

**CITY OF LAREDO
CITY COUNCIL MEETING**

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

MINUTES

M94-S-37

OCTOBER 24, 1994

I. CALL TO ORDER

With a quorum present Mayor Saul N. Ramirez, Jr. called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Saul N. Ramirez, Jr. led in the Pledge of Allegiance.

III. ROLL CALL

IN ATTENDANCE:

SAUL N. RAMIREZ, JR.,	MAYOR	
JOSE R. PEREZ, JR.,	COUNCILMEMBER,	DISTRICT I
LOUIS H. BRUNI,	"	DISTRICT II
ALFONSO I. "PONCHO" CASSO,	"	DISTRICT III
CECILIA MAY MORENO,	"	DISTRICT IV
BLAS CASTANEDA,	"	DISTRICT V
JOE A. GUERRA,	"	DISTRICT VI
JOSE GERARDO (JERRY) PEREZ,	"	DISTRICT VII
FELIPE CARDENAS,	"	DISTRICT VIII
GUSTAVO GUEVARA, JR.,	CITY SECRETARY	
PETER H. VARGAS,	CITY MANAGER	
CARLOS VILLARREAL,	ASST. CITY MANAGER	
JESUS NAVA,	ASST. CITY MANAGER	
JERRY CAIN,	ASST. CITY ATTORNEY	

ABSENT:

Jose Salvador Tellez, City Attorney

IV. FINAL READINGS

Motion to waive the final reading of ordinances #94-O-209 and #94-O-215.

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

- 2. 94-O-209 Amending Chapter 2, Administration, Division 6. Pay Administration, Section 2-87.7 Policy, of the Code of Ordinances by adding Subsection (e) establishing a step 10 A in the City's pay schedule; and authorizing a salary increase and directing the preparation of a pay and classification system for management personnel in the Fire and Police Departments; and directing the City Manager to conduct a study updating the City's pay schedule; and providing for an effective date. (Unanimous City Council)

Motion to approve.

Moved : Cm. Cardenas
 Second: Cm. G. Perez
 For: 8 Against: 0 Abstain: 0

- 3. 94-O-215 Authorizing the issuance of a B-4 Conditional Use Permit for a television tower on 1.8185 acres, as further described by metes and bounds on attached Exhibit "A", located at 1313 West Calton Road, of the City of Laredo; providing for publication and effective date. (Councilmember Jerry Perez)

Motion to approve.

Moved : Cm. G. Perez
 Second: Cm. Cardenas
 For: 8 Against: 0 Abstain: 0

V. CITY MANAGER'S REPORT

- 4. Presentation of the proposed Laredo Metropolitan Transportation Plan prepared in conformance with the Intermodal Surface Transportation Efficiency Act (ISTEA) pursuant to 23 CFR 450 and the adopted Public Involvement Process adopted by the Laredo Metropolitan Planning Organization (MPO).

Marina Sukup, Planning Director and Transportation Director of the Laredo Urban Transportation Study, made the presentation before the council and presented a video to the council.

Note: A copy of the Laredo Urban Transportation Study, Resolution Number 94-10 is on file at the City Secretary's Office.

Motion to waive the rules of order and move item #5 to the end of the meeting.

Moved : Cm. G. Perez
Second: Cm. Cm. Cardenas
For: 8

Against: 0 Abstain: 0

- 5. Request for Executive Session under Texas Government Code V.T.C.A. Section 551.074, to continue the review of the complaints from the Laredo Police Officers Association against the Chief of Police.

This item was recessed for October 25, 1995 at 5:30.

THE FOLLOWING ARE PROCEEDINGS OF THE RECESSED CITY COUNCIL MEETING OF OCTOBER 24, 1994, AND WHICH WAS CONTINUED ON OCTOBER 25, 1995.

With a quorum, Mayor Protem Moreno called to reconvene the recessed meeting to order.

IN ATTENDANCE:

JOSE R. PEREZ, JR., COUNCILMEMBER, DISTRICT I
LOUIS H. BRUNI, " , DISTRICT II
ALFONSO I. "PONCHO" CASSO, " , DISTRICT III
CECILIA MAY MORENO, " , DISTRICT IV
JOE A. GUERRA, " , DISTRICT VI
JOSE GERARDO (JERRY) PEREZ, " , DISTRICT VII
FELIPE CARDENAS, " , DISTRICT VIII
GUSTAVO GUEVARA, JR., CITY SECRETARY
PETER H. VARGAS, CITY MANAGER
CARLOS VILLARREAL, ASST. CITY MANAGER
JESUS NAVA, ASST. CITY MANAGER

ABSENCES:

Saul N. Ramirez, Mayor
Cm. Blas Castaneda, Councilmember, District V

Note: There was no motion to excuse Cm. Castaneda because this is part of yesterday's meeting.

Motion to go into Executive Session under Texas Government Code V.T.C.A. Section 551.074, to continue the review of the complaints from the Laredo Police Officer Association against the Chief of Police.

Moved : Cm. Perez
Second: Cm. Cardenas
For: 6

Against: 0 Abstain: 0

(Mayor Protem Moreno was not voting.)

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

VI. COMMUNICATIONS

Mr. Doug Theodore of the Texas/Louisiana Professional Baseball League spoke before the council in proposing Laredo as a city to expand a minor baseball league. He presented a video on their association. They would play a 50 game season in town and 50 games out-of-town, all major league managers, have promotions at every game such as give-aways, fireworks, t-shirt night, etc.; they run their own concessions.

Mayor Ramirez asked that they proceed with discussions with staff to bring a recommendation to council for terms and hopefully we will be able to develop a working relationship.

VII. PUBLIC HEARINGS

6. Public hearing on authorizing the issuance of a Conditional Use Permit for a Meat Processing Plant on Lot 1A, Block 1430, Eastern Division, located at 1219 South Zapata Highway.

INTRODUCTION OF AN ORDINANCE

Authorizing the issuance of a Conditional Use Permit for a Meat Processing/Packaging Plant on Lot 1A, Block 1430, Eastern Division, located at 1219 South Zapata Highway, of the City of Laredo; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the City Council.

There was no public input.

Motion to close the public hearing; approve the zone change as per recommendation of P&Z; and introduce the ordinance.

Moved : Cm. Perez

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

7. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, and the west 23.17 feet of Lot 2, Block 1839, Eastern Division, located at 3001 San

Jose Avenue, from B-1 (Limited Business District) to R-3 (Mixed Residential District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, and the west 23.17 feet of Lot 2, Block 1839, Eastern Division, located at 3001 San Jose Avenue, of the City of Laredo, from B-1 (Limited Business District) to R-3 (Mixed Residential District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Bruni

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the City Council.

There was no public input.

Motion to close the public hearing; approve the zone change request; and introduce the ordinance.

Moved : Cm. Bruni

Second: Cm. Guerra

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

8. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 7.065 acres out of Porcion 28, Abstract 241, as further described by Metes and Bounds on attached Exhibit "A", located at 5300 East Saunders Street, from B-3 (Commercial Business District) to M-2 (Heavy Manufacturing District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 7.065 acres out of Porcion 28, Abstract 241, as further described by Metes and Bounds on attached Exhibit "A", located at 5300 East Saunders Street, from B-3 (Commercial Business District) to M-2 (Heavy Manufacturing District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Bruni

Second: Cm. Guerra

For: 6

Against: 0

Abstain: 0

Mayor Protem Moreno took over the meeting temporarily as the Mayor stepped out.

Marina Sukup, Planning Director, made the presentation before the City Council.

Mr. Richard Smith, a resident of Towne East, spoke against the zone change approval due to health hazards it presents to their area.

Mr. Armando Ramirez, a resident of Towne East, spoke against the zone change approval due to the fiber glass components that are contained in the cement plant and carried over to the residents in the area and which produces a health hazard.

Mrs. Nelda Smith, a nurse and a resident of Towne East, spoke against the zone approval, she pointed out a problem with the fiber particles produced by the cement plant which she attributes to respiratory problems incurred by her daughter and other residents in the area. She stated that they have been cited by the city and the state previously and asked that the zone change be denied.

Mr. Pete Gallegos, owner of the cement plant, stated that he had applied legally with the State. He stated that he took over the plant on June of 1994. He explained that it is not fiber glass but fiber mash to answer Mr. Ramirez's allegations. He presented a report from the Texas Air Control Board to Marina Sukup. He stated that it is a 1993 plant that was manufactured to standards to meet state and nation standards.

Ms. Clarissa Gallegos, Plant Manager and daughter of Mr. Gallegos, stated that the plant is clean and when there are complaints she will take care of the complaints.

Mr. Carlos Gonzalez, a Javalina worker, explained that as an Express Mix worker they did have problems before, but now that the area is paved they is no problems now.

Mr. Albert Moreno, Assistant Plant Manager, stated that the dust may not be coming from the plant, but maybe from their own neighbors who have piles of sand because their yard is clean.

Ms. Lourdes Vela, who takes care of applying for all their permits, stated that they have complied with every regulation that the state requires.

Mr. Refugio Garza, a worker for Pete Gallegos, stated that he is in charge of cleaning the yard and makes sure that the yard is clean and in compliance with state regulations.

Mr. Dave Wyers expressed that Mr. Gallegos has always been

good in his word and spoke in favor of the plant and that a study be made before any action is taken.

Ms. Melissa Cruz, Accountant for the Gallegos, stated that they are up to date with all regulations of the state and federal laws.

Mr. Jose Luis Solis a driver for Javalina stated that not all the loads have the fiber mash, only when it is need.

Marina Sukup, Planning Director, stated that approximately a year ago it was called to their attention that there was a ready mix plant in south Laredo along Zapata Hwg. The gentlemen had not begun, it was adjacent to a residential area and they indicated to the owner that he would have to relocate his business, which he did. He pointed out at that time, that there was one similar operation in the Mines Road and this one in U.S. 59. Staff investigated found that Mr. Jaramillo was indeed correct and notified Mr. Fragosa at that time that his property was not platted and was not properly zoned for the use. She added that ordinary procedures in this issues are to notify the landlord in this case, the lessee, that he would have to cease or take corrective action to give him the opportunity to bring his operation into compliance whether through replatting or seeking a zone change. The person operating the plant was Mr. Fragosa and chose to deal directly with the legal department rather than the planning department. There had been a number of problems, the dust, the parking area was unpaved a number of complaints as far as the trucks in addition to the use. She added there was a compliant filed on March 28th with Municipal Court when it became apparent that Mr. Fragosa did not intent to bring the property into compliance. The case has been continued, there was an application finally, made for a rezoning on May 10, 1994. Mr. Gallegos did correct many of the conditions and the problems that existed without a permit. A permit cannot be issued because it is not platted which is one of the problems.

Mr. Vargas stated that legal action has been taken, there is a case pending in Municipal Court, but that the problem is that the applicant or plaintiff asked for a continuance and was granted a continuance. He then sold the business and is no longer interested in pursuing that. Mr. Gallegos should have been aware that there was litigation going on at the time, before the other individual closed the business. He was basically no longer involved and our attention shifted to Mr. Gallegos because he was now the owner of the business.

Motion to close the public hearing and concur with P&Z to deny the zone change request.

Moved : Cm. Bruni
 Second: Cm. Casso
 For: 6

Against: 1
 (Cm. Perez)

Abstain: 0

Mayor Protem Moreno was not voting.

Mayor Ramirez took over the meeting at this time.(7:10 p.m.)

9. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 2.410 acres out of Porcion 25, Abstract 50, as further described by metes and bounds on attached exhibit "A", located at the northeast corner of Loop 20 at Del Mar Blvd., from AG (Agricultural District) to B-4 (Highway Commercial District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 2.410 acres out of Porcion 25, Abstract 50, as further described by metes and bounds on attached Exhibit "A", located at the northeast corner of Loop 20 at Del Mar Blvd., of the City of Laredo, from AG (Agricultural District) to B-4 (Highway Commercial District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez
 Second: Cm. Cardenas
 For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the City Council.

There was no public input.

Motion to close the public hearing; approve the zone change request; and introduce the ordinance.

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

Against: 0

Abstain: 0

Ordinance Introduction: Cm. Guerra

10. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 2, and the south 1/3 of Lot 4, Block 996, Western Division, located at 3901 Eagle Pass, from R-3 (Mixed Residential District) to B-1 (Limited Business District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 2, and the south 1/3 of Lot 4, Block 996,

Western Division, located at 3901 Eagle Pass, of the City of Laredo, from R-3 (Mixed Residential District) to B-1 (Limited Business District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing; concur with P&Z to approve the zone change request; and introduce the ordinance.

Moved : Cm. G. Perez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. G. Perez

- 11. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1 of the Border Inn Plat, located at 5240 San Bernardo Avenue, from B-3 (Community Business District) to B-4 (Highway Commercial District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1 of the Border Inn Plat, located at 5240 San Bernardo Avenue, of the City of Laredo, from B-3 (Community Business District) to B-4 (Highway Commercial District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation.

Juan Ramon Barrera spoke in favor of the zone change request.

Motion to close the public hearing; concur with P&Z to approve the zone change request; and introduce the ordinance.

Moved : Cm. G. Perez

Second: Cm. Moreno

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. G. Perez

- 12. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 5.00 acres out of Porcion 21, Abstract 49, as further described by metes and bounds on attached exhibit "A", located at 500 Rancho Viejo Drive, from R-1 (Single Family Residential District) to R-1A (Single Family Reduced Area District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 5.00 acres out of Porcion 21, Abstract 49, as further described by metes and bounds on attached Exhibit "A", located at 500 Rancho Viejo Drive, of the City of Laredo, from R-1 (Single Family Residential District) to R-1A (Single Family Reduced Area District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cw. Moreno

For: 8

Against: 0

Abstain: 0

There was no public input.

Motion to close the public hearing; concur with P&Z to approve the zone change request; and introduce the ordinance.

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: Cm. G. Perez

- 13. Public hearing on amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 7 and east 1/2 of Lot 8, Block 443, Western Division, located at 1820 Santa Maria Ave., from R-3 (Mixed Residential District) to B-3 (Community Business District).

INTRODUCTION OF AN ORDINANCE

Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 7 and east 1/2 of Lot 8, Block 443, Western Division, located at 1820 Santa Maria Ave., of the City of Laredo, from R-3 (Mixed Residential District) to B-3 (Community Business District); providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation.

Mr. Juan Barrera spoke in favor of the zone change.

Motion to table for next special meeting dealing with zoning issues.

Moved : Cm. Cardenas

Second: Cm. G. Perez

For: 8

Against: 0

Abstain: 0

14. Public hearing on amending the Street Name Map of the City of Laredo changing the name of Casa Verde Road to Del Mar Boulevard from McPherson Road to the Bob Bullock Loop.

INTRODUCTION OF AN ORDINANCE

Amending the Street Name Map of the City of Laredo by renaming a section of Casa Verde Road between McPherson Road and the Bob Bullock Loop to Del Mar Boulevard; providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. G. Perez

Second: Cm. Castaneda

For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation.

Mr. Juan Ramon Barrera spoke against the name change.

Motion to close the public hearing; approve the name change; and introduce the ordinance.

Moved : Cm. G. Perez

Second: Cm. Cardenas

For: 8

Against: 0

Abstain: 0

Ordinance Introduction: City Council

15. Public hearing on establishing Article V, Section 24-83 of Chapter 24 of the Laredo Land Development Code and rescinding Section 3-6M of the Subdivision Ordinance Handbook relating to street tree planting; providing for publication and effective date.

INTRODUCTION OF AN ORDINANCE

Establishing Article V, Section 24-83 of Chapter 24 of the Laredo Land Development Code to require the planting of trees and shrubs; rescinding Section 3-6M of the Subdivision

Ordinance Handbook relating to street tree planting;
providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Cardenas

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation before the council. She stated that the Laredo Builders Association did pass a resolution approving the ordinance amendment.

Mr. Alejandro Arreguin, representing the Property Owners Defense League, spoke against the ordinance.

Mr. Fernando Alderete, Local Architect, stated that he was concerned that this ordinance would not cover the commercial businesses.

Marina Sukup, Planning Director, stated that the commercial businesses are covered in another ordinance.

Cm. Castaneda stated that the city should also enhance its own properties.

Motion to close the public hearing and deny the recommendations of P&Z and staff.

Moved : Cm. Guerra

Second: Cm. Casso

For: 3

Against: 5

Abstain: 0

(Cm. Casso, Cm. Guerra, and Cm. Bruni)

Motion was defeated.

Motion to close the public hearing; concur with P&Z and staff and introduce the ordinance.

Moved : Cm. G. Perez

Second: Cw. Moreno

For: 5

Against: 3

Abstain: 0

Cm. G. Perez

Cm. Guerra

Cw. Moreno

Cm. Casso

Cm. Perez

Cm. Bruni

Cm. Castaneda

Cm. Cardenas

Ordinance Introduction: City Council/members voting to the affirmative.

Motion to recess the meeting and reconvene tomorrow,
October 25, 1994 at 5:30 p.m.

Recessed time: 8:00 p.m

Moved : Cm. G. Perez
Second: Cm. Cardenas
For: 8

Against: 0

Abstain: 0

VIII. ADJOURNMENT

Motion to adjourn. (Oct. 25, 1994)

Moved : Cm. G. Perez
Second: Cm. Cardenas
For: 7

Against: 0

Abstain: 0

Adjournment time: 6:20 p.m.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 13 ARE TRUE, COMPLETE AND CORRECT PROCEEDINGS OF THE CITY COUNCIL MEETING HELD ON THE 24TH DAY OF OCTOBER, 1994 AND THE RECESSED CITY COUNCIL MEETING OF OCTOBER 25TH. A CERTIFIED COPY IS ON FILE AT THE CITY SECRETARY'S OFFICE.



GUSTAVO GUEVARA, JR.
CITY SECRETARY

MINUTES PREPARED BY: Delia Rodriguez, Deputy City Secretary II

CORRECTIONS: