

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 22, 1980  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

Reverend Larry Acton, St. Paul Presbyterian Church, gave the Invocation.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for May 1, 1980 and May 8, 1980. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau,  
Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmembers  
Goodman, Mullen

Council asked that approval of Minutes for May 15, 1980 be held until next week because they were unable to find time to read them.

## SHADY LANE BRIDGE PROJECT

Councilmember Mullen moved that the Council adopt a resolution authorizing the acquisition of certain right-of-way and easements in connection with the Shady Lane Bridge Project, CAPITAL IMPROVEMENTS PROJECT No. 78/65-04:

Two tracts of land out of Lot 3, Thomas F. Taylor Subdivision.  
(Manana Corporation)

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

## LEASE AGREEMENT RENEWAL

Councilmember Mullen moved that the Council adopt a resolution authorizing execution of a Lease Agreement Renewal between Odas Jung and the City of Austin for space in the Twin Oaks Shopping Center for the Twin Oaks Library. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

## EASEMENT AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing an easement agreement to confirm the release and dedication of utility easements relating to Lot 1, Block R, a resubdivision of Lots 1, 2, 3, 4 and 5, Block R, Highland Park West (4600 Crestway, requested by Michael and Rebecca Levy). The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

## CONTRACTS APPROVED

Councilmember Mullen moved that the Council adopt a resolution authorizing the following contract:

DETROIT BULLET TRAP CORPORATION  
2233 North Palmer Drive  
Schaumburg, Illinois

- CAPITAL IMPROVEMENTS PROGRAM -  
Armament Training Device, Police  
Pistol Target Equipment  
Police Department  
Item 1 - \$26,871.00

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing the following contract:

E. S. TOOLING COMPANY  
5949 Armour Drive  
Houston, Texas

- Upper and Lower Case Letters  
for Street Sign Manufacture,  
Urban Transportation Department  
Item 1-11 - \$5,720.00

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing the following contracts:

Bid Award:

- Coarse Paper Products, Central  
Stores Division  
Six Months Supply Agreement  
Items 1-26 awarded by line item to  
appropriate suppliers based on 1st,  
2nd and 3rd low bidders -  
\$57,550.00

BANCROFT PAPER COMPANY  
2201 East Sixth Street  
Austin, Texas

LONE STAR PAPER COMPANY  
200-210 East St. Elmo Road  
Austin, Texas

CENTURY PAPER, INC.  
3203 Aniol Street  
San Antonio, Texas

MONARCH PAPER COMPANY  
3911 East Woodard  
Austin, Texas

FLEMING FOOD SERVICE, INC.  
220 East St. Elmo Road  
Austin, Texas

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing the following contract:

ENNIS PAINT MANUFACTURING, INC.	- Traffic Paint, Urban
2800 Old Highway 75 North	Transportation Department
Ennis, Texas	Three Months Supply Agreement
	Item 1, 1,000 gal. est.
	Item 2, 4,000 gal. est.
	Est. total \$36,070.00

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### SIGNATORY AGENT DESIGNATED

Councilmember Mullen moved that the Council adopt a resolution designating William P. Bulloch, Acting Director, Water and Wastewater as signatory agent for the Step 2 Grant from the U.S. Environmental Protection Agency for the Onion Creek Wastewater Interceptor and Treatment Plan. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### NATIONAL COUNCIL OF SENIOR CITIZENS

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of a 4th year renewal application to the National Council of Senior Citizens for Title V Older American Act funds in the amount of \$307,200 to provide for operation of the Senior Aides Project. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of a preapplication to the Department of Housing and Urban Development for a determination of eligibility for the Urban Development Action Grant Pocket of Poverty Program. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Councilmember Mullen moved that the Council adopt a resolution to authorize execution of Public Service Employment contracts with 109 sub-recipients funded under Titles IID and VI of the Comprehensive Employment and Training Act (CETA). The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### "NO SALE" PROVISION

Councilmember Mullen moved that the Council adopt a resolution to extend the "No Sale" provision to ten years for rehabilitation of structure located at 1301 East 1st Street, Austin, Texas. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### TEN-YEAR DEFERRED PAYMENT LOAN PLAN

Councilmember Mullen moved that the Council adopt a resolution to provide a ten-year deferred payment loan plan for rehabilitation of the following structures:

2409 Santa Maria  
2601 Francisco  
1900 Kenwood  
2513 East 12th Street  
1609 South 3rd Street  
1400 Garden  
1148-1/2 Northwestern  
76 Rainey

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan  
Noes: None  
Abstain: Councilmember Trevino

#### SITE PLAN APPROVAL

Councilmember Mullen moved that the Council adopt a resolution to approve a site plan in relation to Zoning Case C14-77-147. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### AGREEMENT WITH STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Councilmember Mullen moved that the Council adopt a resolution to enter into an agreement with the State Department of Highways and Public Transportation for the installation of traffic signals at the intersection of Webberville Road and Pleasant Valley Road. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### PUBLIC HEARINGS SET

Councilmember Mullen moved that the Council set a public hearing for June 12, 1980 at 4:00 p.m. on an appeal of the Planning Commission's decision from Mr. Bill Clendinning, denying an extension to the Special Permit File No. C14p-78-009 for a 24-unit townhouse project at 3912-4010 Shoal Creek Boulevard. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Councilmember Mullen moved that the Council set a public hearing for June 12, 1980 at 6:00 p.m. on an appeal from the residents of the Clarksville core area, on the Planning Commission's decision regarding a Special Permit (Case No. C14p-80-006, Austin-Travis County Health Department - A clinic called "Clarksville Public Health Center"). The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

## FILED NOTE CORRECTIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 791220-H, ENACTED BY THE CITY COUNCIL ON DECEMBER 20, 1979, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, correcting errors relating to field notes (Ordinance No. 791220-H, C14-73-253 - Area Study). The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 791220-I, ENACTED BY THE CITY COUNCIL ON DECEMBER 20, 1979, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-73-253 - Area study)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## CORRIDOR ANNEXATION

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY FOR THE LIMITED PURPOSES OF "PLANNING AND ZONING" AND "HEALTH AND SANITATION"; SUCH TERRITORY CONSISTING OF 1,006.24 ACRES OF LAND BEING OUT OF AND A PART OF THE BURKE TRAMMELL SURVEY NO. 3, JOHN BECKHAM SURVEY NO. 94, T. J. CHAMBERS GRANT NO. 94, PATTERSON MOORE SURVEY NO. 70, ALEX EANES SURVEY NO. 307, JOHN P. ROZIER SURVEY NO. 77, C. ARNOLD SURVEYS NO. 77 AND 78, HENRY P. HILL LEAGUE NO. 21, ALEX EANES SURVEY NO. 812, CHARLES H. RIDDLE SURVEY NO. 19, AND JAMES TRAMMEL SURVEY NO. 4, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Goodman moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.

## PAVING OF STASSNEY LANE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF STASSNEY LAND IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY CLEARWATER CONSTRUCTORS; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES TO THE CITY IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.



Ordinance No. 800522-E

G.6.

Energy ordinance for new construction

## ENERGY ORDINANCE FOR NEW CONSTRUCTION

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.

