in regards to deliberating the purchase, exchange, lease, or real property in the South Laredo Area, because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person; and return to Open Session for possible action.**

**Motion to open the Executive Session pursuant to Texas Government Code Section 551.072 in regards to deliberating the purchase, exchange, lease, or real property in the South Laredo Area, because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person; and return to Open Session for possible action.**

**Moved: Cm. Galo**

**Second: Cm. Agredano**

**For: 7**

**Against: 0**

**Abstain: 0**

**Cm. Bruni was not present.**

**After Executive Session, Mayor Flores announced that no formal action was taken.**

**Motion to instruct the City Manager to proceed with the acquisition from the Gomez Family of a 40-foot utility easement for the 36-inch South Laredo Outfall Improvement Project located on parts of Blocks 1029, 1030, 1032, 1033, 1043, and 1044, all in the Eastern Division, for the amount of \$260,000.00 and four platted but unopened streets, including Mendiola Ave. from Bayard St. to Palo Blanco St. and Thurman St. from Mendiola Ave. to Tapeyste Ave., and the City receiving Lots 1, 2, 6, and 7 of Block 1047, Eastern Division.**

**Moved: Cm. Agredano**

**Second: Cm. Galo**

**For: 8**

**Against: 0**

**Abstain: 0**

51. Request for Executive Session pursuant to Texas Government Code 551.071 (1) (A) & (B) to consult with City Attorney regarding contemplated litigation and possible settlement regarding Laredo Metro, Inc., City of Laredo and Peter Behrman, and return to open session for possible action.

Motion to open the Executive Session pursuant to Texas Government Code 551.071 (1) (A)& (B) to consult with City Attorney regarding contemplated litigation and possible settlement regarding Laredo Metro, Inc., City of Laredo and Peter Behrman, and return to open session for possible action.

Moved: Cm. Galo

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 0

Cm. Bruni was not present.

After Executive Session, Mayor Flores announced that no formal action was taken.

Motion to authorize the City Manager to execute an Agreement of Compromise, Settlement and Release between the City of Laredo and Peter S. Behrman guaranteeing that Peter S. Behrman receives all of the economic benefits and rights of his current employment contract with Laredo Metro, Inc. through the term of completion of said contract.

Moved: Cm. Ramirez

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Motion to extend the City Council meeting 15 minutes after 11:00 p.m.

Moved: Mayor Pro Tempore E. Valdez, Jr.

Second: Cm. J. Valdez, Jr.

For: 8

Against: 0

Abstain: 0

XVI. RECESS AND CONVENE AS THE LAREDO MASS TRANSIT BOARD

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

Moved: Cm. Galo

Second: Cm. Amaya

For: 7

Against: 0

Abstain: 0

Cm. Bruni was not present.

52. 2002-RT-002 Authorizing the City Manager to accept and execute the Vehicle Capital Replacement (VCR) grant 0108 (22) 522 contract no. 51108F6001 (the balance remaining of grant VCR 0107) with the Texas Department of Transportation in the total dollar amount of \$871,948.00; consisting of \$697,559.00 in federal funds, matching Transit sales tax funds of \$26,633.00, and providing a soft match of

