

**CITY OF LAREDO  
CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
1110 HOUSTON STREET  
LAREDO, TEXAS 78040  
5:30 P.M.**

**M99-R-18**

**M I N U T E S**

**JUNE 28, 1999**

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

**IN ATTENDANCE:**

Elizabeth G. Flores,	Mayor
Alfredo Agredano,	Councilmember, District I
Louis Bruni	Councilmember, District II
John C. Galo,	Councilmember, District III
Cecilia May Moreno,	Councilmember, District IV
Eliseo Valdez, Jr.	Councilmember, District V
Joe A. Guerra,	Councilmember, District VI
Mario G. Alvarado	Councilmember, District VII
Consuelo "Chelo" Montalvo,	Councilmember, District VIII
Gustavo Guevara, Jr.,	City Secretary
Florencio Pena, III	City Manager
Jaime L. Flores,	City Attorney

**IV. INTRODUCTORY ORDINANCE**

1. Creating a full-time position of Downtown Economic Development Coordinator at a Grade 37 within the Department of Community Development to facilitate the coordination of all projects in the Downtown Central Business District as well as the coordination of economic development programs for the City, including those related to loan assistance, federal grants, business expansion and retention and research and analysis.

Ordinance Introduction: Cw. Montalvo

2. Authorizing the City Manager to execute a lease with Entravision Communications Company, L.L.C., to install, construct, and maintain a self supporting tower for use in its communications business on a 1,225 square feet parcel of

Vega Land lying south of Water Street and West of Santa Maria Street.

- 1. Term of lease shall be five (5) years commencing July XX, 1999 and ending July xx, 2004, with an option for three (3) successive renewal terms of five (5) years. The annual base rent shall be \$7,700.00 each year during the term of the lease and will be adjusted on each anniversary of the commencement date according to changes in the Consumer Price Index, providing for effective date.

Ordinance Introduction: City Council

**V. FINAL READING**

**Internet Available: <http://www.cityoflaredo.com>**

Motion to waive the final reading of ordinances #99-O-176, #99-O-177, #99-O-178, #99-O-179, #99-O-180, #99-O-181, #99-O-183, #99-O-184, #99-O-185, #99-O-186, and #99-O-187.

Moved : Cm. Bruni

Second: Cm. Guerra

For: 6

Against: 0

Abstain: 0

(Cw. Moreno and Cm. Alvarado were not present.)

- 3. 99-O-176 Ordinance approving a lease between the City of Laredo, as Lessor and L.A. Ventures, Inc., as Lessee, to an approximate 1.062 acres or 46,260.72 square feet of land known as Lot No. 10 located at the Laredo International Airport Airpark Subdivision and authorizing the City Manager to execute said lease agreement.
  - a. The term of the lease is for thirty three (33) years and seven (7) months.
  - b. The initial annual rent is \$4,348.50. The rent obligation shall be adjusted annually based on changes in the Consumer Price Index starting on October 1, 1999 and adjusted by fair market rent appraisal effective on October 1, 2003 and during every ten (10) year anniversary thereafter. (City Council)

Motion to approve Ordinance #99-O-176.

Moved : Cm. Bruni

Second: Cw. Montalvo

For: 6

Against: 0

Abstain: 0

(Cw. Moreno and Cm. Alvarado were not present.)

- 99-O-177 Ordinance authorizing the City Manager to execute a lease with South Texas Development Council for



to \$1,973.00. Previous monthly rent was \$1,686.30. (City Council)

Motion to approve Ordinance #99-O-179.

Moved : Cm. Bruni  
Second: Cw. Montalvo  
For: 6 Against: 0 Abstain: 0  
(Cw. Moreno and Cm. Alvarado were not present.)

- 99-O-180 Ordinance authorizing the City Manager to execute a lease agreement with Texas/Illinois Cellular Limited Partnership, by its general partner Southwestern Bell Wireless, Inc. to install, construct, operate and maintain a monopole type cellular tower, antennas, appurtenant equipment and an appropriate number of equipment buildings on a portion of Cruz Field Baseball Park located at 200 W. Travis, Laredo, Webb County, Texas.
  - a. Lease term shall be fifteen years commencing on June xx, 1999 and ending June xx, 2014, with an option for only one (1) successive renewal term of five (5) years.
  - b. Annual rent shall be \$7,700.00 each year during the term of the lease and will be adjusted on each anniversary of the commencement date according to changes in the Consumer Price Index, providing for effective date. (City Council)

Motion to approve Ordinance #99-O-180.

Moved : Cm. Bruni  
Second: Cw. Montalvo  
For: 6 Against: 0 Abstain: 0  
(Cw. Moreno and Cm. Alvarado were not present.)

- 99-O-181 Ordinance granting a license to C-3 Communications, Inc. to erect, construct, maintain and operate a wire telecommunications system for a term of the four (4) years with one (1), four (4) year renewal option period pursuant to the City of Laredo's Wire Telecommunications System registration and licensing ordinance of 1998 #98-O-353; and providing for an effective date. (City Council)

Motion to approve Ordinance #99-O-181.

Moved : Cm. Bruni  
Second: Cw. Montalvo  
For: 6 Against: 0 Abstain: 0

99-O-183 Ordinance authorizing the City Manager to grant a Right-of-Entry Permit to the U.S. Government for military construction, training, and operations in the area encompassed by the following City-owned blocks, including any public right-of-way abutting said blocks which are bounded on the North by the Laredo Community College, on the West and South by the Rio Grande, and on the East by the Texas-Mexican Railroad Bridge; all of Block 672A WD, all of Block 666 WD, all of Block 677 WD, all of Block 667 WD, all of Block 676 WD, all of Block 668 WD, all of Block 675 WD, all of Block 669 WD, all of Block 670 WD, all of Block 671 WD, all of Block 672 WD, all of Block 660 WD, all of Block 659 WD, all of Block 657 WD, all of Block 658 WD, all of Block 645 WD, all of Block 644 WD, all of Block 630 WD, all of Block 629 WD, all of Block 416 WD, all of Block 415 WD, all of Block 414 WD, all of Block 425 WD, and all of Block 426 WD, and providing for an effective date. (City Council)

Motion to approve Ordinance #99-O-183.

Moved : Cm. Bruni  
 Second: Cw. Montalvo  
 For: 6 Against: 0 Abstain: 0  
 (Cw. Moreno and Cm. Alvarado were not present.)

99-O-184 Ordinance amending the City of Laredo FY1998-1999 annual budget in the amount of \$310,075 to fund the Multi-Agency Financial Disruption Task Force. The National Drug Control Policy (HIDTA) High Intensity Drug Trafficking Area is funding the operation at no cost to the City Funds will be used to pay for personnel salaries, travel, and operational expenses beginning January 1, 1999 through December 31, 1999. (City Council)

Motion to approve Ordinance #99-O-184.

Moved : Cm. Bruni  
 Second: Cw. Montalvo  
 For: 6 Against: 0 Abstain: 0  
 (Cw. Moreno and Cm. Alvarado were not present.)

99-O-185 Ordinance amending the City of Laredo's 1998-99 annual budget in the amount of \$25,320.00 for an additional grant from the South Texas Development Council of Governments to construct a permanent household hazardous waste collection facility. (City Council)

Motion to approve Ordinance #99-O-185.

Moved : Cm. Bruni  
Second: Cw. Montalvo  
For: 6 Against: 0 Abstain: 0  
(Cw. Moreno and Cm. Alvarado were not present.)

99-O-186 Ordinance amending City of Laredo Subdivision Ordinance No. 84-O-0006 by repealing Ordinance No. 90-O-199 found in Chapter III, Subdivision Design Standards, Section 3-4, B, entitled Easements and Storm Drainage Improvements and Maintenance, and placing this new ordinance in reserved Section 24-59 of the Land Development Code, entitling it Storm Water Management and providing for severability and an effective date and publication. (City Council)

Motion to approve Ordinance #99-O-186.

Moved : Cm. Bruni  
Second: Cw. Montalvo  
For: 6 Against: 0 Abstain: 0  
(Cw. Moreno and Cm. Alvarado were not present.)

99-O-187 Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 2, 3, and 4, Block 1345, Eastern Division, located at 2317 Chihuahua Street from R-O (Residential Office District) to B-1 (Limited Business District). (John C. Galo)

Motion to approve Ordinance #99-O-187.

Moved : Cm. Bruni  
Second: Cw. Montalvo  
For: 6 Against: 0 Abstain: 0  
(Cw. Moreno and Cm. Alvarado were not present.)

**VI. RESOLUTIONS**

4. 99-R-089 Declaring the public necessity to acquire the "surface only" of twenty parcels of land for the Chacon Creek Improvements Project. Said parcels being Blocks 2173, 2173A, 2098, 2098A, 2099, N1/2 of 2097, 2174, 2174A, 2096, 2175, 908, 2176, 2177, 2178, 2179, 2091, 2090, 2089, 2180, and 2181, all being situated in the Eastern Division, City of Laredo, Webb County, Texas; and authorizing staff to negotiate for the purchase of said parcels at their market value or less, as established by State







updating the Council approved tax roll for adjustments. These adjustments are produced by the County Appraisal District and by Court Orders.

Month: April Adjustment: \$12,533.25

Motion to approve.

Moved : Cm. Agredano

Second: Cm. Valdez

For: 6 Against: 0 Abstain: 0

(Cw. Moreno and Cm. Alvarado were not present.)

**VIII. STAFF REPORTS**

- 12. Status of the groundwater development study by CH2MHill Engineers. Presentation was made to the City Council Water Committee.

Note: Cm. Alvarado joined the meeting at this time, 5:43 p.m., and Cw. Moreno joined the meeting at 5:56 p.m.

Cm. Bruni stated that the Water Committee was concerned with the recommendation from CH2MHill which indicates that our secondary source of water will not be developed until the next four to five years. He added that the Water Committee feels that this secondary source should be implemented within the next 24 months.

Mike Anglea, from CH2MHill, presented to council an overview of the current status on the groundwater feasibility study. Such presentation was previously made to the Water Issues Committee.

**GROUNDWATER ALTERNATIVES EVALUATION  
Status Report for the City of Laredo**

**OVERVIEW OF EVALUATION**

- Determine whether sufficient groundwater supplies exist to meet or supplement future water demands.
- Present an implementation plan for alternatives that appear potentially feasible.

**APPROACH**

- Identified primary aquifers in the region.
- Established approximate study area boundary.
- Developed alternatives for each aquifer within the study area.
- Evaluated alternatives.

**PRIMARY AQUIFERS IN THE REGION**

- Edwards Aquifer (1000 to 1500 gallons per minute capacity and

- potable quality in western and central Texas).
- Carrizo (500 to 1500 gallons per minute capacity and potable quality in northwest and northern Webb County).
- Laredo (10 to 250 gallons per minute capacity and it is considered non-potable).

**STUDY AREA BOUNDARY**

Geographic areas for potential groundwater development:

- Kinney County
- South Dimmit County
- La Salle County
- Webb (northwest, central, northeast, and southeast)

**GROUNDWATER ALTERNATIVES**

-Thirteen alternatives were identified in nine geographic areas, using four different aquifers:

- Edwards
- Carrizo
- Laredo
- Catahoula formations

-The alternatives were evaluated according to 3 factors:

- Effectiveness (Sustainability)
- Implementability (Administration and Regulations).
- Cost (Wellfield, Treatment, Conveyance, O&M).

**PRELIMINARY RESULTS: TOP FOUR ALTERNATIVES**

- Carrizo in northwest Webb (bed and banks/pipeline).
- Edwards Aquifer in Kinney County (bed and banks).
- Carrizo/Laredo in Laredo Area
- Carrizo in Dimmit County

**GENERAL CHARACTERISTICS OF BEST ALTERNATIVES****-Cost:**

- \$1.50 to \$3.50 per thousand gallons versus current cost of \$1.26 per thousand gallons.
- Pipeline represents highest cost.
- Bed and banks represent lowest cost.

**-Effectiveness:**

- Long-term sustainability is uncertain.
- Competition is moderate to high.
- Expansion potential is finite.

**-Implementability:**

- Land may be available for purchase or lease.
- Management is critical to ensure sustainable supplies.

**ALL OTHER ALTERNATIVES**

- Cost from \$3.50 to \$8.00 per thousand gallons.

- All other factors not as attractive as top five.
- Other alternatives use same aquifer, just further distance and have poorer water quality.
- Most expensive alternative is piping water from Kinney County.

#### **RECOMMENDATIONS**

- Consider additional evaluation of top three alternatives:
  - Carrizo in northwest Webb County: bed and banks/pipeline.
  - Edwards Aquifer in Kinney County: bed and banks.
  - Carrizo/Laredo in Laredo area.
- Evaluate best alternatives as part of an implementation plan:
  - Phased approach to detailed evaluation of groundwater alternatives.
  - Limits capital costs until uncertainty is minimized.

#### **TYPICAL IMPLEMENTATION PLAN TIME LINE**

- Secure Development Rights:  
Starting now until the third quarter of 1999.
- Groundwater Data Acquisition:  
From last quarter of 1999 through third quarter of 2000.
- Test Well Construction:  
From the second quarter of 2000 through late 2000.
- Groundwater Flow Model:  
From late 2000 through beginning of 2001.
- Phase I System Installation:  
From early 2001 through third quarter of 2002.
- Evaluate Operation:  
From third quarter of 2002 through third quarter of 2003.
- Expansion:  
From third quarter of 2003 through third quarter of 2005.

#### **SUMMARY**

- Groundwater alternatives exist to supplement existing supply.
- Uncertainty exists about sustainability and protection of groundwater supplies.
- Top three alternatives need additional evaluation.
- Assume 4-6 years for full implementation.

(End of report from CH2MHill)

In reference to the portion of the Carrizo Aquifer at southern Dimmit County, Mr. Engly said that they did not go further because of the high demand of that aquifer by Carrizo Springs. So, it is not worth to put an increasing demand on that portion of the aquifer.

On the other hand, the Edwards Aquifer (Kinney County) is such

a long distance away that the only viable alternative considered for it was to use the Rio Grande as a conveyance. That is, put the water into the river and then remove it, so this process will always depend on the Rio Grande. But, of the amount water put into the Rio Grande, roughly 95% will be removed.

Cm. Bruni pointed out that the committee is not in agreement with using the Rio Grande as a conveyance. Pumping the water straight into the Rio Grande will defeat their purpose because the clean water will get mixed with some of the nastiest water in North America. Besides that, if there was to be a spill up river, the water would get contaminated and untreatable.

Cm. Bruni stated for the record, "The bed and banks were not taken into consideration because of their contamination."