## ORDINANCE AMENDMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42 OF THE 1967 CODE OF THE CITY OF AUSTIN BY ADDING THERETO SECTION 42-1008(c)(3) AND (4) PROVIDING FOR METALLIC WATER PIPING TO BE USED FOR GROUNDING ELECTRICAL SYSTEMS; REPEALING ORDINANCE NO. 790419-A; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NUMBER 790927-J, WHICH AMENDED SECTION 24-2.1 OF THE AUSTIN CITY CODE OF 1967; REFLECTING THE USAGE FEE FOR BASEBALL FIELDS; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### OPERATING BUDGET AMENDMENT

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, appropriating \$6,078 from the General Fund ending balance to the Engineering Department for the purpose of properly equipping the Hazardous Explosive Technician with additional safety devices. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ORDINANCES AMENDED TO INCLUDE DEFINITION OF "HANDICAPPED PERSON"

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760401-D, KNOWN AS THE PUBLIC ACCOMMODATIONS ORDINANCE OF THE CITY OF AUSTIN, BY AMENDING THE DEFINITION OF THE TERM "PHYSICAL HANDICAP"; BY DEFINING THE TERM "MENTAL HANDICAP"; BY ADDING THE TERM "MENTAL HANDICAP" TO THOSE PRESENTLY ENUMERATED PROTECTED CLASSIFICATIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NUMBER 770825-F, KNOWN AS THE FAIR HOUSING ORDINANCE OF THE CITY OF AUSTIN, BY AMENDING THE DEFINITION OF THE TERM "PHYSICAL HANDICAP"; BY DEFINING THE TERM "MENTAL HANDICAP"; BY ADDING THE TERM "MENTAL HANDICAP" TO THOSE PRESENTLY ENUMERATED PROTECTED CLASSIFICATIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Consideration of amending the Equal Employment Opportunity Ordinance to provide a new definition of "Handicapped Person" to encompass both physical and mental impairment, was postponed until June 26, 1980.

#### ZONING ORDINANCE

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 72.43 ACRE TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY, LOCALLY KNOWN AS 7217-7223 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Janice Nolley, C14-79-244)

The ordinance was read the second time, and Councilmember Goodman moved that the ordinance be passed to its third reading. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Councilmember Cooke  
Noes: None  
Abstain: Councilmembers Goodman, Snell, Trevino

The Mayor announced that the ordinance had been passed through second reading only.

## AGENDA ITEM PULLED

Councilmember Goodman moved that the Council postpone until May 29, 1980, consideration of amending the 1979-80 Operating Budget by appropriating \$4,937.00 from the General Fund Ending Balance for discretionary investment management for the following:

1. Employees' Retirement and Pension Fund
2. Fireman's Relief and Retirement Fund
3. Police Retirement Fund

and authorizing the appointment of Duff & Phelps, Inc. to provide this service for the remainder of FY 1979-80 and for FY 1980-81. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

## CLASSES RECOGNIZED

Mayor McClellan introduced to the Councilmembers and Chamber audience the Special Education Class, 9th through 12th grade, from Austin High School. Their teacher is Mr. Tom Wiley. She also introduced Ms. Ann Fowlen's social studies class from Bedichek Junior High.

WATER SERVICE FOR ANDERSON MILL ESTATES  
SECTION IV

Mr. Bill Bulloch, Director of Water and Wastewater, presented the City Manager Report on Water Service for Anderson Mill Estates, Section IV.

"Two weeks ago you received a request for water service to Anderson Mill Estates, Section IV, from the developer of that subdivision. We've done further research on the discussion that led up to submission to the City Legal and Water and Wastewater Department contract to provide service off the back of Northwest Travis County District 2 MUD (Municipal Utility District). Based upon the discussions that led up to that submission, in my opinion the developer, Mr. Neans, was led to believe that the Department would ask Council to consider that approach providing service to the 21-lot subdivision. Because of that I am here to say I think it would be appropriate to recommend the Council consider, in this one instance, if that subdivision can be annexed into the MUD to provide for an appropriate accounting mechanism for the water flowing into that area, that service be granted."

May 22, 1980

Councilmember Cooke asked if this can happen. Mr. Bulloch told him if they are annexed into the MUD, then "we'll be billing the MUD since we'll be talking about one meter for all the water that goes into the MUD and it will be, as far as we're concerned, a very clean accounting mechanism. There will be no question in our minds where the water is going."

MR. JIM VOETH, representing Mr. Glenn Neans, appeared before Council to state they have no objection to being annexed into the MUD. He suggested the City might want to supply water to them on a month to month basis and cut off the supply if the agreement does not work. Councilmember Mullen was not in favor of the latter. He said if the City cut off the water, "we would be the bad guys."

After some discussion, Councilmember Himmelblau suggested this come back next week with something from the MUD. Councilmember Cooke said, "If you want to be annexed to the MUD, I suggest you closely examine the contract between the MUD and the City and be assured you can meet all the requirements of the MUD because I would be very reluctant to approve an annexation which would not meet the standards which we put forth as a City as far as all the requirements of the MUD. I would hope staff would look at that prior to our voting on it to insure themselves while they may not have met all the conditions of the MUD, that they will meet all the conditions and it will be in the contract before they approve it."

Mr. Albert De La Rosa said they will schedule approval of the contract for next week's agenda.

#### PROCESS FOR SETTING THE TAX RATE

Mr. Jack Klitgaard, Tax Assessor-Collector, presented the City Manager's Report on Process for Setting the Tax Rate, as follows:

"The following is a schedule of occurrences necessary to arrive at an approved tax roll and a tax rate for 1980. This schedule meets all legal requirements now imposed by recent new legislation.

##### "Step 1

The Tax Office will mail Change of Valuations Notices to all property owners in early June, 1980. Notices will contain the information shown on Addendum 1. This form is the same used last year and time does not permit changing at this late date. For the June mailing the years will become 1979 and 1980 and the assessment rates will become 100%. The last line of the form will be misleading to taxpayers and it is suggested that the following inset shown as Addendum 2 be mailed with each notice."

Council looked at Addendum 2 which read as follows:

### "YOUR TAXES

The bottom line of your notice entitled "Amount of Tax Estimated 1980" is a new legal requirement, but has no basis in fact. The law mandates that this tax be calculated and publicized in this manner by multiplying the new valuation by the preceding year's tax rates. These amounts are NOT your taxes for next year. The actual tax rates will be established by the City Council and School Board at public meetings later in the year."

Council discussed the wording of the notice. The Mayor did not like the title, nor did the rest of the Council. Councilmember Mullen suggested some changes in the wording. As a result, the following notice will be mailed to property owners:

#### "THESE AMOUNTS ARE NOT YOUR TAXES FOR NEXT YEAR

The bottom line of your notice entitled "Amount of Tax Estimated 1980" is a new legal requirement, but has no basis in fact. The law mandates that this tax be calculated and publicized in this manner by multiplying the new valuation by the preceding year's tax rates. These amounts are NOT your taxes for next year. The actual tax rates will be established by the City Council and School Board at each of their separate public meetings later in the year. The AISD must act on their tax rate by August \_\_\_\_\_. The City Council must act on their tax rate by September 27, 1980."

Mr. Klitgaard concluded his report as follows:

#### "Step 2

Board of Equalization is convened, all appeals heard, and the tax rolls certified to the City Council and School Board by August 15, 1980. The Tax Assessor will calculate and publish the maximum tax rate allowed without holding a public hearing. The maximum rate, using estimated values at this time, is calculated as follows:

1. 1979 assessed value	\$3,746,798,800
2. 1979 tax rate (\$.68 G.F. and \$.28 S.F.)	\$.96/\$100
3. 1980 assessed value (est.)	\$6,250,000,000
4. Less assessed value new improvements	<u>\$ -200,000,000</u>
Value for rate calculation =	\$6,050,000,000
5. 1979 tax levy	\$35,969,269
6. Less Tax on property removed from roll	<u>\$ -150,000</u>
	\$35,819,269

(continued)

	\$35,819,269
7. Less sinking fund requirements	<u>-10,472,075</u>
	\$25,347,194
8. Less tax for new 1980 exemptions	<u>\$ -200,000</u>
Levy for rate calculation =	\$25,147,194
9. Maximum general fund rate is: $25,147,194 \div$ $\$6,050,000,000 = .00416$ or $\$.416/\$100$	
10. Estimated 1980 sinking fund requirement:	\$12,000,000
11. Sinking fund rate is: $\$12,000,000 \div \$6,250,000,000 =$ $.00192$ or $\$.192/\$100$	
12. Total calculated rate for publication is: $\$.416 +$ $\$.192 = \$.608/\$100$	

The rate may increase 3% without necessity for a public hearing:  $\$.608 \times 1.03 = \$.626/\$100$ . City Council will be notified of the calculated rate prior to publication. Publication is expected by August 15, 1980.

#### Step 3

At it's regular meeting on August 21, the Council will vote on a tax rate increase. If the voted increase exceeds 3% of the previously published rates, a public hearing procedure is required. Council will also set a date, September 18 at 5:00 p.m. for such public hearing. Hearing must be only item on the agenda and conducted after 5:00 p.m.

#### Step 4

Between August 22 and September 10, a newspaper article stating the percentage increase in the tax rate, date and time of public hearing to increase the rate, and the vote of each Council member must be published. A sample from last year is enclosed as Addendum 3, also with our explanation (Addendum 3-A).

#### Step 5

At the public hearing on September 18, Council will announce that the vote on the tax rate is scheduled for the regular Council meeting of September 25 at \_\_\_\_\_ o'clock.

#### Step 6

Between September 19 and September 21, a newspaper article stating the percent increase in the tax rate, setting the date and time for the final vote on the tax rate, and vote of each Council member on the proposal to increase the tax rate must be published. A sample from last year is enclosed as Addendum 4 along with our explanation shown as Addendum 4-A.



## Step 7

At its regular meeting on September 25, the Council will vote on the final tax rate, approve the tax rolls, and pass the tax levy ordinance. Council may change the amount of exemption for the over sixty-five or disabled, and must approve the submitted list of historic exemptions.

Note: If the final tax rate to be approved by the Council does not exceed 103% of the rate calculated by the Tax Assessor, none of the foregoing publications and public hearings are required except the final tax rate vote on September 25. This rate using estimated values in step 2 would be 62.6 cents per \$100 valuation."

## PUBLIC HEARING - BLACKSHEAR URBAN RENEWAL PLAN

Councilmember Mullen moved that the Council reset a public hearing on changes in the Blackshear Urban Renewal Plan to extend Gregory Street from Leona Street eastward to Salina Street and allowing a forty foot (40') right-of-way rather than a fifty foot (50') right-of-way for Leona Street between Gregory Street and Rosewood Avenue, for June 26, 1980 at 2:30 p.m. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Later, the Mayor said this vote should have been taken after the scheduled public hearing is announced. She said there has been a request for the change.

A public hearing was scheduled for 9:30 a.m. on changes in the Blackshear Urban Renewal Plan to extend Gregory Street from Leona Street eastward to Salina Street and allowing a forty foot (40') right-of-way rather than a fifty foot (50') right-of-way for Leona Street between Gregory Street and Rosewood Avenue.

Motion

Councilmember Trevino moved that the Council reset the public hearing for June 26, 1980 at 2:30 p.m. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor  
McClellan, Councilmembers Cooke, Goodman  
Noes: None

## RECESS

Council recessed its meeting at 10:00 a.m. and resumed its recessed meeting at 10:20 a.m.

## PRESSLER STREET PAVING WIDTH

MS. JUDY BROWN appeared before Council to discuss the variance to paving width for Pressler Street. Ms. Brown said she and her husband own the property at 1407 West 9th which is known as the William Pillow House and has Historical zoning. She said that in trying to add on to the garage apartment in the back, they found in their search to get a building permit that they have an illegal city lot. Mayor McClellan pointed out that Ms. Brown's request is on today's Agenda under Ordinances (Item G-2).

Motion

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass the ordinance to reduce the paving width of a 126-foot portion of Pressler Street to 12 feet within the approximate existing right-of-way. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

Later in the day, Mayor McClellan said the vote should be reconsidered so the ordinance can be passed on an emergency basis.

Motion to Reconsider

Councilmember Trevino moved that the Council reconsider the ordinance concerning Pressler Street. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE OF THE CITY OF AUSTIN, TEXAS; GRANTING A VARIANCE IN SUBDIVISION CASE NO. C8s-80-085 BY REDUCING THE REQUIRED PAVING WIDTH ALONG A CERTAIN PORTION OF PRESSLER STREET; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass, on an emergency basis, the ordinance effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the ordinance had been finally passed.

## BANNER FOR SETON BENEFIT

Councilmember Goodman moved that the Council approve the request of MR. DAVID MARTIN, Assistant Director of Community Relations, Seton Medical Center, for permission to place a banner across Lamar Boulevard at 38th Street, from June 9, 1980 through June 23, 1980 advertising the Phil Donahue Benefit Show for Seton Medical Center. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mullen  
Noes: None  
Not in Council Chamber when roll was called: Councilmembers  
Trevino, Himmelblau

## MAYFEST SOUTH

MR. MOSES SALDANA, Chairperson, South Austin Neighborhood Council, had requested to appear to ask Council's support to help make Mayfest South a success. He was unable to appear, so Mayor McClellan informed his representative, Bill Paar, that the proclamation which Council has for them will be presented at another time.

## TEXAS BLUES SOCIETY

Councilmember Goodman moved that the Council approve the request of MR. G. PETER THORPE, President, Texas Blues Society, for use of Auditorium Shores for Battle of the Bands, Saturday, June 14, 1980 and permission for the sale of beer, food, etc. during the event. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke,  
Goodman, Mullen, Snell  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Himmelblau

## SECOND ANNUAL WOMEN'S SPORTS FESTIVAL

Councilmember Cooke moved that the Council approve the request of MS. KARIN BONICORO, representing Women's Sports Festival Committee, for permission to sell juice, tea and watermelon at the Second Annual Women's Sports Festival at Zilker Park Polo Picnic Grounds. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen, Snell, Trevino  
Noes: None

## SIGNS IN HISTORICAL AREA (EAST 6TH STREET)

MR. ARTHUR E. HAMILTON appeared before Council to request them to amend the Ordinance controlling signs in Historic Area (East 6th Street). Mr. Hamilton, who lives on East 6th Street, showed slides of signs which he contends are visually obnoxious. He asked the Council to "amend Section 45-51.1(d) to consider any sign larger in size than a double newspaper sheet to be considered as an exterior sign alteration; secondly, that Section 45-51.1(d) be amended to require, not review as is presently required, but approval by the Historic Landmark Commission before a permit could be issued. Lastly, I would hope you would immediately establish a moratorium on the issuance of sign permits in a National Register District to prevent a rash of 'grandfather' signs. As it presently exists there is no way that legally we can force or ask or request the Fortress (referring to a sign in his slides) to remove the sign that's on the inside of the glass. I urge you to take appropriate action today to prevent the possibility of East 6th Street becoming another Burnet Road."

