

**City of Laredo
Special City Council Workshop
with City Charter Revision Commission
M2006-W-04
City Council Chambers
1110 Houston Street
Laredo, Texas
July 19, 2006
5:30 p.m.**

I. CALL TO ORDER

With a quorum present, Mayor Pro Tempore Juan Ramirez called the meeting to order.

II. Pledge of Allegiance.

Mayor Pro Tempore Ramirez led in the Pledge of Allegiance.

III. Roll Call

In attendance:

I	Mike Garza,	Council Member, District
District II	Hector Garcia,	Council Member,
District III	Michael Landeck,	Council Member,
District V	Johnny Rendon,	Council Member,
District VI	Gene Belmares,	Council Member,
District VII	Juan Chavez,	Council Member,
District VIII	Juan Ramirez,	Mayor Pro Tem,
	Gustavo Guevara, Jr.,	City Secretary
	Larry Dovalina,	City Manager
	Cynthia Collazo,	Deputy City Manager
	Horacio De Leon,	Assistant City Manager
	Jaime Flores,	City Attorney

Motion to excuse Mayor Raul G. Salinas, and Cm. Amaya.

Moved: Cm. Landeck

Second: Cm. Chavez

For: 5

Against: 0

Abstain:

IV. Presentation by City Charter Revision Commission of proposed charter revisions to the City Council and discussion by the City Council on proposed changes with possible action.

Cm. Belmares noted that his Commission member was extremely active within the Commission and would convey the discussions to the District VI Advisory which met monthly. He said that he concurred with the draft document even though he had a couple of questions. He said that the draft document, which is being submitted by the Charter Commission, is an exceptional document. He further noted that he does not agree with some of the changes that were being brought forward. He added that it would be prudent for Council to remand those amendments back to the Charter Commission for review. He suggested for the additional amendments that the new council members are bringing forward be sent back to the Commission for review and further recommendations.

Cm. Landeck suggested forwarding additional concerns of the Council to the Commission for review and return to Council with recommendations.

Motion to turn all the concerns and ideas written on documents over to the Charter Commission and return to Council with recommendations as soon as possible.

Moved: Cm. Landeck

Second:

For:

Against:

Abstain:

Dies for a lack of second.

Jose Tellez, Commission member, advised Council that they need to seek a legal opinion regarding the Commission member's term on the commission. He questioned whether the commissioner should remain a member until the Charter is complete or should they be replaced once a Council Member has been replaced. He mentioned that it would not be practical to allow a new appointee to consider issues that have taken other commissioner's hours of discussion. He stressed the importance of continuity.

Jaime Flores, City Attorney, said that the members of the Commission are the appointees to the Council Members. He advised that if there is a member that has been replaced by Council they should continue to attend the Commission meetings to contribute.

Larry Dovalina, City Manager, said that Council has two options including: noting that the Commission did its work; it was accepted by Council; now at the stage where Council makes recommendations and it doesn't necessarily have to go back into to the Commission – you vote up or down whatever the recommendations are that are being given to you by the new council members. You can take the recommendations and move on with it.

Motion to send the amendments to the Charter Commission for review and return to Council for review.

Moved: Cm. Landeck
Second: Cm. Garza
For:

Second withdrawn motion dies.

Motion authorizing the City Manager to post a public workshop to allow City Council time to review the proposed changes made to the Charter.

Moved: Cm. Garza
Second: Cm. Landeck
For: 3

Against: 3

Abstain:

0

Cm. Garza
Cm. Landeck
Cm. Chavez

Cm. Rendon
Cm. Belmares
Cm. Garcia
Mayor Pro Temp Ramirez

Cm. Chavez said that since Council has the final decision on all matters that pertain to the City he would like to add the word Council back into Section 1.03.

Motion to place "Council" back from where it was removed in Section 1.03.

Moved: Cm. Chavez
Second: Cm. Garcia
For:

Against: 0

Abstain:

2nd was withdrawn motion dies.

Section 1.01 Incorporation

The inhabitants of the City of Laredo, in Webb County, Texas residing within the corporate limits as now established and as hereafter extended, shall continue to be and are hereby constituted a municipal body politic and corporate, in perpetuity, under the name of "City of Laredo," hereinafter referred to as the "City", and having such powers, privileges, rights, duties, and immunities as are herein provided.

Motion to accept Section 1.01 as read.

Moved: Cm. Chavez
Second: Cm. Garcia
For: 6

Against: 0

Abstain:

0

Section 1.02 Form of Government

The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Motion to accept the language of the City Attorney for the new Section 1.02.

Moved: Cm. Landeck

Second: Cm. Chavez

For: 6
0

Against: 0

Abstain:

Section 1.03 Power of the City

The City is and shall continue to be a Home-Rule City, with full power of local self government, including the right to amend this Charter as provided by the constitution and laws of this State. It shall have all the powers possible for Home-Rule City under the constitution and the laws of the State of Texas, as fully and as completely as though they were specifically enumerated in this Charter.

Motion to approve the new 1.03 as read by Mayor Pro Tempore.

Moved: Cm. Garcia

Second: Cm. Garza

For: 6
0

Against: 0

Abstain:

Section 1.04 Annexation

The City Council shall have the power by ordinance to fix the boundary limits of the City of Laredo, and to provide for the alteration and extension of said boundary limits and annexation of additional territory, in accordance with applicable provisions of the constitution and laws of the State of Texas. The City Council shall have the power by ordinance to contract with the owners of land for its voluntary annexation.

Motion to approve section 1.04 as read accept to place the word Council back into the Charter. Also to approve of the changes recommended by the Commission.

Moved: Cm. Chavez

Second: Cm. Landeck

For: 6
0

Against: 0

Abstain:

Section 1.05 Construction

The powers of the City under this Charter shall be construed liberally in favor of the City, as a Home-Rule City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers stated in this article.

Motion to approve Section 1.05 as submitted by the Commission.

Moved: Cm. Belmares

Second: Cm. Chavez

For: 6
0

Against: 0

Abstain:

Section 1.06 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions by contract, or otherwise jointly or in cooperation with, any state and civil authority, including the United States of America and foreign states.

As a general principle, the City of Laredo shall endeavor to create an environment of governmental cooperation with the County of Webb, the public school districts, and any other governmental entity or political subdivision of the State of Texas that abuts or is located within the City of Laredo. Such cooperation shall promote a seamless, efficient, effective, equitable, and accountable delivery of services to all citizens and residents of the City of Laredo and to the extent allowable by law, to those citizens that fall under the extraterritorial jurisdiction of the City of Laredo. These endeavors shall be memorialized in the form of inter-governmental contracts, joint services agreements or memorandums of understanding.

Motion to amend section 1.06 with the recommended changes by the City Attorney and recommended changes by the Commission.

Moved: Cm. Belmares

Second: Cm. Rendon

For: 6
0

Against: 0

Abstain:

Section 1.07 Emergency Management

Motion to eliminate the new section proposed by Charter Revision Commission.

Moved: Cm. Garza

Second: Cm. Belmares

For: 6
0

Against: 0

Abstain:

Article II City Council

Section 2.01 Composition, Eligibility, and Terms

A. Composition

There is hereby created as the governing body of the City council composed of a Mayor and eight Council Members. The City shall be divided into eight districts which shall be drawn by ordinance. A City Council Member shall be elected from each of these eight districts. Whenever the term "City Council Member" is used in this charter, it refers to a member of the city Council other than the Mayor; however, the term, "City Council" shall mean the eight Council Members and the Mayor.

Motion to accept the section "composition" as amended by the Commission and by the City Attorney.

Moved: Cm. Belmares

Second: Cm. Rendon

For: 3
0

Against: 3

Abstain:

Cm. Garcia

Cm. Garza

Cm. Rendon

Cm. Landeck

Cm. Belmares

Cm. Chavez

Mayor Pro Temp Ramirez

B. Qualifications

The Mayor and all Council Members shall be registered voters of the City and shall have resided within the City for twelve months immediately preceding the last day for filing of an application for candidacy. Additionally, City Council members shall have resided for ninety (90) days within the district for which they file for candidacy preceding the last day for filing for an application for candidacy and must maintain their residence in the district from which elected throughout their term of office.

Motion to accept Commission's recommendation with the City Attorney's additional wording.

Moved: Cm. Garza

Second: Cm. Landeck

For: 3

Against: 3

Abstain:

Cm. Garza

Cm. Rendon

Cm. Garcia

Cm. Belmares

Cm. Cm. Landeck

Cm. Chavez

Mayor Pro Tempore Ramirez

C. Terms

City Council members may serve two (2) four-year terms excluding time served through appointment or election to an unexpired term. The terms of City Council Members shall be staggered. Subject to the prohibitions and limitations of Section 2.03 (A), service as a City Council Member does not limit service in another elected position.

Motion to approved amended recommendations by Commission

Moved: Cm. Belmares

Second: Cm. Garcia

For: 6
0

Against: 0

Abstain:

Section 2.02 Compensation; Expenses

Unless otherwise provided by law, each member of the City Council shall receive compensation for his or her service in office. The City Council may determine the annual salary of the Mayor and City Council members by ordinance, but no ordinance increasing such salary shall become effective for Mayor or City Council members until the date of commencement of their respective new term, provided that such respective new term follows the adoption of the ordinance by at least three (3) months. The mayor and City Council members shall get a salary deduction to be assessed for each unexcused absence from any regular City Council meeting. Additionally, the Mayor and City Council members shall receive reimbursement for their actual and necessary expenses incurred in the performance of their duties of office.

Motion to accept as amended as per Commission plus City Attorney’s wording.

Moved: Cm. Belmares

Second: Cm. Rendon

For: 6
0

Against: 0

Abstain:

Section 2.03 Prohibitions

A. Holding Other Office

Except where authorized by law, neither the Mayor nor a Council Member shall hold any other City office or City employee during the term for which he or she was elected, and no former Mayor nor Council Member shall hold any compensated appointive City office or City employee until one year after the expiration of the term for which he or she was elected.

Motion to accept attorney’s wording Section (A).

Moved: Cm. Garza
Second: Cm. Rendon
For: 6
0

Against: 0

Abstain:

B. Appointments and Approvals

Unless otherwise specifically provided in this Charter, City Council shall not in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, or remove but the City Council may express its views and fully and freely discuss the City Manager anything pertaining to appointment and removal of such officers and employees.

Motion to accept wording from Commissioner Canseco and City Attorney

Moved: Cm. Garcia
Second: Cm. Belmares
For: 6
0

Against: 0

Abstain:

C. Interference with Administration

Except for the purpose of inquiries and investigations under Section 2.06, the City Council and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. They shall not give orders to any such officer or employee either publicly or privately.

Motion to table and send it back to legal

Moved: Cm. Garcia
Second: Cm. Landeck

Second motion withdrawn.

Motion to accept as provided by Commission with modifications.

Moved: Cm. Belmares
Second: Cm. Chavez
For: 6
0

Against: 0

Abstain:

Section 2.04 Vacancies: forfeiture of Office; Filling of Vacancies

A. Vacancies

The office of the Mayor or of a Council member shall become vacant upon death, resignation, removal from office in any manner authorized by law, or by forfeiture of office.

B. Forfeiture of Office

The Mayor or a Council Member shall forfeit the office if he or she:

- (1) lacks at any time during the term of office any qualifications for holding the office prescribed by this Charter or by law;
- (2) fails to meet the residency requirements for election to office;
- (3) is convicted of a crime involving moral turpitude or felony;
- (4) fails to attend three consecutive regular Council meetings without being excused by the Council; or
- (5) violates the prohibited personal financial interest provision set forth in Section 12.01 or any other provisions of this Charter that prescribe forfeiture.

C. Any vacancy or vacancies occurring within the City Council and the office of the Mayor shall not be filled by appointment but shall be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy or vacancies occur.

Motion to accept the amendments recommended by the Commission and City Attorney.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 6
0

Against: 0

Abstain:

Section 2.05 Judge of Qualifications

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office. The city Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct that would constitute grounds for forfeiture of office shall be entitled to a public hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by City Council under this section are subject to judicial review.

Motion to accept the amendments recommended by the Commission and City Attorney.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 6

Against: 0

Abstain:

0

Section 2.06 Investigation

The City Council shall have the power to inquire into the official conduct of any department, agency, office, or employee of the City. For this purpose the City Council shall have the power to compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance.

Motion to accept the amendments recommended by the Commission and City Attorney.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 6

Against: 0

Abstain:

0

Section 2.07 Procedure

A. Meetings

The City Council shall meet regularly at least once each month at such time and place as the City Council may prescribe by ordinance. Special meetings may be called upon the written request of the Mayor or at least four (4) Council Members. All meetings shall be posted by the City Secretary and conducted in accordance with the Texas Open Meetings Act.

B. Rules and Minutes

The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

C. Voting

Voting, except on procedural matters, shall be by roll call and the ayes and the nays shall be recorded in the minutes. The Mayor and any four council Members or five Council Members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more Council Members. However, the affirmative vote of five (5) Council Members is

required for levying of taxes, entering into contracts by the city, appropriating money from the City funds, granting any franchise or privilege for the use of the City streets or other public areas, conveying City lands, or passage of an emergency ordinance. For the purpose of the previous sentence, whenever there shall be an affirmative vote of four members of the Council, this shall be deemed a tie and thus the Mayor votes in accordance with Section 2.15 (3).

Motion to accept the amendments recommended by the Commission and City Attorney.

Moved: Cm. Belmares

Second: Cm. Garcia

For: 6
0

Against: 0

Abstain:

Section 2.08 Action Requiring and Ordinance

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, any and all of the following acts must also be done in ordinance:

- (1) adopt or amend an administrative code or establish, alter or abolish any City Department, office, or agency;
- (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) levy taxes;
- (4) grant, renew or extend a franchise;
- (5) regulate the rate charged for services by a public utility;
- (6) authorize the borrowing of money;
- (7) convey or lease or authorize the conveyance or lease of any lands of the City.
- (8) create certain boards and commissions provided by state law;
- (9) amend or repeal any ordinance previously adopted; and
- (10) prescribe standards for issuance of business or other licenses;
- (11) determine the salary of all elected and appointed City officials and employees.

Acts other than those referred to in the preceding sentence may be done either by ordinance or resolution as prescribed by law.

Motion to adopt Section 2.08 by striking out “with the exception of leases with terms of less than 5 years;”.

Moved: Cm. Belmares

Second: Cm. Chavez

For: 6

Against: 0

Abstain:

0

Motion to accept **2.09, 2.10, 2.11, 2.12, 2.14** and **2.15** as per Charter Commission.

Moved: Cm. Garcia

Second: Cm. Chavez

For: 6

Against: 0

Abstain:

0

Section 2.16 City Secretary

The City Council shall appoint and evaluate an officer of the City who shall have the title of City Secretary. It shall be the duty of the City Secretary to attend every meeting of the City Council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose and to engross and enroll all laws, resolutions, and ordinances of the City Council; to keep the corporate seal; to take charge of and preserve and keep in order all the books, records, papers, documents, and files of said Council; to countersign all commissions issued to the City officers and licenses issued and any other duties and responsibilities as may be assigned by the City Council or state statute.

Motion to approve as per Commission.

Moved: Cm. Rendon

Second: Cm. Belmares

For: 6

Against: 0

Abstain:

0

Article III City Manager

3.01 Appointment; Compensation

The City Council, by a majority of total membership, shall appoint a City Manager for an indefinite term and fix the manager’s compensation. His/Her compensation shall be reviewed upon the annual anniversary of his employment date.

Motion to approve the amendments as per the Commission and the City Manager.

Moved: Cm. Garcia

Second: Cm. Rendon

For: 6

Against: 0

Abstain:

0

3.02 Qualifications

The City manager shall be appointed on the basis of executive and administrative qualifications. He/she shall have a Bachelor's Degree and no less than seven years experience in municipal government, five of which must be supervisory managerial experience. A Master's Degree in Public Administration is preferred. The City Manager need not be a resident of the City or State at the time of appointment, but must reside inside the City while in office.

Motion to approve amendments recommended by the City Attorney.

Moved: Cm. Belmares

Second: Cm. Chavez

For: 6
0

Against: 0

Abstain:

Motion to accept Section **3.04** and Section **3.04** as is.

Moved: Cm. Garcia

Second: Cm. Chavez

For: 6
0

Against: 0

Abstain:

Section 3.05 Powers and Duties of the City Manager

The City Manager shall be the chief administrative and executive officer of the City. He/she shall be responsible to the City Council for the administration of all City affairs placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

(1) Shall appoint and, when he/she deems it in the best interest of the City, suspend or remove any City department directors provided for by and under this Charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this Charter. Department directors shall have the power to appoint, remove, or suspend all employees in their respective departments pursuant to policy as stated in Section 4.01 (B) Director of Departments;

(2) Shall direct and supervise the administration of all department, offices, and agencies of the City, except as otherwise provided by this Charter by law;

(3) Shall attend all City Council meetings and shall have the right to take part in discussion but may not vote;

(4) Shall see that all laws, provisions of this Charter and acts of this Council, subject to enforcement by the City Manager or by officers subject to City Manager's direction and supervision, are faithfully executed;

(5) Shall prepare and submit the annual budget and capital program to the City Council;

(6) Shall submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) Shall make sure other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his/her direction and supervision;

(8) Shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as he/she deems desirable, and

(9) Shall perform such other duties as are specified in this Charter or may be required by the City Council.

