



## Austin City Council MINUTES

For JANUARY 22, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

### City Council

Frank C. Cooksey  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

Council Members  
Mark Rose  
Smoot Carl-Mitchell  
Sally Shipman  
George Humphrey  
Charles E. Urdy

Jorge Carrasco  
City Manager

Elden Aldridge  
City Clerk

### Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council, noting the absence of Mayor Cooksey and Councilmember Rose.

### MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of January 15, 1987 and special meetings of January 13 & 14, 1987. (4-0 Vote, Mayor Cooksey and Councilmember Rose absent, Councilmember Urdy out of the room.

### CITIZENS COMMUNICATIONS

Ms. Adela Perez talked about taxicab procedures at the Municipal Airport. She was referred to the Urban Transportation Commission. Mr. Jack Newman talked about moving Robert Mueller airport. Eric Boone talked about small and minority owned business. Carlos Rivarola discussed the need for continuation and expansion of financing vehicles such as AEDC's joint venture with the City of Austin. Victor Novaez discussed Council's continued support and financial commitment to programs designed to retain and expand small business in East Austin. Ms. Janet Klotz, John Joseph, John Sanford, Robert Garrett Jr., and Joe had all requested to speak but did not.

### EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of litigation. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

RECESS - Council recessed at 2:00 p.m. for executive session and resumed their recessed meeting at 2:40 p.m.

After the Council met in executive session Mayor Pro Tem Trevino stated, "The Council has been meeting in executive session to discuss, with our attorneys, the settlement of a recent lawsuit. I would ask Councilmember Carl-Mitchell to please read a statement and there will be a news release given to media shortly."

Councilmember Carl-Mitchell read the following statement: "After discussions between the City of Austin and the Texas Capitol Area Builders Association, the Texas Capitol Area Builders Association has agreed to dismiss the suit it filed last week and the City of Austin has agreed that certain of the rules previously announced have been withdrawn and will no longer be enforced by the City of Austin.

"Unknown to the Texas Capitol Area Builders Association, the Office of Land Development Services, the City department responsible for coordination of development process, had initiated posting procedures with respect to four of the disputed rules prior to the filing of the lawsuit. The City of Austin has not posted the remaining four as two have been withdrawn and the other two are covered by ordinance requirements.

"The City of Austin and the development community have been actively engaged in discussions over the past year to improve communications with respect to the development process. Examples of that effort are numerous meetings with the Texas Capitol Area Builders Association (the trade association responsible for promoting and protecting the interests of the building industry) and City staff to resolve problems. Also, the Office of Land Development Services' has published OLDS News to disseminate information to the development community. Communications still need to be improved and both are committed to that improvement."

## OLD BUSINESS - ORDINANCES

### Zoning Ordinances

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, passed through SECOND AND THIRD READINGS of the following ordinances amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:  
(5-0 Vote, Mayor Cooksey and Councilmember Rose absent)

1/22/87

- (1) MART DIGBY 9508 North I.H. 35 From "SF-2" to  
By J. Bradley "CS"  
Greenblum and  
Terry E. Mitchell  
C14r-86-234

Second and third readings. First reading on  
December 4, 1986, (5-0). Mayor Pro Tem John Trevino,  
Jr. and Councilmember Charles Urdy out of room at  
roll call. Conditions have been met as follows:  
Development restricted to that shown on site plan  
attached as an Exhibit to the ordinance.

- (2) CITY OF AUSTIN PARKS 8403 Adirondack From "SF-3" and  
& RECREATION DEPARTMENT Trail "MF-3" to "P"  
By Stuart Strong  
C14r-86-152

Second and third readings. First reading on  
August 28, 1986, (6-0). Councilmember Mark Rose out  
of room at roll call. Conditions have been met as  
follows: Development restricted to that shown on  
site plan attached as an Exhibit to the ordinance.