Mayor McClellan said this request will have to be referred to the Legal Department, Historic Landmark Commission and the Planning Commission before Council can take any action.

Motion

Councilmember Mullen moved that the Council refer the request of Mr. Arthur Hamilton to the Legal Department, Historic Landmark Commission and the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

## ELECTRIC RATES DISCUSSED

MR. M. A. LANG appeared before Council to discuss electric rates. He asked, "Why in the matter of electric rates am I being discriminated against and nothing being done about it?"

Councilmember Mullen said, "I know Mr. Lang has taken a lot of our time but I think he may be justified in continuing to be concerned that there is inequity that hasn't been properly addressed." Mayor McClellan said she is having a letter written to Mr. Lang which states "it has been somewhat corrected, it will be corrected and it is going to get better, but 'The Laundry Room' has had less of an impact than other customers in that classification. Our decisions obviously don't always please everybody, but we've also got the overall ratepayers to look at there. ...I don't know that we are going to have a remedy that is going to satisfy him." Councilmember Mullen said, "I want to find out from staff, if we go back to the Touche-Ross report, if the City Council or the recommendation from staff or a combination of all those, Electric Utility Commission, whatever did we end up changing the Touche-Ross report to where it had an impact on what Mr. Lang is talking about. In other words, as a net result of the changes we made, did it effect that classification. I'd like to have an answer on that by next week if we could." Mr. Davidson stated, "All right. Mr. Mullen, I believe that what was done is that we improved Mr. Lang's situation, but not as much as Mr. Lang would like to have had it improved, over and above what Touche-Ross recommended."

Councilmember Mullen said he was talking about the first time, not the second time. "I'm talking about whether we made a drastic error the first time. Assuming we were a lot more out of line than we should have been, instead of increasing that classification only 4% when we increased everybody else's 15%, maybe we should have decreased that classification. I don't know, but I'd like to know if on that initial time we got that Touche-Ross report, if we in fact modified to where this classification was hurt or hit harder than we thought it would be."

Mayor McClellan reiterated what she had already said, and added she does not want to hold out hope for a remedy which they do not have. Councilmember Mullen said he would like to know how many people are really in this group which they are talking about. Mr. Davidson said, "We'll work all this information up and give it out to Council."

#### PARADE PERMITS

Councilmember Himmelblau moved that the Council approve the following parade permits:

1. Parade Permit requested by Mr. W. H. McGregor, Department Adjutant, The American Legion, Department of Texas, for The American Legion Boys State from 8:15 a.m. to 9:30 a.m., Friday, June 13, 1980, beginning from M.L.K. Boulevard along North Congress Avenue, south to Capitol, circle Capitol on west and arrive at Capitol steps by marching up south Congress walkway from 11th Street.
2. Parade Permit requested by Mr. John D. Pope, Jr., for Texas Shrine Association Parade (Ben Hur Shrine Temple) from 10:00 a.m. to 12:00 noon, Saturday, June 14, 1980, beginning from Municipal Auditorium, Barton Springs to Congress, across Congress Avenue, up Congress to 11th Street, west on 11th with walking units disbanding and motor units returning to Municipal Auditorium.
3. Parade Permit requested from Mr. James B. Hodge for Austin Juneteenth Committee, from 10:00 a.m. to 12:00 noon, Thursday, June 19, 1980 beginning at Martin L. King Boulevard and Comal Street, east on to Chicon, south to Rosewood, left on Rosewood to 2300 block.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke  
Noes: None

## HARMONY WEEK

Mayor McClellan read and presented a proclamation designating the week of May 25-31, 1980 as Harmony Week, to MR. JOHN WINKLER, Director, Austin Chord Rangers.

## AGENDA ITEM POSTPONED

Consideration of approval of a Change Order in the amount of \$50,000 to General Electric Company, for increased amount in the disassembly, inspection and repair of Holly No. 4 Turbine-Generator was postponed until May 29, 1980.

FACILITIES PLAN - ONION CREEK WASTEWATER  
INTERCEPTOR AND TREATMENT PLANT

Mr. Bill Bulloch, Director of Water and Wastewater, reported as follows on accepting the facilities plan for the Onion Creek Wastewater Interceptor and Treatment Plant. He accompanied his presentation with slides.

"The City of Austin has been pursuing the development of high quality wastewater treatment facilities for south Austin since 1974. The Williamson Creek Treatment Plant was developed as an interim treatment measure to meet immediate needs in the mid-60's, with the intent of building a high quality plant in the 1970's based upon more comprehensive planning. Attached you will find a history of this comprehensive planning process with appropriate support material.

"It is requested that the City Council accept the facilities plan for the Onion Creek Wastewater Interceptor and Treatment Plant and authorize the submission of a Step 2 Grant Application to the Environmental Protection Agency for this project. Since President Carter has deferred FY 80 Grant Funds until November of 1980, it is important to proceed expeditiously to ensure funding through the balance of FY 79 funds (letter attached).

"The City of Austin is also interested in pursuing secondary treatment design alternatives, comparing in detail the conventional activated treatment process with cryogenic high purity oxygen treatment. Since the regional EPA office has informed us that they will fund the engineering design of only one (1) secondary treatment alternative, we will be pursuing the other alternative with pure City funding. It is estimated that the alternative will cost between \$140,000 and \$180,000, and will be financed with available monies for engineering and construction of this project. The staff will return to Council at the appropriate time for approval to proceed with this secondary treatment alternative."

Motion

Councilmember Mullen moved that the Council adopt a resolution accepting the facilities plan for the Onion Creek Wastewater Interceptor and Treatment Plant. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Cooke,  
Goodman

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

HEIGHT PROVISIONS - DOWNTOWN  
NATIONAL REGISTER DISTRICT

Council had before it for consideration the Planning Commission's recommendation to establish special height provisions for the two National Register districts in the downtown area. Councilmember Goodman said this is a year-old recommendation from the Planning Commission which Council has never acted upon. They ask for an amendment to the Zoning Ordinance which would restrict building height in the downtown area to 2nd Height and Area of 60 feet or elevation 653', whichever is less. If it was 3rd Height and Area, it would be 120 feet or elevation of 653', whichever is less; and the 4th Height and Area would be 200 feet or an elevation of 653', whichever is less. 653' is the roof line of the east and west wings of the Capitol Building. Councilmember Goodman said this is not meant as an effort to sabotage the BWC project being considered. He asked Council to adopt the height limitations and then they will have another opportunity to review. Councilmember Himmelblau asked if this meant a roll back on some of the heights that have been established. He said it does not, but would be an amendment to the zoning ordinance, effective from the date adopted.

Councilmember Cooke spoke about the recommendation of the Planning Commission which had come to Council last May. "The Mayor and I had asked, prior to that time, that we look at visual corridors throughout the city in various areas. Whether it was a misunderstanding, or whatever, there was a lot of communications between my office and Planning to define what we meant. It was trying to speak to some corridors that would give views of the Capitol. It was not necessarily speaking to the two Historic Districts, but what we got back was a blanket ordinance that put a height restriction over the whole city, which was definitely different. It was I that pulled it down because it was not in accord. I'm not saying the Planning Commission does not have the right to do what they want with regard to height restrictions, but they were talking about a blanket height restriction and we were talking about visual corridors that would protect the view of the Capitol. This is entirely different. ...I just want to set the record straight that that was not what we were trying to speak to. And I think that is important. Bill Collier said in the American-Statesman that we sat idle for a year on this ordinance and it was not that we set idle, it was that that particular recommendation was not what we were trying to focus on." Mayor McClellan agreed with Councilmember Cooke's statements.

Mr. Albert De La Rosa recommended to Council to send the item back to the Planning Commission to start the process again "because this is an amendment to Chapter 45 and there are some procedural requirements that must be met whenever the Council is amending Chapter 45. The Planning Commission held the public hearing and did their action over a year ago and it would be wise to start the process up again. Then at that time, this item could come back before the Council with the required public hearings that are necessary in order to pass an amendment to Chapter 45.

Councilmember Cooke stated, "I think if we are going to send this back to the Planning Commission, and I want to give the Planning Commission as much latitude as they want as far as making their recommendations, but I want to go on record and revive all of the documentation that we talked about as far as visual corridors. I want them to fully understand where I was going as one Councilmember and I would have a hard time with a blanket ordinance that seeks to have height limitations over the whole city versus visual corridors to the Capitol."

Councilmember Goodman said, "What I would rather do then is just wait and sometime in September we will be receiving a study for Historic Districts from Sinclair Black and Tom Lee and perhaps at that time we can consider it. But I certainly think we ought to adopt some kind of policy so that in the future we have some latitude in deciding whether or not we want such things as the BWC tower." Mayor McClellan said Council has the latitude right now to decide on such things as the BWC project. Councilmember Goodman feels there should be a reasonable height limitation for downtown. Councilmember Himmelblau said that "along with the height, your setback as far as your corridors is just as important, if not more so." Councilmember Goodman said he would withdraw his proposal and wait for the Historic study in September.

#### HISTORIC REVOLVING FUND AND EXTERIOR IMPROVEMENTS

Council had before them for consideration the adoption of a policy that the Historic Revolving Fund can only be used to finance exterior improvements in keeping with the Historic Zoning Ordinance. Councilmember Himmelblau stated, "I put this on because the Historic Zoning Ordinance pertains to the exteriors of structures only and when the revolving fund was set up in 1975, it was to be used for exterior restoration only and I feel that it has been violated and wanted just to re-state the policy."

Councilmember Cooke asked if they could get some indication as to how it is being used right now. He said it was set up in 1975 but it was not implemented until 1979 when they finally got the funds and started allocating them... \$135,000. "I'm very interested in knowing how that \$135,000 is being used."

Councilmember Himmelblau said, "I don't know what portion, but I know some of it was for interior, but the exterior was because the public can drive by and see the exterior of a home but they don't have the right to go inside someone's home." Councilmember Goodman said he thought there should be a clause so that structural rehabilitation can be considered. Councilmember Himmelblau said she would like to have it moved back from ARA to the Planning Department, particularly with the Landmark Commission."

Councilmember Cooke questioned if the Planning Department has the capability to administer a revolving loan fund. He said if there is not someone on staff who has the financial capability to look at \$135,000 and look at how it's sinking fund would have to be established, look at the interest rates, etc., then perhaps some other alternatives would be worth considering. Councilmember Cooke asked that ARA give Council a report on how the money is being allocated and how it is being used. He felt a short presentation by ARA would be better than a written document. Councilmember Himmelblau commented, "They were all supposed to come back to Council and I can remember only two instances where it has come back to Council." Mr. Davidson told Council, "We'll ask them to prepare a report on all of that and I think also it would be in order for them to describe how the program is administered." Councilmember Cooke asked, "I'd like to respectfully request we hold up on making a decision until we hear that report and then we might be able to make a broader policy statement. Councilmember Himmelblau stated, "The policy was supposed to be in effect and I feel that it's been altered. I don't mind waiting, they are altering it now anyway. I put it on just to reinforce it, but I would like to know just like you would how the \$135,000 has been used."



## CAMP SWIFT LIGNITE RESERVES

Council had before it a resolution to consider entering into a Policy Agreement regarding bidding on Camp Swift Lignite Reserves. Mr. R. L. Hancock, Director, Electric Utility spoke as follows:

"By way of background, Austin and LCRA (Lower Colorado River Authority) have been interested in trying to obtain access to lignite reserves on the Camp Swift tract since about 1974. A great deal of work has been done along those lines and it now appears that because of legislation that went through Congress, publicly owned systems will have first bidding rights at that and that the Bureau of Land Management will be able to put that package out for bids either in the first quarter of 1981 or the second quarter of 1981. This agreement that is presented to the Council today is a joint agreement between Austin and LCRA and City Public Service that relates to the joint application of the development of that resource and a decision between those two utilities, that if they are successful, that resource will be divided into thirds and probably developed jointly for the benefit of each of those three utilities. We should clearly understand that this relates to the cooperative development and the application of the resource. It does not relate to the physical development of the resource after the successful bidding, although it indicates an inclination to cooperate in that sort of a development. LCRA approved it this morning; City Public Service Board has approved it previously and it's presented to Council now for their consideration. I suppose the change in the concept is the involvement of City Public Service in San Antonio who has had for many years lignite holdings in the Bastrop County area and has been very interested in expanding those holdings and subsequently for capacity additions in their system to be able to add lignite generating facilities.

"Austin's need for new capacity is not eminent. Austin has enough capacity equipment to take Austin into the early 90's. But it will take a good 8 years to develop a resource of this sort. It is very close to Austin physically. It has the potential for being the most economically developed resource for Austin's next capacity addition whenever that might occur. Because of its close proximity and the reduction in the transportation costs, the development and utilization of a resource like this is a very positive addition to the resources that a utility might have and in particular in Austin's case because of the close proximity. The lignite in question is probably some of the prime lignite in this part of the country (Central Texas). Lignite, characteristically, is not as good a fuel source as low sulphur western coal, but it is a whole lot closer and of the lignite in Texas the Camp Swift lignite close to Austin is the higher quality lignite as opposed to the lignite in Fayette County or the lignite in Grimes County.

"As a matter of information, this lignite is on the old artillery range in the Camp Swift area, so it probably is the most expeditiously developed resource that one could be interested in. I'm sure Council is interested in the financial obligation involved. LCRA, in carrying the lead in this particular development, has incurred some cost that neither of the participants have participated in and there will be some additional cost in conjunction with preparation with bidding, communications, administrative matters with respect to the development by the Bureau of Land Management, and it is estimated that Austin's share of that cost would be somewhere in the order of \$50,000 to \$75,000. That's simply

in the preparation of the bidding document and carrying us right up to that bidding process would not include any financial commitment as a result of the bid, that is, lease payments or fees to the government, which would be subsequent. The agreement does provide that in the event the three entities are successful that if one entity declines to develop their share, the other two entities will have either first or last right of refusal on that source prior to any other sale. If Austin was a part of a successful bid but declined to develop the lignite, San Antonio and LCRA would have a first or last shot at it prior to any other for disposal of the properties."

Mr. Davidson told Council this really is an opportunity to keep our options open for the future.

#### Motion

Councilmember Himmelblau moved that the Council adopt a resolution to enter into a Policy Agreement regarding bidding on Camp Swift Lignite Reserves. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau  
Noes: Councilmember Goodman  
Abstain: Councilmember Trevino

#### STREET VACATION

Mayor McClellan opened the public hearing scheduled for 11:15 a.m. on vacating the following and passage of Ordinance:

A portion of West 43rd Street from the west property line of Shoalwood Avenue westward 132.00 feet to the end of the street. (Requested by David L. Lindsey and Ken Nix) File C10v-79-012

Mr. John German, Director of Public Works, said the street vacation is in order and recommended approval. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WEST 43RD STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

BUDGET AMENDMENT - BARTON CREEK WATERSHED  
ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1979-1980 OPERATING BUDGET BY APPROPRIATING \$142,682 FROM THE GENERAL FUND ENDING BALANCE TO VARIOUS CITY DEPARTMENTS FOR THE PURPOSE OF IMPLEMENTING THE BARTON CREEK WATERSHED ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Prior to the vote, Councilmember Cooke asked for an overview presentation regarding the mapping requirements for the \$142,682 amendment to the General Fund of which \$101,000 dealt with mapping.. "the critical reasons why that would be; the timing requirements on it as it relates to this year's budget versus consideration in next year's budget and I realize you would like to know right now where you stand on that funding, John, so you can proceed but I'd just like to have how the mapping would proceed and how those people would use the mapping we would go ahead and fund today, and the various departments that are asking for funding."

Mr. John German, Director of Public Works, stated, "In the Barton Creek Ordinance, considerable work went into talking about how we would actually implement the provisions of the Barton Creek Ordinance. I think everyone agreed one of the essential keys to the implementation was to proceed with the mapping as quickly as possible. There are many questions that cannot be really resolved until we have adequate maps to address those questions.

"For example, a lot of the regulations are tied to the center line of the creek and without proper maps we will not be able to actually know where that center line is. The zones area based upon being so far from the center line of the creek and we will not be able to tell whether properties are included in any one of those three control zones without having a map to do that. Also there may be a question where property is right on the boundary and we are not sure whether it is in a zone or not in a zone. We'll have to have the maps to verify that they are, or are not effected.

"The fact that you have included in the ordinance the definition of tributaries and how those effect the over all development. There are controls along the tributaries, and again we'll have to know exactly where those boundary limits are. The mapping is essential to that, as well as the long

term planning for Barton Creek in general. How it will be developed, how the drainage will be handled, these kinds of questions are essential for the map. The aerial photos have already been taken and it is merely a process of converting those photos to topographic maps. We are doing mosaics of the area. ...We will end up with topographic maps, scale maps that can be used to show contours as well as physical features that are on the land itself. The \$101,000 will be used mainly by the contractor to prepare those photo maps. We have a contract that goes back to 1977 with International Aerial Mapping in San Antonio that we've been using and we would continue that in this process. Part of the money would also be used by City survey crews for ground control to make the marks on the ground that can be used to match the photos and improve the accuracy. ... We have maps up to Lost Creek and we want to extend the mapping to Highway 71."

Councilmember Cooke asked when the maps would be available based on the fact they already have the photography. Mr. German told him within about three months. Councilmember Cooke concluded it would be logical that this would be an amendment to this year's budget.

#### RECESS

Council recessed its meeting at 11:30 a.m. and resumed its recessed meeting at 2:30 p.m.

#### SUBMISSION OF 6TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND REPROGRAMMING OF 5TH YEAR CDBG FUNDS

The Council had before it the following item for consideration:

1. Consider authorizing submission of FY 1980-81 (6th Year) Community Development Block Grant Application in the amount of \$5,870,000 to the Department of Housing and Urban Development.
2. Consider reprogramming of 5th Year Community Development Block Grant (CDBG) funds.

Mr. Carlos Herrera, Director, Human Services Department, responded to questions from Council regarding the two items.

Councilmember Cooke expressed concern over reprogramming of 5th year funds before certain projects had been implemented and given a chance.

After further discussion among the Council and staff, the following motion was offered:

#### Motion

Councilmember Trevino moved that the Council designate the following organizations and agencies to receive the following amounts, from reprogramming and 6th year funding:

Austin Tenants Council	\$ 36,830
Clarksville Community Development Corporation	73,854
Austin Area Urban League	
Housing Counseling	61,734
Neighborhood Improvement including	
Emergency Repair	75,000
Austin Housing Authority	225,000
Citizens National Bank (reprogramming)	1,000,000
MIGHT	21,646
United Cerebral Palsy	40,000
Austin Redevelopment Authority	2,537,922
Corridors Project - Human Services Department	1,000,000
Planning and Administration - Human Services	
Department	410,168
Housing and Assistance Plan - Planning Department	107,902
Robertson Hill (Park Commitments)	750,000
Guadalupe Neighborhood	622,000
Supplemental Housing Rehabilitation	322,000
Land Disposition and Permanent Relocation - ARA	15,000
Austin Business Loan (rename East Austin Business	
Loan and combine with Facade Restoration)	250,000
Corridor Physical Improvements	400,000
Shady Lane Bridge	190,000
Weatherization Program	10,000
CDD #12 (Montopolis Area)	475,000
Waterloo Elevator - Senior Citizens	40,000
Tillery Street Reconstruction	88,000
East Austin Community Development Credit Union -	
Austin Area Urban League	38,947
Housing and Assistance Plan (5th Year) -	
Planning Department	18,000
Contingency	116,450

At that point there was discussion as to whether or not \$100,000 should be added to the supplemental housing rehabilitation program. Councilmember Himmelblau suggested that that amount be added to the program and that a contingency fund of \$20,000 be set. The Council agreed with the recommendation.

Councilmember Cooke made the following statment:

"I just want two points of clarification. I realize and appreciate the fact that agencies that came in for funding requests RFP through this last process, I am talking about NBL (National Business League) and others that we are considering funding. I think one of the others is United Cerebral Palsy, that I would like to see some example of work before we fund them. I think they should still be RFP. I know we are talking about money out of corridors as far as NBL is concerned, but I think that you should...I think that we should bring them one cycle, so that they are not penalized in that they were funded in the middle of the year. At the same time, I want to see some display of record too. I don't want it to be just automatically funded without seeing how they perform."

Mr. Herrera assured the Council that his Department would be monitoring the programs more aggressively to assure performance and that monthly reports would be available for the Council's review.

Mayor McClellan commented that she felt that the Family Life Center proposed by Huston-Tillotson College was a worthwhile project and asked that if it was not going to be funded through CDBG, could it be reviewed within the scope of other social services under social service contractuals.

Mr. Herrera stated that he would encourage Huston-Tillotson to participate in that process.

Councilmember Cooke made the following statement:

"In the fact that we had the confusion of reprogramming or the call for reprogramming by at least two commissions and a subcommittee, I would just like to go on record as one Councilmember that I thought that was very inappropriate with regard to reprogramming monies before we had a chance to really look at those monies to see how they were going to be used, and it put us in a quandary that we are in today about juggling back and forth, and you know I just personally do not feel that was appropriate."

Councilmember Himmelblau agreed with Councilmember Cooke and stated that she preferred to take one year at a time.

Councilmember Trevino concurred and stated that he thought that the Council needed to give clear instructions that next year the commissions should deal only with that particular year and then the Council would have the option of reprogramming if desired. Mr. Herrera stated that if any new projects were considered today by the Council, he recommended that those projects be sent through the normal process and then brought back for formal action and approval by the Council.

#### Second to Motion and Roll Call

At that point, Councilmember Cooke seconded Councilmember Trevino's motion. Roll call showed the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

#### Reconsideration of Motion

Later in the meeting, Councilmember Trevino moved that the Council reconsider the preceding CDBG motion. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen, Snell, Trevino  
Noes: None

Motion - 5th Year

Councilmember Trevino moved that the Council adopt the following program for the 5th year:

Citizens National Bank (residential only)	\$1,000,000
Robertson Hill	250,000
Guadalupe Neighborhood	122,000
Supplemental Housing Rehabilitation - ARA	422,000
Land Disposition and Permanent Relocation - ARA	15,000
Austin Business Loans (Target Area) and Facade Restoration	250,000
Corridors Physical Improvements	179,943
Shady Lane Bridge	190,000
Weatherization Program	10,000
CDD #12 (Montopolis Area)	475,000
Waterloo Elevator - Senior Citizens	40,000
Tillery Street Reconstruction (street only)	88,000
Housing and Assistance Plan - Planning Department	18,000
	<u>\$3,059,943</u>

Friendly Amendment - Accepted

Councilmember Goodman offered a friendly amendment that Citizens National Bank be required to supply quarterly reports to the City Council on the progress of the program commencing three months after receipt of the money. Councilmember Trevino accepted the amendment.

Roll Call on Motion - 5th Year

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan  
Noes: None

Motion - 6th Year

Councilmember Trevino moved the Council allocate the following funds to the following agencies out of the 6th year CDBG (Community Development Block Grant):

Austin Tenants Council	\$ 36,830
Clarksville Community Development Corporation	73,854
Austin Area Urban League:	
Housing Counseling	61,734
Neighborhood Assistance Program/Emergency Repair	75,000
Austin Housing Authority	225,000
MIGHT	21,646
United Cerebral Palsy (architectural barriers)	40,000
Austin Redevelopment Authority	2,537,922
Corridors Project - Human Services Department	1,000,000
Planning and Administration - Human Services Department	410,168
Housing and Assistance Plan - Planning Department	107,902
Corridor Physical Improvements	220,057
East Austin Community Development Credit Union - (Austin Area Urban League)	38,147
Contingency	20,940
Robertson Hill	500,000
Guadalupe Neighborhood	500,000
	<u>\$ 5,870,000</u>

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Councilmember Cooke

Noes: None

#### EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

#### RECESS

Council recessed its meeting for Executive Session at 3:15 p.m. and resumed its recessed meeting at 3:50 p.m.



## BOARD AND COMMISSION APPOINTMENTS

Councilmember Himmelblau moved that the Council make the following Board and Commission appointments:

Civil Service Commission

Diane Downing - term expires 5-6-83

Environmental Board

Masa Scott Roberts - term expires 7-1-80

Building Standards Commission

Mayo Stewart - term expires 6-1-82

Community Development Commission

Bob Perkins - term expires 3-1-82

Bennie L. Sarrett - term expires 3-1-82 (represents Councilmember Goodman)

Barbara G. Holmes - term expires 3-1-82

JoBeth C. Worden - term expires 3-1-82

National Business League (private sector group) - term expires 3-1-81

Dental Health Advisory Committee

Vernell Lee - term expires 3-1-81

Dr. Ed White, Jr. - term expires 3-1-81

Dr. John Frasher - term expires 3-1-81

Elizabet Ney Museum Board of Directors

Dr. Timothy Stevens - term expires 4-1-82

Gini Terpening - term expires 4-1-82

James Maxwell - term expires 4-1-82

Kathleen Gee - term expires 4-1-82

Medical Assistance Advisory Board

James L. Boon - term expires 12-1-80

Planning Commission

Edward T. Wendler, Jr. - term expires 6-1-81

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen, Snell, Trevino

Noes: None

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LOBBYIST TO REPRESENT AUSTIN  
AT TEXAS LEGISLATURE

Councilmember Himmelblau introduced an item to Council to consider hiring a lobbyist to represent the City of Austin's interest before the next session of the Texas Legislature. She requested the City Manager to "next week bring back a schedule and a plan to do so. I feel the selection should be handled much like the other professional contracts that we consider with the RFP's (Requests for Proposal) going out and the applicants disclosing what other organizations they are lobbying for during the next session. Also, the general issues the Council is interested in for the next session should be decided and that when a lobbyist is selected that they will report monthly to the Council starting in the fall and weekly during the session. The suggested schedule I would suggest to the Manager and the Manager's office would be to issue the RFP's by the end of the month, receive the proposals by the end of June and select a lobbyist with the Council's vote by mid-July. And that would be my motion." Councilmember Goodman seconded the motion.

Councilmember Mullen asked if there is a fiscal note. Mayor McClellan told him there will be a fiscal note before Council acts upon it.

Roll Call on Motion

(To hire a lobbyist to represent the City of Austin's interest before next session of the Texas Legislature, as outlined by Councilmember Himmelblau.)

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman  
Noes: Councilmember Mullen

## SOUTH TEXAS PROJECT WORK SESSION

Mayor McClellan introduced an item to Council to establish a date for a work session on the South Texas Project. After some discussion it was decided to hold the work session on June 25, 1980 at 4:00 p.m.

PUBLIC HEARING - REGULATION OF CERTAIN  
SEXUALLY ORIENTED COMMERCIAL ESTABLISHMENTS

Mayor McClellan opened the public hearing, scheduled for 4:00 p.m. on amending the Zoning Ordinance to regulate the location of certain sexually oriented commercial establishments. Mr. Lillie, Director of Planning, referred Council to the proposed amendment, and told them, "You have three sections you need to be aware of. The first calls for certain findings and objectives by the City Council and I'd like to summarize those. 'That these business establishments that are going to be regulated because of their very nature, have serious, objectionable operational characteristics, and when several of them are concentrated under certain circumstances the result is a deleterious effect on both the area in which they are located and adjacent areas. The regulations pertaining to these business establishments are necessary to insure the adverse effects from the businesses do not contribute to blighting or downgrading of the neighborhood.

Appointments to Be Made

Mayor McClellan announced the following Board and Commission appointments are due to be made May 29, 1980:

Environmental Board - 1  
Building Standards Commission - 1  
Community Development Commission - 6  
Dental Health Advisory Committee - 9  
On-Going of Goals Assembly Committee - 1  
Elisabet Ney Museum Board - 4  
Medical Assistance Advisory Board - 1  
Commission on the Status of Women - 2  
Private Industrial Council - 6  
Board of Equalization - 3  
Electric Utility Commission - 1  
Planning Commission - 1

## CDBG

Discussion on CDBG which was begun earlier was completed at this time, however, this portion was covered in the section on Community Development Block Grant (CDBG) preceding.

## RECESS

Council recessed its meeting at 3:55 p.m. and resumed its recessed meeting at 4:00 p.m.

## NUCLEAR REGULATORY COMMISSION

Council had before it for consideration a request that the Nuclear Regulatory Commission (NRC) hold a public hearing on the April 30, 1980 NRC Order to Show Cause.

Councilmember Goodman stated that he and City Attorney Jerry Harris do not agree on the need for a public hearing and he asked Mr. Harris to tell Council why he does not think they should request a public hearing. Councilmember Goodman said he thinks there is some merit to why Council should have a public hearing.

Mr. Harris explained: "I have delivered to Council earlier this week a memorandum from me addressing this particular matter and expressing my opinion on the matter of hearings that might be held or are going to be held in connection with this particular matter. I, too, will not attempt to spend a lot of time in going over that particular memo, but I will say in short that there will be a public meeting on this particular matter at a location near the South Texas site. I'm assuming, at this time, it will be Bay City, and that there will be at least two weeks notice given to the participants; the participants' contractor, Brown and Root; and to the public before that public meeting.

"At that public meeting the licensee will be required to discuss with the NRC their responses to 10 items the NRC has required in this Order to Show Cause. At that meeting the public will be invited, given the opportunity to listen and to ask questions of the licensees and the NRC and those questions can be directed at the things that have been mentioned in the Order to Show Cause, the QAQC program, etc. There will be discussion of the South Texas Project in general and nuclear power in general. ...As to any other hearing that might be requested at this particular time, as I've discussed this memo, the NRC and the Order To Show Cause did state that any person effected by the Order to Show Cause could, within 25 days of the Order to Show Cause, request a hearing.

"NRC further stated that if such a hearing were requested and were granted by the NRC that the issue at that hearing would be whether or not the licensee should comply with the items specified in the Order to Show Cause. At the current time, the responses to the 10 items are being compiled and the goal is to have those items addressed, and the responses ready to submit under oath to the NRC within the 90-day period.

"Therefore, it is my conclusion that the public meeting will give the opportunity for full, open discussion of this particular matter and others and that there really is no need to request a hearing on the issue which has been specified by NRC and that is whether or not the licensee will comply with those 10 items. Since that is going to occur, I see no need for Austin or any other City to request any hearing at this particular time and further, it is my opinion that in all likelihood no hearing would be granted by the NRC since the licensee is complying with what the NRC really wants at this time...those 10 items addressed so they can evaluate whether or not the QAQC program at the South Texas Project is going to meet the criteria and rules and regulation of the NRC to guarantee that the safety related work of the project is going to occur in a proper manner."

Councilmember Goodman said, "I'd like to make just one quick comment that it is unlikely the NRC would hold such a hearing. I think that is false. I think there is a probability that the NRC would respond to our request and would grant such a hearing." Mayor McClellan read an excerpt of the document and concluded it states a hearing may be requested but does not specify a public hearing.

Discussion followed among the Mayor and Councilmembers.

Motion - Failed

Councilmember Goodman moved that the Council request that the Nuclear Regulatory Commission hold a public hearing on the April 30, 1980 NRC Order to Show Cause. The motion, seconded by Councilmember Snell, failed to carry by the following vote:

Ayes: Councilmembers Goodman, Snell, Trevino  
Noes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Councilmember Cooke

'Second, that the regulations neither have the purpose or effect of imposing any content limitation on those who produce adult books, films or photographs or their ability to make them available to whom they desire, and that these regulations neither have the purpose of restricting in any way the purpose of viewing those materials by those who desire to view them.

'Third, that the regulation will not significantly effect a person's ability to engage in business in the community and will not significantly effect business locations in the community.' With respect to this point, we have about 125 square miles within the corporate limits. I viewed the 105 square miles that we have zoning information on and on about 45 of the 105 maps we have areas that have at least a dimension of 1,000 feet in which there would be no overlapping of the 500 foot spacing from any of these businesses with residential areas, churches, schools, parks, etc. That comment was simply to tell you there are opportunities in areas so zoned within the community that these businesses could locate. Section 58 of the ordinance defines the businesses and activities that would fall within the regulations. Section 59 identifies the spacing requirements. That is, no regulated use may be located within 500 feet of any lot zoned 'B' or more restrictive. That includes all of the residential zoning districts. Nor can any regulated use be within 500' of a church, school, public park or playground. ....Copies of this ordinance were mailed prior to Landmark Commission and Planning Commission public hearings. They both recommend your favorable consideration of this ordinance."

EMMA LOU LINN, resident of East 6th Street, spoke in favor of the ordinance because they are having problems on East 6th Street with sexually oriented businesses. She told Council they may have problems with the ordinance as proposed today but asked them to pass it and then amend it later, as she is afraid other businesses will come in if the ordinance is not passed today.

ARTHUR HAMILTON, who lives on East 6th and has a home design business, spoke in favor of the amendment. He said his business is family oriented and he does not want sex oriented business in the area. He read a letter from the proprietor of the Atlantis Texas Cafe, who also is in favor of the Ordinance. He also read a letter from SALLY PAAR, owner, Henrie's Memories, who is in favor of the Ordinance.

KEVIN O'HANLON told Council the amendment has two errors. It refers to massage parlor or business. He said this may put chiropractors out of business. He also has problems with the 10-year limitation clause.

MARILYN SIMPSON, Austin Neighborhood Association, spoke in favor of the ordinance but feels it could be a stronger ordinance. She presented Council with several additions.

MARY HOUSMAN, President, Walnut Creek Neighborhood Association, presented a 6,000-name petition, in favor of the Ordinance, to Council. She said no less than the most stringent regulations should be allowed.

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JOHN BOGARDES, Manager of the Driskill Hotel, told Council they have had many problems and urged the adoption of the amendment.

NANCY SHURLOVE appeared and read letters from people who support the passage of the ordinance. They were: Carla Daywood, realtor; Tom B. Hooks, realtor; M. D. Eirle, real estate broker; Harold L. James, Conan Homes; and Mr. R. P. Turner, Principal of Dobie Junior High.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN, TEXAS, (ZONING ORDINANCE) BY ADDING THERETO AN ARTICLE V ENTITLED, SEXUALLY ORIENTED COMMERCIAL ESTABLISHMENTS; REGULATING THE LOCATION OF ADULT BOOK STORES, ADULT FILM STORES, ADULT PEEP SHOWS, ADULT MOVIE THEATRES AND MASSAGE PARLORS; PROVIDING THAT THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS BE SUSPENDED; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance, on an emergency basis. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell

Noes: None

The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

Council adjourned its meeting at 5:45 p.m.

APPROVED

*Carol Keeton McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk