

**CITY OF LAREDO
SPECIAL CITY COUNCIL MEETING
M-2010-SC-05
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
JULY 26, 2010
5:30 p.m.**

I. CALL TO ORDER

With a quorum present, Mayor Raul G. Salinas called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Raul G. Salinas led in the Pledge of Allegiance.

III. ROLL CALL

Raul G. Salinas,	Mayor
Mike Garza,	Council Member, District I
Hector Garcia,	Council Member, District II
Michael Landeck,	Council Member, District III
Juan Narvaez,	Council Member, District IV
Gene Belmares,	Council Member, District VI
Jose Valdez, Jr.,	Council Member, District VII
Cynthia Liendo Espinoza,	Council Member, District VIII
Amy Sanchez	Deputy City Secretary IV
Carlos Villarreal,	City Manager
Horacio De Leon,	Assistant City Manager,
Jesus Olivares,	Assistant City Manager,
Raul Casso,	City Attorney

Motion to excuse Mayor Pro Tem Rendon, Cm. Belmares and Cm. Garza.

Moved: Cm. Valdez

Second: Cm. Narvaez

For: 5

Against: 0

Abstain: 0

Cm. Belmares joined the meeting at 5:42 pm.

Cm. Garza joined the meeting at 6:53 pm.

IV. ITEMS FOR DISCUSSION

1. Submission of the proposed Fiscal Year 2011 Annual Budget as per Article VI, Section 6.02, Submission of Budget which states that "At least sixty (60) days before the end of the fiscal year, the City Manager shall present to the Council a budget for the ensuing fiscal year with an accompanying budget message."

City Manager Carlos Villarreal submitted the balanced budget for 2010-2011 to Mayor and Council. He read the following letter:

July 26, 2010

Mayor and Members of the City Council:

It is my pleasure to submit to you a balanced budget for Fiscal Year 2011. Mayor and City Council, we have made significant efforts to continue to provide the highest level of service to our community in spite of the current economic recession. This year, the budget reflects a "bare bones" approach. In developing this budget, my plan was to:

- continue to operate on a conservative spending approach*
- postpone or delay wherever possible the hiring of positions that are vacant with the exception of public safety in our budget, we do have two academies; one for Fire and one for Police*
- curtail all travel except for accreditations and those necessary to their operation*
- continue to review and implement ways to practice energy conservation such, as the Chevron Study that is currently taking place.*

Laredo is a very unique place to live and we are very fortunate to not be hit as hard by the recession like other cities in this state and country. Nevertheless, later on, I will specifically tell you how two of our top revenues have been impacted.

The 2011 consolidated budget encompasses operating expenditures of \$439,835,999. The total net operating budget, excluding operating transfers, is \$346,291,806. For the last two years, we have come before you and presented a strong, lean balanced budget accomplishing the goals as set by the City Council. This year we began the budget process by not fooling ourselves and knowing we were going to have an uphill climb in order to balance the budget. With a minor growth in property taxes of .26% or \$187,891, a reduction in sales tax from prior year of \$639,647, and experiencing shortages in other revenues such as interest earnings of over \$500 thousand, we knew that we needed to think outside the box in order to balance the budget. Cutting services was not an option! Balancing the budget was a very difficult task. We began the process by using last years' actual expense figures and rolling them over as a starting point. Since we ran a lean budget last year and I remind you, I personally monitored every expense closely. I monitored travel, the purchase of equipment, and froze various positions. By using last years' actual figures as a starting guide, we were able to reduce appropriations by over \$2 million compared to last years' original budget. I didn't, however, get too excited because we still had to make up a loss of revenues of \$4.3 million from last year's budget. As the City continues to grow, it added additional expenses. This budget includes an additional \$1.5 million

personnel contractual obligation to the Police Department that equates to a 4% increase. There was also a \$967,000 increase in electricity, a \$685,000 or 10% increase in Health & Benefits and various other necessary expenses we have committed throughout the year including \$235,000 for recreational facilities and additional library expenses. We looked long and hard. We met with all major departments as we annually do, in order to discuss their operations and improving their efficiencies. The cooperation of all departments was fundamental to balancing the 2011 budget. We concentrated on keeping the current level of services with less funding resources and improving in those areas that are critical such as public safety. Ultimately in balancing this budget, we utilized reserves from other funds to finalize the shortfalls. For the second year in a row, we are transferring \$2.5 million from the Capital Improvement Fund to General Fund. We also transferred reserves from various funds such as Informational Systems, Fleet, Risk Management, and Parking Meters totaling \$4.2 million.

