

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 2, 1981
3:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy

Absent: None

PROCLAMATION FOR CHIEF DYSON

Mayor McClellan read a proclamation setting aside Thursday, September 3, 1981 as Dyson Appreciation Day in Austin. Chief of Police Frank Dyson received the proclamation with appreciation and thanked the Council. Present in the Council Chamber for the award were Chief Dyson's wife, Mary; Jerry Spain, president, Austin Police Association; and several members of the Police Department.

BOARDS AND COMMISSIONS

Mayor McClellan announced the following Board and Commission appointments are due to be made on September 3, 1981:

- Arts Commission - 1
- Building Code Board of Appeals - 2
- Building Standards Commission - 1
- Dental Health Advisory Committee - 1
- Electric Utility Commission - 4
- Energy Conservation Commission - 1
- Ethics Review Commission - 1
- On-Going Goals Assembly Committee - 1
- Hospital Board - 5

Environmental Board - 1
Parks and Recreation Board - 1
Plumbing Advisory Board - 1
Renewable Energy Commission - 3
Citizen's Traffic Safety Commission - 1
Vending Commission - 2
Austin Community Education Consortium - 1
Downtown Revitalization Committee - 4
Austin Cable Commission - 11
Manpower Advisory Planning Council - 15
Mental Health/Mental Retardation Board of Trustees - 2

The following appointments will be made October 1, 1981:

Arts Commission - 5
Historic Landmark Commission - 1
Private Industry Council - 9
Commission on the Status of Women - 1
Water and Wastewater - 7

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution acquiring 0.2434 of one acre of land out of that certain 121.921 acre tract out of the Santiago Del Valle Grant. (East Riverside Drive, Wickersham to East Ben White. C.I.P. No. 73-62-03). The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

MEMORANDUM OF EXTENSION

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving a Memorandum of Extension for the possession by Home Association of Knights of Columbus, Council 1017, at 2502 Columbus Drive. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

DEDICATION OF LAND

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving dedication of three tracts of land as street right-of-way or water line easements:

EXHIBIT A - This tract was acquired for the widening of East Stassney Lane. The whole tract was acquired rather than just the street right-of-way because it would leave the owner with an uneconomic remnant.

EXHIBIT B - This water line easement is part of the Southwest Austin Water Transmission Line from the Ulrich Water Treatment Plant to Davis Reservoir. The whole property was purchased by the City in conjunction with the Ulrich Treatment Plant.

EXHIBIT D - This water line easement will tie into an existing 48-inch water line which parallels MoPac. The City property that the water line crosses was purchased in conjunction with MoPac.

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

The tract of land known as EXHIBIT C will be brought back for consideration on September 10, 1981: EXHIBIT C - This sanitary sewer easement basically follows the course of Walnut Creek within the boundary Walnut Creek District Park. The required public hearing for parkland was held and approved July 19, 1979 and HUD (Housing and Urban Development) approval was subsequently granted December 4, 1979.

RELEASE OF EASEMENTS

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easements:

One 7.5 foot Public Utility Easement and 15 feet of a 10 foot by 45 foot Public Utility Easement located on Lot 5, Block C, Northwest Hills Section 14-B. (Requested by Holford and Carson)

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easements:

Two 7.5 foot Public Utility Easements on Lots 42 and 43, Beecave Woods Section 4. (Requested by Ralph Harris Surveyor, Inc., representing Beecave Woods Development Co.)

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A 5.0 foot Public Utility Easement located on Lot 1, the Townhomes of Northwest Hills. (Request by Holford and Carson)

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A 10.0 foot Electric and Telephone Easement on Walnut Ridge Sections I and II and recorded in Volume 1915, Page 541 of the Travis County Deed Records. (Requested by the Rippy Surveying Company, representing N.P.C.)

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easements:

Four (4) Electric and Telephone Easements on Duval Villas and recorded in Volume 1849, Page 164, Volume 4012, Page 200, Volume 4897, Page 961 and Volume 4012, Page 302 of the Travis County Deed Records. (Requested by Mr. Doyle Wilson)

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A Public Utility and Drainage Easement as recorded in Volume 6637, Page 2156 of the Travis County Deed Records, vacated Mariposa Drive. (Requested by Billy F. Priest Surveyors, Inc., representing Mr. Grady E. Woolridge)

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

CONTRACTS APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

MARLEY HEAT TRANSFER COMPANY 5800 Foxridge Drive Mission, Kansas	- Repair parts for Westinghouse Air Ejector, Electric Utility Department Items 1-8 - \$10,227.00
--	---

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

DAVIS TRUCK AND EQUIPMENT COMPANY Interstate 35 North at 520 Crescent Waco, Texas	- Sweeper Main Brooms, Gutter and Gutter Broom Segments, Vehicle Equipment Services Department Twelve (12) Months Supply Agreement Items Nos. 1.0 & 2.0 (consisting of approximately 67 units) Estimated total \$7,281.00
---	--

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Earth Moving Equipment Parts, Vehicle and Equipment Services Department.
Twelve (12) Months Supply Agreement Awards to be made on a multiple progressive basis by line item to appropriate supplier based on first and second low bidder.
Estimated total \$20,000.00

TOM FAIREY COMPANY
5005 East 7th Street
Austin, Texas

TRINITY EQUIPMENT COMPANY
10448 North IH 35
Austin, Texas

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

TEXAS AUTOMATIC SPRINKLER COMPANY - Automatic Fire Sprinkler for
7115 Burnet Road Municipal Building and Municipal
Austin, Texas Annex - \$94,208.00

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

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

LICENSE AGREEMENT

Mayor Pro Tem Trevino moved that the Council adopt a resolution entering into a License Agreement with the Southern Pacific Transportation Company for right to construct, operate, and maintain an 18-inch wastewater approach main at or near McNeil (Austin), opposite engineer's stations 672+72, Mile Post 14.16 and 694+95, Mile Post 14.59. (Cost to City is \$1,152.00 annually). The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

AIR CONDITIONER REPAIR

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing payment to Carrier Air Conditioning Company for the repair of the 500 ton Air Conditioner Compressor at the Municipal Auditorium. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

PUBLIC HEARING SET - TAXICAB ORDINANCE

Mayor Pro Tem Trevino moved that the Council set a public hearing on the proposed amendments to Chapter 34 of the City Code, Taxicab Ordinance for October 8, 1981 at 3:30 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

FIRE AND LIFE SAFETY COMMITTEE

Mayor Pro Tem Trevino moved that the Council re-schedule the public hearing to consider the recommendations from the Fire and Life Safety Committee, previously scheduled for October 8, 1981, to October 15, 1981 at 5:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

UMTA GRANT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1980-85 CAPITAL IMPROVEMENTS PROGRAM BUDGET BY ACCEPTING UMTA GRANT TX-05-007-01 IN THE AMOUNT OF \$13,230.12 FOR ADDITIONAL FUNDING TO PURCHASE ONE TRANSIT BUS; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION AND THE STATE OF TEXAS REQUIRED TO ACCEPT AND EXPEND SAID GRANT MONEY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the ordinance had been finally passed.

SWIM FEE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 24-2.1 OF THE AUSTIN CITY CODE OF 1967 AS AMENDED BY ADDING A NEW SWIM TICKET FEE FOR SENIOR CITIZENS 62 YEARS OF AGE OR OLDER; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the ordinance had been finally passed.

EMPLOYEES RETIREMENT AND PENSIONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING A SEPARATE RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 4 OF ARTICLE IX OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTIONS; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND A SAVINGS CLAUSE AND DECLARING AN EMERGENCY," PASSED BY THE CITY COUNCIL ON OCTOBER 10, 1940, AND AS AMENDED FROM TIME TO TIME THEREAFTER, BY CHANGING THOSE PARTS OF AFORESAID ORDINANCE TO EFFECTUATE THE FOLLOWING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES 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 Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the ordinance had been finally passed.

AGENDA ITEM POSTPONED

Councilmember Mullen moved that the Council bring back for approval on September 9, 1981, second and third readings of an ordinance annexing the following:

IH-35 Southeast Corridor (512 acres). C7a-80-023

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

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

SABANA REHABILITATION COMPLAINT

Mr. Carlos Herrera presented a report on the Sabana Rehabilitation Complaint. He said he had discussed the options with ARA and found there are none. He obtained the legal opinion regarding the use of CDBG (Community Development Block Grant) funds to bring the house up to code. The opinion is it would create a benefit which is not given to others.

Mayor Pro Tem Trevino asked who signed off on the repairs. Ms. Paula Manning, Human Services, answered the roof was signed off by the architect, City and counselors. The repairs are all right according to code but the looks are not. Mayor Pro Tem Trevino said it is his understanding the family had not signed off. Ms. Manning told him it is desirable for the family to sign off but it is not required. ARA can do this. Discussion followed. Mayor Pro Tem Trevino said he wants to find out about every funded source the ARA may have.

DEMOLITION ORDER - 2211 HASKELL STREET

Mr. Lonnie Davis, Director, Building Inspection Department, reviewed the demolition order for 2211 Haskell Street. Council had extended time to Mr. Andrew Castillo to repair the house. Mr. Davis said nothing has progressed there since April.

Mr. Castillo is asking for more time. Mayor Pro Tem Trevino said he does not mind extending but they have to be careful. Councilmember Duncan wondered what Mr. Castillo could do within the next 30-60 days if EACEDC works with him. Paul Hernandez, EACEDC, said he thinks some of the problems can be solved. Councilmember Mullen said not even the lot has been cleared of debris and asked Mr. Castillo about it. Mr. Castillo said he has a bad back, no money, and if the City can pay money to tear down the house, then they should be able to use money to repair it. Councilmember Mullen told him that at minimum Mr. Castillo should clear the lot because there is no cost to that.

Motion

Mayor Pro Tem Trevino moved that the Council extend the demolition order to 2211 Haskell Street for 30 days. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy, Mayor McClellan
Noes: None

Council asked Mr. Hernandez to come back and tell them if it can't be done.

PHARMACY PROVISION FOR M.A.P.

Dr. Albert Randall, Director, Austin-Travis County Health Department, presented a report on Pharmacy Provision for Medical Assistance Program. (REPORT ON FILE IN CITY CLERK'S OFFICE.)

MS. MIM CARLSON appeared before Council to say she has been the administrator of an in-house pharmacy and told how they operate.

JULIE REESE, consumer member of Medical Assistance Program, said she supports the recommended proposal as it would be more convenient.

The recommended proposal, included in the report, is as follows:

- "1. Continue contract with Community Pharmacies.
2. Renew contract 80-0468-DH between City of Austin and TPERF for dispensing services with community pharmacies, with the following modifications:
 - Change Section 5.2 - Dispensing Fee, to increase dispensing fee to \$2.85 per prescription.
3. Initiate one clinic pharmacy and phase in second pharmacy after a period of evaluation of the first clinic pharmacy has been performed.
4. Implement a co-pay of \$1.50 per prescription for all M.A.P. clients.
5. Establish a Pharmacy and Therapeutics Committee to monitor the program. This committee would have a minimum of seven members and would be composed of at least a member from the Capital Area Pharmaceutical Association, the Director of the Austin-Travis County Health Department, a private physician, one health department physician, an allied health professional, a participating pharmacist, and the Health Department staff pharmacist.

6. Utilize appeals process for clients who need delivery service and are unable to pay co-pay. In addition to the present appeals process, there will be an emergency appeals process available through the Health Department.
7. Utilize generic substitution for the entire program and utilize a formulary in the Health Department pharmacies.
8. Establish a patient profile system which coincides with physician records by participating pharmacists as a mechanism by which the Health Department can provide comprehensive health care to those not attending the clinics, but utilizing the system.

PROPOSAL:

- a) Gives more services for less money.
- b) Comprehensive care to those who use our clinics and those who see a private physician using our community pharmacists.
- c) Allows a team approach to delivering care."

Mayor McClellan suggested before Council takes action, they should have a public hearing.

Motion

Councilmember Goodman moved that the Council set a public hearing on September 17, 1981 at 5:30 p.m. on the Pharmacy Provision for Medical Assistance Program. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

PARKING AT MUNICIPAL BUILDING

Mr. J. D. Murchison, Assistant Director of Office of Facilities, Planning and Construction, appeared before Council to report on Parking at the Municipal Building. He said he had discussed Council's request to have a canopy over the east parking lot during construction with the developer. Councilmember Mullen told him he and other members of the Council, after further consideration, thought the canopy would be more trouble than it is worth.

Motion

Councilmember Mullen moved that the Council go with the original plan concerning parking at the Municipal Building during construction. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Duncan, Mullen, Mayor McClellan, Mayor Pro Tem Trevino, Councilmember Deuser
 Noes: None
 Not in Council Chamber when roll was called: Councilmembers Goodman, Urdy

NOMINATING AND ELECTION COMMITTEE
 CITY OF AUSTIN EMPLOYEES RETIREMENT BOARD

Ann Robinson, Director of Personnel, requested authorization for Council to appoint a Nominating and Election Committee for the City of Austin Employees' Retirement System. The terms of two employee members of the Retirement Board will expire on December 31, 1981. An election must be held on December 4, 1981 to fill the vacancies created by the expiration of the terms of these two Board members. In accordance with the provisions of the retirement ordinance, prior to this election, the City Council must appoint a Nominating and Election Committee, consisting of six principle members and six alternate members who are active employee members of the retirement system.

Motion

Councilmember Mullen moved that the Council appoint the following Nominating and Election Committee for the City of Austin Employee's Retirement System:

Members:

Edrine Carson
 Louise Fresch
 Jesus Garza
 Freeman Irby

Vehicle and Equipment Services
 Parks and Recreation
 Public Works
 Office of Energy Conservation and
 Renewable Resources
 Hospital
 Human Relations

Fannie Lowe
 Mary Helen Vidaurri

Alternates

Bertha Barba
 Joe Collins
 Rachel Kolberg
 Margaret Owens
 Carl Shahady
 Jorge Zapata

Municipal Court
 Data Processing
 Purchases and Stores
 Electric
 Legal
 Water and Wastewater

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

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan
 Noes: None

ACTION ON ZONING CASE

Council was scheduled to take action on the following zoning case. Public hearing was held and closed on August 27, 1981.

FAIRWAY ESTATES,
INC.
By Ralph
Stansberry

9223-9233 Balcones
Club Drive
13316-13330 U.S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the
Planning Commission

Councilmember Mullen asked, "If we were to annex this property, how long would it take to get annexation completed?" Mr. Lillie told him 90 days. Councilmember Mullen asked Mr. Albert DeLaRosa, Acting City Attorney, "Could we go ahead with the zoning and then annexation take place?" Mr. Lillie stated the first 200 feet of the property is within the city and the back portion is not. Mr. DeLaRosa said there could be a restrictive covenant to the effect that the owner would not object to annexation of the remainder of the tract.

Councilmember Goodman said his main concern is the traffic flow in and out of the tract. Discussion of traffic followed. Councilmember Deuser said he would like to have the property zoned with less traffic such as offices or condominiums. More discussion followed.

Motion

Councilmember Goodman moved that the Council grant "GR" General Retail, 1st Height and Area District, contingent upon application for annexation, at least 50 feet of trees to remain between residence line and shopping center, a 6-foot privacy fence and berm, traffic plan to be approved by the Urban Transportation Department. The site plan to be approved by the Planning Commission. The motion was seconded by Councilmember Duncan.

Friendly Amendments

Councilmember Mullen offered a friendly amendment that lighting on the parking lot shall not shine in the houses, and there will be a maximum of two curb cuts. His friendly amendment was accepted. Councilmember Mullen also offered a friendly amendment that no request for variance from 35-foot sign height will be allowed. This amendment was also accepted.

Friendly Amendment

Mayor McClellan offered a friendly amendment that site plan will come back to Council. Her friendly amendment was accepted.

Substitute Motion - Died for Lack of Second

Councilmember Deuser offered a substitute motion to grant "O" Office on the entire site, save the last 5 feet which shall be zoned "A" Residence. There was no second to the substitute motion.

Roll Call on Motion with Friendly Amendments

Roll Call on motion with friendly amendments, showed the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Trevino, Councilmembers Duncan, Goodman
Noes: Councilmember Deuser

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, contingent upon application for annexation; at least 50 feet of trees to remain between residence line to shopping center; 6-foot privacy fence and berm; site plan to be approved by Council; traffic plan to be approved by Urban Transportation Department; lighting on parking lot will not shine in houses; maximum of two curb cuts; no request for variance from 35-foot signs to be allowed; and the City Attorney was instructed to draw the necessary ordinance to cover.

APPEAL

Council was scheduled to take action on an appeal by John Meinrath from the imposition of monitoring and maintenance fee related to Maple Run, Section 4 and 6.

Mr. Lillie reviewed the appeal. Mr. Meinrath was not present in the Council Chamber.

Motion

Councilmember Duncan moved that the Council deny the appeal. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

ADJOURNMENT

Council adjourned its meeting at 5:05 p.m.

ATTEST:

APPROVED:


Mayor


City Clerk