

**CITY OF LAREDO
SPECIAL CITY COUNCIL MEETING**

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

MINUTES

M-93-S-34

OCTOBER 25, 1993

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,	COUNCILMEMBER,	DISTRICT I
JACINTO P. JUAREZ,	"	, DISTRICT II
CECILIA MAY MORENO,	"	, DISTRICT IV
BLAS CASTANEDA,	"	, DISTRICT V
EDUARDO (EDDIE) PERALES,	"	, DISTRICT VI
JOSE GERARDO (JERRY) PEREZ,	"	, DISTRICT VII
FELIPE CARDENAS,	"	, DISTRICT VIII
GUSTAVO GUEVARA, JR.,	CITY SECRETARY	
PETER H. VARGAS,	CITY MANAGER	
JOSE SALVADOR TELLEZ,	CITY ATTORNEY	
JESUS NAVA,	ASST. CITY MANAGER	

ABSENCES:

Cw. Arlene Aldridge was absent due to illness.

IV. FINAL READINGS

Motion was made to waive the final readings of ordinances #93-O-211, #93-O-212, #93-O-213, #93-O-214, #93-O-215, #93-O-216 and #93-O-217.

Moved : Cm. Castaneda

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

2. 93-O-211 Authorizing the City Manager to execute an interlocal agreement between the City of Laredo and the County of Webb for the purpose of extending

water and wastewater services to unincorporated areas of the County under the Economically Distressed Areas Program (EDAP).

Motion to amend the ordinance by changing the word "should" to "shall" in the 5th paragraph; change the word "certain" to "City" in the 6th paragraph; and change the word "to" to "of" in the 2nd paragraph.

Moved : Cm. Juarez

Second: Cw. Moreno

For: 7 Against: 0 Abstain: 0

Motion to approve as amended.

Moved : Cm. G. Perez

Second: Cw. Moreno

For: 7 Against: 0 Abstain: 0

3. 93-0-212 Altering and extending the boundary limits of the City of Laredo, annexing additional territory of 395.7379 acres beginning at the existing City Limits, located in Porcion 15, Abstract 53 and Porcion 16, Abstract 46, as further described by Metes and Bounds in Attachment "A," specifically, the Ruhlman Tract, providing for the effective date of this ordinance, and adopting a service plan for the annexed territory. (City Council except for Councilmember Arlene Rash Aldridge)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7 Against: 0 Abstain: 0

4. 93-0-213 Altering and extending the boundary limits of the City of Laredo, annexing additional territory of 14.00 acres beginning at the existing City Limits, located in Porcion 25, Abstract 50, as further described by Metes and Bounds in Attachment "A," specifically, the Villarreal Tract, providing for the effective date of this ordinance, and adopting a service plan for the annexed territory. (City Council except for Councilmember Arlene Rash Aldridge)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7 Against: 0 Abstain; 0

5. 93-0-214 Altering and extending the boundary limits of the City of Laredo, annexing additional territory of 45.84 acres beginning at the existing City Limits, located in Porcion 22, Abstract 277, as further described by Metes and Bounds in Attachment "A," specifically, the de Llano II Tract, providing for the effective date of this ordinance, and adopting a service plan for the annexed territory. (City Council except for Councilmember Arlene Rash Aldridge)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

6. 93-0-215 Altering and extending the boundary limits of the City of Laredo, annexing additional territory of 12.4649 acres beginning at the existing City Limits, located in Porcion 31, Abstract 3116, as further described by Metes and Bounds in Attachment "A," specifically, the Moreno Tract, providing for the effective date of this ordinance, and adopting a service plan for the annexed territory. (City Council except for Councilmember Arlene Rash Aldridge)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

7. 93-0-216 Altering and extending the boundary limits of the City of Laredo, annexing additional territory of 32.17 acres beginning at the existing City Limits, located in Porcion 32, Abstract 296, as further described by Metes and Bounds in Attachment "A," specifically, the Bruni Tract, providing for the effective date of this ordinance, and adopting a service plan for the annexed territory. (City Council except for Councilmember Arlene Rash Aldridge)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

8. 93-0-217 Altering and extending the boundary limits of the City of Laredo, annexing additional territory of 49.7328 acres beginning at the existing City

Limits, located in Survey 2143, Abstract 591, as further described by Metes and Bounds in Attachment "A," specifically, the Muller II Tract, providing for the effective date of this ordinance, and adopting a service plan for the annexed territory. (City Council except for Councilmember Arlene Rash Aldridge)

Motion to approve.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

V. RESOLUTIONS

9. 93-R-126 Authorizing the City Manager to make application to the Texas Department of Transportation for a grant in the amount of \$200,000.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for acquisition and stabilization of the historical property located on Lot 5, Block 26, Western Division, City of Laredo, located at 802 Grant Street and known as the Benavides Project.

Julie Ruszczyk, Transportation Planner, made the presentation before the council.

The Webb County Heritage Foundation proposes to acquire a historically and architecturally significant structure known as the Benavides Residence located at 802 Grant for the purpose of stabilizing it and protecting it for future preservation. Research indicates the property was owned by Teresa Pizana Benavides, former wife of Col. Refugio Benavides, and later by his children. Deed records date to 1873. Col. Benavides served several terms as Mayor of Laredo, was Captain in the Confederate Army, and was older brother to Col. Santos Benavides.

Total project cost is \$250,000 of which the grant is for \$200,000 with twenty percent match of \$50,000 from the city. The Webb County Heritage Foundation proposes to undertake fundraising measures to meet the match requirements.

Motion authorizing the City Manager to make application to the Texas Department of Transportation for a grant in the amount of \$200,000.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for

acquisition and stabilization of the historical property located on Lot 5, Block 26, Western Division, City of Laredo, located at 802 Grant Street and known as the Benavides Project.

Moved : Cm. Juarez

Second: Cm. G. Perez

For: 7

Against: 0

Abstain: 0

10. 93-R-127 Authorizing the City Manager to make application to the Texas Department of Transportation for a grant in the amount of \$254,400.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for restoration of the exterior and public spaces of the Hamilton Hotel.

The total project cost is \$318,000 of which the grant is for a total of \$254,400 with a twenty percent match of \$63,600 from the city. The owners have agreed to reimburse the city.

Motion authorizing the City Manager to make an application to the Texas Department of Transportation for a grant in the amount of \$254,400.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for restoration of the exterior and public spaces of the Hamilton Hotel.

Moved : Cm. Perales

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

11. 93-R-128 Authorizing the City Manager to make application to the Texas Department of Transportation for a grant in the amount of \$1,200,000.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for the creation of an historic walkway from Jarvis Plaza through the Mercado and St. Augustine Historic Districts.

The Historic Walkway Program will create a selfguided tour from Jarvis Plaza through the Mercado and St. Augustine de Laredo Historic Districts. Jarvis Plaza is the current transit station for El Metro and is adjacent to the Convent street intermodal terminal. The two historic districts are adjacent to the Convent Street and the Lincoln-Juarez International Bridges and Interstate 35. The Walkways would encourage tourism and retail activity in the downtown area. These walkways will replace the worst sidewalks in the area and bring them into compliance with the Americans with Disabilities Act.

The total project cost is \$1,500,000 of which the grant is for a total of \$1,200,000 with a twenty percent match of \$300,000 from the city.

Motion authorizing the City Manager to make an application to the Texas Department of Transportation for a grant in the amount of \$1,200,000.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for the creation of a historic walkway from Jarvis Plaza through the Mercado and St. Augustine Historic Districts.

Moved : Cm. Juarez
Second: Cm. Perez
For: 7 Against: 0 Abstain: 0

- 12. 93-R-129 Authorizing the City Manager to make application to the Texas Department of Transportation for a grant in the amount of \$40,000.00, for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for the acquisition and installation of bicycle racks in the downtown area of the City of Laredo.

The total project cost is \$50,000 of which the grant is for a total of \$40,000 with a twenty percent match of \$10,000 from the city.

Motion authorizing the City Manager to make an application to the Texas Department of Transportation for a grant in the amount of \$40,000.00 for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Funds for the acquisition and installation of bicycle racks in the downtown area of the City of Laredo.

Moved : Cm. Perales
Second: Cm. Castaneda
For: 7 Against: 0 Abstain: 0

VI. MOTIONS

- 13. Motion to adopt the City Secretary's certification of a petition to recall Felipe Cardenas Councilmember from District 8.

Gustavo Guevara, Jr, City Secretary, read the following certification letter to the council:

This is to certify that the petition turned in on October 10th with a total of 64 pages and a total count

of 988 petitioners is as follows:

- 757** are qualified petition signatures of the 988 petitioners found in the 64 petition pages with the following exception:
- <85>** signatures to be reduced from the 757 because the affidavit from the Notary Public is incomplete on pages 2 thru 8; and
- <112>** signatures more to be reduced because affidavits of signature withdrawal were turned in, the actual total of affidavits turned in by Cm. Cardenas were 195 affidavits (note: some are included in the 85 and others are included in other disqualified areas; thus

560 Total qualified signatures balance

That the total number of registered voters who were qualified to vote in the May 2, 1992 City Election for District VIII were: **6,038**

That the required number of qualified electors to meet the petition of protest are: **604** (10% of 6,038).

That the voter petition was the following:

VOTER PETITION TO RECALL COUNCIL MEMBER FELIPE CARDENAS WHO REPRESENTS DISTRICT 8.

We the undersigned qualified voters of the City of Laredo, Webb County, Texas, pursuant to the Charter of the of City of Laredo, Article XI, Section 11.01, RECALL PROVISIONS, Request an election to be called for the purpose of Recalling Council Member Felipe Cardenas who represents district 8, of the City of Laredo, Texas. We believe that Council Member Cardenas is not only unresponsive to our wishes, but refuses to fairly represent our interest and should therefore be removed from office and be replaced by someone who will fairly represent us.

That the number of qualified electors being certified in the petition are **560** and therefore insufficient to meet the requirements of the petition and that this was also announced in the City Council meeting of October 25, 1993.

Mayor Ramirez stated, "So you're in essence disqualifying the petition, is that correct?"

Gustavo Guevara stated, "At this point and time I find it to be insufficient."

The City Secretary requested that the City Attorney give his

legal opinion on the following questions:

- (1) - Should the original documents be released for corrections to the deficiencies;

Jose Salvador Tellez, City Attorney, stated that according to City Charter Section 11.04 a recall petition may be amended within (20) days after certification of insufficiency by the City Secretary. So they would have 20 days to amend their petition.

Gustavo Guevara, City Secretary, questioned, "is the petition to be amended, would it included additional papers to be signed to bring in additional signatures or are they restricted to mainly the petition that is on hand. And do I allow the original to be taken out for correction or is to be corrected in my office."

Mr. Tellez quoted, "there is a state supreme court case that is similar to this situation and is a matter of "non" versus "new" and basically the proponents of the petition have 20 days to amend the petition by correcting the defects which are on the face of the petition, can be corrected and if those defects can be corrected in your presence guess it would preferable that they do it in your presence...in light of the fact that certain allegations have been raised as to certain improprieties. However, if certain defects can not be corrected in your presence certainly the proponents of the petition can propose to you how they intend to correct the defect and take proper action. At this point I'm not going to unequivocally state that you should refuse any petition to leave your office, but I would suggest that the you keep a copy of what you releases from you office so that you can compare it to whatever is returned to you and so be able to reach an opinion as to whether it has been further altered from whatever you found to be deficient."

Gustavo Guevara questioned, "on the question of additional papers...can the petitioners bring additional petition signatures?"

Mr. Tellez stated on his interpretation, "if any additional signatures are brought in they are initiating a new petition and they can consider whatever you have as part of a new petition and the process starts running again. If they wish to amend this one they can amend it by correcting the defects and that is what the non case address, correcting defecting that were identified at certification. Any new petitions will be considered as new ones and then they will have to resubmit it as a whole new recall petition."

Mayor Ramirez questioned the counselor if no action is necessary on this item as the number is insufficient to adopt the certification of this petition.

Mr. Tellez stated that's correct. He asked for a time certain as when the 20 days will expire.

Mr. Trinidad Silva asked to be recognized to clarify certain things that Mr. Guevara brought up. He stated that according to the process of the recall petition it was amended into the charter for the people to remove any official that they believe did not meet the requirements, represent the people in the district. He stated there is a process here. These are official documents that were turned into Mr. Guevara and he is responsible, he keeps a journal, and all this document and he keeps the seal of the city, so if this petition was turned into Mr. Guevara this is an official document and there is an official proceeding that should have taken place. According to what he heard Mr. Cardenas went out there and took out the petition because it public records and I'm having problems here Mr. Tellez if there was tampering with those official documents.

Mayor Ramirez stated that these are allegations that can be pursued in other avenues.

Mr. Tellez stated if this is an official document and somebody tampered with it the follow-up investigation shall be taken. Whether your questions is, as he understands it, "that once that document was filed with the City Secretary's Office whether names could have been withdrawn off of that petition. I would disagree with you if your position is that names cannot have been withdrawn because I believe that anybody that submits or signs a petition up until the time that the City Secretary has the obligation to present it to City Council for certification can at their own request or either through the person that they choose as their representative should be able to withdraw their name from any petition that they sign.

Mr. Silva stated that the obligation lies with the City Secretary because he is responsible, he is responsible for determining the signatures are genuine of if the petitions meet the legal sufficiency of the petition.

Mr. Tellez stated that Mr. Guevara is in any position to be an expert and attest to the fact whether the signatures are authentic and I do not believe that's what's required of him under state or the City Charter.

Mr. Tellez stated that the 20 days expire on November 14th. He suggested that those persons circulating the petition meet with Mr. Guevara to review what the deficiencies were.

Mayor Ramirez stated that action was necessary at this time.

Motion to continue with the agenda without more discussions on this matter.

Moved : Cm. Perales

Second: Cw. Moreno

For: 6

Against: 1
Cm. Juarez

Abstain: 0

Mr. Andres Sandoval stated that there was a list at the entrance to sign to discuss any item on the agenda. He stated he signed it and that he is due the right to address this by virtue of your regulations.

Mayor Ramirez stated that no action was taken on this matter, the City Secretary has already certified that the petition is insufficient to carry out the wishes of the petitioners and the council has already by majority vote asked me to proceed as the chairman of this meeting and the chair to move the meeting along and so there can not be not more discussion on the item Mr. Sandoval.

Mr. Sandoval stated, "may I ask one favor Mayor...I mean...we weren't honest in this thing...could I at least request that I see the vote by a show of hands, please...If I may.

Mayor Ramirez stated that it was enough for the chair to recognize....

Mr. Sandoval stated, "I'm just asking a favor."

Mayor Ramirez, "All those in favor raise your right hand, please."

Councilmembers: 6

"All those opposed."

Councilmembers: 1

Mayor, "Six to one, Sir."

Mr. Sandoval, "see you in court sir, see you in court Mr. Tellez."

VII. CITY MANAGER'S REPORT

14. Presentation by representatives from the accounting firm of Gonzales, Farias and Guerra regarding the interpretation of the City's Financial Statement.

Ms. G. G. Flores from the accounting firm of Gonzalez, Farias and Guerra stated that the final reports were

prepared for the purposes of analysis only and that they do not in any way present a complete financial statement of the City of Laredo. The schedules present a condensed form of the Statement of Revenues, Expenditures and Changes in Fund Balance for the Government Fund Types only of the City of Laredo for the years ended September 30, 1988 through 1992. These schedules were prepared to explain the losses that were shown in flyers that were distributed in the City of Laredo.

The condensed schedule of information from the general purpose financial statements for the years ended Sept. 30

	1992	1991	1990	1989

Total Revenues	\$58,742,142	\$56,728,456	\$48,714,027	\$44,671,185
Total Expenditures	<u>72,740,777</u>	<u>68,162,217</u>	<u>54,807,189</u>	<u>46,739,868</u>
Excess (Deficiency) of Revenues over Expenditures	(13,998,635)	(11,433,761)	(6,093,162)	(2,068,683)
Total other financing sources	<u>11,900,633</u>	<u>9,871,422</u>	<u>13,392,012</u>	<u>11,678,375</u>
Excess (Deficiency) of Revenues over Expenditures & Other sources	(2,098,002)	(1,562,339)	7,298,850	9,609,692
Beginning Fund Bal.	33,932,845	35,495,184	27,840,312	18,230,620
Prior Period Adjustments	<u>98,046</u>	<u>0</u>	<u>356,022</u>	<u>0</u>
Ending Fund Balance	<u>31,932,889</u>	<u>33,932,845</u>	<u>35,495,184</u>	<u>18,230,620</u>

She explained that there are two types of financial statements, a business financial statement and governmental financial statement, one has to understand governmental accounting somewhat before making a decision on this financial statements and has to look at the whole picture. Which first of all, a statement of revenues expenditures and changes in fund balance does not present financial position it presents results of operations at the end of that year. The true picture of financial position of any financial statement is to look at the balance sheet. In the case of government is that fund balance.

Cm. Juarez stated that as chairman of the audit committee, we reviewed them and we know that the financial statement that we have is an audited financial statement and it's

certified. Cm. Juarez concluded by saying that he believes that the report that came out was prepared not within generally accepted accounting principles for a municipality. This is where the error is. We have our statements and they are all audited, they are certified, true and they represent fairly the position of the city.

Mayor Ramirez stated that people need to understand that the groups misleading is not so. He stated that our general operating fund (where we pay our salaries, our employees) is over \$8.3 million as an unencumbered reserve (more than three months of operation); our special revenues \$5.2 million as a reserve; debt service reserve (means we just have it sitting there in case things go bad for us) \$6.5 million; Capital Improvements Projects \$11.3 million and an expendable trust of almost \$500,000.00 over \$31.9 million sitting.

VIII. COMMUNICATIONS

Cm. Castaneda reported to council that he was asked by the City Council and the Mayor to represent the city be on the reception and dedication for Amado Pena being recognized in Austin for being one of the 50th Star that is being designated in the State of Texas. He also witnessed a project that he hopes we can do. He established a scholarship program through the Austin Community College and through the different artists who contributed to the auction. They were able to raise funds to give to worthy students.

Mayor Ramirez announced that we have received another \$4.5 million dollars to move ahead our downtown parking facility of which we now have raised \$9.5 million and are currently working to get the final \$2.5 million funded thru the letter of no prejudice that was given to us by the Department of Transportation thru the secretary's discretionary funds.

IX. CITY COUNCIL DISCUSSION AND PRESENTATION

15. Requests by the Mayor and Councilmembers for discussion and presentation.

A. Request By Councilmember Arlene Rash Aldridge

1. Discussion and possible action concerning a possible joint project between the City of Laredo and the Laredo Independent School District to divide the Seven Flags Park and J.C. Martin Elementary School with a fence.

Motion to table this item for our next regular meeting.

Moved : Cm. Juarez
 Second: Cm. Castaneda
 For: 7 Against: 0 Abstain: 0

X. PUBLIC HEARINGS

16. Public Hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 4, McPherson Plaza, located at 1319 East Hillside Road, from R-2 (Multi-family Residential District) to B-1 (Limited Business District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 4, McPherson Plaza, located at 1319 East Hillside Road, from R-2 (Multi-family Residential District) to B-1 (Limited Business District); and providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perales
 Second: Cm. Perez
 For: 7 Against: 0 Abstain: 0

Marina Sukup, Planning Director, made the presentation before the council.

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. Perales
 Second: Cm. Cardenas
 For: 7 Against: 0 Abstain: 0

Ordinance Introduction: Cm. Perales

17. Public Hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning a 1.00534 acre tract out of Porciones 24 and 25, located at 7100 San Bernardo, as further described by metes and bounds on attached Exhibit "A", from B-3 (Community Business District) to B-4 (Highway Commercial District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning a 1.00534 acre tract out of Porciones 24 and 25, located at 7100 San Bernardo, as further described by metes

and bounds on attached Exhibit "A", from B-3 (Community Business District) to B-4 (Highway Commercial District); and providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perales
 Second: Cm. Cardenas
 For: 7

Against: 0 Abstain: 0

Marina Sukup, Planning Director, made the presentation.

There was no public input.

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

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

Against: 0 Abstain: 0

Ordinance Introduction: Cm. G. Perez

18. Public Hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 1120-B, located in Lulac Haven Subdivision, from B-3 (Community Business District) to R-1MH (Single Family Manufactured Housing District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning Lot 1, Block 1120-B, located in Lulac Haven Subdivision, from B-3 (Community Business District) to R-1MH (Single Family Manufactured Housing District); and providing for publication and effective date.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

Marina Sukup, Planning Director, made the presentation.

Mr. Phil Ochoa stated that he believes this is a good project for the area.

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. Perez
 For: 7

Against: 0 Abstain: 0

Ordinance Introduction: Cm. G. Perez

19. Public Hearing on amending the zoning ordinance (map) of the City of Laredo by rezoning the east half of Lot 6, Block 359, Western Division, located at 1802 Water Street, from B-3 (Community Business District) to CBD (Central Business District); and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending the zoning ordinance (map) of the City of Laredo by rezoning the east half of Lot 6, Block 359, Western Division, located at 1802 Water Street, from B-3 (Community Business District) to CBD (Central Business District); and providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Castaneda

Second: Cm. Cardenas

For: 7

Against: 0

Abstain: 0

Marina Sukup, Planning Director, made the presentation.

Aldo Tatangelo spoke against the zone change request for the building of offices and retail spaces because this will not be a pedestrian area and was concerned with the parking of cars.

Mr. Ron Whitehawk, representing the property owner, stated that this property which will reside on a half lot will be a retail type of use, also contain some offices and requested approval of the building for pedestrian shopping and offices. The building will not have enough space for parking area. Plans will be amended to include an 8' sidewalk stated Mr. Whitehawk.

Motion to close the public hearing; concur with P&Z to approve the zone change request with the requirement of an 8' sidewalk; and introduce the ordinance.

Moved : Cm. Cardenas

Second: Cm. G. Perez

Cm. Juarez stated that in the material presented, it does specifically say it could be interpreted as spot zoning and asked the City Attorney if we are acting within the law.

(The second was withdrawn)

Motion to table this item; get recommendations from staff; and send back to P&Z for clarification and for possible special use permit.

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

Against: 0 Abstain: 0

City Attorney Jose Tellez will bring back an interpretation on the question as to whether this would constitute spot zoning and whether it's legal to change the zone as per Cm. Juarez's request for the November 1, 1993 meeting.

20. Public Hearing on amending Section 24-77 of the Zoning Ordinance Handbook relating to height, Area and Setback Requirements; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending Section 24-77 of the Zoning Ordinance Handbook relating to Height, Area and Setback Requirements; providing for publication and effective date.

Motion to open the public hearing.

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

Against: 0 Abstain: 0

Motion to waive the rules and open both public hearing on items 20 and 21.

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

Against: 0 Abstain: 0

Dr. Felipe Esparza spoke in favor of introduction of the ordinance and its changes.

Motion to close the public hearing and introduce the ordinance.

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

Against: 0 Abstain: 0

Ordinance Introduction: City Council

21. Public Hearing on amending Chapter 24, Sections 24-65 through 24-76 of the Zoning Ordinance Handbook of the City of Laredo providing for Supplementary Zoning District Regulations and Section 24-80 deleting certain administrative provisions and establishing Appendix B-3: Zoning Fees; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Amending Chapter 24, Sections 24-65 through 24-76 of the Zoning Ordinance Handbook of the City of Laredo providing for Supplementary Zoning District Regulations; amending

Section 24-80 deleting certain administrative provisions and establishing Appendix B-3: Zoning Fees; providing for publication and effective date.

Motion to move pool halls on page 23 to the section above which includes night clubs, bars, saloons, etc.

Moved : Cw. Moreno
Second: Cm. Juarez
For: 7 Against: 0 Abstain: 0

Motion to close the public hearing and introduce the ordinance.

Moved : Cm. Perales
Second: Cm. G. Perez
For: 7 Against: 0 Abstain: 0

Ordinance Introduction: City Council

- 22. Public Hearing on establishing Chapter 24, of the Code of Ordinances and the Zoning Ordinance Handbook as the Laredo Land Development Code; establishing Article V, Performance Standards; and establishing Section 24-79 , Fencing and Screening; and that an ordinance be introduced.

INTRODUCTION OF AN ORDINANCE

Establishing Chapter 24, of the Code of Ordinances and the Zoning Ordinance Handbook as the Laredo Land Development Code; establishing Article V, Performance Standards; and establishing Section 24-79 , Fencing and Screening providing for publication and effective date.

Motion to open the public hearing.

Moved : Cm. Perales
Second: Cm. Juarez
For: 7 Against: 0 Abstain: 0

Marina Sukup, Planning Director, made the presentation.

There was no public input.

Cw. Moreno requested that all fencing adjoining residents should have the same requirements and be more consistent with type and kind of fencing and to be bring back recommendations before final action.

Cm. Juarez requested that staff look into fencing requirements on existing residential areas when new businesses open next to existing residences.

Motion to close the public hearing and introduce the ordinance.

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

Against: 0 Abstain: 0

Ordinance Introduction: City Council

23. Public Hearing to amend the City of Laredo's Annual Budget by amending the Fire Department's total firefighter's positions by adding three additional captain positions and deleting three firefighters/cadet positions for Fire Station No. 3, and using \$27,000.00, from projected salary savings due to current vacancies in the Fire Department to fund the additional salary cost for the year ending September 30, 1994 and to authorize the City Manager to implement such amendment.

INTRODUCTION OF AN ORDINANCE

Amending the City of Laredo's Annual Budget by amending the Fire Department's total firefighter's positions by adding three additional captain positions and deleting three firefighters/cadet positions for Fire Station No. 3. and using \$27,000.00, from projected salary savings due to current vacancies in the Fire Department to fund the additional salary cost for the year ending September 30, 1994 and to authorize the City Manager to implement such amendment.

Motion to open the public hearing.

Moved : Cm. Castaneda
 Second: Cm. Perez
 For: 7

Against: 0 Abstain: 0

Marina Sukup, Planning Director made the presentation.

There was no public input.

Motion to close the public hearing and introduce the ordinance.

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

Against: 0 Abstain: 0

Ordinance Introduction: City Council

XI. ADJOURNMENT

Motion to adjourn.

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

Against: 0 Abstain: 0

Adjournment time: 8:00 P.M.

I HEREBY CERTIFY THAT THE ABOVE MINUTES CONTAINED IN PAGES 01 TO 19 ARE TRUE, COMPLETE AND CORRECT PROCEEDINGS OF THE SPECIAL CITY COUNCIL MEETING HELD ON THE 25TH DAY OF OCTOBER, 1993. 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

APPROVED BY CITY COUNCIL ON: NOVEMBER 15, 1993