Then, Cm. Bruni pointed out to council that there are three companies willing to deliver a secondary source of water to the City of Laredo within 12 months. Each company will provide the information and testing needed; will develop the wellfield, will provide treatment plants and management of the water facility; and deliver whatever amount of water per day to the Utilities Department. In turn, the City will make some kind of commitment to purchase a certain amount of water everyday from them.

Cm. Bruni thinks this is the direction we should go for the economic benefit and development of the City of Laredo. He wants to know what we legally need to do if we need to request for proposals and to expedite the project. He also wants to hold meetings with Enron, as well as meetings with other groups in order to get idea of how much it would cost us to have the water delivered to us.

Cm. Galo stated for the record, that the City of Laredo is spending \$1 million to acquire water rights just to keep up with the projected growth.

Mayor Flores stated that this council is in agreement with an RFP.

Fernando Roman, Utilities Director, stated that it is good news that we have at least one study throughout our consultants, and it was discovered that there is water in the proximity. The challenge to us is to act with a certainty that we are going to have a sustainable supply because once we put our population in that, we are going to make sure that the water is going to be there forever.

In terms of the time schedule, perhaps the only thing he wants to bring to council's attention, is that this is in the absence of not seeing any information from private companies. If they already have that information from the field that it can be analyzed and it might still change. He said that the shorter the field testing period is, the higher the risk that we incur. Mr. Roman added that they are looking at about 12 months worth of studies, which throws off the two year schedule that Cm. Bruni mentioned. He stressed that if we take less than 12 months, the reliability of information is different. In engineering they always look at risks versus time. Because he does not know what information the private companies have, it is hard for him to make a determination.

He added that they have corresponded with some firms, and have stated that we will welcome their studies and proposals as well as the we will follow a certain protocol.

Mayor Flores said that although time is of essence, that she does not think we want to lower the testing period if that is not what is recommended.

Cm. Bruni made a motion to go out for proposals, that it be on a delivery point of treated water to the City of Laredo.

Mr. Roman asked that they establish a standard set of conditions such as quality, quantity, and delivery otherwise the alternatives are not equal.

Mayor Flores suggested that the Utilities Director keep in touch with the committee, if not with the City Council, if there is something that perhaps was misinterpreted on the variables.

Motion to follow the recommendations as presented by the Utilities Director. That staff request proposals (RFP's) from the 4 interested groups regarding the delivery of treated water to a certain point in the City of Laredo and that staff bring a contract so that our Legal staff can review it.

Moved : Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

13. Status report regarding claims cost analysis on retirees and dependents who are currently in the City's medical pool. This analysis will assist in determining if the continuation of medical benefits to the surviving spouse and eligible dependent child of a deceased retiree will be extended beyond the current practice of 36 months with possible action.

Dan Migura, Administrative Services Director, stated that this item was previously deferred until a claims analysis was done. So council instructed that staff prepare the analysis and bring it back with a recommendation.

Mr. Migura made the presentation as follows:

**CITY OF LAREDO  
CONTRIBUTIONS COLLECTED FOR  
HEALTH & BENEFITS FUND**

**\* ACTIVE EMPLOYEES**

Number of Employees	Category	Amount Collected
431	Regular Employees (Payroll deduction for dependents)	\$ 734,105.06
404	Fire & Police (Payroll deduction for dependents)	619,210.80
1865	Benefit Contribution (City paid)	<u>3,909,887.02</u>
<b>YEARLY TOTAL</b>		<b>\$5,263,202.88</b>

**\* RETIREES**

Source	Amount Collected	
Bank One (Paid by retired firefighters for dependents)	\$46,665.60	
Police Medical Fund (Fund pays for retired police officers and dependents)	\$74,766.12	
TML Collection (Amount paid by regular retirees for self and dependents)	\$64,200.00	
City retiree benefit (Contributions paid the City for retirees)	<u>\$230,543.00</u>	
<b>YEARLY TOTAL</b>		<b>\$416,174.72</b>

## CITY OF LAREDO CLAIMS HISTORY

Fiscal Year: October 1996 to September 1997

<u>Category</u>	<u>Number of lives</u>	<u>Claims paid</u>	<u>Average Cost/Live</u>
Active Employees	1670	\$3,488,432.47	\$2,088.89
Retirees under 65	62	344,381.20	5,554.54
Retirees 65 and over	84	154,914.00	1,844.22
<b>Total Claims paid in FY 96-97</b>		<b>\$3,987,727.67</b>	

Fiscal Year: October 1997 to September 1998

<u>Category</u>	<u>Number of lives</u>	<u>Claims paid</u>	<u>Average Cost/Live</u>
Active Employees	1774	\$4,190,699.66	\$ 2,362.29
Retirees under 65	76	440,940.09	5,801.85
Retirees 65 and over	6	78,086.22	13,014.37
<b>Total Claims paid in FY 97-98</b>		<b>\$4,709,725.92</b>	

Fiscal Year: October 1998 to May 1999 (7 months)

<u>Category</u>	<u>Number of lives</u>	<u>Claims paid</u>	<u>Average Cost/Live</u>
Active Employees	1865	\$2,958,908.95	\$ 1,586.55
Retirees under 65	89*(1)	399,056.01	4,483.78
Retirees 65 and over	8*(2)	123,289.03	15,411.13
<b>Total Claims paid Oct/98-May/99</b>		<b>\$3,481,253.99</b>	

- \*(1) Includes 14 dependents of retirees who are in the TML-Medicare supplement program (Monumental)  
\*(2) Non-medicare eligible retirees.

