



# Austin City Council MINUTES

COUNCIL MEETING  
JULY 10, 1997

1. Approval of Minutes for June 25 and 26, 1997, and Special Called Meetings of May 5, 1997, and June 27 and June 28, 1997.  
Approved on, Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

## CITIZENS COMMUNICATION: GENERAL

2. Mr. Gus Pena, to discuss the budget and city issues.
3. Mr. Leonard Lyons, to discuss Open Records and Meeting Act.  
**Absent**
4. Mr. John McMillan, to propose that the Austin City Council approve a city-wide sidewalk construction program.
5. Mr. Dick Kallerman, to discuss alternative transportation (to the single occupant vehicle).
6. Mr. Joe Quintero, to discuss replacement of the Recycling Plants from East Austin and community concerns.
7. Mr. Roger Baker, to discuss matters arising.
8. Ms. Roxanna Wematollahi, to discuss the circus.
9. Ms. Kathy Nevils, to discuss the circus.
10. Mr. Ernest Samudio, to discuss the circus.
11. Mr. M.H. Bernstein, to discuss traveling animal acts.

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZENS COMMUNICATION: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

Parks and Recreation

12. Approve a resolution authorizing execution of a construction contract with EMR CONSTRUCTION (MBE/FA), Austin, Texas, for construction of Miscellaneous Park Improvements Projects, in an amount not to exceed \$51,623. (Funding in the amount of \$41,623 was included in the 1996-97 Amended Capital budget of the Parks and Recreation Department; \$10,000 is available in the 1996-97 operating budget special revenue fund of the Parks and Recreation Department.) Low bid of four. 91.6% MBE, 8.4% WBE Subcontractor participation.

**Approved**

13. Approve a resolution authorizing acceptance of \$55,521 in additional grant funding from the Texas Department of Human Services and the United States Department of Agriculture for the Summer Food Service Program; amend Ordinance 960910-G, the 1996-97 operating budget special revenue fund of the Parks and Recreation Department by appropriating an additional \$55,521 to provide increased services through the Summer Food Service Program, for a total grant amount of \$475,521. (A City match is not required.)

**Approved**

14. Approve an amendment to an Interlocal Agreement between the City and Austin Independent School District for additional improvements at Allison Elementary School and adjacent Civitan Park, in the amount of \$23,300. (Funding was included in the 1996-97 operating budget special revenue fund of the Neighborhood Housing and Community Development Office.) [Recommended by Parks Board]

**Approved**

Items 12 through 14 approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

#### Police

15. Approve a resolution authorizing application for and acceptance of \$816,896 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, to purchase equipment and computer technology for the Police Department. (A City match of \$89,859 is required and will be included in the proposed 1997-98 operating budget of the Police Department.)

**Approved**

16. Approve a resolution authorizing application for and acceptance of \$697,452 in grant funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority, to establish the Auto Theft Interdiction Project within the Austin Police Department. (The City's in-kind match of \$27,970 is included in the 1996-97 Operating Budget of the Police Department; an in-kind match of \$307,672 will be included in the proposed 1997-98 operating budget of the Police Department. Funding for the continued operation of this program is contingent upon available funding in future budgets.)

**Approved**

Items 15 and 16 approved on, Councilmember Goodman's motion, Councilmember Slusher's

second, 7-0 vote.

17. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget of the Austin Police Department to increase the number of cadet positions by 10, from 90 to 100, in order to increase the size of two cadet classes from 45 to 50 cadets per class. (Funding in the amount of \$51,557 is available in the 1996-97 Operating Budget of the Austin Police Department; funding in the amount of \$125,614 for these 10 cadet positions, until the classes are completed in FY 1997-98, will be included in the proposed 1997-98 operating budget of the Austin Police Department.)  
**Pulled off agenda**

#### Cable and Regulatory Affairs

18. Approve a resolution granting a license agreement to DALLAS, MTA, L.P., for the placement of a wireless communication facility at Palmer Auditorium. (Unanticipated revenue for Austin Convention Center Department for FY 1996-97 is \$1,400.) [Recommended by Council Committee for Telecommunications Infrastructure.]  
**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**
19. Approve an ordinance amending the City Code to re-establish the Inet Authority. (No fiscal impact.) [Recommended by Council Committee for Telecommunications Infrastructure.]  
**Postponed to July 17, 1997**
20. Approve a resolution expressing the City of Austin's official intent to reimburse eligible costs associated with improvements to the City of Austin telecommunications network and Phase III of the Greater Austin Area Telecommunications Network (GAATN). [Funding in the amount of \$2,000,000 to be funded through the issuance of contractual obligations to be sold in September, 1997.] **(Related to Item 21)**  
**Approved**
21. Approve a resolution authorizing an amendment to the contract with TEXAS DEPARTMENT OF INFORMATION RESOURCES, for the purchase of network communications equipment for Phase III electronics for the Greater Austin Area Telecommunications Network (GAATN), in an amount not to exceed \$2,374,796, for a total contract amount not to exceed \$4,905,769. (Funding in the amount of \$2,000,000 was included in the 1996-97 Capital Budget of the Information Systems Department; \$11,401 was included in the 1994-95 Capital Budget of the Library Department; \$11,401 was included in the 1992-93 Capital Budget of the Library Department, \$34,203 was included in the 1996-97 Capital Budget of the Library Department, \$17,580 was included in the 1994-95 Capital Budget of the Fire Department, \$8,790 was included in the 1995-96 Amended Capital Budget of the Fire Department, \$18,589 was

included in the 1996-97 Capital budget of the Fire Department, \$41,200 was included in the 1996-97 Capital Budget of the Water and Wastewater Department, \$161,005 was included in

the 1996-97 Operating Budgets of various city departments. Funding in the amount of \$70,600 for the additional contract period in 1997-98 is contingent upon available funding in future budgets.) [Related to Item 20]

**Approved**

### Finance and Administrative Services

22. Approve a resolution authorizing execution of a contract with TRAVIS BOATING CENTER, INC., Austin, Texas, for purchase of two lake patrol boats with motors and trailers and two additional boat motors to patrol Lake Austin and Walter E. Long lake, in an amount not to exceed \$71,246. (Funding was included in the 1996-97 Vehicle Acquisition Fund.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Approved**

23. Approve a resolution authorizing execution of a twelve month supply agreement with ALAMO IRON WORKS, INC., San Antonio, Texas, for the purchase of hardware items (nuts, bolts, utility cans, gasoline cans, rope, water coolers, air hoses, etc.) to be used by City personnel in daily operations and maintenance, in an amount not to exceed \$71,104.60 with two twelve month extension options in an amount not to exceed \$71,104.60 per extension, for a total amount not to exceed \$213,313.80. (Funding in the amount of \$17,776.14 was included in the 1996-97 operating budgets of various City departments. Funding for the remaining nine months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified.

**Approved**

24. Approve a resolution authorizing execution of a twelve month supply agreement with COVERT BUICK-ISUZU, INC., Austin, Texas, for the purchase of captive repair parts for the City's fleet of General Motors vehicles, in an amount not to exceed \$150,000 with two twelve month extension options in an amount not to exceed \$150,000 per extension, for a total amount not to exceed \$450,000. (Funding in the amount of \$37,500 was included in the 1996-97 operating budget of various departments. Funding for the remaining nine months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Approved**

25. Approve a resolution authorizing execution of a twelve month service agreement with D & B AUTO, INC., Austin, Texas, to provide wheel alignment services for all motorized vehicles in the City's fleet, in an amount not to exceed \$50,000 with two twelve month extension options in an amount not to exceed \$50,000 per extension, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$8,333 was included in the 1996-97 operating budget of various departments. Funding for the remaining nine months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.

**Approved**

26. Approve execution of a contract with HEMPHILL BUS SALES, INC., Denton, Texas, for the purchase of one passenger bus to be assigned to the South Austin Senior Center of the Parks

and Recreation Department to transport senior adults attending recreational programs, in an amount not to exceed \$52,817. (Funding was included in the 1996-97 Vehicle Acquisition Fund.) Low bid of three meeting specifications. No M/WBE Subcontracting opportunities were identified.

**Approved**

27. Approve a resolution authorizing execution of a twelve month supply agreement with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of captive repair parts necessary to maintain the City's fleet of Local recycling trucks, in an amount not to exceed \$150,000 with two twelve month extension options in an amount not to exceed \$150,000 per extension, for a total contract amount not to exceed \$450,000. (Funding in the amount of \$37,500 was included in the 1996-97 operating budget of the Solid Waste Services Department. Funding for the remaining nine months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Approved**

### Public Works and Transportation

28. Approve a resolution authorizing execution of a contract with HENDRIX TRUCKS AND EQUIPMENT COMPANY, Austin, Texas, for purchase of one sliding, triple axle trailer to be used in street construction and repair, in an amount not to exceed \$45,297. (Funding was included in the 1996-97 operating budget of the Public Works and Transportation Department.) Low bid of five meeting specification. No M/WBE Subcontracting opportunities were identified.

**Approved**

29. Approve a resolution authorizing execution of a contract with STASCO, INC., Houston, Texas, for the purchase of two portable traffic message signs, in an amount not to exceed \$45,006. (Funding in the amount of \$36,000 in Federal Surface Transportation Program Category 4C funding was included in the 1996-97 Special Revenue fund of the Public Works and Transportation Department. Funding in the amount of \$9,006 was included in the 1996-97 operating budget of the Public Works and Transportation Department.) Low bid of three meeting specifications. No M/WBE Subcontracting opportunities were identified.

**Approved**

30. Approve a resolution authorizing execution of a twelve month supply agreement with TECHLINE, INC., Austin, Texas, for the purchase of steel traffic signal poles, mast arms and hardware used in traffic signal installation and maintenance, in an amount not to exceed \$127,324 with two twelve month extension options in an amount not to exceed \$127,324 per extension, for a total contract amount not to exceed \$381,972. (Funding in the amount of

\$21,220.66 was included in the 1996-97 operating budget of the Public Works and Transportation Department. Funding for the remaining ten months of the contract and the

extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Approved**

31. Approve a resolution authorizing execution of a twelve month supply agreement with ROCAL, INC., Frankfort, Ohio, for the purchase of reflective sheeting traffic signs, in an amount not to exceed \$114,408 with two twelve month extension options in an amount not to exceed \$114,408 per extension, for a total contract amount not to exceed \$343,224. (Funding in the amount of \$19,068 was included in the 1996-97 operating budget of the Public Works and Transportation Department. Funding for the remaining ten months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of ten. No M/WBE Subcontracting opportunities were identified.

**Approved**

32. Approve execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of two truck chassis with mounted hot asphalt patch bodies, in an amount not to exceed \$177,756. (Funding was included in the 1996-97 operating budget of the Transportation Fund of the Public Works and Transportation Department.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Approved**

Items 20 through 32 approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

### Municipal Court

33. Approve a resolution authorizing execution of a contract with PROFESSIONAL COMPUTER SOFTWARE SERVICES, Boiling Springs, South Carolina, for the purchase, installation and configuration to upgrade the existing IBM minicomputer located at the Municipal Court, in the amount of \$158,044. (Funding was included in the 1996-97 operating budget of the Municipal Court.) No M/WBE Subcontracting opportunities were identified.

**Postponed to July 17, 1997**

34. Approve a resolution approving an Interlocal Agreement and addendum between the TEXAS DEPARTMENT OF PUBLIC SAFETY and the City of Austin to implement the provisions of V.A.C.S. Article 6687d (Denial of Renewal of License for Failure to Appear in Municipal Court to respond to a traffic citation.) [Payment of an administrative fee of \$30 per qualifying violation for persons who have failed to appear in court. By law, \$26 shall be remitted to the State of Texas and \$4 will be retained as a special expense fee by the City. Additional revenue is not projected in the current fiscal year due to implementation lead time.]

**Approved on, Councilmember Goodman's motion, Councilmember Griffith's second, 7-0 vote.**

**NOTE: Councilmember Goodman requests break out of \$4 tag, what it will be spent for and what estimated revenue is.**

### Health and Human Services

35. Approve a resolution authorizing execution of an amendment to the contract with AIDS

SERVICES OF AUSTIN, to provide dental services to persons with HIV, in an amount not to exceed \$28,104, for a total contract amount of \$65,104; approve execution of an amendment to the contract with COMMUNITY ACTION, INC., for medical care and counseling for persons with HIV, in an amount not to exceed \$28,627, for a total contract amount of \$65,627. (Funding was included in the 1996-97 Special Revenue Fund for the Health and Human Services Department, Ryan White Title III Early Intervention grant program.)

**Approved**

36. Approve a resolution authorizing execution of a twelve month contract with NATIONWIDE MEDICAL SERVICES, INC., Carrollton, Texas; SUMMIT PHYSICIANS, INC., Tucker, Georgia; STAFF CARE, INC., Irving, Texas; INTERIM PHYSICIANS, INC., New Braunsfels, Texas; EMCARE PHYSICIAN STAFFING SERVICES, Dallas, Texas; and COMPHEALTH, Salt Lake City, Utah, to provide temporary physician services for the Austin/Travis County Health and Human Services Department Clinics, in an amount not to exceed \$185,467 per contract with two twelve month extension options in an amount not to exceed \$185,467 per extension, for a total contract amount not to exceed \$556,401, the total amount for all contracts shall not exceed \$185,467 per year for each of the three years. (Funding in the amount of \$30,911 was included in the 1996-97 Federally Qualified Health Center funds for the Health and Human Services Department. Funding for the remaining ten months of the contract and the extension options is contingent upon available funding in future budgets.) Low bids of seven. No M/WBE Subcontracting opportunities were identified.

**Approved**

37. Approve a resolution approving an Interlocal Cooperation Agreement between the City of Austin, Travis County, and the Capital Area Workforce Development Board continuing the authority, functions, responsibilities, roles and relationships under the Texas Workforce and Economic Competitiveness Act and the Federal Job Training and Partnership Act for the Austin/ Travis County Service Delivery area. (No fiscal impact.)

**Approved**

Items 35 through 37 approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

#### Development Review and Inspection

38. Approve a resolution to consider a limited adjustment under Chapter 13-7, Article I, Division 5, Save Our Springs Initiative (SOS), for a development project known as Foster Ranch Apartments. (Related to Item 66)

**Approval of resolution to deny the limited adjustment request. The project has to comply with the SOS ordinance, on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

39. C14-95-0007 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5101 to 5201 E. Oltorf Street, from "I-SF-2", Interim Single Family Residence (standard lot) to "GR-CO", Community

Commercial-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: New First City Texas (Mari Epperson). Agent: Armbrust Brown and Davis L.L.P. (Richard Suttle). City Staff: Greg Guernsey, 499-2387. (continued from 6/5/97 & 6/26/97) [Related to Item 40]  
**Postponed to July 17, 1997**

40. C14-95-0008 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5000 to 5400 E. Oltorf Street, from "I-SF-2", Interim Single Family Residence (standard lot) to "RR-CO", Rural Residence-Conditional Overlay and "GO-CO", General Office-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: New First City Texas (Mari Epperson). Agent: Armbrust Brown and Davis L.L.P. (Richard Suttle). City Staff: Greg Guernsey, 499-2387. (continued from 6/5/97 & 6/26/97) [Related to Item 39]  
**Postponed to July 17, 1997**

41. C14-95-0149 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as Ridgeline Drive and North F.M. 620, from "MF-3", Multifamily Residence (medium density) to "GR-CO", Community Commercial-Conditional Overlay zoning for Tract 1 and "LO-CO", Limited Office-Conditional Overlay zoning for Tract 2, with conditions. First reading on July 11, 1996; Vote 6-1, Goodman voting "No". Conditions met as follows: The conditional overlay and the private restrictive covenant with the neighborhood group incorporates conditions imposed by Council at first reading. Applicant: T.S.- S.D. II, A Texas Ltd. Partnership (Phillip H. Harris). Agent: Munsch Hardt Kopf Harr & Dinan, (William S. Dahlstrom) City Staff: Joe Arriaga, 499-2308. (continued from 6/26/97)  
**Ordinance No. 970710-A approved**

42. C14-97-0039 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1222 Rosewood Avenue, from "SF-3-NCCD", Family Residence-Neighborhood Conservation Combining District to "SF-3-NCCD", Family Residence-Neighborhood Conservation Combining District zoning. First reading on June 26, 1997; Vote 7-0. Applicant: City of Austin (Development Review and Inspection Department). Property Owner: Peter Staats & Ann Forman. City Staff: Susan Villarreal, 499-6319.  
**Ordinance No. 970710-B approved**

43. C14-97-0044 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1500 Pleasant Valley Road, from "GR", Community Commercial to "CS-1-CO", Commercial Liquor Sales-Conditional Overlay

zoning with conditions. First reading on June 26, 1997; Vote 6-0, Goodman off dais. Applicant: Lena Podolneck. Agent: Bob Honts Properties (Bob Honts). City Staff: David Wahlgren, 499-6455.



**Ordinance No. 970710-C approved**

44. C14-93-0138 - Amend Ordinance No. 931216-E, by revising the legal description of the property locally known as 2700 Gracy Farms Lane to include an additional 1.2411 acres of land previously indicated with and notified for in the original rezoning case. Applicant: Dr. Adel Eldahmy. Agent: Land Strategies Inc. City Staff: Greg Guernsey, 499-2387.

**Ordinance No. 970710-D approved**

45. Set a public hearing to amend Title XIII (Land Development Code) of the Austin City Code of 1992 by adding a new Section 13-2-90, creating an "EA" East Austin Overlay Combining District; adding a new Section 13-2-191, relating to the regulation of uses within the "EA" East Austin Overlay Combining District; and adding a new Section 13-2-192 creating and regulating a commercial corridor for the area bounded by IH-35, Airport Boulevard and Town Lake. (Suggested date and time: July 17, 1997 at 6:30 p.m.)

**Approved**

**Items 41 through 45 approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

**ITEMS FROM COUNCIL**

46. Direct the City Manager to review the proposal presented to Neighborhood Housing and Conservation Office (NHCO) by Carino, Inc. to develop infill housing and report back to Council with development options within 60 days. (Mayor Pro Tem Gus Garcia, Councilmember Jackie Goodman and Councilmember William Spelman)

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

**4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES**

47. C14-96-0149 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 4712 Bolm Road from "LI", Limited Industrial Services to "LI", Limited Industrial Services zoning. Planning Commission Recommendation: To Grant "LO", Limited Office, zoning. Applicant: City of Austin-Development Review and Inspection Department; Owner: Browning Ferris International (BFI). City Staff: Susan Villarreal, 499-6319. (continued from 5/22/97 by CC) **[5:30 Time Certain]**

**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

**Substitute motion to zone WLO-CO by Councilmember Spelman, Councilmember Griffith's second, 2-5 vote, Mayor Watson, Mayor Pro Tem Garcia, Councilmembers Goodman, Lewis and Slusher voting "NO".**

**Motion to approve Planning Commission recommendation to zone LO-CO, subject to overlay imposing section 13-2-343 regarding discontinuance of a non-conforming use and reduces the 90 day time frame to 30 days, first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

48. C14-96-0150 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2416 East 6th Street from "LI", Limited Industrial Services to "LI", Limited Industrial Services zoning. Planning Commission Recommendation: To Grant "LI-CO", Limited Industrial Services-Conditional Overlay zoning with conditions. Applicant: City of Austin-Development Review and Inspection Department; Owner: Balcones Recycling, Incorporated. City Staff: Susan Villarreal, 499-6319. (continued from 5/22.97 by CC) **[5:45 Time Certain]**  
**Postpone for three weeks to July 24, 1997**
49. C14-97-0023 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2002 West Koenig Lane from "SF-3", Family Residence to "GO", General Office. Planning Commission Recommendation: To Grant "GO-CO", General Office-Conditional Overlay zoning with conditions. Applicant: Philip & Dorothy Vescovo; Agent: Law Office of David J. Shaw. City Staff: Susan Villarreal, 499-6319.  
**Approved first reading only**
50. C14r-85-145(DE2) - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 9505 Stonelake Boulevard from "CH" Commercial Highway Services to "CH" Commercial Highway Services with the deletion of a 3.115 acre portion of a previously approved zoning site plan. Planning Commission Recommendation: To Grant "CH-CO" Commercial Highway Services-Conditional Overlay zoning with conditions and approve the deletion of the zoning site plan. Applicant: ZK Real Estate, Ltd. (Donald Zale); Agent: The Liverman Company (Robert J. Liverman). City Staff: David Lambert, 499-2830.  
**Ordinance No. 970710-E approved emergency passage**
51. C14r-85-145(DE3) - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 9505 Stonelake Boulevard from "CH" Commercial Highway Services to "CH" Commercial Highway Services with the deletion of a 2.720 acre portion of a previously approved zoning site plan. Planning Commission Recommendation: To Grant "CH-CO" Commercial Highway Services-Conditional Overlay zoning with conditions and approve the deletion of the zoning site plan. Applicant: ZK Real Estate, Ltd. (Donald Zale); Agent: The Liverman Company (Robert J. Liverman). City Staff: David Lambert, 499-2830. **(Related to Item 52)**  
**Ordinance No. 970710-F approved emergency passage**
52. C14r-85-145(DE4) - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 9505 Stonelake Boulevard and Tudor Boulevard from "CH" Commercial Highway Services to "CH" Commercial Highway Services with the deletion of a portion of a previously approved zoning site plan. Planning Commission Recommendation: To Grant "CH-CO" Commercial Highway Services-Conditional Overlay zoning with conditions and the deletion of the zoning site plan. Applicant: ZK Real Estate, Ltd. (Donald Zale); Agent: The Liverman Company (Robert J. Liverman). City Staff: David Lambert, 499-2830. **(Related to Item 51)**  
**Ordinance No. 970710-G approved emergency passage**

Items 49 through 52 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 6-0 vote, Councilmember Spelman off the dais.

#### PUBLIC HEARINGS

53. 6:00 P.M. - Public hearing to exempt the Momos & Popos Day Care, located at 4616 Cesar Chavez, from the East Austin Moratorium.  
Motion to close public hearing on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmembers Griffith and Spelman off the dais.
54. 6:15 P.M. - Public hearing to exempt the Ilcor Industrial Laminates Corporation, located at 1806 East 4th Street, from the East Austin Moratorium, Ordinance No. 970410-L. (Mayor Pro Tem Gus Garcia)  
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.
55. 6:30 P.M. - Public hearing to exempt the Austin Nada Used Car Sales, located at 1124 Airport Boulevard, from the East Austin Moratorium, Ordinance No. 961212P. (Mayor Pro Tem Gus Garcia)  
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.
56. 6:45 P.M. - Public hearing to approve a License Agreement with Austin Independent School District to allow temporary placement of portable classrooms on Pan Am Park during construction of an addition to adjacent Zavala Elementary School.  
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

#### ACTION ON PUBLIC HEARINGS

57. Approve a resolution exempting the Momos and Popos Day Care, located at 4616 Cesar Chavez, from the East Austin Moratorium.  
Approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmembers Griffith and Spelman off the dais.
58. Approve a resolution exempting Ilcor Industrial Laminates Corporation, located at 1806 East 4th Street, from the East Austin Moratorium, Ordinance No. 970410-L. (Mayor Pro Tem Gus Garcia)  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Motion to reconsider action on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Motion to postpone one week to July 16, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 7-0 vote.

59. Approve a resolution exempting Austin Nada Used Car Sales, located at 1124 Airport Boulevard, from the East Austin Moratorium, Ordinance No. 961212-P. (Mayor Pro Tem Gus Garcia)  
Ordinance No. 970710-H approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.
60. Approve a resolution approving a License Agreement with Austin Independent School District to allow temporary placement of portable classrooms on Pan Am Park during construction of an addition to adjacent Zavala Elementary School. (Recommended by Parks Board)  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:00 p.m. to 1:30 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

#### Pending Litigation - Section 551.071

61. Discuss Patricia Cyr v. City of Austin, Cause No. 9311348, Travis County District Courts.
62. Discuss Debbie Galloway as next friend of Rollins, a Minor v. City of Austin, et al., No. 96-CA-833SS, United States District Court for the Western District of Texas.
63. Discuss Zilker Eagle Inc. v. City of Austin et al., No. 96-CA-613JN, United States District Court for the Western District of Texas.
64. Discuss Austinites for a Little Less Corruption! aka No More Corruption!, Brent White, Linda Curtis, Kirk Mitchell, Susan Maldonado, Randall Dugger, Cecilia Ann Richards, and Brian Rodgers v. City of Austin, Texas, and Elden Aldridge, Clerk of the City of Austin, No. 97-CA-120SS, United States District Court for the Western District of Texas.
65. Discuss legal issues and requirements relating to annexation of territory.

#### Private Consultation with Attorney - Section 551.071

66. Discuss legal issues related to the application for a limited adjustment from SOS water quality regulations for the Foster Ranch Apartment project located at 6012 Boston Lane/PSouthwest Parkway, consisting of 15.938 acres more or less in the William S. Walker Survey No. 67,

Austin, Texas. (Related to Item 38)

ACTION ON EXECUTIVE SESSION ITEMS

67. Approve settlement in Patricia Cyr v. City of Austin, Cause No. 93-11348, Travis County District Courts.  
**Approved in an amount not to exceed \$65,000 on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

67. Approve settlement in Debbie Galloway as next friend of Tyrone Rollins, a Minor v. City of Austin, et al., No. 96-CA-833SS, United States District Court for the Western District of Texas.  
**No action taken**

69. APPOINTMENTS

Airport Advisory Board - **JACK KILCREASE.**

Board Of Adjustment - **BARBARA AYBAR, BETTY EDGEMOND.**

Building & Fire Code Board Of Appeals - **RICHARD HUFFMAN.**

Building Standards Commission - **MARK ROGERS, DR. ETHLEYN BEEBE, E. DECKER AYERS, WILLIAM ADORNO, JOSEPH LUKE.**

Child Care Council - **JOENE GRISSOM, DR. PATRICIA KOCH, RONYA KOZMETSKY, RHONDA PAVER, LINDA RUIZ, GALE SPEAR, ANNE WENTWORTH, DR. JOAN BURNHAM.**

Community Development Commission - **REBECCA ALLEN, HORACE CARRINGTON, SISTO RAMIREZ, BEN SIFUENTES (URBAN RENEWAL AGENCY).**

Design Commission - **PAULA FRACASSO.**

Downtown Commission - **LESLIE POOL, VAN DYKE JOHNSON.**

Electric Utility Commission - **HECTOR ORTIZ.**

Environmental Board - **DR. JESSICA CHRISTIE.**

Environmental Justice Task Force - **ERIC BLUMBERG, STUART GARNER, WENDY AUDETTE, FRED BLOOD.**

Flood Plain Task Force - **DOYLE WAYNE (D.W.) BROWN, BRUNO CONGGLIANO, MARK MOORE, MARY ARNOLD, LEIGH STAVINOHA.**

Historic Landmark Commission - **BLAKE ALEXANDER, CLOVIS BEN HEIMSATH, PATTI HALL, AVADNE MONTANDON, LAURETTA DOWD.**

Human Rights Commission - **RICHARD BAILEY.**

Medical Assistance Program Advisory Board - **DR. JOSE GARCIA.**

Music Commission - **DAVID BRICHLER, JR.**

Parks & Recreation Board - **MARY ISAACS, RICARDO MEDRANO.**

Renaissance Market Commission - **SHERI BUDREAU, ROBERT EDGECOMB, MICHAEL KLEINMAN.**

Resource Management Commission - **CHIEN LEE, ADAN MARTINEZ, PAUL WILLIAMS.**

Solicitation Board - **GEORGE MORE, JOHN MORGANTE, RICHARD RESNIK.**

Solid Waste Advisory Commission - **WENDY AUDETTE, J.D. PORTER.**

Telecommunications Commission - **CYNTHIA GALVAN, STUART HEADY.**

Urban Renewal Agency - **BEN SIFUENTES.**

**Approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

ADJOURNED at 8:45 p.m.

Approved on this the 17<sup>th</sup> day of July, 1997, on, Councilmember Slusher's motion,  
Councilmember Spelman's second, 7-0 vote.