- (3) CITY OF AUSTIN PARKS 4621 Spicewood From "SF-3" to  
& RECREATION DEPARTMENT Springs to "P"  
C14r-86-153

Second and third readings. First reading on  
August 28, 1986, (6-0). Councilmember Mark Rose out  
of room at roll call. Conditions have been met as  
follows: Development restricted to that shown on  
site plan attached as an Exhibit to the ordinance.

- (4) FORD SMITH State Highway 71 From Interim "RR"  
C14-86-288.13 to "GR"

Second and third readings. First reading on  
April 16, 1986, (5-0). Mayor Pro Tem John Trevino,  
Jr. and Councilmember George Humphrey out of room  
at roll call. Conditions have been met as follows:  
Restrictive Covenant incorporating conditions imposed  
by Council has been executed.

- (5) WESTENFIELD 2425-B Exposition From "CS" to  
DEVELOPMENT COMPANY Boulevard "CS-1"  
By Armbrust & Brown  
C14-86-211

Second and third readings. First reading on  
December 11, 1986, (5-0). Mayor Frank C. Cooksey  
absent and Councilmember Charles Urdy out of the room  
at roll call. Conditions have been met as follows:  
Restrictive Covenant incorporating conditions imposed  
by Council has been executed.

1/22/87

- (6) KAC HOLDING COMPANY      1208 South RR 620      From Interim "RR"  
By Charles Alexander, Jr.      to "CR"  
C14r-85-332

Second and third readings. First reading on  
August 28, 1986, (6-0). Councilmember Mark Rose out  
of room at roll call. Conditions have been met as  
follows: Development restricted to that shown on  
site plan attached as an Exhibit to the ordinance.

- (7) FOREST COOK      7500 Hwy 71 West      From Interim "RR"  
C14-85-288.25      & Interim "SF&2"  
to "LR"

Second and third readings. First reading on  
April 23, 1986, (5-0). Mayor Frank C. Cooksey out  
of room at roll call and Mayor Pro Tem John Trevino,  
Jr. absent. Conditions have been met as follows:  
Restrictive Covenant incorporating conditions imposed  
by Council has been executed.

- (8) ENCLAVE      An area generally      From Interim "RR"  
C14-85-149.40      bounded by Howard      to "SF-6" & "RR"  
Lane on the north, I.H.  
35 on the east, Braker  
Lane on the south and  
Burnet Road on the west

Second and third readings. First reading on  
August 22, 1985, (7-0). Conditions have been met as follows:  
Restrictive Covenant incorporating conditions imposed  
by Council has been executed.

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, passed through SECOND READING ONLY of the following ordinances amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (4-0 Vote, Mayor Pro Tem Trevino abstained, Mayor Cooksey and Councilmember Rose absent.)

- (9) NASH PHILLIPS/COPUS,      12119-12209 Thompkins      From "DR" to "LR"  
INC.      Drive, 12305-12425      "SF-6" & "RR"  
By Martin L. Camp/      Thompkins Drive, 1100-  
J. Bradley Greenblum      1115, 1201-1225 East  
C14-86-159      Yager

Second and third readings. First reading on  
August 28, 1986, (6-0). Councilmember Mark Rose out  
of room at roll call. Conditions have been met as  
follows: Restrictive Covenant incorporating conditions  
imposed by Council has been executed. Right-of-way  
on Yager Lane has been executed by street deed.

|                           |                   |                |
|---------------------------|-------------------|----------------|
| (10) NASH PHILLIPS COPUS, | 8219-9200 & 10419 | From "I-RR" to |
| By Jerry Harris           | RM 620            | Tr. 21 "RR"    |
| C14r-85-337               |                   | Tr. 22 "P"     |
|                           |                   | Tr. 23 "SF-6"  |
|                           |                   | Tr. 24 "SF-6"  |
|                           |                   | Tr. 27 "P"     |

Second and third readings. First reading on April 10, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Phasing agreement has been executed. Development restricted to that shown on site plan attached as an Exhibit to the ordinance. Right-of-way on RM 620 has been conveyed by street deed.

#### CONSENT ORDINANCES

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

#### Budget Amendment

Amended the 1986-87 Annual Operating Budget by:

a. Appropriating \$7,451,000.00 from the Conservation Fund to the following programs:

|                                  |                |
|----------------------------------|----------------|
| (1) Interest Buydown Program     | \$2,500,000.00 |
| (2) Energy Star                  | 200,000.00     |
| (3) Load Leveler Program         | 50,000.00      |
| (4) Whole House Rebates          | 314,100.00     |
| (5) Commercial Energy Management | 886,900.00     |

#### Items Postponed

Postponed to January 29, 1987 consideration of amending Section 2-4-1 of the Austin City Code of 1981, as amended, by allowing residents of the Brackenridge Hospital services area to be eligible to serve on the Hospital Board.

Postponed to January 29, 1987 is consideration of granting hardship waivers from the Comprehensive Watersheds Ordinance for the following: Palomba Addition and Riverhills Office Park

#### Speed Zones

Amended the City Code to modify the following speed zones:

- a. Section 11-2-100(b) 40 mph

Delete: Slaughter Lane from South Congress Avenue to Manchaca Road

Add: West Slaughter Lane from South Congress Avenue to Manchaca Road

- b. Section 11-2-100(a) 35 mph

Add: Parker Lane from Woodward Street to East Riverside Drive

#### Site Plan Provision

Approved amending the following ordinance to add a site plan provision:

- a. Ordinance No. 851003-N, Case No. C14r-85-237 located at 7400 Cameron Road.

#### CONSENT RESOLUTIONS

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Cooksey and Councilmember Rose absent)

#### Capital Improvements Program

Authorized eminent domain proceedings to acquire in fee simple the following described tracts of land:

- a. Parmer Lane Project:  
1.868 acres of land out of the T.M. Fowler Survey No. 20 Abstract No. 2162, in the City of Austin, Travis County, Texas. C.I.P. No. 81/62-06
- b. Groves Boulevard Improvement Project:  
0.428 of an acre of land out of the Santiago Del Valle Grant, in the City of Austin, Travis County, Texas. C.I.P. No. 81/62-04
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Authorized eminent domain proceedings to acquire an electric transmission easement over the following tract of land owned by Lewis Little for the Circuit 3125; Lytton Springs to Trading Post Project as follows: C.I.P. No. 85/13-10

- a. 6.21 acres out of a 114.28 acre tract described in the deed recorded in Volume 332, Page 106, of the Deed Records of Travis County, Texas.

Capital Improvements Program - (Continued)

Authorized and confirmed the proposed Supplemental Amendments to the Professional Services Agreements between the City of Austin and the following:

- a. Jones & Neuse, Inc., for site improvements and restroom facilities to Bull Creek Park, Longview Park, Onion Creek Park and restroom facilities for Givens Park. C.I.P. Nos. 82/86-69, 83/86-55. 83/86-61 & 77/86-14
- b. J. Robinson and Associates, Architects, Inc., for the design of the Zone 10 Recreation Center and Swimming Pool Recreation Complex. C.I.P. Nos. 83/86-59 & 82/86-40.
- c. Triad Engineering, Inc., for additions to drainage improvements to the Walnut Creek Park Athletic Complex. C.I.P. No. 73/86-46.
- d. Triad Engineering, Inc., for additions to Kreig Athletic Field Additions, who were the original consultants on the initial Kreig Athletic Field. C.I.P. No. 75/86-56
- e. R.W. Beck and Associates for Hydroelectric Power Generation Facilities at the Longhorn Dam. C.I.P. No. 84/12-03.

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Approved the following Change Orders:

- a. In the amount of \$148,911.40 to Peabody Southwest, Inc. for the Govalle Wastewater Treatment Plant Improvements and the Hornsby Bend Digestors for the Water and Wastewater Utility. (0.77% increase of the original contract of \$19,281,700.00 - Total change orders to date 23.46%) C.I.P. No. 73/23-83
- b. In the amount of \$181,984.86 to Garey Construction Co., for the Hornsby Bend Wastewater Treatment Plant Improvements Phase I, Site Work. (3.87% increase of the original contract of \$4,702,546.00 - Total change orders to date 4.80%) C.I.P. No. 85/23-15
- c. In the amount of \$26,985.72 to Seven K Construction Company, for the Davis Water Treatment Plant Transmission Main Phase VII Project. (.56% increase of the original contract of \$4,853,718.00) C.I.P. No. 85/22-27

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Approved selection of Martinez and Wright Engineers, Inc. for professional services and authorization to proceed with services for planning, design and construction associated with various airfield improvement projects at Robert Mueller Municipal Airport. C.I.P. Nos. 85/81-05 and 87/81-01.

Contracts Approved

Approved the following contracts:

- a. SIEMENS ENERGY & AUTOMATION  
12200 Northwest Freeway, Ste. 200  
Houston, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Two (2) 13.2 KV Metalclad Switchgear,  
Electric Utility Department  
Item 1 & 2 - \$170,410.00  
C.I.P. Nos. 85/16-02 & 86/16-02
- b. ELECTRIC UTILITY CONSTRUCTION  
COMPANY, INC.  
5401 South Sheridan, Unit 202  
Tulsa, Oklahoma
- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Overhead Electric  
Distribution Facilities for Burnet  
Road north of Research Boulevard,  
East side, 3 Phase Reconductor,  
Electric Utility Department  
Total \$35,463.50 C.I.P. No.  
87/14-02
- c. HAEGLIN CONSTRUCTION COMPANY, INC. -  
P. O. Box 9086  
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of C.D.D. 12 Phase  
3 Water and Wastewater Improvements,  
Department of Transportation and  
Public Services  
Total \$137,072.50 C.I.P. Nos.  
83/22-03 and 86/23-33
- d. BILL BOYD CONSTRUCTION COMPANY,  
INC.  
11904 Hornsby  
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Oriole Drive  
Drainage Improvements, Department  
of Transportation and Public  
Services  
Total \$30,707.00 C.I.P. Nos.  
85/60-03, 87/22-39 & 87/23-33
- e. UNDERGROUND UTILITIES  
P. O. Box 790  
Del Valle, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Howard Lane to Northtown  
Transmission Main, Phase IIB,  
Water and Wastewater Utility  
Department  
Total \$617,334.60 C.I.P. No.  
85/22-20
- f. BLAND CONSTRUCTION COMPANY  
9225 Lockhart Hwy.  
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Howard Lane to Northtown  
Transmission Main, Phase IIA,  
Water and Wastewater Utility  
Department  
Total \$479,844.00 C.I.P. No.  
85/22-20



Computer Memory Upgrades

Approved a contract with Dataram Corporation in the amount of \$40,560.00 for Computer Memory Upgrades (Planning and Growth Management and Water and Wastewater Departments).

Item Postponed

Postponed to January 29, 1987 consideration of approval of a contract with The Texas Conservation Corps in the amount of \$123,953.00 for Water Conservation Retrofit - Single Family Residential, Phase III (Resource Management Department).

Lease of Building

Approved a contract with William E. Nickels in the amount of \$93,693.60 for lease of building with storage yard and other necessary accessories to be used as the Service Center for the north service area of the Water and Wastewater Utility Department.

Public Hearing Set

Set a public hearing on the following:

Amending the Water and Wastewater Service Area Ordinance (810820-B) to include property known as Hills of Onion Creek on February 7, 1987 at 4:30 p.m.

Items Postponed

Postponed to the January 27, 1987 work session and posted for action on January 29, 1987 is consideration of approving planning assumptions to be used in preparation of the City of Austin Five Year Financial Forecast for the years 1987-88 through 1991-1992.

Postponed for 4 weeks is consideration of entering into a lease for mineral rights of 647 acres of Fayette Power Project property for oil and gas development.

**BUDGET AMENDMENT**

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the 1986-87 Annual Operating Budget by appropriating money from the Conservation Fund to the following program: (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

|                         |                |
|-------------------------|----------------|
| Residential AEP Rebates | \$3,500,000.00 |
|-------------------------|----------------|

## ZONING ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Mayor Cooksey and Councilmember Rose absent)

JULIA H. JOSEPH  
By Daniel A. Shanahan  
C14-85-024

10503 North  
I.H. 35

From Interim "SF-2"  
to "GR"

Heard and granted July 11, 1985, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an Exhibit to the ordinance.

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The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Mayor Cooksey and Councilmember Rose absent)

CLYDE H. TURNER  
By Jeff Henley  
C14-84-333

310 & 404 Alpine  
Road

From "SF-3" to  
"MF-2"

Heard and granted December 6, 1984, (6-0). Councilmember Mark Rose absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as an Exhibit to the ordinance. Right-of-way dedication has been obtained through the subdivision process.

## PHOSPHOROUS STUDY OF THE COLORADO RIVER

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance appropriating \$40,000.00 to participate in a Texas Water Commission Phosphorous Study of the Colorado River. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent)

Councilmember Carl-Mitchell read into the record the following letter:

1/22/87

Mr. Jorge Carrasco  
City Manager  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Agreed Enforcement Order

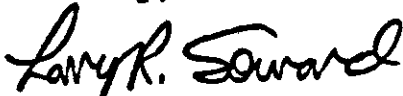
Dear Mr. Carrasco:

By letter dated December 19, 1986, you were notified by Rex McDonnell of my staff that the final penalty assessable under the Agreed Enforcement Order between the City and the Commission was calculated to be \$11,000. As we discussed in our recent telephone conversation, I have reconsidered assessing a penalty in view of the commendable and significant progress Austin has made in upgrading its wastewater system. Based upon the City's excellent compliance record over the past year, its extremely cooperative attitude in working with representatives of the Commission, and your voluntary participation in the upcoming Colorado River tributary phosphorus study, I have decided to recommend to the Commission that this final penalty be waived.

The Agreed Enforcement Order has now expired by its own terms. The Texas Water Commission is very pleased that Austin was able to meet the deadlines in that Order and to achieve its present exemplary compliance record. I wish you continued success in maintaining this fine record and in attaining full and timely implementation of your entire wastewater plan.

Thank you for your continued cooperation in this regard.

Sincerely,

  
Larry R. Soward  
Executive Director

#### CHANNEL IMPROVEMENTS TO LAKE CREEK

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a Community Facilities Agreement between the City of Austin and 183/620 Regional, Inc., A Texas Corporation, for the purpose of allowing the participants to perform channel improvements to Lake Creek in lieu of onsite detention. (4-0 Vote, Councilmember Humphrey out of the room, Mayor Cooksey and Rose absent.)

## APPEAL SET

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Chip Harris, president, Crestview Neighborhood Association, and set a public hearing on an appeal of the Planning Commission's decision regarding Compatibility Waiver #RZ-86-063 for February 19, 1987 at 5:00 p.m. (5-0 Vote, Councilmember Rose and Mayor Cooksey absent)

## PUBLIC HEARING - ELECTRIC LINE EASEMENT

Mayor Pro Tem Trevino opened the public hearing set for 2:30 p.m. on the granting of an Electric Line Easement across a portion of the North Bank Lake Front Park (Town Lake Parkland). No one appeared to be heard.

Mayor Pro Tem Trevino asked Jim Smith, Interim Director, Transportation and Public Services, if all prudent and feasible alternatives had been considered. Mr. Smith said they had been. Mayor Pro Tem Trevino asked if all reasonable planning to prevent harm to the parkland had been done. Mr. Smith said yes.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance granting an electric line easement across a portion of the North Bank Lake Front Park (Town Lake Parkland) (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

## ITEM POSTPONED

Councilmember Carl-Mitchell's item on funding the sustainable industries proposal was postponed to January 29, 1987.

## LEGISLATIVE ISSUE

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution declaring the continuation of state funding for the local parks, recreation and open space fund to be a legislative priority for the 70th Legislative Session and authorize and direct City staff to be active in pursuit of this legislative goal. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

## ITEM POSTPONED

Postponed indefinitely is consideration of denial of License Agreement to allow the encroachment of a rock wall and fence, rock driveway, electric gates and light standards into the public right-of-way at 1304 Alta Vista.

## CITY MANAGER REPORTS

No City Manager Report was presented on legislative issues, but Gary Johnson spoke against having a City lobbyist.

Jim Thompson presented the Bi-weekly Wastewater Report.

## RECESS

Council recessed its meeting at 3:50 p.m. and resumed its recessed meeting at 6:11 p.m.

## AUSTIN METROPOLITAN AREA ROADWAY PLAN

Mayor Pro Tem Trevino opened the public hearing on Amendments to the Austin Metropolitan Area Roadway Plan. Staff made a presentation with a map and outlined proposed amendments.

Jack Drummond appeared and said he supports staff recommendations concerning Riverside Drive.

Hal Weiner spoke in support of Arterial 7.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing and voted to continue the hearing to February 5, 1987 at 3:30 p.m. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

## RECESS

Council recessed its meeting at 6:25 p.m. and resumed its recessed meeting at 7:05 p.m. Councilmember Humphrey left the Council Chamber.

## PUBLIC HEARING ON APPEAL

Mayor Pro Tem Trevino opened the public hearing set for 7:00 p.m. on an appeal of Mr. Billy R. Patterson of the Electrical Board's denial to reinstate his master electrician's license.

Walter Timberlake, Electric Board, told Council Mr. Patterson's license had not been reinstated because Mr. Patterson had failed to renew the license by the designated date. However, Mr. Timberlake said it had been called to his attention that day, that Mr. Patterson's renewal notice had been sent to the wrong address and he had never received the notice.

Mr. Patterson appeared before Council to state his case. He said he had taken his master's electrician exam in Austin, but was denied his license last October. He stated he had not received the renewal notice. He asked Council's help in his reinstatement.

Fred Hoskins, a member of the Electrical Board, said he did not think Mr. Patterson's license should be reinstated because his failure to renew the license indicated lack of responsibility.

Mr. Patterson returned for summation and said he is responsible and professional.

#### Motion

Councilmember Carl-Mitchell's motion to close the public hearing was seconded by Mayor Pro Tem Trevino and passed by a vote of 4-0 with Councilmember Humphrey, Rose and Mayor Cooksey absent.

Councilmember Shipman said "I think we can understand how it is to let something expire, but I also respect the Electrical judgement." She asked for the advice of the City Attorney.

Mr. Barney Knight, City Attorney, told Council they should grant the appeal. He said the only evidence by the Electrical Board is that Mr. Patterson did not renew his license in the time provided. Because the notice of renewal was sent to the wrong address, Mr. Knight advised it would be unreasonable to deny the license reinstatement to Mr. Patterson.

Councilmember Shipman had some misgivings about license reinstatement. Mayor Pro Tem Trevino told Council the City Attorney has given them his opinion and "we have no reason to deny the man his license".

Councilmember Carl-Mitchell asked Mr. Timberlake if the lateness of the renewal request is the only factor against Mr. Patterson. Mr. Timberlake said yes, that there were no other violations.

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, voted to uphold the appeal of Mr. Billy R. Patterson and reinstate his master electrician's license. 4-0 Vote, Councilmembers Humphrey, Rose and Mayor Cooksey absent.

#### ADJOURNMENT

Council adjourned its meeting at 7:45 p.m.