Motion to accept as recommended by Charter Revision Commission plus City Attorney's changes.

Moved: Cm. Garcia
Second: Cm. Belmares

For: 3
0

Against: 3

Abstain:

Cm. Garcia
Cm. Rendon
Cm. Belmares
Mayor Pro Temp Ramirez

Cm. Garza
Cm. Landeck
Cm. Chavez

Article IV Administrative Departments

Section 4.01 General Provisions

Motion to approve Sections 4.01 (A) and (B) as recommended by the Charter Revision Commission.

Moved: Cm. Belmares
Second: Cm. Rendon

For: 6
0

Against:

Abstain: 0

Section 4.02 City Attorney

Motion to table.

Moved: Cm. Landeck
Second: Cm. Garcia

For: 4
0

Against: 2

Abstain:

Cm. Rendon
Cm. Belmares

Article V Municipal Court

Section 5.01 Municipal Court

There shall be a court know as the Municipal Court of the City of Laredo with such jurisdiction, powers, and duties as are given and/or prescribed by the laws of the State of Texas.

Motion to approve as submitted by Commission.

Moved: Cm. Chavez
Second: Cm. Belmares

For: 6
0

Against: 0

Abstain:

Section 5.02 Judge of the Municipal Court

The Judge of the Municipal Court shall preside over the Municipal Court. The judge shall be an attorney licensed to practice in the courts of the State of Texas. The judge shall be elected from the City at large to a four-year term with a limit of two elected four-year terms in addition to any time served through appointment or election to an unexpired term. The Judge of the Municipal Court shall receive such salary as shall be fixed by ordinance. During the term of office, the Judge of the Municipal Court shall not have a private practice and shall reside within the city.

There shall be Associate Municipal Judges as may be authorized by Council. Such Associate Municipal Judges shall be attorneys licensed to practice in the courts of the State of Texas. The Associate Municipal Judges shall be nominated by the City Manager and confirmed by the City Council. Associate Municipal Judges shall be appointed to a two-year term not to exceed four terms of office. During the term of office Associate Municipal Judges

Motion to adopt the recommended proposal; leave out term "not have a private practice". Also to include that one associate Judge be recommended by the City Manager and one by the Municipal Court Judge but both should be approved by Council.

Moved: Cm. Belmares
Second: Cm. Garza

For: 6
0

Against: 0

Abstain:

5.03 Clerk of the Municipal Court

There shall be a Clerk of the Municipal Court who shall be nominated by the City Manger and then confirmed by the City Council and who shall serve at the pleasure of the Council. There shall be a Clerk of the Municipal Court and his/her status shall be that of a department director. The Clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof.

There shall be such Deputy Clerks of the Municipal Court as may be authorized by the Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court and who shall be appointed by the Clerk of the Municipal Court.

Larry Dovalina, City Manager, asked Cm. Chavez to clarify the motion.

Motion to strike last paragraph but keep the first paragraph.

Moved: Cm. Chavez
Second: Cm. Landeck
For: 3
0

Against: 4

Abstain:

Cm. Garcia
Cm. Rendon
Cm. Belmares
Mayor Pro Tempore Ramirez

Cm. Chavez recommended allowing the Municipal Court Judge to do the hiring for the Municipal Court staff similar to the other department heads. He noted that the Municipal Court Judge should recommend recommendations to the Council.

Motion to transfer the appointment powers and hiring and firing powers to the Municipal Court Judge.

Moved: Cm. Chavez
Second: Cm. Landeck
For: 3
0

Against: 4

Abstain:

Cm. Garcia
Cm. Rendon
Cm. Belmares
Mayor Pro Tempore Ramirez

Motion to accept 5.03 as Revision Commission.

Moved: Cm. Belmares
Second: Cm. Chavez

For: 5
0

Against: 1

Abstain:

Cm. Garza

V. Executive Session

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071 (2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

VI. Adjournment

Motion to adjourn.
m.

Time: 10:52 p.

Moved: Cm. Belmares

Second: Cm. Chavez

For: 6

Against: 0
0

Abstain: