



Austin City Council MINUTES

MARCH 7, 1996

Mayor Todd called the meeting to order, Councilmembers Goodman, Mitchell and Nofziger off the dais, Councilmember Shea absent.

1. Approval of Minutes for Worksession of February 28, 1996 and Regular Meeting of February 29, 1996
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Shea, Mitchell and Nofziger temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss city wide issues and economy.
3. Ms. Mary Roe Aleshire, to discuss issues facing homeless.
4. Mr. Kirk Becker, to discuss citizen communication issues.
5. Mr. Paul Robbins, to discuss city issues.
6. Mr. Richard Troxell to discuss issues relating to the homeless.
7. Mr. Eric Samson, to speak on communications in general.
8. Mrs. Linda M. Ruiz, to discuss funding for the new building at El Buen Pastor ECDC.
Absent
9. Mr. Jimmy A. Castro, to discuss Austin/Travis County Livestock Show and Rodeo.
10. Ms. Barbara Rush, to discuss employee relations.
11. Mr. Edward Sledge, to discuss homeless issues.
Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend Ordinance 950911-B, the 1995-96 Capital budget of the EMS Department, by transferring \$490,843 from EMS Medic 13 project to EMS stations 8, 18, 10, and 9 for a total appropriation of \$1,497,343. (Funding was included in the 1995-96 Capital budget of the EMS Department.) (**Related to item 13**) recommended by the Planning Commission.
No action taken
13. Approve a construction contract award to BRAUN & BUTLER CONSTRUCTION, INC.,

Austin, Texas, for completion of four EMS Additions, in the amount of \$584,000. (Funding was included in the 1995-96 amended Capital budget of the EMS Department.) Single bid. 24.09% MBE, 8.57% WBE Subcontractor participation. (Related to item 12)

Substitute motion by Councilmember Shea to move to staff recommendation, on Councilmember Shea's motion, Councilmember Nofziger's second, 3-4 vote, Mayor Todd, Councilmembers Goodman, Mitchell and Reynolds voting "NO".

Motion fails.

Motion by Councilmember Mitchell to award contract to EMR, INC., on Councilmember Mitchell's motion, Councilmember Goodman's second, 2-5 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmembers Shea, Nofziger and Reynolds voting "NO".

Motion fails.

Motion to sever items 12 and 13 on, Councilmember Mitchell's motion, Councilmember Goodman's second, 2-5 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmembers Shea, Nofziger, and Reynolds voting "NO".

Motion fails.

Motion to approve with staff recommendation of BRAUN & BUTLER CONSTRUCTION, INC. on, Councilmember Shea's motion, Councilmember Nofziger's second, 3-4 vote, Mayor Todd, Councilmembers Goodman, Mitchell and Reynolds voting "NO".

Motion fails.

Item will be rebid.

ORDINANCES

14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7601-7705 Shadowridge Run, Case No. C14-95-0144, from SF-2, Single-Family Residence (standard lot) District to SF-4A, Single-Family Residence (small lot) District, SHADOWRIDGE CROSSING (Steve Tucker), by Carlson Engineering (Terry Reynolds). First and Second reading on February 29, 1996; Vote 5-2, Shea and Nofziger no. Conditions met as follows: There are no conditions to be met.
Motion to approve on third reading on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second.

Withdrew motion

Substitute motion by Mayor Pro Tem Garcia to postpone to March 21, 1996 with request for applicant to meet with neighborhood and all concerned, on, Mayor Pro Tem Garcia's motion,

Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.

15. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Burleson Road and Montopolis Drive, Case No. C14-95-0128, from DR, Development Reserve to LI-PDA, Limited Industrial-Planned Development Agreement, subject to compliance with the PDA Performance Standards, compliance with the recommendations for Tract 2 included in the Traffic Impact Analysis memorandum from Ivan Naranjo dated February 16, 1996, and prohibiting the following uses: Basic Industry and Resource Extraction, STATE OF TEXAS-SCHOOL TRACT (Christopher K. Price), by Bury-Pittman (Glenn A. Barton). First and Second readings on February 29, 1996; Vote 6-0, Mitchell off dais. Conditions met as follows: Conditions defined in ordinance.

Ordinance No. 960307-L Approved subject to conditions defined in ordinance on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0-1 vote, Mayor Todd abstaining.

Motion by Councilmember Shea to adopt staff recommendation on, Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 4-0-2 vote, Mayor Todd and Councilmember Reynolds abstaining, Councilmember Mitchell off the dais.

(See Attachment)

16. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Burleson Road and Montopolis Drive, Case No. C14-95-0129, from DR, Development Reserve to LI-PDA, Limited Industrial-Planned Development Agreement, subject to compliance with the PDA Performance Standards, compliance with the recommendations for Tract 2 included in the Traffic Impact Analysis memorandum from Ivan Naranjo dated February 16, 1996, and prohibiting the following uses: Basic Industry and Resource Extraction, STATE OF TEXAS-SCHOOL TRACT (Christopher K. Price), by Bury-Pittman (Glenn A. Barton) First and Second readings on February 29, 1996; Vote 6-0, Mitchell off dais. Conditions met as follows: Conditions defined in attached ordinance.

Ordinance No. 960307-M Approved subject to conditions defined in ordinance on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0-1 vote, Mayor Todd abstaining.

(See Attachment)

17. Approve third reading of an ordinance to grant special exceptions to the provisions of the Land Development Code, Administration Criteria Manual and Appendix D, Drainage Criteria Manuals for the Expo Center development. First and Second readings on February 29,

1996; Vote 6-0, Mitchell off dais. Conditions met as follows: There are no conditions to be met.

Ordinance No. 960307-N approved on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0-1 vote, Mayor Todd abstaining.

(See Attachment)

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8207 North IH-35 NB, Case No. C14-95-0137, from "LO", Limited Office & "SF-3", Family Residence to "GR-CO", Community Commercial-Conditional Overlay for Tract 1, and "LO-CO", Limited Office-Conditional Overlay for Tract 2; subject to the following: (1) prohibit Medical Office use on Tract 2; (2) the owner shall maintain a vegetative buffer 65 feet wide along those portions of the eastern and northern property lines of the Property being adjacent to the existing "SF-3", Family Residence district development located to the east and north of the Property, improvements permitted on this 65 foot buffer shall be limited to those improvements related to maintenance of the vegetative buffer, drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin; (3) no building structure, or any portion thereof, shall be constructed within 100 feet of the adjacent "SF-3" developments located to the east and north of the Property; (4) no structure of any kind constructed on the Property and situated within 150 feet of the adjacent "SF-3" development located to the east and north of the Property shall not exceed a height greater than 40 feet above ground level, or one story, on the Property; and (5) limit development to generate less than 2,000 vehicle trips per day; WINDSOR RESIDENTIAL PROPERTIES (Nancy Roger), by Strasburger & Price, LLP. (Richard T. Suttle, Jr.). First reading on December 14, 1995; Vote 6-0, Shea absent. Conditions met as follows: Conditional overlay and restrictive covenant incorporates conditions imposed by Council. Note: A petition of 33.96% has been filed in opposition to this request. (cont'd. from 2/29/96)

Ordinance No. 960307-O approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds off the dais.

19. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1000 East 50th Street, Case No. C14-95-0166, from "LR", Neighborhood Commercial to "GR", Community Commercial, zoning subject to prohibiting access to Harmon Avenue until additional 5 feet of right-of-way is dedicated; TERRELL TIMMERMAN by Law Office of Brent Devere (Brent Devere). First reading on January 4, 1996; Vote 5-0; Shea absent. Conditions met as follows: Restrictive Covenant has been executed.

Ordinance No. 960307-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds off the dais.

20. Approve third reading of an ordinance granting a franchise agreement between the City of Austin and Time Warner Communications of Austin, L.P. to provide telecommunication services. (Unanticipated revenue for 1995-96 is \$30,000.) (Recommended by

Telecommunications Subcommittee)

Ordinance No. 960307-B approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Mitchell abstaining, Councilmember Reynolds off the dais.

21. Authorize acceptance of \$75,000 in grant funds from the National Endowment for the Arts Locals program; amend Ordinance 950911-A the 1995-96 and 1996-97 operating budget special revenue fund, by appropriating \$75,000 in grant funds for the Parks and Recreation Department. (A match of \$68,617 is available in the 1995-96 Cultural Arts Fund.)
Ordinance No. 960307-C approved

22. Amend Ordinance 950911-A, the operating budget, by decreasing the Water and Wastewater Utility Ending Balance by \$103,000; increasing the Water and Wastewater Utility operating budget by \$103,000; to pay a portion of the payments required by the Settlement Agreement in James G. Monaghan et. al. v. Maple Run MUD and City of Austin. (To be reviewed by Water and Wastewater Commission 3-6-96) Recommended by Water and Wastewater Commission.
Ordinance No. 960307-D approved

23. Approve an ordinance revising the wastewater averaging methodology as approved in Ordinances 950911-E and 950911-F to be used for wastewater billing purposes during the period of March 1996 through February 1997 only. (This change to the wastewater averaging methodology will reduce wastewater service revenues for 1995-96 by approximately \$600,000.) (To be reviewed by Water and Wastewater Commission 3-6-96)
Ordinance No. 960307-E approved

24. Authorize acceptance of a grant from Watershed Management Institute, Inc., in the amount of \$80,000 to participate in an EPA grant-funded study titled "The Ecological Response of Small Streams to Stormwater and Stormwater Controls"; amend Ordinance 950911-A, the 1995-96 operating budget, by increasing budget revenue and expenditures by \$80,000 in the 1995-96 Environmental and Conservation Services Special Revenue Fund. (A match of \$6,000 of in-kind services is required.)
Ordinance No. 960307-F approved

Items 21 through 24 approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds off the dais.

25. Adopt amendments to Chapter 5-7 of the City Code, the Minority -Owned and Women -Owned Business Enterprise Procurement Program. (No fiscal impact) (To be reviewed by MBE/WBE Advisory Committee on March 5, 1996)
Postponed to March 21, 1996

26. Authorize acceptance of an additional \$317,195 in grant funds from the Texas Department of Human Services for child care services for eligible Title IV-A At Risk clients; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$317,195 in additional grant funds for the Health and Human Services Department special revenue fund, for a total grant amount of \$482,434. **(Related to Item 28)**

Ordinance 960307-G approved

27. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Library Department, by transferring \$27,000 from the Little Walnut Creek Branch Reroof and Floor Finishes Replacement Project and appropriating a \$100,000 donation to the Howson Branch Addition and Mechanical Improvements Project. (Recommended by Library Commission) **(Related to Item 29)** Recommended by the Planning Commission.
Ordinance 960307-H approved

RESOLUTIONS

28. Authorize payment of \$93,000 to the Texas Department of Human Services as matching funds for the federal Title IV-A At-Risk Child Care Program. (Funding in the amount of \$27,644 is available from the 21st year Community Development Block Grant (CDBG) program. \$65,356 is available in the Health and Human Services Special Revenue Fund for the Title IV-A At-Risk Child Care grant program. (Related to Item 26)
Approved
29. Approve a construction contract award to BRAUN & BUTLER, Austin, Texas, for renovation of Howson Library, in the amount of \$192,700. (Funding in the amount of \$167,700 is available in the 1995-96 Amended Capital budget of the Library Department; \$25,000 is available in the 1991-92 Approved Capital budget of the Environmental & Conservation Services Department.) Low bid of six. 6.65% MBE, 2.07% WBE Subcontractor participation.
(Related to Item 27)
Approved
30. Approve negotiation and execution of an Interlocal Agreement with Capital Metropolitan Transportation Authority regarding the provision of transportation services and development of transportation/environmental issues curriculum for Earth Camp students, in the amount of \$16,380. (Funding is available in the 1995-96 operating budget of the Environmental and Conservation Services Department.)
Approved
31. Approve execution of a contract with WOODS FUN CENTER, INC., Austin, Texas, for the purchase of fifteen police motorcycles, in an amount not to exceed \$134,835. (Funding is available in the 1995-96 Vehicle Acquisition Fund.) Low bid of two. No MWBE Subcontractor participation.
Approved
32. Approve negotiation and execution of a second amendment to provide an additional six month extension of an Interlocal Agreement for Termination of Brushy Creek Regional Wastewater Disposal Agreement to provide additional time for negotiation of a new Interlocal Agreement with Round Rock concerning the Brushy Creek Regional Wastewater Disposal System. (No fiscal impact.) (To be reviewed by Water and Wastewater Commission 3-6-96) Recommended by the Planning Commission.
Approved