## CITY OF LAREDO CURRENT PRACTICE

- 1.a. All active employees who retire and live (other than Police and Fire):  
As long as contributions are paid, medical coverage for self and eligible dependents will continue until Medicare eligible, if applicable.

- b. All active employees who retire and pass away (other than Police and Fire):  
As long as contributions are paid, medical coverage for eligible dependents will continue for no more than 36 months or when dependents reach Medicare age (whichever comes first).
- 2.a. All active police who retire and live:  
As long as contributions are received from the Police Medical Fund, medical coverage for the retired will continue. Police officer and eligible dependents will continue until Medicare eligible, if applicable.
- b. All active police who retire and pass away:  
As long as contributions are received from the Police Medical Fund, medical coverage for the eligible dependents will continue until Medicare eligible, if applicable.
- 3.a. All active firefighters who retire and live:  
As long as contributions are received from the City Annuity Fund for the retired firefighter, medical coverage will continue until Medicare eligible. As long as the retired firefighters continue to pay contributions for eligible dependents, medical coverage will continue until Medicare eligible, if applicable.
- b. All active firefighters who retire and pass away:  
As long as contributions are paid, medical coverage for eligible dependents will continue for no more than 36 months, or when dependents reach Medicare age (whichever comes first).

Note: If at the time of retirement the employee is Medicare eligible he/she will be placed in the Medicare Supplemental Plan (Monumental).

#### CITY OF LAREDO FACT SHEET

- The City paid \$522,345 in claims for 97 retirees and their dependents in 7 months. If this trend continues, the City could pay out approximately an additional \$373,104 by the end of FY 98-99, for a total of \$895,448.64 (\*).
- Ninety-six (96) firefighters were hired prior to July 1, 1988 and therefore, may not be eligible for Medicare. Out of the 96 firefighters, 89 have dependent coverage.
- For a long tenured employee who does not retire and passes



away, the dependents get 36 months of medical coverage unless Medicare eligible.

- Stop loss carrier will be contacted and made aware that surviving spouses and dependents of deceased retirees will have benefits extended beyond the current practice of 36 months;
- If this proposal is passed, previous claims will be considered upon payment of prior contributions;
- There are approximate six (6) dependents who could come forward and state that they should be allowed to participate in our medical plan until Medicare eligible, if applicable. (The six dependents are five firefighter's dependents and one dependent of a regular employee.)
- Current practice has been to allow eligible dependents of deceased employees and retirees to stay in the City's medical plan for no more than 36 months based on guidelines used for C.O.B.R.A. (Continuation of Coverage);
- The City's experience has shown that once benefits are granted to retirees, we have not reduced or diminished those benefits.

(\*) Annualized claims cost for FY 98-99 based on current 7 month trend.

Mr. Migura stated that by looking at the data, there is a trend for increased expenses. The cost is increasing because of medical inflation, cost for doctors/hospitals is increasing, utilization of our benefits plan by more employees, workforce is maturing, and improvement in technology.

He said that before he recommends council to make any significant changes to our plan, he prefers to go out and do a very in-depth rate analysis, bring it back for review, and then make the appropriate adjustments.

He talked with representatives from the collective bargaining association, and told them that he cannot stand before council and make a recommendation because he would be accountable and responsible for this fund.

Cw. Moreno pointed out that Mr. Migura brought information about what it is costing the retirees, but not what it is costing the dependents which was the concern talked about in the previous meeting. She added that Mr. Migura is telling us in his presentation that we cannot afford it, but there is no

information about the particular group we are trying to help. Also, these people will be paying for their medical coverage; we are not giving it to them. All they are asking is for an opportunity "to continue paying for their benefits like the plan says". The plan recurrently says that they are entitled to it. She quoted, "people who have worked for over 20 years and sometimes more than 20, and we don't even want them to pay for the medical insurance?"

Mr. Migura said he brought the information and added that this is a retiree problem not a dependent problem. In reality, it is a fund problem or a medical cost problem. The way they can approach this is that they could include the surviving spouse. There are six (6) dependents identified that could be eligible for this plan if council takes action. What can be done is to include those as well as open it up to all employees, per say for a window of time (through December 31st), which would give Mr. Migura more time to do the rate study.

Cw. Moreno said that we are talking about spouses that probably don't qualify for any other medical coverage, in some cases perhaps because the husband was the only one working. She added that she just can't see that we have a plan that totally excludes those spouses. We are talking about years in service, we are talking about helping those who have been with the plan all those years.

Mr. Migura said that we may have a solution to this problem and accomplish what needs to be accomplished for those individuals that have been identified. A study needs to be done before changing the language where it is all inclusive.

Cw. Moreno said that if the language is not changed, we continue to include everyone, because the language currently includes them. The language says that these people should be covered and we are doing something different. We only need to follow what we are supposed to be doing.

Mr. Migura recommended that it be clarified, so that it will be very clearly specified. He added that the financial liability is undetermined. So, he will do an analysis and make another presentation on November 1999.

Motion to begin covering those six dependents that were excluded, but qualify for deceased spouse benefits.

Moved : Cw. Moreno

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

14. Request for Executive Session pursuant to Texas Government Code 551.071(1)(A) to consult with City Attorney about contemplated litigation regarding Molano Construction, Inc., and return to open session for possible action.

Motion to go into Executive Session pursuant to Texas Government Code 551.071(1)(A) to consult with City Attorney about contemplated litigation regarding Molano Construction, Inc., and return to open session for possible action.

Moved : Cm. Guerra

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

After executive session Mayor Flores announced that no formal action was taken.

Motion to authorize the City Manager to execute a Tender and Substitution Agreement with Travelers Casualty and Surety Company of America and Faulkner Construction Company, regarding Molano Construction, Inc., for completion of construction of the Telecommunications Offices and Public Access Facility.

Moved : Cm. Alvarado

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

## IX. COMMUNICATIONS

- a. Jesus Ponce asked for a clarification of what would be taking place with the privatization of the water and sewer system.
- b. Cm. Bruni submitted the cloud seeding report for the record.

### SOUTHWEST TEXAS RAIN ENHANCEMENT ASSOCIATION

Weekly reports from June 14, 1999 and June 21, 1999

Weather forecast (06-14-99):

Was not received due to very active cloud seeding.

Activities summary:

Four seeding flights were made in all counties in target.  
Two seeding flights in Webb county.

Weather forecast (06-15-99):

Mostly cloudy skies with thunderstorms developing over the target area in the afternoon.

Activities summary:

One seeding flight was conducted and lasted for approximately

2.6 hours and conditions were excellent.

Weather forecast (06-16-99):

Partly cloudy skies with scattered afternoon thunderstorms.

Activities summary:

Two seeding flights were conducted over parts of La Salle, Dimmit, and Webb counties. Conditions were good to excellent.

Weather forecast (06-17-99):

Partly cloudy skies with widely scattered thunderstorms developing in the afternoon.

Activities summary:

Two seeding flights were conducted. The first one in Zavala, La Salle, and Webb Counties. Conditions were good to excellent.

Weather forecast (06-18-99):

Partly cloudy skies with late afternoon scattered thunderstorms.

Activities summary:

One seeding flight was conducted in central Webb up to southern La Salle. Conditions were excellent.

Weather forecast (06-19-99):

Partly cloudy skies with late afternoon thunderstorms.

Activities summary:

Two flights with three events. Southern Webb, central Webb up through La Salle into Zavala and central Zavala.

Weather forecast (06-20-99):

Partly cloudy skies turning to mostly cloudy.

Activities summary:

One flight with two events. Central Webb, and western Webb up through southwest Dimmit.

Weather forecast (06-21-99):

No forecast received due to very active cloud seeding.

Activities summary:

Two flights were conducted. First flight was a cell in Zavala County and a cell in southwest La Salle/northcentral Webb Counties. Second flight northcentral La Salle County and southwest Webb County.

Weather forecast (06-22-99):

Partly cloudy skies with possible late afternoon thunderstorms.

Activities summary:

No seeding operations.

Weather forecast (06-23-99):

Partly cloudy with isolated afternoon thunderstorms and showers.

Activities summary:

No seeding operations

Weather forecast (06-24-99):

Partly cloudy skies with isolated thunderstorms developing.

Activities summary:

One seeding flight was conducted consisting of two small cells in east Zavala, one on Dimmit/La Salle line and two in east La Salle, conditions were fair.

Weather forecast (06-25-99):

Partly cloudy skies with late afternoon scattered thunderstorms.

Activities summary:

Two flights were conducted. First was a cell in central Webb County, a second cell in south La Salle County and a third cell in northeast La Salle County. Second flight was a large cell in southeast Dimmit, traveling southwest into northwest Webb County. Conditions were excellent.

Weather forecast (06-26-99):

partly cloudy skies with late afternoon isolated thunderstorms.

Activities summary:

No seeding operations.

Weather forecast (06-27-97):

Partly cloudy skies.

Activities summary:

No seeding operations.

- c. Cm. Galo commented on Resolution No. 99-4-08 whereby the City will acquire 20 parcels of land for the improvement of the Chacon Creek. He added that residents from this area will be very happy to finally see those parcels cleaned.

- d. Cm. Guerra presented a letter from Tom Wade (President of the Laredo Transportation Association), regarding Chapter 33 of our Hazardous Materials Ordinance.

Letter quotes:

"I am writing in concern about enforcement of the City of Laredo hazardous materials ordinance. The ordinance, Chapter 33, has some serious problems that are making compliance and enforcement of this ordinance very difficult.

Let me give you some general examples of the compliance problems with this ordinance:

1. The ordinance requires a permit to store or handle any material that requires a Material Safety Data Sheet (MSDS).
  - a. This covers every chemical, or substance under the sun. For example, this ordinance allows the city to regulate the storage of plastic. While plastic is combustible, no other regulatory agency considers it as hazardous material, or hazardous substance.
2. The persons operating warehouses have no idea what is being regulated as the ordinance's definition of hazardous materials. Chemicals they may not even know, have MSDS sheets, as the manufacturer of the material may not have sent an MSDS with each shipment. OSHA only requires that MSDS sheets be made available on demand. If a warehouse receives something that has an MSDS, but if that MSDS is not sent out with the product, the warehouse would be in violation of the ordinance and not even know it. This is true on all products not covered by U.S. D.O.T. regulations.
3. The real problem here is that there is no list, or reference to already existing list of chemicals and materials that are to be regulated by the City of Laredo. These lists are available.

By not having a real defined list of chemicals, and quantities of those chemicals, that are to be regulated, enforcement becomes a judgement call of the fire department. This requires the fire department to determine on their own what is hazardous and what is not. I do not believe the city would want to have the liability of saying whether or not a chemical is hazardous.

There are other areas of concern, like facility definitions, and permitting processes that I will not go into here because of length of the issues.

I think you can see the problems we have. I know the ordinance deals with very technical issues, and for that reason I am asking you to have this ordinance reviewed. It is imperative that we have an ordinance that is enforceable, and makes sense to the regulated community. The citizens of Laredo deserve to have an ordinance which will provide a safe and environmentally sound community."

(End of letter)

- e. Cm. Alvarado informed that Laredo Webb County Community Coalition, SCAN, and South Texas Council in Alcohol and Drug Abuse are working on preparing an event for the 4th of July. It will take place on July 3, 1999 at the Laredo Civic Center grounds from 12:00 noon through 12:00 midnight. The parade will be at 1:30 and the official ribbon cutting ceremony will be at 3:00 p.m. He asked councilmembers for their presence at the ribbon cutting ceremony.

#### **X. CITY COUNCIL PRESENTATION AND DISCUSSION**

##### **15. Requests by Mayor and City Council members for presentation and discussion.**

###### **A. Request by Mayor Elizabeth G. Flores**

1. Presentation and status report by the Cemetery Ad Hoc Committee.

Mr. Javier Santos, Chairperson, reported that the committee was working on selecting a site for a cemetery, but, because the only two bids received were not satisfactory, an agreement could not be reached. So, the selection of the site has been put off. Mr. Santos said that the committee was not given enough information. The last thing they heard from staff was a memo in which staff was getting ready to request more bids.

###### **B. Request by Council member Alfredo Agredano**

1. Presentation by Webb County's Code Enforcement Dept. and Self Help Center on a request to reduce landfill fees in support of their clean-up campaign for colonias held on June 26, 1999 with possible action.

Mr. Lugo requested Council's help for the self-help center clean-up campaign of the Webb County Community Action Agency. The purpose of this campaign is to clean up dump sites located at five colonias. He asked for either a waiver or a reduction of the landfill fees.

Motion to allow the \$30.00/ton fee plus any federal and state mandated fees.

Moved : Cm. Alvarado

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

### C. Request by Council member Louis H. Bruni

1. Status report on the drainage problems at the 3000, 3100 and 3200 Block of Guadalupe, with possible action.

Rogelio Rivera, City Engineer, reported that after staff investigated the area only one of the three blocks was affected. The problem is due to the elevation of the railroad tracks which causes the water to concentrate in the area. Two properties in the low line area were affected. Mr. Rivera said that the solution will be to make a design that would direct the water away from the properties. He also added that one homeowner asked if Tex-Mex would allow the construction of some sort of retention wall. After consulting with Mr. Dominguez, Tex-Mex would allow the construction of that wall, but it shall not be constructed 1 or 2 feet inside Tex-Mex property within their right-of-way. Mr. Rivera mentioned that the cost of such wall would be between \$8,000 to \$10,000, depending on the design.

Cm. Bruni would like to re-engineer the area since there are two things contributing to this problem: the elevated railroad tracks and the public water that is heading towards that right-of-way. He asked that staff conduct a drainage study and if the project falls within the \$10,000 cost estimate, that we approach Tex-Mex and ask them for a 50% contribution.

Motion to instruct City Manager's office to conduct and prepare a design, and to approach Tex-Mex to find a solution to this problem.

Moved : Cm. Bruni

Second: Cm. Galo

For: 8

Against: 0

Abstain: 0



**D. Request by Council member John C. Galo**

- 1. Discussion on the need for individuals to physically go to water utilities to transfer meters or add additional water meters for established customers, with possible action.

Fernando Roman, Utilities Director, reported that the process of transferring meters can be done over the phone. The Utilities Department staff was instructed that if a person has good credit, that person can get a second meter without any problems.

**E. Request by Council member Mario G. Alvarado**

- 1. Presentation by Jorge Martinez requesting financial assistance to represent Laredo at the National Basketball Tournament with possible action.

Mr. Jorge B. Martinez made the presentation before City Council and asked Council for \$900-\$1,100 to help pay for the basketball team's accommodations while attending the National Basketball Tournament.

Mayor Flores will take \$1,100.00 from the discretionary fund.

- 2. Presentation by Bede Leyendecker requesting \$1,000 from unexpended 3rd party allocations for a free dance workshop for the local community with possible action.

Bede Leyendecker made the presentation request. Mr. Luis Gutierrez stated that he had the pleasure of seeing Bede's group performance in the elderly home centers and asked that council support Ms. Leyendecker request.

Motion to instruct staff to look for the \$1,000.00.

Moved : Cm. Alvarado

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

**XI. PUBLIC HEARINGS**

- 16. Public hearing concerning an application by Armando Villalon. amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 2 and 3, Block 1775, Eastern Division, located at 2905 Cleveland St., from R-2 (Multi-Family Residential



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

Against: 0                      Abstain: 0

- 18. Public hearing concerning an application by Haynes, Ltd. c/o Richard E. Haynes amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 9.22 acres, as further described by metes and bounds, located on the north side of Hwy 359 and west of Loop 20, from R-1 (Single Family Residential District ) to B-3 (Community Business District). The Planning and Zoning Commission recommends approval of the zone change.

**INTRODUCTION OF AN ORDINANCE**

Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 9.22 acres, as further described by metes and bounds, located on the north side of Hwy 359 and west of Loop 20, from R-1 (Single Family Residential District ) to B-3 (Community Business District).

Motion to open the public hearing.

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

Against: 0                      Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0                      Abstain: 0

Ordinance Introduction: Cm. Agredano

- 19. Public hearing concerning an application by Hilltop Farm, Ltd. amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 6.5222 acres, as further described by metes and bounds, located south of Hwy 359 and east of Merida Drive, from AG (Agricultural District) to R-1 (Single Family Residential District). The Planning and Zoning Commission recommends approval of the zone change.

**INTRODUCTION OF AN ORDINANCE**

Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 6.5222 acres, as further described by metes and bounds, located south of Hwy 359 and east of Merida Dr., from AG (Agricultural District) to R-1 (Single Family

Residential District).

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0 Abstain: 0

Ordinance Introduction: Cm. Agredano

- 20. Public hearing concerning an application by N.W. Development, Ltd. amending the Zoning Ordinance (Map) of the City of Laredo by rezoning a 0.50 acre tract and a 0.47 acre tract, as further described by metes and bounds, located northwest of the intersection of Jacaman Rd. and Saldana Ave., from R-2 (Multi-Family Residential District) to B-3 (Community Business District). The Planning and Zoning Commission recommends approval of the zone change.

**INTRODUCTION OF AN ORDINANCE**

Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning a 0.50 acre tract and a 0.47 acre tract, as further described by metes and bounds, located northwest of the intersection of Jacaman Rd. and Saldana Ave., from R-2 (Multi-Family Residential District) to B-3 (Community Business District).

Motion to open the public hearing.

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

Against: 0 Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

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

Against: 0 Abstain: 0

Ordinance Introduction: Cm. Bruni



Mr. Juan Rocha, owner, asked for approval of the zone change.

Motion to close the public hearing and introduce.

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cw. Montalvo

- 23. Public hearing concerning an application by Daniel B. Hastings, Sr., amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 6 and 8, Block 195, Western Division, located at 1119 Flores Ave., from CBD (Central Business District) to B-3 (Community Business District). The Planning and Zoning Commission recommends denial of the proposed zone change and approval of a Conditional Use Permit.

**INTRODUCTION OF AN ORDINANCE**

Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 6 and 8, Block 195, Western Division, located at 1119 Flores Ave., from CBD (Central Business District) to B-3 (Community Business District).

Motion to open the public hearing.

Moved : Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Daniel B. Hastings, representing Daniel B. Hastings, Sr., requested approval for the general purpose warehouse to use it as a used clothing warehouse as a Conditional Use Permit.

Motion to close the public hearing and introduce as a Conditional Use Permit (CUP).

Moved : Cw. Montalvo

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cw. Montalvo

**XII. ADJOURNMENT**

Motion to adjourn.

Adjournment time: 8:00 p.m.

Moved : Cm. Alvarado

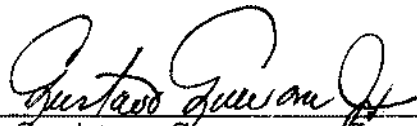
Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

I hereby certify that the above minutes contained in pages 01 to 31 are true, complete, and correct proceeding of the City Council Meeting held on June 28, 1999. A certified copy is on file at the City Secretary's Office.

  
\_\_\_\_\_  
Gustavo Guevara, Jr.  
City Secretary

Approved: July 26, 1999