We are working harder and we are working smarter. This document is the product of hard work by this Administration. We are proud to say that we did not have to resort to furlough days or reduction of salaries like so many other cities in Texas and the Nation are currently doing. We couldn't offer salary increases, but employees of the City of Laredo have their jobs and good benefits without a reduction in their salaries.

Despite a downturn in the US economy, the City of Laredo is estimating that it will add over \$2.2 million to its General Fund balance in 2010 fiscal year. In this budget, I am recommending that a \$2 million draw be done in order to fund debt service payments for a bond issue of \$10 million along with covering future debt service payments for years 2011 and 2012. This action is important and we are thinking ahead so that tax increases will not take place in the future due to debt service.

Overall, this Budget demonstrates continued growth compared to the prior year, giving bond rating agencies in New York confidence in our financial stability. This year, Fitch ratings "recalibrated" our bonds from an AA- to an AA. We were able to demonstrate our ability to maintain strong financial management during difficult economic times. Currently we hold an AA- from Standard and Poor's and A+ from Moody's.

Tax Rate

The tax rate for 2011 is projected to remain at the same rate as in 2009 at \$0.63700 per \$100 assessed valuation. This will be the seventh consecutive year that the City of Laredo maintains the same tax rate and has been able to make the necessary changes required to meet the demands of a fast growing city. The 2011 property values are projected to increase by only .26% over the estimated 2010 amended valuations. This is the second time in five years that we have a growth of less than 10% in valuations. The total taxable value of \$10.6 billion will generate a billed levy of \$67.1 million, representing an increase of \$195,720 thousand or .29% over the 2010 total levy billed budgeted. The increase in

property values is comprised of \$1,057,301 of new values. The levy for 2011 excludes an estimated amount of \$556,118 for the tax freeze.

	FY 09	FY 10 - Estimate	FY 11- Proposed
<input type="checkbox"/> Tax Rate	0.637000	0.637000	0.637000
<input type="checkbox"/> Taxable Valuations	\$ 10,265,951,334	\$ 10,462,357,143	\$ 10,624,609,867
<input type="checkbox"/> Tax Levy	\$ 65,394,110	\$ 66,645,215	\$ 67,122,647

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The maintenance and operations tax rate allocation of \$0.512218 for 2011 will generate total revenue of \$51.8 million for General Fund, signifying an \$87,667 or 1% increase over the 2010 budget

The debt service tax rate allocation of \$0.124782 will generate total revenue of \$12.6 million for 2011, a \$102,385 or .082% increase over the 2010 budget with an estimated proposed collection rate of 96%.

The total tax revenue increase for 2011 is \$187,891.

Staffing and Benefits

A total of 2,613 full time equivalent positions are included in the 2011 budget at an estimated cost of \$160,708,486 as compared to 2,621 positions in 2010. The budget does not include a cost of living adjustment and will continue with the suspension of the merit program. The budget includes funding for the Police contractual obligations at a cost of \$1,459,776. We continue to increase our contribution to the Texas Municipal Retirement System (TMRS) as agreed in our eight year plan. The City's contribution to TMRS is projected to increase by 1.67% or an estimated amount of \$1,459,776 in 2011.

The Health and Benefits Fund continues to be a major challenge, with a proposed deficit of (\$2,142,111) in its ending balance for 2011. During the 2010 Budget, Council unanimously approved a 10% increase in the health care contributions both in the City's and employees' dependent coverage for the next six years. This will mark the second year in which the 10% will be implemented at a cost of \$1,212,097 to the City and \$345,943 to the employees. The fund's projected negative ending fund balance for 2010 is expected to decrease by \$890,681 for a total of (\$2,794,670) compared to the (\$3,685,351) from 2010 original budget.

The City of Laredo continues to be the only governmental entity in the county to provide employees with health benefits at no cost. The average premium increase is estimated to be approximately \$10.43 per pay period per employee (depending on the insurance plan). As you know, the City currently pays for the employee health insurance premium while subsidizing 48% of the regular dependent premium and 50% for police officers and fire fighters dependents.

The table below summarizes the total of new, deleted and unfunded positions city-wide, by department, with an estimated net cost of \$5,241,770. Detail reports are provided in the budget document.

Department	FTE's	Estimated Salary & Benefits
	New Positions	
Engineering/Fleet Management	1.00	\$95,501
Noise Abatement Lease Program	1.00	51,185
Subtotal	2.00	146,686
	Deleted Positions	
Health	(6.00)	(227,734)
Solid Waste	(4.00)	(136,796)
Subtotal	(10.00)	(364,530)
	Unfunded Positions	
City Manager	2.00	(85,103)
Municipal Court	1.00	(44,624)
Building	7.00	(289,241)
Finance	1.00	(52,646)
Human Resources	1.00	(9,010)
Planning	1.00	(48,003)
Engineering	2.00	(70,858)
Economic Development	1.00	(96,323)
Police	29.00	(1,928,117)
Fire	8.00	(458,890)
Traffic	2.00	(95,611)
Public Works	4.00	(138,600)
Parks and Leisure	23.00	(696,992)
Library	7.00	(271,885)
CD/Real Estate	1.00	(44,624)
Bridge	16.00	(605,371)
Civic Center	1.00	(54,757)
Health	7.00	(237,888)
Public Access Channel	1.00	(13,227)
Subtotal	115.00	(5,241,770)
Total	107.00	\$ (5,459,614)

General Fund

General Fund estimated revenues for 2010 have been able to maintain a fair pace that will reduce the initial anticipated shortfall to \$1.2 million. Expenditures are estimated to be \$4.4 million under our current amended budget, thus adding \$2.2 million to the estimated ending fund balance of \$32,968,303 of which \$2.0 million is being proposed as a draw in 2011 to fund debt service payments for 2011 and 2012. The estimated ending fund balance represents 27% of operating expenditures not considering other financing uses.

The major revenue shortfalls were: \$1.3 million in sales tax, \$585,400 in interest earnings and \$134,992 from overload permits. The Bridge additional charges are estimated to exceed budget by \$944,171 for a net deficit of \$1.2 million. The major expenditures savings are estimated in the following categories: \$1.1 million in personnel, \$1.3 million in material and supplies, with fuel savings at \$677,907, and \$1.3 in contractual services from numerous other operating line items.

Balancing the General Fund for 2011 took the cooperation of all departments, as previously stated, in order to balance the initial deficit of \$13.9 million. Revenues increased by \$7.7 million due to the following:

- *\$5.3 million in Other Financing Sources Category consisting of one-time transfers of \$1 million from Parking Meters, \$1 million from Risk Management, \$2.5 million from Capital Improvement Fund, \$300 thousand from IT Fund and \$457 thousand from Fleet*
- *\$1.4 million in one-time items consisting of a \$1 million from a case settlement and \$389 thousand from a TxDot refunding*
- *\$403,242 in Bridge Tolls*
- *\$680,277 in other revenues*

Expenditures were decreased by \$6.2 million in the following categories: \$4.3 million for 89 unfunded positions which includes 7 firefighter and 25 police officer positions and \$1.8 in other operational expenditures reductions such \$351,683 in transfer outs to Health, Public Access and Friends of the Library, \$257,334 in the 800 MHz radio fees, \$231,700 in Consultant and Legal fees, \$121,166 and numerous others too small to list.

Current 2010 sales tax revenue for the General Fund is estimated at \$23.6 million, representing a decrease of \$1.4 million under the 2010 original budget and a \$639,647 or 3% decrease over the prior year. The sales tax budget for 2011 is projected at a zero growth, estimated to be a total of \$23.6 million.

The General Fund receives fifty percent (50%) of bridge toll receipts. The estimated transfer for 2010 is \$21.2 million, an increase of \$944,171 or 5%, compared to the current 2010 budget. The 2011 Budget includes a projected increase of \$554,298 or a 2.6% from 2010 estimated for a total of \$21.7 million.

Public Safety

To reinforce the commitment to keep our community safe, approximately \$88.2 million or 64% of our budget in General Fund is for the Police and Fire Departments.

Police

The strength of the Police Department will include 460 officers and 84 civilians. The Police budget represents a cost of \$52.2 million, representing 36% of the City's General Fund budget. General Fund includes a 4% salary increase projected at \$1.4 million. Funding for a 13 vacant positions is available for an academy in 2011. We continue to apply and utilize grants, such as Special Police Grants and other overtime grants, to fund specific programs.

Fire

The City of Laredo's commitment to public safety is further reflected in its Fire Department, with 357 firefighters and 10 civilians and a budget of \$36 million. This represents 26 % of the City's General Fund budget. General Fund includes funding for nine vacant positions for an academy in 2011.

Quality of Life

Culture and Recreational Facilities

The development and creation of park and recreational amenities continues to be a fundamental request by our citizens. I have been very conscience about these requests since this means the addition of park infrastructure expenses. Along with the amenities come even larger expenditures of maintenance and overhead in order to preserve our parks to their highest standards while keeping them safe for our citizenry. We will continue to work with Parks and Leisure Services in order to accommodate for the need of the new facilities. A total of \$235,000 is included in the 2011 budget for recreational facilities and additional library expenses. Hiring of temporary employees will also be utilized during the year to meet Parks and Leisure Department service demands.

Closing Comments

To the people of Laredo and to you as honorable members of the City Council, I can say without hesitation that this 2011 budget has been the most difficult of all to develop in my 40 year career in public service. Generally, negative economic times affect several budgetary categories or line items, while others survive the test of time. This year the perfect negative economic storm developed, coupled with a peso devaluation and mounting security concerns in Mexico.

Development of this budget took a lot of hard work from our office and all the other managers and department heads. We all embarked on a mission to be cost frugal but service conscience. I especially would like to applaud the efforts of Budget Manager Martin Aleman and Finance Director Rosario Cabello for their untiring efforts. There were difficult decisions to be made and the professionalism of the city staff again showed its colors.

This budget presented to you is as tight as it can be, while adhering to your directive of no tax increase while respecting previously adopted agreements and forging ahead with a plan to address the needs of a fast growing community.

*We look forward to more discussions during the August workshops.
Sincerely,*

*Carlos Villarreal
City Manager*

Cm. Garcia asked if there could possibly be a cost of living increase of at least 1% for the city employees. He also felt that there should be someone on staff for the Laredo Development Foundation.

Cm. Landeck asked that staff look at addressing security issues and also possibly garbage collection once per week.

Martin Aleman, Budget Director, and Council decided that the dates of the budget workshop would be August 9th, 10th and 11th.

2. Submission of the proposed 2011 – 2015 Capital Improvement Program (CIP) as per Article VI, Section 6.05, of the City Charter, which states that “The City Manager shall prepare and submit a five (5) year capital program at least sixty (60) days before the end of the fiscal year.”

Jessica Hein, Director of C.A.S.S., presented Mayor and Council with a CD containing the 2011-2015 CIP.

3. Discussion with possible action on proposed City Charter Amendments.

Madeline Lopez Escoto of the City Charter Review Commission and City Attorney Raul Casso made the following presentation before Mayor and City Council of the charter amendments.

**CITY CHARTER REVIEW COMMISSION
APPROVED CHANGES AS OF 3/3/2010**

**REGARDING PROPOSED CHARTER REVIEW COMMITTEE CHANGES,
ONLY THOSE CHANGES REQUIRING LEGAL MODIFICATION ARE
ADDRESSED BELOW (ADDRESSED IN THE ORDER PRESENTED BY
THE COMMITTEE):**

PROPOSED COMMITTEE CHANGE #1:

ARTICLE II

CITY COUNCIL

Section 2.01 Composition, Qualifications and Terms

(C) Terms and Limits

~~The term of a City Council Member is four years. No person shall be elected as a City Council Member for more than two terms. Resignation by a City Council Member shall constitute a full term irrespective of the length of time served. A person who has been elected as a City Council Member through a special election to finish an unexpired term longer than two years shall be deemed to have served a full term. No person shall be elected as a City Council Member through a special election if they have been elected to two terms.~~ The terms of City Council Members shall be staggered with half of the City Council Members being elected every two years. 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.

Deleted: City Council Members may serve two four year terms excluding time served through appointment or election to an unexpired term.

Comment [r1]: UNDERLINED LANGUAGE TO BE MODIFIED BY LEGAL

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SUGGESTED MODIFICATION BY LEGAL:

(C) Terms and Limits

The term of a City Council Member is four years. No person shall be elected as a City Council Member for more than two terms. The vacating of office by a City Council member, whether by resignation or otherwise, shall constitute a full term irrespective of the length of time served. A person who has been elected as a City Council Member through a special election to finish an unexpired term longer than two years shall be deemed to have served a full term. No person shall be elected as a City Council Member through a special election if they have been elected to two terms. The terms of City Council Members shall be staggered with half of the City Council Members being elected every two years. 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.

Comment [r2]: LANGUAGE SUGGESTED BY COMMITTEE IS RESTRICTED TO RESIGNATION. SUGGESTED MODIFICATION BY LEGAL IS BROADER TO ALLOW FOR THE VACATING OF OFFICE BY ANY MEANS.

Motion to listen to the committee’s presentation but not take any Council action until a future meeting.

Moved: Cm. Landeck

Second: None.

Motion dies.

Motion to approve all recommended changes for Section 2.01.

Moved: Cm. Garcia

Second: Cm. Liendo Espinoza

For: 7

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #2:

ARTICLE III
CITY MANAGER

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, ~~reassign,~~ or ~~terminate~~ any City department directors provided for by or 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), Directors of Departments.

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SUGGESTED ADDITIONAL LANGUAGE BY LEGAL:

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, reassign, or terminate any City department director provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. Subject to the authority vested in the Civil Service Commission in Charter §12.03, 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), Directors of Departments.

Comment [r3]: THIS LANGUAGE DOES NOT MODIFY THE CHARTER COMMITTEE'S PROPOSED CHANGE. IT IS SUGGESTED HERE AS REQUIRED WHERE THE CIVIL SERVICE COMMISSION IS GIVEN FINAL SAY IN THE DISMISSAL OR RESINSTATEMENT OF CITY EMPLOYEES.

City Charter Review Commission member Jose Salvador Tellez recommended that the sentence suggested by City Attorney Raul Casso, "Subject to the authority vested in the Civil Service Commission," be moved to the end of the paragraph.

City Attorney Raul Casso agreed with the recommendation of Mr. Tellez.

Motion to approve all recommended changes for section 3.01 as amended.

Moved: Cm. Garcia

Second: Cm. Narvaez

For: 6

Against: 0

Abstain: 0

Motion to reconsider Section 2.01.

Moved: Cm. Garza
Second: Cm. Valdez
For: 6

Against: 0

Abstain: 0

Cm. Valdez asked that Section 2.01 include a reference to Section 2.04 regarding vacancies.

Motion to include in Section 2.01 language to reference Section 2.04 to make clear the reasons for vacancies of City Council Members.

Moved: Cm. Valdez
Second: Cm. Liendo Espinoza
For: 6

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #3:

Section 5.02 Judge of the Municipal Court

The Judge of the Municipal Court shall preside over and administer the operation of the Municipal Court. The Judge shall be an attorney, licensed to practice in the courts in the State of Texas and shall reside within the city limits. The Judge shall be elected in the City at large. No person shall be elected as a Judge for more than two terms. Resignation by a Judge shall constitute a full term irrespective of the length of time served for 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. A judge shall not practice law except as permitted by statute or the judicial code of conduct. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's immediate family. The Judge of the Municipal Court shall receive such salary as shall be fixed by ordinance.

Comment [r4]: LANGUAGE TO BE MODIFIED BY LEGAL.

The Associate Municipal Judges shall be licensed to practice in the courts of the State of Texas. The Municipal Court Judge shall recommend one Associate Municipal Court Judge and the City Manager shall recommend one Associate Municipal Court Judge, and both must be confirmed by the full City Council.

Comment [r5]: LANGUAGE TO BE MODIFIED BY LEGAL.

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Comment [r6]: LANGUAGE TO BE MODIFIED BY LEGAL.

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PROPOSED MODIFICATIONS BY LEGAL:

Section 5.02 Judge of the Municipal Court

The Judge of the Municipal Court shall preside over and administer the operation of the Municipal Court. The Judge shall be an attorney, licensed to practice in the courts in the State of Texas and shall reside within the city limits. The Judge shall be elected in the City at large. No person shall be elected as a Judge for more than two terms. Resignation by a Judge shall constitute a full term irrespective of the length of time served for a four year term with a limit of two elected four year terms in addition to any time served through appointment or

Comment [r7]: LANGUAGE TO BE MODIFIED BY LEGAL.

election to an unexpired term. The Judge of the Municipal Court shall not practice law. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's immediate family. The Judge of the Municipal Court shall receive such salary as shall be fixed by ordinance.

Comment [r8]: THE GOVERNMENT CODE PROHIBITS ALL JUDGES FROM PRACTICING LAW EXCEPT MUNICIPAL COURT JUDGES WHO ARE FREE TO PRACTICE WITHOUT RESTRICTION. THE COMMITTEE'S PROPOSED CHANGE AS ABOVE IS OXYMORONIC.

The Associate Municipal Judges shall be licensed to practice in the courts of the State of Texas. The City Manager shall recommend the appointment of Associate Municipal Court Judges which must be confirmed by the unanimous vote of the full City Council.

Comment [r9]: SUGGESTED LANGUAGE REMOVES NUMERICAL LIMITATION.

Comment [r10]: SUGGESTED LANGUAGE REMOVES APPOINTING AUTHORITY FROM THE MUNICIPAL COURT JUDGE. TEXAS GOVERNMENT CODE §30.00006 PROVIDES THAT THE GOVERNING BODY SHALL APPOINT M. COURT JUDGES. NOMINEES/APPOINTEES SHOULD BE FULLY ANSWERABLE TO THE GOVERNING BODY.

Motion to add language in the appropriate places in the Charter to include all elected officials regarding sections referring to vacancies, forfeitures and resignations.

Moved: Cm. Garza
Second: Cm. Garcia
For: 4

Against: 0

Abstain: 1
Cm. Landeck

Cm. Valdez was chairing the meeting.

Cm. Landeck asked City Attorney Raul Casso to research the issue of whether or not the municipal court is a court of record.

Comment [r11]: "CONFIRMED BY THE FULL CITY COUNCIL" VS. THE LANGUAGE SUGGESTED HERE. THE SUGGESTED LANGUAGE MADE THE INTENTION MORE CLEAR.

Motion to include language regarding salary or compensation changes to apply to the newly elected municipal court judge starting their new term.

Moved: Cm. Valdez
Second: Cm. Garza
For: 6

Against: 0

Abstain: 0

Motion to change the suggested language by the legal department to read "a majority of the entire City Council" instead of "unanimous vote of the full City Council" in section 5.02.

Moved: Cm. Garza
Second: Cm. Landeck
For: 6

Against: 0

Abstain: 0

Motion to approve all recommended changes in Section 5.02 as amended.

Moved: Cm. Garcia
Second: Cm. Liendo Espinoza
For: 6

Against: 0

Abstain: 0

Cm. Garcia stated that he felt that the entire Charter should be changed to read "a majority of the entire City Council" in places where voting is required.

PROPOSED COMMITTEE CHANGE #4:

Section 9.02 City Planning and Zoning Commission

There shall be a City Planning and Zoning Commission consisting of nine members nominated by the Mayor and Council and appointed by a majority of a quorum of the City Council. The Mayor and Council Members shall nominate one member each from among the qualified voters of the City for the term of the officeholder who made the nomination. Members of the Commission shall hold no other City office, employment, or appointment. The Commission shall make recommendations to the City Manager and the City Council on all matters affecting the physical development of the City, shall be consulted on the creation and implementation of the comprehensive plan, and shall exercise all other responsibilities as may be provided by law. Reasons for forfeiture of office by a commissioner shall include failure to attend three consecutive meetings without being excused by the Commission.

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Comment [r12]: LANGUAGE TO BE MODIFIED BE LEGAL.

PROPOSED MODIFICATION BY LEGAL:

There shall be a City Planning and Zoning Commission consisting of nine members who shall serve at the pleasure of the City Council. Each member shall be nominated by the Mayor and Council and appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four council members. The Mayor and Council Members shall nominate one member each from among the qualified voters of the City for the term of the officeholder who made the nomination. Upon vacancy, subsequent nomination shall be by the Mayor or Council member of the respective district corresponding to the original appointment.

Comment [r13]: SUGGESTED LANGUAGE MAKES IT CLEAR THAT THE CITY COUNCIL MAY REMOVE A COMMISSIONER WITH OR WITHOUT THE CONCURRENCE OF THE COUNCILMEMBER WHO APPOINTED THE SAME.

Comment [r14]: PROPOSED LANGUAGE OBIATES A CONFLICT WITH §2.07(c) OF THE CHARTER WHICH REQUIRES THE AFFIRMATIVE VOTE OF NO LESS THAN FOUR . THE SUGGESTED COMMITTEE LANGUAGAGE CALLS FOR A MAJORITY OF A QUORUM WHICH CONSIST OF FIVE COUNCILMEMEBERS, WITH A MAJORITY OF THREE.

Comment [r15]: SUGGESTED ADDITIONAL LANGUAGE WOULD MAINTAIN REPRESENTATION BY DISTRICT.

Comment [r16]: SUGGESTED ADDITIONAL LANGAGUAGE PRESERVES PATRONAGE.

Members of the Commission shall hold no other City office, employment, or appointment. The Commission shall make recommendations to the City Manager and the City Council on all matters affecting the physical development of the City, shall be consulted on the creation and implementation of the comprehensive plan, and shall exercise all other responsibilities as may be provided by law. Reasons for forfeiture of office by a commissioner shall include failure to attend three consecutive meetings without being excused by the Commission.

Motion to approve all recommended changes for Section 9.02.

Moved: Cm. Garcia

Second: Cm. Garza

For: 6

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #5:

Section 9.05 Board of Adjustment

By ordinance, the Council shall establish a board of adjustment and shall provide standards and procedures for such board to hear and determine those matters specified in accordance with Texas Local Government Code, Section 211.008 et. seq. There shall be nine members who shall be appointed for terms of

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two years. The Mayor and each member of the City Council shall nominate one member of the Board. Each nominee must be appointed by a majority of a quorum of the City Council. The term of the commission member shall be for the term of the officeholder who made the nomination.

Deleted: The Council shall provide procedures for their appointment.

Comment [r17]: ADDITIONAL LANGUAGE TO BE ADDED BY LEGAL.

PROPOSED MODIFICATION BY LEGAL:

Section 9.05 Board of Adjustment

By ordinance, the Council shall establish a board of adjustment and shall provide standards and procedures for such board to hear and determine those matters specified in accordance with Texas Local Government Code, Section 211.008 et. seq. There shall be nine members who shall be appointed for terms of two years. The Mayor and each member of the City Council shall nominate one member of the Board. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four council members. The term of the commission member shall be for the term of the officeholder who made the nomination. Upon vacancy, subsequent nomination shall be by the Mayor or Council member from the respective district corresponding to the original appointment).

Comment [r18]: PROPOSED ADDITIONAL LANGUAGE WOULD OBVIATE A CONFLICT WITH §2.07(c) WHICH REQUIRES A MINIMUM AFFIRMATIVE VOTE OF FOUR.

Comment [r19]: SUGGESTED ADDITIONAL LANGUAGE ALLOWS FOR CONTINUED REPRESENTATION BY DISTRICT.

Motion to approve all recommended changes for Section 9.05.

Moved: Cm. Garcia

Second: Cm. Narvaez

For: 6

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #6:

ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

Section 11.01 Recall Provisions

Any elected official may be removed from office by recall. A petition stating the specific grounds on which removal is sought shall be signed by the registered voters equal in number to ten (10%) percent of the votes cast in the City or District election to which the elected official was elected to office and shall be filed with the City Secretary by any registered voter who is eligible to vote in the proposed recall election. The recall petition shall have a time limit of six (6) months from the earliest date of any signature on the petition to the date of its filing with the City Secretary. Furthermore, no recall petition shall be filed against an elected official within six months after taking office nor within six months of the end of the elected term. A person subjected to recall election and not removed may not be the subject of another recall election for six months.

Deleted: those registered voters who voted

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Cm. Garza wished to revise the language in 11.01 and 11.08 to reflect that recall petitions have a time limit for the remaining term of the elected official rather than

having the six month waiting period. In this way, if the recall failed, the person could finish out their term and be removed in the following election. He also felt that 11.01 should reflect that the recall petition should be signed by registered voters equal to 10% of those in the district who actually voted in that candidate's election.

Motion to add language to specify that there could be only one recall per term of the elected official.

Moved: Cm. Garza
Second: Cm. Landeck
For: 5

Against: 0

Abstain: 0

Motion to approve all recommended changes from Section 11.01 as amended.

Moved: Cm. Garcia
Second: Cm. Narvaez
For: 5

Against: 0

Abstain: 0

Cm. Valdez was chairing the meeting.

CHANGE #7:

Section 11.03 Filing, Examination, and Certification of Recall Petition

All petition papers comprising a recall petition shall be assembled and filed with the City Secretary as one instrument. Within twenty (20) days after filing, the City Secretary shall determine whether each paper of the recall petition is properly attested and whether the petition is signed by the requisite number of registered voters. Upon completing the examination, the City Secretary shall certify the results to the Council. If the recall petition is deemed to lack the required number of verified registered voters, the City Secretary shall set forth in detail the particulars in which it is defective; provided, however that except as to the particulars certified to be defective, the petition shall be deemed to be valid in all other respects.

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Motion to approve all recommended changes for Section 11.03.

Moved: Cm. Garza
Second: Cm. Liendo Espinoza
For: 5

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #8:

ARTICLE XII

GENERAL PROVISIONS

Section 12.02 Ethics Commission

The City Council shall, by ordinance, adopt a Code of Ethics, and establish an Ethics Commission to review and recommend standards of conduct not inconsistent with this Charter and with the Code of Ethics and to investigate all allegations of violations of the Code. The Ethics Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council. The term of the commission member shall be for the term of the officeholder who made the nomination.

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Comment [r20]: PROPOSED ADDITIONAL LANGUAGE BY LEGAL.

PROPOSED MODIFICATIONS BY LEGAL:

Section 12.02 Ethics Commission

The City Council shall, by ordinance, adopt a Code of Ethics, and establish an Ethics Commission to review and recommend standards of conduct not inconsistent with this Charter and with the Code of Ethics and to investigate all allegations of violations of the Code. The Ethics Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council members. The term of the commission member shall be for the term of the officeholder who made the nomination. Upon vacancy, subsequent nomination shall be by the Mayor or Council member of the respective district corresponding to the original appointment.

Comment [r21]: PROPOSED ADDITIONAL LANGUAGE RECONCILING §2.07(c).

Comment [r22]: PROPOSED ADDITIONAL LANGAGUGE TO MAINTAIN REPERESANTATION BY DISTRICT.

Motion to approve all recommended changes for Section 12.02.

Moved: Cm. Liendo Espinoza

Second: Cm. Narvaez

For: 5

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #9:

Section 12.03 Civil Service Commission

The City Council shall establish a Civil Service Commission, for employees of City other than its fire fighters and police officers, the functions, composition and power of which will be determined by ordinance. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council. The term of the commission member shall be for the term of the officeholder who made the nomination.

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MODIFICATIONS PROPOSED BY LEGAL:

Section 12.03 Civil Service Commission

The City Council shall establish a Civil Service Commission, for employees of City other than its fire fighters and police officers, whose decision on matters brought before it shall be final. Further functions, composition and powers of the Commission will be determined by ordinance. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission, but in no event by less than the affirmative vote of four Council members. Each nominee must be appointed by a majority of a quorum of the City Council. The term of the commission member shall be for the term of the officeholder who made the nomination. Upon vacancy, subsequent nomination shall be by the Mayor or Council member of the respective district corresponding to the original appointment.

Comment [r23]: PROPOSED ADDITIONAL LANGUAGE TO ALLOW FOR FINAL DECISIONS SHOULD CIVIL SERVICE BE GIVEN DECISIVE AUTHORITY ON CIYT EMPLOYEE DISMISSALS/REINSTATEMENTS..

Comment [r24]: PROPOSED ADDITIONAL LANGUAGE TO RECONCILE §2.07(c).

Comment [r25]: PROPOSED ADDITIONAL LANGUAGE TO MAINTAIN DISTRICT REPRESENTATION.

Motion to approve all recommended changes for Section 12.03.

Moved: Cm. Liendo Espinoza

Second: Cm. Garza

For: 5

Against: 0

Abstain: 0

PROPOSED COMMITTEE CHANGE #10:

Section 12.09 Charter Commission; Charter Amendment

The City Council shall each appoint a representative to a City Charter Commission to make recommendations to the City Council for amendment or amendments to said charter. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council. The term of the commission member shall be until revisions to the City Charter are presented to City Council. The foregoing sentence is cumulative of the provision of the Texas Election Code, which provides that (1) the city council, on its own motion, may submit a proposed charter amendment to the city’s qualified voters for their approval at an election; and (2) the city council shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the city equal to at least 5% of the number of qualified voters of the city, or 20,000, whichever number is smaller.

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PROPOSED ADDITIONAL LANGUAGE BY LEGAL:

Section 12.09 Charter Commission; Charter Amendment

The City Council shall each appoint a representative to a City Charter Commission to make recommendations to the City Council for amendment or amendments to said charter. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of

the City Council, but in no event by less than the affirmative vote of four council Members. The term of the commission member shall be until revisions to the City Charter are presented to City Council. The foregoing sentence is cumulative of the provision of the Texas Election Code, which provides that (1) the city council, on its own motion, may submit a proposed charter amendment to the city's qualified voters for their approval at an election; and (2) the city council shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the city equal to at least 5% of the number of qualified voters of the city, or 20,000, whichever number is smaller.

Comment [r26]: LUANGUAGE RECONCILING §2.07(c).

Motion to approve all recommended changes for Section 12.09.

Moved: Cm. Liendo Espinoza

Second: Cm. Garza

For: 5

Against: 0

Abstain: 0

David Cardwell and Andy Ramos presented a minority report before Mayor Salinas and City Council presenting their views regarding the possibility of dividing the city of Laredo into four districts and having at-large Council Members. They gave a copy of their presentation to the Deputy City Secretary in attendance.

This presentation can be viewed at the City Secretary's Office, 1110 Houston St., Laredo, TX 78040.

Cm. Garza proposed that either the City Council evaluate the City Secretary or that they change the Charter so that he will instead report to and be evaluated by the City Manager but fall under the same realm as other public officials ratified by the City Council. He pointed out that in the four years that he had been serving as a Council Member, they as a Council had never evaluated the City Secretary.

Motion to have the City Secretary report to and be evaluated by the City Manager but have his hiring or confirmation be still ratified by the City Council.

Moved: Cm. Garza

Second: Cm. Narvaez

For: 4

Against: 0

Abstain: 0

Cm. Garcia was not present.

Motion to make the position of the internal auditor one that City Council would be responsible for hiring, termination and evaluation.

Moved: Cm. Garza

Second: Cm. Valdez

For: 5

Against: 0

Abstain: 0

V. ADJOURNMENT

Motion to adjourn.

Moved: Cm. Narvaez

Second: Cm. Liendo Espinoza

For: 5

Against: 0

Abstain: 0

I, Gustavo Guevara, Jr., City Secretary, do hereby certify that the above and foregoing is a true and correct copy of the minutes contained in pages 01 to 19 and they are true, complete, and correct proceedings of the City Council meeting held on July 26, 2010.

Gustavo Guevara, Jr.
City Secretary