33. Set a public hearing to consider amending the Austin City Code of 1992, by adding a new chapter defining qualified community gardens, adding new section which establish a temporary exemption from the platting requirements and a temporary tap for qualified community gardens and provides an exemption for qualified community gardens from paying water capital recovery fees. (Suggested date and time: March 21, 1996 at 4:30 P.M.) (Recommended by Water and Wastewater Commission and Planning Subcommittee) (To be reviewed by Planning Commission March 5, 1996) Recommended by the Planning Commission.

Approved

34. Set a public hearing on the 1995 Bicycle Plan, Part 1. (Suggested date and time: March 21, 1996 at 5:00 P.M.) (Recommended by Planning Commission, Parks Board, Environmental Board, and Urban Transportation Commission)

Approved

Items 26 through 34 approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote Councilmember Reynolds off the dais.

ITEMS FROM COUNCIL

35. Approve a resolution directing the City Manager to initiate a voluntary Reformulated Products program which promotes the use of products low in volatile compounds. (Recommended by Environmental Board) (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, and Councilmember Jackie Goodman) Directing the city Manager to present action item to the City Council within 30 days.

Approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 5-0 vote, Councilmembers Mitchell and Reynolds off the dais.

36. Approve a resolution to direct the City Manager to assist Capital Metro in promoting the Bicycle- Transit Link program.(Recommended by Environmental Board) (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, and Councilmember Jackie Goodman) Directing the city Manager to present action item to the City Council within 30 days.

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds off the dais.

37. Approve a resolution to direct the City Manager to prepare a request for proposal to conduct water quality and biological monitoring in the Bull Creek Watershed and return for Council action by April 4. (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, and Councilmember Brigid Shea) Directing the city Manager to present action item to the City Council within 30 days.

Approved

38. Approve a resolution to direct the City Manager to prepare a request for proposal to conduct dye tracer studies in the Barton Springs/Edwards Aquifer to identify water flow paths, travel times, and dilution and return for Council action by April 4. (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, and Councilmember Brigid Shea) Directing the city Manager to

present action item to the City Council within 30 days.

Approved

39. Approve a resolution to direct the City Manager to initiate a Barton Springs/ Edwards Aquifer library to be housed in the Austin Public library which is to contain an exhaustive list and copies of all available studies and reports on the Austin area aquifer, together with a comprehensive database and Internet access. (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, and Councilmember Brigid Shea) Directing the city Manager to present action item to the City Council within 30 days.

Approved

Items 37 through 39 approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 5-0 vote, Councilmembers Mitchell and Reynolds off the dais.

40. Approve a resolution directing the City Manager to begin the process to amend the Land Development Code to reflect the changes of the recent reorganization. (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, Councilmember Jackie Goodman)
Friendly amendment by Councilmember Nofziger to have resolution to come back to Council prior to 45 days, having been reviewed by Planning Commission and Environmental Board.

Motion accepted by maker and seconder.

Approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".

41. Approve a resolution directing the City Manager to evaluate the proposed changes to the contract with the American Institute for Learning and develop recommendations for Council consideration. (Mayor Pro Tem Gus Garcia)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds off the dais.

42. Adopt an ordinance prohibiting purchases by the City from Council members. (Recommended by Ethics Commission) (Councilmember Brigid Shea, Mayor Pro Tem Gus Garcia, Councilmember Max Nofziger)
Postponed indefinitely

3:00 P.M. - ELECTRIC UTILITY (Items 43- 54,62)

43. Electric Utility Commission Report - Marilyn Jones, Chair
Presentation given by John Moore.
44. Resource Management Commission Report - Glee Ingram
Postponed to March 20, 1996
45. Monthly Management Report
Presentation given by John Moore.

ORDINANCES

46. Amend Ordinance 950911-A, the 1995-96 operating budget for the Environmental and Conservation Services Fund, by increasing revenue and requirements by \$300,000 and amend the Conservation Rebates and Incentives Fund by decreasing budgeted revenue and requirements by \$300,000 for implementing strategic marketing activities to meet 1995-96 participation goals in the City's Commercial and Residential Energy Conservation programs. (Recommended by Resource Management Commission)
Ordinance No. 960307-I approved

RESOLUTIONS

47. Approve execution of three twelve month supply agreement with POWER SUPPLY, INC., Austin, Texas, in an amount not to exceed \$145,826; PREISTER-MELL AND NICHOLSON, INC., Austin, Texas, in an amount not to exceed \$114,830; and TECHLINE, INC., Austin, Texas, in an amount not to exceed \$306,976 for the purchase of various types of post and suspension insulators used in the maintenance of transmission lines with the option to extend for two twelve month periods in the respective amounts shown above per extension option in an amount not to exceed \$567,632, for a total amount not to exceed \$1,702,896. (Funding in the amount of \$378,421 is available in the 1995-96 operating budget of the Electric Utility Department. Funding for the final four months and the extension options is contingent upon available funding in future budgets.) Low bid of three meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

48. Approve execution of a contract with HYUNDAI HEAVY INDUSTRIES c/o HI-VOLT SALES, New Braunfels, Texas, for the purchase of two power transformers, in the amount of \$1,066,000. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.) Low evaluated bid of 6. No M/WBE subcontracting opportunities identified.

Approved

49. Approve execution of a contract with HYUNDAI HEAVY INDUSTRIES, c/o HI-VOLT SALES, New Braunfels, Texas for the purchase of two 138x69-12.47kV, 18/24/30 MVA power transformers and two 138-12.47kV,30/40/50 MVA power transformers in the total amount of \$2,291,000. (Funding was included in the 1995-96 Capital budget for the Electric Utility). Low evaluated bid of 6. No M/WBE subcontracting opportunities were identified.

Approved

Items 46 through 49 to approve staff recommendation on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

50. Approve negotiation and execution of a professional services agreement with D'APPOLONIA, ENGINEERING DIVISION OF GROUND TECHNOLOGY, INC., Monroeville, Pennsylvania, for Phase I (preliminary engineering) services needed to investigate the economic feasibility of reducing intake water temperature at the Decker Power Plant, in the estimated amount of \$60,000. (Funding is available in the 1995-96

operating budget of the Electric Utility Department.) Best qualification statement of six. 8.6% MBE, 18.2% WBE Subconsultant participation.
Postponed to March 21, 1996 on, Councilmember Mitchell's motion, Councilmember Shea's second, 7-0 vote.

51. Approve execution of a contract with TURBINE CONTROL SERVICE ASSOCIATES, Sharpsburg, Pennsylvania, for the purchase and installation of twenty partial arc cards to upgrade the Decker 1 and 2 servo driver cards, in the amount of \$116,150. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

52. Approve execution of a contract with TECHLINE, INC., Austin, Texas, for the purchase of fifteen distribution transformers, in the amount of \$105,300. Low bid of five. No M/WBE Subcontracting opportunities were identified.

Approved

53. Approve execution of a contract with COMMERCIAL BODY CORPORATION, San Antonio, Texas, for the purchase of aerial devices, in an amount not to exceed \$756,824. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.) Low bid of six. No M/WBE Subcontracting opportunities were identified.

Approved

Items 51 through 53 to approve staff recommendation on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

54. Approve the purchase of a 4.9461 acre tract of land located at 9601 Brodie Lane from Circle C Land Corporation, for the construction of a electric substation, in the amount of \$173,000. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0-1 vote, Councilmember Shea abstaining.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

55. C14-95-0140 - COVENANT PRESBYTERIAN CHURCH (Rev. George Cladis), by Site Specifics (B. J. Cornelius), 3003 Northland Drive. From SF-2 to GO. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay, with the provisions of the overlay as follows: (1) to limit development to that which will generate less than 2,000 vehicle trips per day; (2) development subject to SF-2 site development standards with the following exceptions: (a) 80% impervious cover; (b) 46 feet height limitation; (c) 0.25 to 1 Floor to Area Ratio (FAR); (3) limit uses to those permitted in SF-2 zoning with the addition of private primary educational facilities and day care (general and commercial); and (4) the parkland improvement agreement between the City of Austin and Covenant Presbyterian Church to be signed by both parties prior to the third reading of the zoning ordinance.

Ordinance No. 960307-J approved

56. C14-95-0181 - DOUG GURKIN, by Amelia Lopez-Phelps Consulting (Amelia Lopez-Phelps), 1900 Blue Meadow Drive and Bluff Springs Road. From I-SF-3 to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, with the provisions of the overlay as follows: (1) limit land uses and intensities to those that will not exceed 2,000 vehicle trips per day; (2) development will be subject to compatibility (LDC 13-2, Division 4, Part A); (3) prohibit the following uses: agricultural sales and services, art and craft studio (general), auto rentals, auto repair, auto sales, auto washing (of any type), building maintenance services, business or trade school, business support services, campground, commercial blood plasma center, commercial off-street parking, communications services, construction sales and services, drop off recycling, electronic prototype assembly, equipment repair, equipment sales, exterminating services, funeral services, general retail sales (general), hotel-motel, indoor enter- entertainment, indoor sports and recreation, kennels, laundry services, medical offices, monument retail sales, outdoor sports and recreation, pawn shop services, personal improvement services, research services, restaurant (drive-in, fast food), restaurant (general), theater, vehicle storage, and veterinary services.

Ordinance No. 960307-K approved

57. C14-95-0156 - GOTTESMAN COMPANY, by The Liverman Company (Robert J. Liverman), Duval Road and Amherst Drive. From SF-2 to GR-CO. Planning Commission Recommendation: To Grant NO-CO, Neighborhood Office-Conditional Overlay, with the provisions of the overlay as follows: (1) prohibit access to the abutting section of Dorsett Road; and (2) limit development to generate less than 2,000 vehicle trips per day. A petition of 33.76% has been filed in opposition to this request. (cont'd. from 1/4/96, 2/1/96 & 2/29/96)

Postponed to March 21, 1996 applicant's 4th request

Items 55 through 57 approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

58. C14-78-219 - JOE HAJJAR, North R.M. 620 and Broadmeade. Request for Restrictive Covenant Termination. Planning Commission Recommendation: Approve termination of restrictive covenant. (cont'd. from 2/1/96, 2/8/96 & 2/29/96)

Postponed to March 21, 1996

59. C14-95-0164 - JOE HAJJAR, North R.M. 620 and Broadmeade Avenue. From LR to CS-1. Planning Commission Recommendation: (1) To grant GR-CO, Community Commercial-Conditional Overlay zoning for Tract 2, with the provisions of the overlay as follows: prohibit the following uses - Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Business Support Services, Business or Trade School, and Theaters; (2) dedication of up to 35 feet of right-of-way from the existing centerline of Briar Hollow Drive. The CS-1-CO, Commercial Liquor Sales-Conditional Overlay portion identified as Tract 1 was not granted. (cont'd. from 2/1/96, 2/8/96 & 2/29/96)

Approve first reading only, with GR-CO zoning and with following agreement with neighborhood, included: (2) uses added: hotel-motels, sale or rental of adult-oriented products if such sale or rental accounts for 10% or more revenues of a specific business; (3) grant CS-1-CO commercial liquor sales-conditional overlay zoning for Tract 1; (4) Tract 1 will be limited to: A) uses permitted in GR zoning, B) one liquor store only, and C) liquor store shall be limited to a maximum of 5,000 square feet.

60. C14-95-0163 - JOE HAJJAR, North F.M. 620 and Broadmeade Avenue. From SF-2 & LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay for Tract 1 and RR, Rural Residence District for Tract 2 (flood plain). The provision of the overlay are as follows: (1) prohibit - Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Business Support Service, Business or Trade School, and Theaters. (cont'd. from 2/1/96, 2/8/96 & 2/29/96)

Approve first reading only with approval of GR-CO zoning, with following conditions: 1) Tract 1, conditional overlay will prohibit the following uses: automotive repair services, automotive sales, drop-off recycling collections facility, automotive washing (any type), exterminating services, indoor entertainment, indoor sports and recreation, business or trade schools, hotel-motel, sale or rental of adult-oriented products if such sale or rental accounts for 10% or more of revenues of a specific business; 2) approve RR for Tract 2 (flood plain)

61. C14-95-0165 - JOE HAJJAR, North F.M. 620 and Briar Hollow Drive. From SF-2 to GR. Planning Commission Recommendation: To Grant LR, Neighborhood Commercial, subject to dedication of up to 35 feet of right-of-way from the existing centerline of Briar Hollow Drive. (cont'd. from 2/1/96, 2/8/96 & 2/29/96)

Approve first reading only, with GR-CO zoning, and subject to conditions agreed upon in item #59 without the CS-1 condition.

Items 59 through 61 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-0 vote, Councilmembers Shea, Mitchell and Nofziger off the dais.

TIME CERTAIN ITEM

62. 5:30 PM - Authorize the issuance of a Request for Proposals to solicit offers to acquire or manage the City electric utility system, including public-private "partnerships" and public power options. (Funding to issue the RFP is available in the 1995-96 operating budget of the Electric Utility department)

Motion to allow speaker no. 11, Karen Hadden to speak on, Councilmember Nofziger's motion, Councilmember Shea's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Mitchell absent.

Motion by Mayor Pro Tem Garcia to issue an RFI rather than an RFP on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second.

Motion withdrawn.

Motion to call the question on Mayor Pro Tem Garcia's motion, 3-3 vote, Councilmember Goodman, Shea and Reynolds voting "NO", Councilmember Mitchell absent.

Motion fails

Motion to kill RFP and go forward with blue ribbon committee on, Councilmember Reynolds' motion, Councilmember Nofziger's second, 3-2-1 vote, Mayor Todd and Mayor Pro Tem Garcia voting "NO", Councilmember Goodman abstaining, Councilmember Mitchell absent.

Motion fails.

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce that 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. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Personnel Matters - Section 551.074

63. Discuss the two Part-Time Municipal Court Judge vacancies.

Advice of Counsel - Section 551.071

64. Discuss City of Austin v. Houston Lighting & Power Company, Cause No. 94-007946 in the 11th District Court of Harris County, Texas.
65. Discuss Ken Oden, Travis County Attorney v. Austin City Council and the City of Austin, District Court, Travis County.
66. Discuss amendments Chapter 5-7 of the City Code, the Minority- Owned and Women-Owned Business Enterprise Procurement Program.
67. Discuss New Airport Project contracts as it relates to the M/WBE procurement program amendments.
68. Discuss Melissa McGrath et al v. City of Austin, et al, Cause No. A-95-CA-220-S

Staff Briefing - Section 551.075

69. Problems associated with Brinkley Anderson Landfill.

ACTION ON THE FOLLOWING

70. Appointment of the two Part-Time Municipal Court Judges.

No action taken

71. Approve benefit and compensation package of the new Part-Time Municipal Court Judges.
No action taken
72. Approve a settlement of Ken Oden, Travis County Attorney v. Austin City Council and the City of Austin, District Court, Travis County.
No action taken

APPOINTMENTS

73. CITY OF AUSTIN COMMISSION FOR WOMEN - 1 (TO EXPIRE 11/1/96).
PLANNING COMMISSION - **MAGGIE ARMSTRONG**
Approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Shea and Reynolds off the dais.

ADDENDUM

74. Approve a resolution requiring any proposer or potential proposer, public or private, regarding the disposition of the electric utility to promise that its officers, employees, or agents will not attempt to lobby or influence a vote or recommendation related to any proposal response; directly or indirectly, through any contact with City Council members or other City officials between the Request for Proposal (RFP) issue date and the date the proposals are brought back to the City Council for a staff presentation. (Mayor Bruce Todd)
Motion withdrawn

ADJOURNED at 8:15 p.m. on, Councilmember Reynolds' motion, Councilmember Nofziger's second, 4-0 vote, Mayor Todd and Councilmember Shea off the dais, Councilmember Mitchell absent.

Approved on this the 21st day of March 1996, on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0 vote, Councilmember Shea temporarily absent.