

# CITY OF LAREDO

## CITY COUNCIL MEETING

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

5:30 P.M.

M99-R-29

MINUTES

OCTOBER 18, 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 H. 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 A. Alvarado,	Councilmember, District VII
Consuelo "Chelo" Montalvo,	Mayor Pro Tempore, District VIII
Gustavo Guevara, Jr.,	City Secretary
Florencio Pena, III,	City Manager
Jaime L. Flores,	City Attorney

### IV. APPROVAL OF MINUTES

1. City Council Meeting, September 27, 1999  
City Council Meeting, October 4, 1999

Motion to approve.

Moved: Cm. Guerra  
Second: Cw. Montalvo

For: 8

Against: 0

Abstain: 0

## V. COMMUNICATIONS AND RECOGNITIONS

### 2. Recognitions

- a. Recognition by the Mayor and City Council Members of employees that retired from the City of Laredo with 20 years or more of service for the period October 1998 thru September 1999.

Mayor Flores recognized the following retiring persons who were present:

1. Juan A. Rivera (23 years) Airport Department, February 28, 1999
2. Ismael Castillo (20 years) Engineering, April 30, 1999
3. David Flores (20 years) Police, June 30, 1999
4. Federico Reyes (28 years) Public Works, July 31, 1999
5. Leonides J. Flores (31 years) Police, July 31, 1999
6. Juan J. Guerra (20 years) Traffic Division, Traffic & Bridge, September 30, 1999
7. Raul Herrera (26 years) Public Works, October 31, 1998
8. Jose R. Martinez (26 years) Fire, December 18, 1998

The following persons were not present to receive their recognition:

1. Antonio Alva (29 years) Bridge Division, Traffic & Bridge, February 28, 1999
2. Graciela Rangel (24 years) Engineering, February 28, 1999
3. Raul Perez (25 years) Public Works, May 31, 1999
4. Juan Gutierrez (20 years) Public Works, July 31, 1999
5. Raul Solis, Jr. (24 years) Bridge Division, Traffic & Bridge, July 31, 1999

- b. Cm. Bruni submitted the weekly rain enhancement report and the month end flight activity report from the Southwest Texas Rain Enhancement Association as follows:

#### WEEKLY REPORT OF 9/27/99 – 10/03/99

DATE  
9/27/99

WEATHER  
Partly cloudy skies with mostly clear skies in the night.

ACTIVITY SUMMARY  
No seedable conditions developed.

9/28/99

Partly cloudy with gradual cloudiness into evening; mostly cloudy night with scattered thunderstorms and showers.

ACTIVITY SUMMARY  
No seedable conditions developed

9/29/99 Mostly cloudy with gradual decrease in clouds.  
Mostly clear overnight.

ACTIVITY SUMMARY

No seedable conditions developed.

9/30/99 Mostly sunny with clear nights.

ACTIVITY SUMMARY

No seedable conditions developed.

10/01/99 Mostly sunny skies with clear skies overnight.

ACTIVITY SUMMARY

No seedable conditions developed.

10/02/99 Low clouds in early morning becoming mostly sunny with low clouds. Night skies were clear with development of low clouds.

ACTIVITY SUMMARY

No seedable conditions developed.

10/03/99 Mostly cloudy becoming partly cloudy in afternoon with isolated showers and thunderstorms. Partly cloudy night skies.

ACTIVITY SUMMARY

One seeding flight was conducted between the hours of 15:50 and 17:50 over N.E. Webb and LaSalle Counties. Results were good.

There have been no rainfall reports for this reporting period.

Flight Activity  
September 1999

Flight	Date	Time	Counties	Seeding Material Used
43	9/5	4:50-5:44	Webb	40g Ag1 1 Burn-in Place Flares
44	9/5	5:20-6:44	LaSalle and Dimmitt	257g Ag1 3 Burn-in-Place Flares
45	9/6	1:09-2:41	LaSalle and Dimmitt	336g Ag1 5 Burn-in-Place Flares
46	9/6	5:33-8:06	Webb	942g Ag1 14 Burn-in-Place Flares
47	9/8	1:05-4:28	Webb and LaSalle	2.2 Liquid Generator 1237g Ag1 19 Burn-in-Place Flares 2.3 Liquid Generator

48	9/9	7:50-8:32	Dimmit and LaSalle	210g Ag1 5 Burn-in-Place Flares 0.2 Liquid Generator
49	9/13	5:53-8:00	LaSalle, Dimmit, Webb	660g Ag1 8 Burn-in-Place Flares 1.8 Liquid Generator
50	9/14	2:58-5:40	Webb and LaSalle	740g Ag1 10 Burn-in-Place Flares 1.9 Liquid Generator
51	9/29	1:15-2:21	Webb	000g Ag1 0 Burn-in-Place Flares 0 Liquid Generator

Total: 9 Flights, 16.3 Hours

63 Flares 10.4 hours of generator time using 25.48gallons of solution.

Counties are listed from greatest coverage to least coverage. The "No Seed" Area for Zavala County was lifted on September 20, 1999.

(End of Report)

- c. Mayor Flores read a proclamation proclaiming October 1999 as Voter Awareness Month.
- d. Cm. Alvarado read an invitation addressed to Mayor Flores and City Council members from Nuevo Laredo's Mayor Horacio Garza for a workshop to be held on Tuesday, October 19, 1999 at 10:00 a.m. concerning the youth of Los Dos Laredos.
- e. Mayor Flores stated that Council received a copy of the September 1999 LDF report, which gives a category breakdown and a comparison with other cities. An example is as follows:

Employment Category – New Jobs Created

Brownsville	412
Del Rio	416
Harlingen	237
McAllen	647
Laredo	1,629 (period of August 1998 through August 1999)

Building Permits 135 % plus change

Commercial Electrical Connections 14% increase – Laredo  
19% increase – Del Rio

- f. Mayor Flores read a letter from the Texas Turnpike Authority as follows:

"On behalf of the Texas Turnpike Authority Board and the TTA

staff they want to accept their gratitude for the hospitality that Laredo showed during their stay in Laredo. Our tour of Laredo enabled us to have a first hand look at the traffic needs of your city as some of the projects currently under way to meet some of those needs. We realize that the needs of the border region have a broad impact on national and international trade. We look forward to working with you on future transportations projects.”

(End of letter)

- g. Mayor Flores read a congratulatory letter from the President of the United States to celebrate “El Dia del Rio”.
- h. Florencio Pena, City Manager, stated that he submitted a report to City Council concerning some discussions that they had with a group called the Arena Ventures regarding the construction of a multipurpose arena. He recommends a date to be set for a workshop with City Councilmembers and Arena Ventures personnel.

Mayor Flores set the date for November 1, 1999 at 4:00 p.m.

## VI. APPOINTMENTS TO COMMISSION, BOARDS AND COMMITTEES

- a. Cm. Agredano appointed Dora Arce and Jessica Arce from District 1 to the Millennium Celebration Committee.

Motion to confirm the nomination of Dora Arce and Jessica Arce from District 1 to the Millennium Celebration Committee.

Moved: Cm. Guerra  
Second: Cm. Valdez  
For: 8

Against: 0

Abstain: 0

## VII. PUBLIC HEARINGS

- 3. Public hearing for the voluntary annexation of nine (9) tracts of land totaling 1,079.6537 acres, more or less, and the unilateral annexation of one tract of land totaling 2,447.7141 acres, more or less, for a total of 3,527.3678 acres, as required by Section 43.052 of the Texas Local Government Code.

Motion to open the public hearing.

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

Against: 0

Abstain: 0

Keith Selman, City Planner, publicly read the service plan for all tracts being annexed.

Jesus Ponce reminded Council that previous Council promised to go slowly on annexation.

Carlos Mejia, Mejia Engineering and representing several annexing tracts, made comments on the tracts.

Motion to close the public hearing.

Moved: Cm. Alvarado

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

4. Public hearing amending the City of Laredo's 1999-2000 annual budget in the amount of \$4,110 for the "El Protector" grant from the Texas Department of Transportation. The Texas Department of Transportation will contribute \$65,000 (100%) for this program and the City is not required to provide a matching fund. The funding for this grant will be from October 1, 1999 through September 30, 2000.

#### INTRODUCTORY ORDINANCE

Amending the City of Laredo's 1999-2000 annual budget in the amount of \$4,110 for the "El Protector" grant from the Texas Department of Transportation. The Texas Department of Transportation will contribute \$65,000 (100%) for this program and the City is not required to provide a matching fund. The funding for this grant will be from October 1, 1999 through September 30, 2000.

Motion to open the public hearing.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cm. Galo

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

5. Public hearing authorizing the City Manager to enter into a contract with the Schering Sales Corporation in the amount of \$1,500 for a special study on hepatitis C. This study will be conducted by the City of Laredo Health Department during the period of October 1, 1999, through March 31, 2000. The funding source is the Schering Sales Corporation and has been assigned a budget number 226-6400 under the name "Special Projects".



Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

7. Public hearing amending the City of Laredo Code of Ordinances Chapter 14 (Garbage, Trash, and Refuse), Article I. In general, Section 14-4.1(d) landfill fees by defining commercial and noncommercial vehicles, waiving fee on Saturdays for residential noncommercial vehicles, setting fees for the County of Webb and City of Laredo vehicles with the exception of City of Laredo Sanitation Department, increasing fees for tires, setting fees for construction demolition wastes and petroleum contaminated soil as an alternate daily cover material, setting surcharge for vehicles with unsecured loads and placing revenues in the City's solid waste fund; also amending Section 14-4.1 (e), Reserved to include new hours of operation and the closing of the landfill on Sundays; providing for severability, publication and an effective date.

#### INTRODUCTORY ORDINANCE

Amending the City of Laredo Code of Ordinances Chapter 14 (Garbage, Trash, and Refuse), Article I. In general, Section 14-4.1(d) landfill fees by defining commercial and noncommercial vehicles, waiving fee on Saturdays for residential noncommercial vehicles, setting fees for the County of Webb and City of Laredo vehicles with the exception of City of Laredo Sanitation Department, increasing fees for tires, setting fees for construction demolition wastes and petroleum contaminated soil as an alternate daily cover material, setting surcharge for vehicles with unsecured loads and placing revenues in the City's solid waste fund; also amending Section 14-4.1 (e), Reserved to include new hours of operation and the closing of the landfill on Sundays; providing for severability, publication and an effective date.

Motion to open the public hearing.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing and introduce.

Moved: Cw. Montalvo

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

## VIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS



8. A. Request by Mayor Elizabeth G. Flores
  1. Presentation by the Planning and Zoning Commission.

Nathan Bratton, Chairman of Planning and Zoning Commission, John Charles, and Rosie Herrera made the presentation before the Council. He introduced the names of the other commissioners that were not present.

He stated that the functions of the Planning and Zoning Commission are set by charge in state statute and in the City Charter of the City of Laredo, both by statute and by charter they are asked to make recommendations to the Council on zoning issues.

He explained the zoning case process as follows: when the commissioners hear the zoning case, if he decides that the zoning case is not to be approved, the matter is final as to the commission, and as to the applicant. Unless they appeal that zone case to the Council, if they don't appeal it stops there. Once appealed to the Council on a negative vote, it requires a three quarter (3/4) super majority vote of the full Council to override that recommendation for denial on the zone case.

The second issue they are charged with is platting. There are two phases to the platting process, preliminary and final. The preliminary platting process is where all the knots and bolts are worked out with the developers and the engineers, all of the major issues have been taken care off, and then the plat is returned in substantial compliance with what the commission and with what the staff (planning department) are telling them need to be in the plat. At final, it is an administrative act of the commission to approve that plat and they are the final authority on plat approval.

The third issue they are responsible for is to review and make recommendation to the capital on the Capital Improvement Plan. It is part of the Charter requirement that the capital improvement plan be directed by City Council to the Planning and Zoning Commission with the dateline as to when the Council wants to hear back from the commission on the recommendation.

The first concern made by Mr. Bratton was the Capital Improvement Plan because the way the Charter reads and the way it was structured the Capital Improvement Plan comes to the commission already formulated. They see it after the staff (City Manager's office, Planning Department) has reviewed the plan.

One of the suggestions that he has is that when staff begins to review that process and starts to look at those items, that the commission be allowed to participate in a workshop type atmosphere and bring up some ideas at the beginning rather than at the end. This process would be less time consuming.

Another is the possibility of initiating zone changes by resolution. The commission has come across several large tracts within the City that do not follow the comprehensive plan. An example of the comprehensive plan is that a zone reads B4 but in reality they are zoned M1. The zoning and the comprehensive plan are two different things. The comprehensive plan is a guide and the actual zoning is what dictates the use on that land. When they are not consistent it causes a lot of problems. They would like to have the opportunity by resolution send a resolution directly to Council saying please look at this it is within your authority to initiate a zone change, it doesn't have to come from an applicant or staff necessarily. He feels that it would serve the Council and the City very well if they would make those suggestions directly to the Council.

Another is the enforcement of zoning. He stated that there are 72.6 sq. miles within the city limits and there are 400 sq. miles in the ETJ. For all of that there are approximately 13 ½ enforcement officers. He would like for Council to consider getting funds to bring in more enforcement officers in order for the zoning to be respected.

Finally, on new development, he would like to develop a mechanism with developers to bring in turn key parks in neighborhoods. He recommends for staff to volunteer to come up with a mechanism that would motivate those developers to actually make those improvements while they are doing their over all developments, rather than having to wait on the City to go out for bids. He added that they would like for that mechanism to get looked at and send to the Council to get some recommendations on how to go about motivating developers.

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

1. Status report on the traffic light at Highway 83 and Southgate Boulevard and Hwy 359 and Concord Hills.

Roberto Murillo, Traffic Engineer, reported that the traffic light is scheduled to be completed before the end of the year. It was delayed because of an accident that occurred in that area in which the base of the anchor bolts were hit and had to be reordered.

The Concord Hills status is that a letter was sent to TxDot indicating that they were going to provide numbers and data, once they do a study to finalize where they want the signal; the data and the result of the analysis should be ready by this week.

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

1. Discussion with possible action on the traffic flow for the placement of traffic signalization at the intersection of Del Mar Blvd. and Winfield adjacent to Alexander High School.

Robert Murillo, Traffic Engineer, reported that they have a study already and are scheduled to install a light by the end of November.

He added that Alexander High School exits only 500 ft. away from the proposed area (Parkway at Winfield) for a signal light. They normally don't recommend a placement of a light that close because when they are being synchronized, the lights through there, the distance is too close. Normally it is recommended that the distance be at least half (1/2) a mile.

He added that they met with UISD staff advising them that the signal light would be temporary until they can get a traffic light at the other intersection.

Cm. Bruni requested to conduct a traffic flow study at that intersection at Winfield as soon as possible and come back to Council and report on where the priority would be in placing the signalization that was already budgeted, either in front of Alexander High School or at Winfield; and in the immediate future, that if another light is warranted, that it be installed and that Council find the money to appropriate that expenditure.

2. Status report on commercial establishment on the 2600 block of Ash Street with possible action.

Benny Salinas, Building Director, reported that originally the property was an R-3 then it went to an M-1 then it went back to an R-1. He stated that they have cited the owner of the property and the tenant because of the zoning violation, they have an electric contractor shop. The parties are trying to go to the Board of Adjustments as an administrative appeal.

- D. Request by Council member John C. Galo
  1. Status report on the Chacon Creek cleanup.

Erasmus Villarreal, CD Director, reported that they have identified 20 parcels to start this project. They have received information from the Abstract Company on nine parcels, out of those nine (9) two were city owned parcels; five (5) parcels have been sent to the appraisers to get appraisals and the two (2) parcels that have title problems, they are already working on identifying those problems.

Keith Selman, Planning Director, stated that the Enhancement Grant response was unfavorable and will be appealed. It will be revised in order to meet their transportation criteria.

- E. Request by Council member Mario G. Alvarado
  1. Request from Rosita Martinez to work on a mural for Kazen Elementary with possible action.

Ms. Rosita Martinez, elementary teacher from Kazen Elementary, proposed a project for "Make a Difference Day". She explained that "Make a Difference Day" is a project where people raise money for needy people in their community, paint

houses or clean up graffiti. They want to clean up graffiti on a creek that is adjacent to their school.

She added that they also want to paint a mural, it is a joint effort between the school's art club members and student council members, this Friday with parent and community volunteers. They want to portray the natural plants and wildlife that would be on a natural creek, if the embankments were not there.

Motion to allow the Kazen Elementary School to paint the concrete wall along the creek that is adjacent to the school.

Moved: Cm. Alvarado

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

2. Presentation by Damien Wise on storm water drainage concerns with possible action.

Motion to table for next meeting.

Moved: Cm. Alvarado

Second: cm. Bruni

For: 8

Against: 0

Abstain: 0

3. Discussion and possible action on proposed project with Nuevo Laredo to address under age drinking in Nuevo Laredo, Mexico.

Cm. Alvarado announced at 9:45 p.m. that the members from Nuevo Laredo were not able to come to the meeting because of an explosion that occurred, and invited the Council to a meeting tomorrow October 19, 1999 at the Palacio Municipal at 10:00 a.m. addressing the under age drinking problem in Nuevo Laredo.

(Recess)

(Press Availability)

Recess was taken for 5 minutes.

## IX. INTRODUCTORY ORDINANCES

9. Rescinding Ordinance 99-0-229 and authorizing the City Manager to execute a lease with Alamosa PCS, LLC, a Texas Limited Liability Company for a lease at the Laredo Civic Center located at 2400 San Bernardo, Laredo, Webb County, Texas, to construct on such premises rooftop antennas and communications equipment and related equipment building for use in connection with its communications business.

1. Term of the lease is ten (10) years commencing on October \_\_\_\_,

- 1999 and ending October \_\_\_\_, 2009, with an option for three (3) successive renewal terms of five (5) years.
2. 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

10. Rescinding Ordinance 99-0-265 and authorizing the City Manager to execute a lease with American Tower, L.P., A Delaware Limited Partnership for a ground lease at the La Bota Water Tower Complex located on .09183 acres in Survey 2143, Abel Morgan Original Grantee, Abstract 591, Laredo Webb County, Texas, to construct on such premises a one hundred eighty (180) foot high self-supporting type monopole and related equipment building for use in connection with its communications business.
  1. Term of the lease is ten (10) years commencing on October \_\_\_\_, 1999 and ending October \_\_\_\_, 2009, with an option for three (3) successive renewal terms of five (5) years.
  2. 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

11. Authorizing the City Manager to execute a lease with SER Jobs for Progress Southwest Texas, Inc., for approximately 6,102 square feet of office space constituting Suite 9 of Building No. 134 located at 4603 Maher Avenue. Lease term is for two (2) years commencing on December 1, 1999 and ending on November 30, 2001. Monthly rent shall be \$5,500.00, and shall be adjusted annually according to changes in the Consumer Price Index. Previous monthly rent was \$5,232.

Ordinance Introduction: City Council

12. Amending Article II, Chapter 28, Section 28-66, General conditions for specifications for Backfilling and Methods for Repairing Cuts and Excavations, under Chapter 28 "Streets, Sidewalks and Public Places" in the code of ordinances, City of Laredo, Texas, by creating a new subsection (f). This amendment requires that the contractor obtain testing services for the purpose of verification of compliance to existing specifications wherever compaction requirements are identified, and to provide for an alternate backfill method not requiring testing services.

Ordinance Introduction: City Council

13. Amending Chapter 2, Administration, Article I, in general, Section 2.5 of the Code of Ordinances by rescinding subparagraph (b), Agenda order of business, and creating a new subparagraph (b), entitled Agenda Order of Business.



documents to effectively market value of \$38,351.50, of certain property described as Tract 2; and being the South one-half (a 6,973 sq. ft., more or less), of that former section of Pace Street between San Bernardo and Sta. Ursula Aves., to Elia G. Gonzalez Properties, Ltd.; provided that the City of Laredo retains the entire former street as a Utility and Drainage Easement. Said Webb County, Texas being described on attached copy of the City Plat, Exhibit A; and hereby approving the submitted respective Improvement Plans, as described on Exhibits B & C, and which are in compliance with Section 10 of the Street Closing/Sales Policy Handbook, as approved per Resolution No. 97-R-140; and providing for an effective date.

Motion to approve Ordinance #99-O-304.

Moved: Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

- 99-O-305 Closing as a public easements, certain street sections which were dedicated as public easements, as per the United Independent School District (U.I.S.D.), San Jose Subdivision School Plat recorded in Vol. 18, Page 79, Webb County Map Records; and releasing any interest which the City of Laredo may have in the title to said abandoned street sections which are described below; and providing for an effective date.

TRACT A – Being a 1,268.25 sq. ft. tract of land situated between the North right-of way line of Casa Del Sol Blvd., and the South property line of the San Jose Properties Ltd. bounded on the West by Lot 12, Block 2, and on the East by Lot 28, Block 4, as recorded in Vol. 495, Page 686, Webb County Deed Records.

TRACT B –Being a 1,268.25 sq. ft. tract of land situated between the North right-of-way line of Casa Del Sol Blvd., and the South property line of the San Jose Properties Ltd., bounded on the West by Lot 32, Block 4, on the East by Lot 1, Block 3, as recorded in Vol. 495, Page 686, Webb County Deed Records.

TRACT C –Being a 1,268.25 sq. ft. tract of land situated between the North right-of-way line of Casa Del Sol Blvd., and the South property line of the San Jose Properties Ltd., bounded on the West by Lot 5, Block 3, and on the East by Lot 1, Block 5 as recorded in Volume 495, Page 686, Webb County Deed Records.

Motion to approve Ordinance #99-O-305.

Moved: Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

- 99-O-306 Ordinance authorizing the City Manager to execute a lease renewal with the State of Texas General Services Commission on behalf of University of Texas Health Science Center at San Antonio for 317 square feet of office space at the City Of Laredo Health Complex located at 2600 Cedar Street. The term of the lease renewal will be from September 1, 1999, through August 31, 2000. The lessee shall pay a sum in the amount of \$345.08 rental fee per month which includes the cost of utilities and janitorial services. The funding source is the State of Texas General Services Commission on behalf of University of Texas Health Science Center at San Antonio.

Motion to approve Ordinance #99-O-306.

Moved: Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

- 99-O-307 Ordinance authorizing the City Manager to execute a Scheduled Airline Operating Agreement and Terminal Building Lease with TAESA Airlines for exclusive and non-exclusive joint use space located at the Laredo International Airport passenger terminal for the purpose of conducting commercial air transportation services. The term of the agreement is for three (3) years effective July 1, 1998 and ending on June 30, 2001. The monthly rent including landing fees is capped at \$1.50 per enplaned revenue passenger and is retroactive to July 1, 1999.

Motion to approve Ordinance #99-O-307.

Moved: Cm. Bruni

Second: Cm. Alvarado

For: 8

Against: 0

Abstain: 0

- 99-O-308 Ordinance setting the maximum speed limits in that portion of US 83 State Highway, between Market Street and 1.5 mile south of Prada Machin within the City limits of Laredo, Webb County, Texas, as 35MPH, 45MPH, 55MPH, 60MPH, and 25MPH for School Zone Sections, as defined in TXDOT control section map --- 0038-01.

Motion to approve Ordinance #99-O-308.

Moved: Cm. Bruni

Second: Cm. Alvarado











## XII. MOTIONS

28. Consideration to approve change order no. 2, a decrease of \$32,900 for recommended liquidated damages for New Fire Stations No. 10 and 11; acceptance of fire stations located at 5120 Highway 359 and at 10919 McPherson Road respectively as complete; approval to retain \$31,600 for the completion of pending punch list items, and approval to release partial retainage in the amount of \$5,540.10 to Cantu America Construction Company, Inc., Laredo, Texas. Final contract amount is \$1,367,902. Funding available in the New Fire Station Buildings.

Wayne Wright, from Cantu American Construction, stated that he would like for Council to reconsider the decrease amount of \$32,900 from the original contract because circumstances occurred that were beyond their control.

Motion that the evidence from Cantu America be submitted to Council in writing and to Mr. Rivera, City Engineer, and have them reach an agreement, and bring back on the agenda at the next meeting.

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

Against: 0

Abstain: 0

29. Consideration to authorize the City Manager to execute a renewal contract with Andrea McWilliams, for fiscal year 1999-2000 to provide legislative representation in the amount of \$3,500 per month for the period of October 1, 1999 through September 30, 2000. Funding is available in the 1999-2000 budget.

Motion to approve with correction of October 1 instead of October 2, 1999.

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

Against: 0

Abstain: 0

30. Consideration to authorize the execution of a renewal contract with Mr. Mario A. Martinez for fiscal years 1999-2001 to provide legislative representation in the amount of \$3,500 per month for the period of October 1, 1999 through September 30, 2000 and payments of \$4,500 per month beginning October 1, 2000 through August 31, 2001, plus up to \$5,000 for the term of this contract for out-of-pocket expenses. The total estimated contract amount is \$96,500. The contract for the period of October 1, 2000 through August 31, 2001 would be contingent on funding appropriation in the 2000-2001 fiscal year.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

31. Consideration to authorize the execution of a renewal contract with Baker & Botts, L.L.P. for fiscal year 1999-2001 to provide legislative representation in the amount of \$4,000 per month for the period of October 1, 1999 through September 30, 2000 and payments of \$6,500 per month beginning October 1, 2000 through August 31, 2001, plus up to \$5,000 for the term of this agreement for out-of-pocket expenses. The total estimated contract amount is \$124,500. The contract for the period of October 1, 1999 through August 31, 2001 would be contingent on funding appropriation in the 2000-2001 fiscal year.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

32. Consideration to authorize the City Manager to contract with Catholic Church Social Services of Laredo, Inc. (CSS) in the amount of \$119,360 to administer the City's Fiscal Year 2000 General Fund Welfare Assistance Program through which rental, utility, burial, transportation, ambulance, and health care assistance is provided to indigent individuals and families residing in the community. The contract would cover expenditures for the period of October 1, 1999 to September 30, 2000.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

33. Consideration to award a contract to Stop Child Abuse and Neglect for Fiscal Year 1999-2000 in the amount of \$50,000 and authorizing the City Manager to sign and implement the contract. Funding is available in the General Fund.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 1  
Cm. Alvarado

34. Consideration to refund property tax to the following company:  
a. First American Real Estate Tax Service in the amount of \$961.35 a duplicate payment in the amount \$961.35 was made by First American Real Estate Tax Service; therefore, they are requesting

a refund. This refund will be paid from deferred revenue/unapplied payments.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

35. Consideration to vote for Councilwoman Cecilia M. Moreno for the 1999 Board of Trustees election for Region 7 of the Texas Municipal League.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 7

Against: 0

Abstain: 1  
Cw. Moreno

36. Consideration to award a contract to Laredo Animal Protective Society for animal control services for Fiscal Year 1999-2000 in the amount \$120,000 and authorizing the City Manager to sign and implement the contract. Funding is available in the General Fund.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

37. Consideration to award contract number 00-008, to the LOW BIDDER, Pabco Industries, Newark, N.J., in the amount of \$52,000, for the purchase of one million, plastic bags for use in the City's Recycling Program. The per unit price is \$0.052/bag is approximately 15% higher than the previous contract purchase.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

38. Consideration to award six month supply contracts (FY00-003) to the LOW BIDDERS, Tire Center Inc., Laredo, Texas (\$46,613), Goodyear Auto Store, Laredo, Texas (\$30,785), and A to Z Tire & Battery, Laredo, Texas (\$26,206.18) to supply tires and tubes for all City vehicles. Tires are purchased on an as need basis.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

39. Consideration to award annual service contract number FY00-006, to the LOW BIDDER, Key Energy Services, Laredo, Texas, in the estimated amount of \$80,000, for furnishing vacuum truck services to transport domestic sewage and/or sewage sludge for the Utilities Department – Wastewater Division. This service supplements the department's equipment capabilities and help control sewage overflows during emergencies. The frequency and number of hours vary depending on the City's need. The bid price is based on a flat hourly rate of \$48.00.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

40. Consideration to award annual contract (FY00-001), to the LOW BIDDER: Laurel Battery, Laredo, Texas, in the estimated amount of \$26,902.60, for the purchase of automotive batteries for the City's fleet.

This Contract will be for a period of one year. Since no battery inventory is maintained at the maintenance facility, all batteries are purchased on an as needed basis.

The City did receive a lower bid from one other vendor, however, the batteries proposed by this vendor did not meet the minimum acceptable cranking amps or the reserve capacity rating required by the City's purchase of automotive batteries.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

41. Consideration to award a three year contract (99-123) to Autophone of Laredo, Laredo, Texas, in the estimated amount of \$42,050, for providing pager service. The contract award is based on 310 pagers. The City will be exchanging the current pagers for new Motorola pagers. The new contract pricing is approximately 38% less than the previous contract amount.

Autophone of Laredo was selected based on the lowest total cost for the three-year contract period. The total cost includes the purchase of new pagers and the monthly service fees.

Motion to table.



Moved: Cm. Galo

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

42. Consideration to authorize the purchase of forty four (44), portable radios for the Police Department through the Houston Galveston Area Council of Governments (HGAC) – Cooperative Purchasing Program, in the total amount of \$147,797.26. These voice secure digital radios will be purchased through the cooperative purchasing contract vendor Motorola. Delivery of these radios is expected within sixty days. Funding is available in the Police Department's capital outlay budget.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

43. Consideration to award a three-year contract lease purchase contract (00-011) to the LOW BIDDER MEETING SPECIFICATIONS, Orange Ford-Lincoln-Mercury, Orange, Texas, in the estimated amount of \$2,608,656.29, for the acquisition of one hundred and two (102) police sedans; and authorizing the City Manager to sign any and all lease purchase documents. Financing will be secured through Ford Municipal Lease Corporation.

The City is requesting that these vehicles be delivered fully equipped with light bars, sirens, decals, and other accessories normally installed by the Fleet Maintenance Division. Only the radios will be installed after the vehicles have been delivered to the City. This will expedite the process to activate units for patrol duty. Funding for this lease purchase contract has been allocated in the Police Department's FY2000 general fund budget and the Police Trust fund.

The City did receive a lower bid from Southway Ford, San Antonio, Texas, however, the bid from this vendor reflected several exceptions to our bid requirements. Due to these omissions, this vendor is not being considered.

Motion to approve.

Moved: Cm. Bruni

Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

(MOTION TO RECESS AND CONVENE AS MASS TRANSIT BOARD)

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



For: 8

Against: 0

Abstain: 0

48. Consideration to award contract #FY99-125 to the low bidder, Skaggs in the amount of \$31,713.85, for the purchase of uniforms for a 2-year period. This contract includes uniforms and jackets as required under the labor contract agreement between Laredo Municipal Transit System and the United Transportation Union Local #1670. Funding is available in the uniform account for divisions 5810 and 5820.

Motion to approve.

Moved: Cw. Montalvo  
 Second: Cm. Agredano  
 For: 8

Against: 0

Abstain: 0

### (MOTION TO ADJOURN AND RECONVENE AS CITY COUNCIL)

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

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

Against: 0

Abstain: 0

### XIII. STAFF REPORTS

49. Presentation to City Council regarding the current Capital Improvement Program.

Keith Selman, City Planner, made the presentation before the Council. He reported that several new columns were added to the spreadsheet, those being council districts and project allocation. C.I.P. can be seen on web page.

Cw. Moreno added that on the Project Completed column, the sidewalks that were funded out of CDBG funds were not completed.

Mayor Flores asked Mr. Selman for a report on the projects that have not been done by Friday.

50. Status report on the work done by the Ad Hoc Committee on Impact Fees. Staff will present the tentative agreement and recommendation to fund \$44 million for the next ten years.

Fernando Roman, Utilities Director, made the presentation before the Council as follows:

#### COMMITTEE'S CHARGE

The committees' charge is to find an equitable formula to raise \$44 million for the ten (10) year Water Utilities Capital Improvements Program, that is responsive to stakeholder's concerns.

**STAKEHOLDERS**

- City Council and General Public
- Development and Building Community
- Engineering Community
- Banking and Real Estate
- Utilities Department

**CITY COUNCIL AND PUBLIC CONCERNS**

- Foster "room to grow"
- Foster competition in housing market
- Avoid depressing the housing market
- Stop expanding system solely on rates
- Protect low income citizens
- Shift some off the cost of expansion to new areas

**BUILDING AND DEVELOPMENT CONCERNS**

- Minimize impact on development cost
- Avoid a market decline due to high fees
- Insure continued system expansion
- Prevent construction slowdown due to lack of infrastructure
- Insure that fee level matches ultimate user water demand

**ENGINEERING, BANKING, REAL ESTATE CONCERNS**

- Projects must be appropriately funded
- Improvements have a reasonable lifetime
- Preserve loan eligibility for affordable housing customers

**UTILITIES DEPARTMENT CONCERNS**

- Predictable, stable cash flow
- Match revenue to current residential and commercial contributions
- Consider current lot size distribution in final fee design
- Create seed money to begin CIP investments

**COMMITTEE'S WORK**

- Analyze growth assumptions
- Review project cost and schedule
- Determine maximum impact fee
- Design funding model
- Design implementation model
- Research impacts on community

**CONSIDERATIONS – FEE STRUCTURE**

- Removed \$25 million in projects already funded
- Threshold value affecting affordable housing loans
- Ultimate use of water
- Ability to collect fee under various economic conditions

**CONSIDERATIONS – SYSTEM REVENUES**

- 12-month grace period on platted land produces limited revenue
- Investment for first two years cannot be covered from fees alone
- Bond sale must be guaranteed by appropriate revenue system
- Revenue from growth has kept rate stable (absorb inflation, new expenses)

#### MAXIMUM IMPACT FEE

- Original value set at \$3,303 per LUE
- Revised value is approximately \$2,054
- 50% of maximum fee (\$1,027) will be collected based on lot size and water meter size

#### RECOMMENDATIONS

- Raise \$22 million from new development (impact fees)
- Raise remaining \$22 million from system revenues (rate increase)

#### UTILITIES DEPARTMENT RECOMMENDATIONS

- Collect 68 percent (\$15 M) of impact fee revenue from residential development
- Collect remaining 32 percent (\$7 M) from commercial and industrial development
- Collect 50 percent (\$11 M) of fee at platting
- Collect remaining 50 percent (\$11 M) at time of connection

#### RESIDENTIAL FEES – EXAMPLES

Lot size	Platting	Connect	Total
4,000	300	250	\$550
8,000	700	650	\$1,150
12,000	1,250	1,000	\$2,250

#### COMMERCIAL FEES

Platting Fee: \$445/ac

Connection Fee: by Meter Size

Meter Size	Connection Fee
5/8	\$445
3/4	\$721
1	\$1,371
1-1/2	\$2,488
2	\$4,098

#### INVESTMENT SCHEDULE

Year	Water	Wastewater	Total
2000-01	9,541,325	9,425,956	11,967,281
2002-03	1,541,539	17,783,732	19,325,271
2004-05	4,244,122	1,459,690	5,703,812
2006-07	1,731,358	1,503,809	3,235,167
2008-09	3,079,835	1,549,261	4,629,096
Total	20,138,179	24,722,448	44,860,627

Cw. Moreno recommended to put in place a yearly statistical report on the affects and how the 50/50 is working so that whatever was agreed on now, if it turned out it was not a good idea, to send back to the committees at the end of the year for discussions.

Cm. Galo stated that it is just a hidden tax and was concerned that the person that is going to be paying for everything is the homebuyer and he also asked what would happened if there was no growth?

Mr. Roman answered that two things could happen if there was no growth:

- 1.) If no improvements have been made then there would be no problem because the system works. Whatever we have right now is at capacity, but continues at capacity. It needs maintenance that has been taken care of by establishing a rate increase this year.
- 2.) If we have invested in three (3) years \$15 or \$20 million more, and then the growth stops, and we stop collecting the impact fee, then we have to go back to the rate payers and increase them up so that we can meet our obligations.

Cm. Galo added that he feels there is still an equity problem falling on the small homebuyer.

Mr. Roman stated that in order for the public hearing to be conducted on November 1, the Planning and Zoning Department needs to file with the City Secretary a recommendation on Monday October 25, 1999. The recommendation can be either approved or not approved, or approved with changes. If they don't make the recommendations, then there will be no public hearing. If the public hearing is conducted on November 1, having the recommendations from Planning and Zoning Department, then the Council will have 30 days to make a decision either to adopt the recommendation or not adopt it.

Mayor Flores commented that what they have to do is to increase the level of income on everyone so that everyone can afford these kinds of rates that we need to have in order to have a City like we want it.

#### XIV. EXECUTIVE SESSIONS

51. Request for Executive Session pursuant to Texas Government Code 551.071(1)(A) to consult with City Attorney regarding the contemplated litigation regarding bus shelter and bench advertising contract, 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 regarding the contemplated litigation regarding bus shelter and bench advertising contract, and return to open session for possible action.

Moved: Cw. Montalvo

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

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

Motion to authorize the City Manager to terminate the Bus Bench and Shelter Advertisement Contract entered into with Bonanza Consultants and Investments, Inc. on January 15, 1999, and to send a demand letter to collect amounts due to the city under the contract.

Moved: Cm. Alvarado

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

52. Request for Executive Session pursuant to Texas Government Code 551.071(1)(A) to discuss pending litigation regarding Gilbert Leyendecker and wife, June Leyendecker vs. City of Laredo, Texas, Cause No. 99-CVQ-00798-D3 in the District Court 341<sup>st</sup> Judicial District Webb County, Texas, and return to open session for possible action thereon.

Motion to go into Executive Session pursuant to Texas Government Code 551.071(1)(A) to discuss pending litigation regarding Gilbert Leyendecker and wife, June Leyendecker vs. City of Laredo, Texas, Cause No. 99-CVQ-00798-D3 in the District Court 341<sup>st</sup> Judicial District Webb County, Texas, and return to open session for possible action thereon.

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

Moved: Cw. Montalvo

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

Motion to authorize the City Manager to attempt to acquire the Leyendecker easement by negotiation based upon an offer of purchase, and if the City Manager cannot acquire the easement, then he bring back before us a Resolution authorizing condemnation of the easement.

Moved: Cm. Guerra

Second: Cm. Bruni

For: 8

Against: 0

Abstain: 0

## SUPPLEMENTAL AGENDA

### XII. MOTIONS

Consideration to award a construction to the LOWEST BIDDER, PRICE CONSTRUCTION, INC., Laredo, Texas, in the base bid amount of \$1,701,543.37 for the Killiam Industrial Blvd. Extension project approximately 8000 L.F. from Sara Road to I.H. 35. Funding is available in the Killiam Industrial Blvd. Extension.

Consideration of approval of change order no. 1 in the credit amount of \$29,780 for the Texas Avenue/Price Street Drainage Improvements Project to implement alternative trench backfill specifications for the proposed concrete pipe in lieu of the original specifications approved by City Council for the project. Funding is available in the Capital Improvement Fund Texas Avenue/Price Street Drainage Improvements.

Motion to approve with the correct contract amount of \$1,403,379.50 and the contract time remains the same at 300 working days.

Moved: Cm. Guerra

Second: Cm. Vasquez

For: 8

Against: 0

Abstain: 0

#### VIII. Request by Council member Alfredo Agredano

2. Appointing the nominees, Dora Arce and Jessica Arce from District I to Millennium Celebration Committee.

Cm. Agredano appointed Dora Arce and Jessica Arce from District 1 to the Millennium Celebration Committee.

Motion to confirm the nomination of Dora Arce and Jessica Arce from District 1 to the Millennium Celebration Committee.

Moved: Cm. Guerra

Second: Cm. Valdez

For: 8

Against: 0

Abstain: 0

#### XV. ADJOURNMENT

Motion to adjourn.

Adjournment time: 9:50 p.m.

Moved: Cm. Bruni

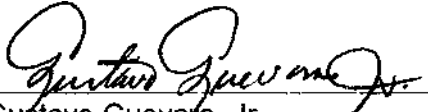
Second: Cm. Agredano

For: 8

Against: 0

Abstain: 0

I hereby certify that the above minutes contained in pages 01 to 32 are true, complete, and correct proceedings of the City Council Meeting held on the 18<sup>th</sup> day of October 1999. A certified copy is on file at the City Secretary's Office.

  
 Gustavo Guevara, Jr.  
 City Secretary

**Minutes approved 11/15/99  
with corrections.**