



As Council business resumed, Councilman Valdez requested that Item VI(A) regarding regulation of video games be moved up as the next item of business due to the numerous interest groups in attendance, which included parents, teachers, video game operators and private citizens. Councilman Valdez placed this request in the form of a motion and was seconded by Councilman Cantu. All were in favor.

At this time, discussion on this ordinance was entertained, after Councilman Valdez read and thus introduced it. He further went on to express his comments on this issue stating that he had been contacted by several persons regarding the establishment and operation of such games across from a high school. He went on to say that should City Council not take action on this matter, the schools have the authority to close their campuses and thus restrict students to the compound. All businesses around the area would then be affected. He further stated that there would be minor changes made to the ordinance stating that those schools already having closed campuses would not affect business establishments.

At this point, Mr. Javier Martinez, owner of Wizard Games, approached Council and addressed Councilman Valdez as to the unfairness of this ordinance in regulating only those businesses in the proximity of schools and not those away from schools, as is the case of the "Silver Coin" located within Mall Del Norte. He further stressed that if the school faculty is really interested in the benefit of the students, that the faculty should work inside the school to avoid their students from loitering along adjacent streets.

Councilman Ramos then requested the advise of the City Attorney in determining whether this Council can take action on this matter. The City Attorney advised that the City Council has the power to enact an ordinance, and cited an instance where a similar ordinance regarding video games was challenged and taken to the Supreme Court. The Supreme Court ruled and concluded that such an activity can be regulated at City Council level. However, the City must take several precautions as established by the Supreme Court. (1) that it is not discriminatory among businesses themselves, (2) that it not be vague and lose points to independent or subjective judgements rather than objective judgements on the part of the enforcer of the regulation. It has to be very specific. The present ordinance being introduced has a penalty provision, but there is no fine

indicated, therefore, it has to be amended in this respect. He went on to say, that a copy of a similar ordinance enacted by another City had been requested and would compare and study it and have ready for presentation at the next meeting. He also told Council that in regulating the ordinance, that it not be discriminatory.

Ms. Rosalva Ramos, co-owner of Wizard Games, also expressed her views saying that the owners of the Silver Coin had already requested an opinion from their New York attorneys.

Mr. Townsend explained that whatever regulatory ordinance the Council passed should be applied equally.

Next to speak was Mr. Hector Gutierrez, President of the Martin High School Parent-Teacher Association. His opinion was in having these establishments operate after school hours.

Mr. Martin Resendez, Jr. also addressed the Council and gave his opinion as to having the ordinance stipulate that minors not be permitted to attend such establishments until after school hours. He already has these regulations in his establishments. He would like to see this ordinance to go City-wide.

Mr. Juan Nieto, owner of similar games, agreed that a City-wide ordinance would be very fair.

Mr. Lupe Anguiano, Manager of a store in Las Lomas Shopping Center, was next to speak and did so against these games, due to the fact that youths gather near his place of business and use abusive language when attention is called to their loitering.

Mr. Tomas Flores also spoke on possibility of banning these machines.

Mr. Pedro Lara, Vice-Principal of Nixon High School Annex, voiced his concern and requested and appealed to Council that all concerned accept commitment to make Laredo a better place to live in, by working jointly in this endeavor.

The next item IV(A) regarded a previous agenda item as regarded the \$100,000 debt to Real Estate Research Corporation. It was brought back due to previous inconclusive action. Mr. Townsend explained that when less than the required number of Council votes are cast, technically the matter dies. It is also true that it can again be brought up on the side that prevailed. He further asked clarification as to what a majority vote meant, since the

Charter did not seem to be clear on this.

Councilman Ramos at this point made a motion to TABLE this item and instructed the City Manager to negotiate a settlement with Real Estate Research Corporation. Councilman Ramirez seconded the motion and all were in favor.

On Item IV(B), it also did not receive the majority vote at the last meeting, therefore, it is again being placed before Council. Councilman Cantu then made the motion that the firm of Ernst & Whinney be engaged to conduct the audit for the year ending September 30, 1982. Councilman Zuniga seconded the motion.

Councilman Zuniga elaborated on need of keeping present auditors so that work begun may be concluded. Councilman Ramos concurred and further added that previously, because of "performance" of the City Comptroller, Ernst & Whinney had to come "and bail us out" and at present the situation is more pressing since fund balances are unknown. He further recommended to the City Manager that he take a closer look at the Comptroller's Office.

Mr. Martin Resendez, Jr. again addressed council and suggested that accounting students from Laredo Junior College could do part of the City's accounting work free of charge. Mayor Tatangelo thanked Mr. Resendez for his suggestion and then called for the vote. All Council members present voted in the affirmative.

Councilman Montalvo made a motion to move Item X(7) up for discussion at this time. Second was by Councilman Valdez. All were in favor. The item regarded the Seven Flags Park and some needed action to alleviate certain existant problems. He further requested that a fence be built around it. Also, that a drainage culvert be cleaned and covered to prevent persons from entering it. He furthermore requested police protection of the area, citing unsafety for students and persons visiting the park.

Mrs. Hermelinda Arnold, PTA member of J. C. Martin Elementary School, spoke on this issue as did Mr. Roberto Cuellar and Mrs. Sharkey. They concurred with Councilman Montalvo that this park needs much attention as it has become a place harboring undesirable persons

who give a bad example to the young students converging there. The school has no authority or jurisdiction over this park which is why this matter is being presented before Council. Mrs. Elsa Guajardo, President, City-Wide City Council of PTA, was also introduced by Councilman Valdez as being active in school matters.

At this time, Mr. Amador Escudero, City Engineer, gave a report as to the Park matters, stressing that his personnel has begun doing work to alleviate these problems. Mr. Townsend also stated that the overall problem would be addressed and that he would return his recommendations at a later date.

Next Items were the Manager's Reports.

Councilman Cantu made a motion to accept the Manager's Reports Items V(A) to V(H) with the exception of Item G under this section which was Withdrawn by the City Manager. Second was by Councilman Ramirez. All were in favor except Councilman Ramos who opposed Items C & F under this section.

V(A) The following contract extensions for 1981-82 programs through the transition quarter be approved. This action should complete contract extensions for the transition quarter. Contracts for 1982-83 will not be recommended unless and until they can be financed within estimated General Fund revenues:

V(A)1 Boys Club of Laredo - \$5,000 for recreation and leisure learning activities for boys and girls.

V(A)2 Laredo Development Foundation - \$6,250 to continue the industrial development program.

V(B) The low bid of \$6,320, submitted by Veped Traffic Controls, Inc. of Oklahoma City, for 4 mast arms for the installation of traffic signals at Santa Maria and Calton Roads be accepted. This is the last intersection in the Calton Road project which is being financed from revenue sharing.

V(C) A change order be approved with Gillig Corporation to change the bid price for the extra power plant assembly from \$16,400 to \$26,302.55. Gillig is providing 12 buses with an extra power plant assembly, transmission and freon compressor for a total cost of \$1,549,072. They misunderstood the specification for the extra power plant assembly and did not include the transmission or freon compressor.

V(D) The firm of H. Donald White and Associates be retained to inspect the 12 new Gillig buses while they are being built for \$6,900. The cost of inspection is included in the UMTA grant as part of the purchase price.

V(E) Charges for copies and other services at the Police station be increased as follows:

	<u>NOW</u>	<u>PROPOSED</u>
1. Record search and letter that results were negative	\$1 to \$2	\$2
2. Record search and letter indicating arrest, charges and disposition	\$2 to \$3	\$4
3. Taxicab inspection and meter check	\$3	\$5

V(F) Rosario Street between the old city limits and Ejido Avenue be sold to the abutting land owners, Mr. Rogelio Santa Cruz and Ms. Esperanza Perez Melero at the City's appraised value of \$6,000 for the half unencumbered with an easement and \$4,903.80 for the half with a 10 foot wide utility easement. If either owner does not complete the purchase within a reasonable time, the entire street will be sold to the other. Closing this section of street was authorized on December 22, 1981.

V(G) WITHDRAWN by the City Manager was the discussion of the conflicting requests of the Community Action Agency and the Texas Migrant Council to lease the same building, which is now leased to the Community Action Agency.

V(H) Applications be submitted to the Federal Aviation Administration and acceptance of grants, if offered, be authorized for \$165,575 for installation of security gates, repair of aircraft ramp, overlay of 2 taxiways, and further development of the Airport Master Plan. The City's \$18,398 is available in the Airport Fund. Separate Council action will later be necessary to actually authorize each project.

At this point, Councilman Cantu moved that Item VIII (Resolution) be considered at this time since the parties involved and present here this evening must leave to board their plane. Councilman Montalvo seconded. All were in favor. Councilman Cantu presented the resolution and made the motion for its passage. Second was by

Councilman Benavides. All were in favor except Councilman Ramos who abstained, but in doing so was not casting a negative vote.

#### RESOLUTION

A RESOLUTION APPROVING ISSUANCE BY THE LAREDO INDUSTRIAL DEVELOPMENT CORPORATION OF AN ISSUE IN THE AMOUNT OF \$450,000 OF THE LAREDO INDUSTRIAL DEVELOPMENT CORPORATION INDUSTRIAL DEVELOPMENT REVENUE BONDS (AERO CENTER, INC. PROJECT) SERIES 1982; AND APPROVING THE RESOLUTION OF SUCH CORPORATION AUTHORIZING SUCH BONDS, INCLUDING THE BOND TRANSACTION AGREEMENT.

\*

City Manager Marvin Townsend explained that Items VI(C) and VI(D) submitted as Ordinances be considered as Resolutions so that they could be expedited at once. Councilman Cantu made the motion that the Resolutions be accepted. Second was by Councilman Montalvo. All were in favor.

#### RESOLUTION

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH H. DONALD WHITE AND ASSOCIATES FOR BUS LINE INSPECTION AND SPECIFICATION COMPLIANCE SERVICE; AND AUTHORIZING PAYMENT OF \$6,900 FROM CAPITAL GRANT NO. TX-05-0080, ACCOUNT NO. 01-8003-9901-0000, MUNICIPAL TRANSIT CONTRIBUTION

#### RESOLUTION

APPROVING CHANGE ORDER NUMBER ONE ON THE CONTRACT WITH THE GILLIG CORPORATION FOR THE PURCHASE OF TWELVE (12) 35' AIR CONDITIONED COACHES, TWO (2) OF WHICH ARE EQUIPPED WITH WHEELCHAIR LIFTS, POWER PLANT ASSEMBLY, TRANSMISSION AND FREON COMPRESSOR AND SPARE PARTS; AND AUTHORIZING PAYMENT FROM CAPITAL GRANT NO. TX-05-0080, ACCOUNT NUMBER 01-8003-9901-0000, MUNICIPAL TRANSIT CONTRIBUTION

Next items were the ordinances for action.

On Item VII(A) Mayor Tatangelo asked whether a check for \$5,000 from Mall del Norte had been received. Mr. Townsend stated that this project will not be proceeded with until this money is received. Councilman Montalvo made the motion for its passage and was seconded by Councilman Cantu. All were in favor.

Councilman Valdez made the motion for the passage of Items VII(B) to VII(G). Second was by Councilman Montalvo. All were in favor.

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE U. S. DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF UNDERTAKING AN URBAN MASS TRANSPORTATION OPERATING ASSISTANCE GRANT, TX-05-4143; APPROPRIATING \$412,479 OUT OF 01-8003-9901-0000, MUNICIPAL TRANSIT CONTRIBUTION, AS MATCHING FUNDS FOR SAID GRANT .

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE DATED SEPTEMBER 10, 1980, BETWEEN THE CITY OF LAREDO, AS LESSOR AND TRYUS, INC., dba AVIS RENT-A-CAR, AS LESSEE, SAID AMENDMENT REVISING THE CONTRACT MINIMUM AND EXCESS MINIMUM OF SAID LEASE AND PROVIDING CONDITIONS FOR RETURNING TO THE ORIGINAL LEASE.

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE DATED SEPTEMBER 10, 1980, BETWEEN THE CITY OF LAREDO, AS LESSOR AND LAREDO CAR RENTAL, INC., dba NATIONAL CAR RENTAL AGENCY, INC., AS LESSEE, SAID AMENDMENT REVISING THE CONTRACT MINIMUM AND THE EXCESS MINIMUM OF SAID LEASE AND PROVIDING CONDITIONS FOR RETURNING TO THE ORIGINAL LEASE.

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE DATED SEPTEMBER 10, 1980, BETWEEN THE CITY OF LAREDO, AS LESSOR AND LAREDO RENT-A-CAR, INC., dba BUDGET RENT-A-CAR, AS LESSEE, SAID AMENDMENT REVISING THE CONTRACT MINIMUM AND THE EXCESS MINIMUM OF SAID LEASE AND PROVIDING CONDITIONS FOR RETURNING TO THE ORIGINAL LEASE.

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE DATED SEPTEMBER 16, 1980, BETWEEN THE CITY OF LAREDO, AS LESSOR AND STEVE MILLER, dba HERTZ RENT-A-CAR, AS LESSEE, SAID AMENDMENT REVISING THE CONTRACT MINIMUM AND THE EXCESS MINIMUM OF SAID LEASE AND PROVIDING CONDITIONS FOR RETURNING TO THE ORIGINAL LEASE.

Next Item VII(G) was an Amendment to the Land Ordinance, Chapter VI, Special Use Regulations, following subparagraph O., Exceptions, of Section 6-3, A., Page 63, allowing Mobile Homes under conditions to be placed on platted lots, with exception of letter "G" under Section P. Actual document not presented. Actual amended Ordinance to be presented for action on October 19, 1982.



Mr. Ursulo Garcia asked to be recognized and spoke for those people selling at the Flea Market on Freer Highway, stating the \$10 fee charged them was too high and they sometimes didn't sell that much to make up for this fee. He was told this was in the County's jurisdiction and Mayor Tatangelo told him he would speak to the County Judge about this matter.

Next Item IX was a citizen request from residents of 3 Points area who want a light at the corner of Mercer and Canada. Mayor Tatangelo asked that the City Manager look into it.

Next Item X- (1) asked for a discussion and possible action on property rentals used for elderly feeding facilities. It was requested to be TABLED by Councilman Valdez stating that an amicable solution was being reached.

Next Item X-(2) was discussion and possible action on City boxing facilities. Councilman Valdez requested that the City Manager look into this matter. Councilman Ramirez also requested that the City Manager coordinate efforts with the Boys' Club.

Mr. Townsend stated that he is in process of preparing a report for Council stating that he is in process of negotiating a lease with the present tenant at the old Fire Station on Guadalupe. This tenant would maintain an open-to-the-public facility which would also be opened to elections in back area. They would make improvements and the length of the lease would be negotiated based on improvements value. The City would have a short-term cancellation clause, but it would be subject to their reimbursement for some improvements if the cancellation by the City was short-termed.

On Item X-(3) Councilman Valdez spoke of obstruction to sidewalk at Callaghan and Davis Streets which pertained to Councilman Montalvo's district. He had inquired at the proper department but apparently no action had been taken. For this purpose it is being brought before Council. Also, nothing apparently has been done since December 14, 1981, on the situation at Sherman and Davis Streets. Mr. Landin of Traffic Safety Division informed Councilman Valdez that citations had been given and that he did not know what the disposition of these cases had been, but would investigate and give Councilman Valdez a report. Mr. Townsend proceeded to explain that there were all kinds of violations all over the City on public right of way that needed looking into.

00287

Councilman Valdez then addressed an item he also placed on the Agenda and which made reference to non-profit organizations and renting policies of the Civic Center. He appealed to Council and asked that these non-profit organizations be provided some of the concessions income on a percentage basis. Mayor Tatangelo asked that the Civic Center Director state his comments on this matter as to how it would affect his operation and his budget. Mr. Dovalina addressed the Council and stated that if changes were to be made, that some very definite guidelines should be drawn before he could comment as to what would be valid.

Councilman Ramos gave his opinion further stating he would not like to be in a position to differentiate or categorize organizations. He went on to say that he favored some sort of standard procedure.

Councilman Valdez explained that the Board of Directors in these organizations do not derive any profits. Mr. Townsend commented that if guidelines were to be drawn that the increase in rates for commercial events should be looked into as the Civic Center had been carrying a substantial deficit for several years. A previous committee to study these matters is no longer in existence and Mayor Tatangelo indicated that perhaps one could be named. Mr. Townsend suggested that an ordinance could perhaps be drawn which named such a committee with its specific responsibilities. Councilman Valdez indicated that whenever any ordinances are presented they should indicate which Council member is introducing it.

Next item was introduced by Councilman Montalvo and requested that the streets in the Azteca neighborhood be given priority when paving phase began. Mayor Tatangelo instructed the Engineer and the Community Development Agency to make note of this request.

Next item was another request by Councilman Montalvo regarding securing recreational parks for La Ladrillera and San Francisco Javier neighborhood (El Cuatro). Mr. Carlos Villarreal explained that \$135,000 had been allocated for a park at La Ladrillera but that the vandalism problem was being looked at and was temporarily on "Hold". The City Manager is to look into availability of having recreational park at El Cuatro.

The next item presented by Councilman Montalvo requested lighting for Zacate Creek Project. Mr. Villarreal is to look into availability of funds for installation of lighting. Mr. Townsend indicated that there was a zero balance as far as operating costs were concerned.

Another item presented by Councilman Montalvo requested beautification of City Plazas in his District, namely, San Agustin, Jarvis, St. Peter's and Bruni and asked that Parks and Recreation be charged with upkeep and plan to have concerts in Spring of 1983 at Bruni Plaza. Mr. Townsend explained that with reduction in forces this would probably not be carried out.

Councilman Montalvo presented the next item which dealt with the preparedness of the Civil Defense in case of disaster. Col. Gonzalez, Airport Director, indicated that Mayor Tatangelo signed a proclamation on June, 1982 declaring the readiness of Civil Defense during the hurricane season and shall remain in effect until November, 1982 and further feels that this department could adequately respond in such times, as well as was coordinated with other local agencies.

On the next request, Councilman Montalvo also requested that the opening of Salinas and Porcion Streets be reported on. Mr. Townsend stated that Salinas appeared to be on railroad tracks and that he would look into possibility of proceeding with request, or if City has granted an easement. On Porcion Street he will bring a report for next meeting.

The next item regarded new appointments for Planning and Zoning Commission. Councilman Montalvo named his selection as did other Council members and were as follows:

- |  |  |
|--|--|
| Councilman Santos Benavides, Dist. I       | - Mr. Blas M. Martinez<br>1819 Guerrero        |
| Councilman Vidal Cantu, Jr., Dist. II      | - Mr. Hector Xavier Gutierrez<br>2801 Frost    |
| Councilman Saul Ramirez, Jr., Dist. III    | - Mr. Juan Caballero<br>2620 Laredo St.        |
| Councilman Carlos Zuniga, Dist. IV         | - Mr. Arturo R. Barrera<br>2701 Musser         |
| Councilman Andres Ramos, Jr., Dist. V      | - Mr. Eddie Farias<br>1702 Musser              |
| Councilman David R. Cortez, Dist. VI       | - Mr. Glen Jackson<br>209 Ridge Rd. - Box 1987 |
| Councilman Jose A. Valdez, Dist. VII       | - Mr. Armando Trevino<br>1717 Hendricks        |
| Councilman John Peter Montalvo, Dist. VIII | - Mr. Arnulfo Marquez<br>221 Camelia           |

Councilman Valdez made a motion that these nominations to Planning and Zoning Commission be accepted. Councilman Montalvo seconded. All were in favor.

Next item was the continued hearing on the budget with the Manager explaining the main problem being the substantial reduction of income. He pointed out that the item entitled "undesignated balances" in General Fund was indeed designated. It seems clear that there is no money available now from anything that existed previously. Councilman Ramos inquired if the \$1.8 reported previously as being available in fund balance was not actually there and it was audited? In Manager's judgement the bond ordinance dealing with the budget only allows monies be taken from the Bridge into General Fund the receipts that are excessed to the operating expenses and the debt service of the Bridge. From accounting standpoint, it is correct accounting to accrue interest as it is earned on Certificates of Deposit. He further does not believe that this ordinance allows interest on Certificates of Deposit to be passed to the General Fund upon accrual and thus be reflected as a "Due To" the General Fund from Bridge Fund. The monies are actually not there now, and therefore, could not support appropriations incurred at this time. Council members were concerned at the Manager's report that the \$1.8 surplus balance previously reported was actually non-existent at present, though it would be there within the next few months when Certificates of Deposit maturity occurs.

He further indicated that the Civic Center has a deficit and is shown as owing the City \$176,000. To pay this, the rates would need to be raised so that this debt could be paid.

On Transit there was a balance between \$700,000 and \$1,000,000 from Urban Mass Transportation Act and action will be taken to lower this, but it would not get down to zero. These are Accts. Receivable.

Councilman Ramos expressed that these monies due the City from Urban Mass Transportation Act since 1981, should have been available in the City and earning interest.

In resume', the Manager stressed that basically this year would be started at zero as far as undesignated balances is concerned.

Mr. Townsend continued the lengthy presentation of the budget with much discussion from the Mayor and Council members. This also

included the recommended tax rate increase. Mr. Townsend also elaborated on departmental breakdown as well as Sales Tax, Franchises, and other revenues as per analysis he distributed to Council members. Mayor Tatangelo emphasized that there appeared to be no indication that the economy would be on the upswing.

At this point, Mr. Ed Dryden addressed Council stating that his suggestion, which might not be taken seriously, was to offer the Cable franchise which is upcoming for renewal. He further indicated that if the City were to sell the service, it could net the City from \$15.0 to \$25.0. He further told Council that he stood ready to discuss this further with them if they <sup>so</sup> desired and offered his expertise in this field.

Council members resumed their discussions on the budget. Councilman Ramirez recommended that the Manager commence working with the minimum figure \$ 13,640,000 and to not include Revenue Sharing until it becomes necessary.

Councilman Ramos also recommended his long advocated zero-based budget.

Proposed cuts in personnel were also discussed.

Councilman Zuniga re-iterated that either taxes be raised or work force be reduced:

Councilman Valdez also recommended that the Manager look into Mr. Dryden's recommendation re: the Vumore Franchise.

If a \$14.0 budget is desired by Council, Manager will bring back at next meeting as he presently cannot present it effectively.

Mayor Tatangelo suggested a low \$13.6 budget is more realistic. Some Council members concurred that at least it be a starting point. Councilman Cortez wanted clarification as to a budget needing to be adopted by end of month. Mr. Townsend responded by saying that (1) a tax rate needed to be set, (2) authority to proceed into next year at a percentage of last year's operation. He recommended that Council consider increasing garbage collection fees as an outlet as progress is made into the year.

Mayor Tatangelo also stressed the importance of having the August statement of revenues and expenditures which was not made available for this meeting.

At this point, Councilman Cantu made a motion that this public hearing be postponed for Saturday, September 25th at this same location at about 9:30 A.M. Second was by Councilman Ramirez. All were in favor except Councilman Montalvo and Councilman Valdez who preferred it on Friday evening.

Next was the addendum which were Resolutions presented as emergency items.

The first one dealt with the approval to authorize the Austin National Bank to act as the City's agent for the transfer of sales tax revenues to the City's bank. This procedure enables the City to have its money available two or three days sooner, thus interest earnings increasing. Councilman Cortez made the motion for its approval and Councilman Montalvo seconded. All voted for its passage. All were in favor.

Next resolution considered the approval of a change order to Automatic Toll System, Inc. and \$4,880.00 be appropriated to provide for moving 2 toll booths and related accounting equipment from the temporary toll plaza to a location adjacent to the new toll plaza so that toll site improvements may be completed and traffic maintained. On motion of Councilman Ramos and second by Councilman Valdez, all voted for its passage.

#### RESOLUTION

CONFIRMING THE PRIOR AUTHORIZATION AND REAUTHORIZING  
THE AUSTIN NATIONAL BANK TO ACT AS THE CITY'S AGENTS  
TO HANDLE THE TRANSFER OF SALES TAX PAYMENTS FROM THE  
STATE COMPTROLLER TO THE CITY'S DEPOSITORY


The next item was a request by Councilman John Peter Montalvo for consideration of a resolution favoring abandonment of the Zacate Creek Sewer Disposal Plant since he represents the Azteca Neighborhood. He further expressed the residents sentiments as referred to the "perfume factory" existant for many years in this location. He then proceeded to read the resolution. Councilman Montalvo then made the motion for passage. Councilman Valdez seconded the motion. At this time, the City Manager indicated that he would first summarize a few facts and that probably this action could be deferred. Firstly, this item should have a full notice and not an emergency. He further indicated that the Water and Sewer Board would be having a hearing on September 29th. He further explained that by taking action here, it would seem like a conclusion of that hearing where this item should be discussed. He further indicated that this hearing was mandated by law and that the governing body should act upon the adoption of the Sewer System Master Plan. Councilman Montalvo stated that a public hearing was held previously and which he attended. At that time, this item was already discussed and the Azteca residents had expressed their favoring abandonment of this plant. This is his purpose for having submitted this item at this time. Councilman Ramos stated that he too was at that hearing and said that the ultimate decision would be the Council's. He believes most Council members favor its abandonment, but feels that to take action now would be interfering with due process. He suggested that Councilman Montalvo table this motion.

Mr. Ed Dryden expressed his opinion from his experiences in attending several meetings of the Water Board, and that previously, water and sewer service costs have been stressed, but overlooking the City as a whole as to depreciation of adjoining property owners, plus impact on visiting tourist. He also feels that the tourist should be catered to and that abandonment of this site has been favored by the majority of those attending the meetings.

At this point, the vote was called for and those voting for were Councilman Montalvo and Councilman Valdez. Those voting against were: Councilmen Santos Benavides, Vidal Cantu, Jr., Saul N. Ramirez, Jr., Carlos A. Zuniga, Andres Ramos, Jr., and David R. Cortez. Therefore, affirmative action was defeated.

Councilman Cantu made a motion for adjournment and was seconded by Councilman Ramirez. All voted in favor.

Adjournment was at 12:25 A.M.

  
HORTENCIA C. GONZALEZ  
CITY SECRETARY

APPROVED BY CITY COUNCIL ON 10/19/82  
