



Austin City Council MINUTES

JUNE 13, 1996

Mayor Todd called the meeting to order, Councilmember Mitchell temporarily absent.

1. Approval of Minutes for Worksession of June 5, 1996 and Regular Meeting of June 6, 1996
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, Councilmember Mitchell temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss city issues.
Absent
3. Mr. Richard R. Troxell, to discuss homelessness in Austin.
4. Ms. Judy Danielson, to discuss Austin artists' concerns.
Absent
5. Mr. Robert L. Thomas, to discuss Rosewood Park.
6. Mr. Dennis Paddie, to discuss city issues.
7. Ms. Becky Schleinkofer, to discuss getting the bike helmet law repealed.
8. Chris Roach, to address mandatory helmet policy.
9. Dr. Steve Baldwin, to invite the Council to the Tejas Theater of the Deaf's play. City of Austin grant made it possible.
10. Mr. Bobby Sledge, to repeal helmet ordinance.
11. Mr. Jim Coddington, to discuss homeless issues.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve issuance by Circle C Municipal Utility District (MUD) No. 4 of Waterworks Sewer System Combination Unlimited Tax and Revenue Bond Series 1996, in an amount not to exceed \$2,460,000; approve substantial draft of Bond Resolution, Notice of Sale, Bid Instructions, Form of Bid, and Preliminary Official Statement. (No fiscal impact.) (Recommended by Water & Wastewater Commission)
Approved on, Councilmember Mitchell's motion, Councilmember Shea's second.

Councilmember Shea withdrew second, Councilmember Reynolds' seconded motion, 5-0-2 vote,

Councilmembers Nofziger and Shea abstaining.

ORDINANCES

13. Approve third reading of Ordinance 950911-A to amend the 1995-96 operating budget, by increasing the transfers from the Airport Capital fund to the Aviation CIP by \$170,000; and amend Ordinance 950911-B, the 1995-96 Capital budget of the Airport, by increasing appropriations for Arts in Public Places for the Austin Bergstrom International Airport by \$170,000. (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, Councilmember Ronney Reynolds and Councilmember Jackie Goodman)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 3-3 vote, Councilmember Nofziger off the dais.

Motion failed.

Motion to reconsider and approve on, Councilmember Nofziger's motion, Councilmember Shea's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".

Ordinance No. 960613-B approved

14. Approve third reading of an Ordinance to amend the Land Development Code to provide for successor departments to Planning and Development, and Environmental and Conservation Services; to establish an environmental review division; and to create an environmental officer. (Councilmembers Max Nofziger and Brigid Shea)
Ordinance No. 960613-N on, Councilmember Nofziger's motion, Councilmember Goodman's second, 4-2 vote, Councilmember Mitchell and Reynolds voting "NO", Mayor Todd absent.

15. Approve third reading of an ordinance granting a franchise to Time Warner Entertainment Company, L.P. (dba Austin CableVision) to provide cable services. (Franchise Fee Revenue 1996-97 \$2.6 million.) (Reviewed by Telecommunications Commission)
Ordinance No. 960613-A approved

16. Approve second reading of an ordinance extending the term of the current franchise with Time Warner Entertainment Company, L.P. (dba Austin Cablevision) to provide cable services until December 31, 1996. (Franchise Fee Revenue \$650,000)
Approve second reading only.

Items 15 and 16 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger off the dais.

17. Approve second/third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7200-7500 North F.M. 620 Road. That the "Restrictive Covenant, Development and Roadway Construction Agreement" dated June 1, 1989 and entered into by and between PWB Joint Venture and the City of Austin shall be terminated. Case No. C814-95-0002(formerly C814-89-0001), from "PUD", Planned Unit Development to "PUD", Planned Unit Development, subject to the following conditions:
1. The development shall be subject to the attached PUD Land Use Plan

- dated December 12, 1995.
2. The conditions regarding the amendment of the traffic phasing agreement by terminating the separate instrument and incorporating the conditions into the Traffic Impact Analysis and PUD Land Use Plan notes as stated in Ivan Naranjo's memorandum dated December 8, 1995.
 3. The Hill Country Roadway vegetative buffer waiver recommendations as outlined in Joe Calabrese's memorandum dated September 6, 1995 as shown on the PUD Land Use Plan.
 4. The multi-family lots are limited to those uses permitted in the MF-2, Multi-family Residence (low density), zoning district; the office lots are limited to those uses permitted in the GO, General Office, zoning district; and, the Hotel and Retail lots are limited to those uses permitted in the GR, Community Commercial, zoning district; and the R&D lots are restricted to the following uses: Research Assembly Services, Research Services, Research Testing, and Research Warehousing Services (the use limitations will be specified by notes on the PUD Land Use Plan).
 5. The dedication of the 181.99 acre preserve to a private entity that is approved by the applicant and the U.S. Fish and Wildlife Service prior to 3rd reading of this zoning case.
 6. Development of the R&D sites will comply with the Planned Area Development performance standards as outlined in Sec. 13-2-269 of the Land Development Code. This requirement will be specified by a note on the PUD Land Use Plan.
 7. Any site development standards not specifically established in the PUD Land Use plan will be based on the Land Development Code Site Development Standards for the MF-2, GO, and GR zoning districts for the Multi-family, Office, and Retail/Hotel lots respectively as they exist on December 12, 1995. Site Development Standards for the R&D sites will be established by the PUD Land Use Plan (see waivers/variance requests).
 8. Development of the multi-family lots or any development adjacent to single-family uses will be subject to the Compatibility Standards of the Land Development Code, Secs. 13-2-730 through 13-2-739, except for those site development standards specifically established by the PUD Land Use Plan. This requirement will be specified by a note on the PUD Land Use Plan.
 9. All parking will comply with the requirements of Chapter 13-5 of the Land Development Code as of December 12, 1995.
 10. Compliance with the F.A.R. Hill Country Roadway Corridor requirements of Sec. 13-2-782 based on the overall PUD F.A.R. rather than requiring lot by lot compliance; and
 11. Approved variance from:
 - a. Hill Country Roadway and vegetative buffer as recommended by DUD and the Environmental Board; and
 - b. Parkland dedication to allow credit for the preserve areas.And subject to the following additional conditions:
 - 1) Parks Board action on parkland dedication variance and initiate LDC amendment to allow credit for preserve area;
 - 2) PC consideration of vacation of Riverplace Boulevard; and
 - 3) Staff & applicant to resolve issue on excess fiscal posting for roadway improvements; PWB JOINT VENTURE/PEROT GROUP (Larry J. Cain), by

Joseph, Minter & Thornhill (John M. Joseph). First reading on December 14, 1995; Vote 4-0, Shea & Todd absent, and Mitchell off the dais. Conditions met as follows: Ordinance incorporates conditions imposed by Council.

Ordinance No. 960613-O approved with additional condition that the owner will not expand, reroute, extend, or otherwise modify in any way that portion of Riverplace Boulevard within the preserve boundaries as shown on the PUD land use Plan (exhibit B). NOTE: Parkland waiver was withdrawn on, Councilmember Mitchell's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Shea voting "NO", Mayor Todd off the dais.

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East Stassney Lane and Wasson Road, Case No. C14-95-0118(Tr. 3), from "GR", Community Commercial; "LO", Limited Office; and "SF-6", Townhouse and Condominium Residence; RR, Rural Residential to "MF-2", Multifamily Residence (low density) for Tract 3, subject to limiting development to generate less than 700 vehicle trips per day; T. DAVID YOUNG, by Land Strategies, Inc. (Paul W. Linehan). First reading on June 6, 1996; Vote 4-0, Todd and Shea off the dais, Goodman absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Note: Tracts 1 and Tract 2 have been sent back to Planning Commission for reconsideration.

Ordinance No. 960613-C approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Shea voting "NO", Councilmember Nofziger off the dais.

19. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4544 Westgate Boulevard, Case No. C14-95-0077, from "GR", Community Commercial to "CS", Commercial Services, zoning for the existing GR, Community Commercial portion of the tract, except for a 57,422 square foot footprint to be zoned "LI-CO", Limited Industrial Services-Conditional Overlay. The conditional overlay will permit only CS uses and limited manufacturing. In addition, the storage of hazardous materials will be prohibited within the LI-CO footprint; BARTON RIDGE PARTNERS, LTD. (Ronald P. Brooks), by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). first reading on September 28, 1995; Vote 5-0; Mitchell off the dais; Garcia absent. Note: This request was heard at Council on November 16, 1995 and indefinitely postponed at that time. The applicant has requested the deletion of the previous condition to prohibit the storage of all hazardous materials and prohibit only hazardous materials that require a hazardous materials permit under under the Uniform Fire Code, Section 13-8, Article 7, Section 4.108(g), and to add a new condition that limits the allowed floor-to-area ratio to the amount already existing on the site.

Approved second reading only

20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1700 East Anderson Lane, Case No. C14-96-0003, from "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay to "LO-CO", Limited Office-Conditional Overlay and RR, Rural Residence zoning for the area of the site within the 100 year floodplain. The provisions of the overlay are as follows: (1) a 50 foot undisturbed vegetative buffer along the south property line; (2) a 6 foot privacy fence; and (3) limit development to generate less than 2,000 vehicle trips per day; BYRAM PROPERTIES (Gary Stillwell), by William J. Scudder, Architect (Pat Scudder). First reading on April 11, 1996; Vote 5-0; Shea & Nofziger off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by

Council.

Ordinance No. 960613-D approved

21. Authorize acceptance of an additional \$100,000 in funding from Travis County for the Summer Youth Employment program; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating an additional \$100,000 for the Health and Human Services Department Special Revenue Fund for the Summer Youth Employment Program, for a total grant amount of \$200,000. (Related to Item 28)

Ordinance No. 960613-E approved

22. Authorize acceptance of \$1,456 in additional grant funds from the Texas Department of Health for the HIV Surveillance program; amend Ordinance No. 950911-A, the 1995-96 Operating budget, amending the Special Revenue by appropriating an additional \$1,456 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$85,240.

Ordinance No. 960613-F approved

23. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Emergency Medical Services Department, by transferring \$472,923 from the EMS Medic 13 project to EMS Stations 8, 10, 18, and 4 Renovation projects, for a total appropriation of \$1,479,423. (Funding was included in the 1995-96 Capital budget of the Emergency Medical Services Department.) **(Related to Item 24)**

Ordinance No. 960613-G approved

RESOLUTIONS

24. Approve a construction contract with THE BARR COMPANY, AIA, (MBE/FH), Austin, Texas, for the completion of the four EMS Additions, in the amount of \$562,995. (Funding in the amount of \$562,995 is available in the 1995-96 Amended Capital Budget of the Emergency Medical Services Department.) Low responsive bid of three. 18.27% MBE Prime participation. 11.77% MBE, 8.99% WBE Subcontractor participation. **(Related to Item 23)**

Approved

Items 19 through 24 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger off the dais.

25. Deny the request by Time Warner Entertainment Company, L.P. to transfer its cable franchise to Time Warner Entertainment- Advance Newhouse (TWEAN), pending resolution of outstanding audit issues. (No fiscal impact.)

No action taken

26. Authorize negotiation and execution of interlocal agreements with the Austin Community College, Austin Independent School District, Travis County, the State of Texas and the University of Texas for the use of cable TV access channels and/or institutional network.

Approved

27. Approve negotiation and execution of a contract amendment with AIDS SERVICES OF AUSTIN (ASA), Austin, Texas, for HIV related housing services in an amount not to exceed \$165,050, for

a total contract amount of \$459,050. (Funding in the amount of \$165,050 is available in the Health & Human Services Department Special Revenue Fund from the U.S. Department of Housing and Urban Development (HUD) Housing Opportunities for Persons With AIDS (HOPWA) grant. (Recommended by HIV Planning Council)

Approved

28. Approve Amendment #1 to an Interlocal Agreement with Travis County for the City's participation in the Summer Youth Employment Program for a five (5) month period, from May 1, 1996 through September 30, 1996. (Funding in the amount of \$100,000 for a total amount of \$200,000 is available from Travis County.)(Related to 21)

Approved

29. Approve execution of a contract with MUNIZ CONCRETE & CONTRACTING COMPANY (MBE), Austin, Texas, for construction of the playscape improvements to Pan Am play area, located at 2100 East 3rd Street, in the amount of \$117,148. (Funding in the amount of \$117,148 was included in the 1994-95 Amended Capital budget of the Parks and Recreation Department.) Low bid of three. 90.7% MBE Prime participation. 9.30% WBE Subcontractor participation.

Approved

30. Authorize negotiation and execution of Amendment #5 to the Professional Services Agreement with KLW, Inc., Austin, Texas, for additional design (Phase II) services for the Creek Bend Flood Control Project, in the amount of \$44,389.01 for a total agreement amount of \$605,650.19. (Funding in the amount of \$26,460 was included in the 1995-96 Capital Budget of the Drainage Utility; \$17,929.01 was included in the 1991-92 Capital Budget of the Water & Wastewater Utility.) 37.58% MBE Prime participation. No M/WBE Subconsultant opportunities were identified. (Recommended by Water & Wastewater Commission)

Approved

Items 26 through 30 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Councilmember Nofziger off the dais.

31. Approve a construction contract with JALCO, Inc., Houston, Texas, for the Effluent Outfall to the Colorado River project at the Walnut Creek Wastewater Treatment Plant in the amount of \$4,813,833.50. (Funding in the amount of \$4,813,833.50 was included in the 1995-96 Capital budget of the Water & Wastewater Utility.) Low bid of six. 46.22% MBE, 2.10% WBE Subcontractor participation. (Recommended by the Water & Wastewater Commission)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Todd, Councilmembers Mitchell and Shea off the dais.

32. Approve a construction contract with CONTROL SPECIALIST, INC., Roanoke, Texas, for the Green Water Treatment Plant General Improvements project, in the amount of \$1,064,000. (Funding in the amount of \$1,064,000 was included in the 1991-92 Capital Budget of the Water & Wastewater Utility.) Low bid of three. 24.75% MBE, 9.46% WBE Subcontractor participation. (Recommended by the Water & Wastewater Commission)

Approved

33. Authorize negotiation and execution of Amendment #3 to the Professional Services Agreement

with BUDD, BEETS, HARDEN & KOLFLAT - ARCHITECTURE, Austin, Texas, for construction administration services of the South First Street Service Center and Phase II Remodeling to the South East Service Center, for the Water and Wastewater Utility, in the amount of \$52,244, for a total agreement amount of \$432,244. (Funding in the amount of \$23,166 was included in the 1994-95 Capital budget of the Water and Wastewater Utility; \$29,078 was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) 12.83% MBE, 7.28% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Approved

34. Approve execution of a twelve month contract renewal with ORACLE CORPORATION, Redwood Shores, California, for the purchase of maintenance, including license renewal and software updates for Oracle database software products currently in use at the Water and Wastewater Utility, in an amount not to exceed \$88,298.60 (Funding is available in the 1995-96 operating budget of the Water and Wastewater Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

35. Approve Change Order #2 to SCHROEDER CONSTRUCTION COMPANY, Austin, Texas, for additional work required due to modification of wastewater service connection locations for the River Oaks Water and Wastewater Improvements Project, in the amount of \$26,000, for a total contract amount of \$1,412,042.15. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

36. Approve a resolution authorizing a grant of \$60,000 to the Austin Housing Finance Corporation (AHFC) for additional funding of the Down Payment Assistance Program for newly constructed affordable housing in the Fairway Ridge Subdivision. (Funding is available in the 1995-96 operating budget of the Neighborhood Housing and Conservation Services Department.)

Approved

Item 32 through 36 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger off the dais.

ENERGY REBATES (Items 37-39)

37. Approve the issuance of a Letter of Intent and a rebate in the amount of \$46,200 to Acacia Construction, Inc., for the installation of high-efficiency air conditioning equipment at the Scofield Farms Apartments. Energy improvements qualifying for this rebate will save an estimated 147 kilowatts at a program cost of \$315 per kilowatt saved. Each high efficiency air conditioner will save the residents between \$67 and \$113 per cooling season in energy costs. (Funding is available in the 1995-96 operating budget of the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Nofziger off the dais.

38. Approve the issuance of a Letter of Intent and a rebate in the amount of \$44,100 to the Country

Club Creek Apartments for the installation of high-efficiency air conditioning equipment. Energy improvements qualifying for this rebate will save an estimated 145 kilowatts at a program cost of \$304 per kilowatt saved. Each high efficiency air conditioner will save residents between \$68 and \$112 per cooling season in energy costs. (Funding is available in the 1995-96 operating budget of the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Nofziger off the dais.

39. Approve the issuance of a Letter of Intent and a rebate in the amount of \$150,000 to Advanced Micro Devices for the installation of high efficiency water-cooled centrifugal chillers. This installation will save an estimated 1,623 kilowatts at a cost of \$92 per kilowatt saved. (Funding is available in the 1995-96 operating budget of the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Nofziger off the dais.

40. Approve modification to the contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, Texas, to provide temporary personnel services for City departments for a twelve month initial term, in the amount not to exceed \$85,000, for a total contract amount not to exceed \$121,500 with two twelve month extension options in amounts not to exceed \$133,650 for the first extension and \$147,015 for the second extension, for a total contract amount not to exceed \$402,165. (Funding in the amount of \$40,500 is available in the 1995-96 operating budgets for various departments. Funding for the remaining contract period and the extension options is contingent upon available funding in future budgets.)

Approved

41. Set a public hearing to receive citizen comments on the City's 1996 Draft Annual Consolidated Plan (ACP) and proposed uses of federal funds. The Draft ACP is an application and plan for four entitlement grants received from the U.S. Department of Housing and Urban Development (HUD). (\$12,002,000 from four HUD entitlement grants will be included in the 1996-97 Proposed budget; \$738,524 is anticipated as 1996-97 program income; \$650,017 will be included as a local match in the 1996-97 Proposed budget; and \$334,352 is available in uncommitted CDBG funds appropriated in prior years.) (Recommended by Community Development Commission and Austin Area Comprehensive HIV Planning Council) (Suggested date and time: July 11, 1996 at 4:30 p.m.)

Approved

ITEMS FROM COUNCIL

42. Approve a resolution to officially proclaim the first Tuesday of every month starting July 2, 1996 as First Tuesday Downtown, and direct the City Manager to assure the cooperation of the City for the promotion, facilitation, and progress of these Downtown Austin Alliance First Tuesday programs. (Mayor Bruce Todd, Mayor Pro Tem Gus Garcia, Councilmember Max Nofziger)

Approved

43. Amend ordinance 950911-A, the 1995-96 Operating budget, by transferring \$34,500 from the

General Fund Contingency Reserve and appropriating this amount to the Management Services Department to fund professional national lobbying services for a one year term to represent Austin's interests in the Austin-San Antonio Corridor Council (Mayor Bruce Todd, Mayor Pro Tem Gus Garcia, Councilmember Jackie Goodman)

Ordinance No. 960613-H approved

Items 40 through 43 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger off the dais.

44. Approve a resolution to endorsing the alternative design concept for IH 35 developed by the Downtown Austin Alliance and directing the City Manager to convey this resolution to the Texas Department of Transportation. (Councilmember Max Nofziger and Mayor Pro Tem Gus Garcia)
Approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Nofziger off the dais.

45. Approve a resolution directing the City Manager to study the feasibility of expanding the Town Lake Trail West to Tom Miller dam. (Councilmember Max Nofziger and Councilmember Brigid Shea)
Approved

46. Approve co-sponsorship of the Juneteenth parade on June 15, 1996 with the Precinct One Constable's Posse/ Buffalo Soldiers. (Councilmember Eric Mitchell and Mayor Pro Tem Gus Garcia)
Approved

47. Approve an ordinance granting the Libby Company a one-time waiver of the City's Water & Wastewater capital recovery fee in an amount not to exceed \$30,000 for the "Inn At Oakwood Project" at IH 35 and Martin Luther King Boulevard; waiving the requirements of section 13-3A-18 of the Austin City Code for the Inn at Oakwood Project; granting a one-time waiver of the requirements for construction of on-site drainage fees or payment of a fee in lieu of the construction of on-site drainage for the Inn at Oakwood project; prescribing a one year time limit for use of the fee waivers granted. (Councilmember Eric Mitchell and Mayor Pro Tem Gus Garcia)
Ordinance No. 960613-I approved

Items 45 through 47 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger off the dais.

48. Direct the City Manager to expand the programming of music programs at the Music Channel (Channel 15) during current unprogrammed hours, particularly those from 4:00 PM to 8:00 PM. (Mayor Pro Tem Gus Garcia and Councilmember Eric Mitchell)
Approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Mayor Todd and Councilmember Nofziger off the dais.

Motion to recess on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 49-50 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Director's.

49. Approve the minutes of May 23, 1996, meeting.
50. Authorize the General Manager or his designee to accept a \$60,000 grant from the City to assist up to 20 more families through the State's Fairway Ridge Down Payment Assistance Program; authorize the General Manager or his designee to enter into an agreement with the Texas Department of Housing and Community Affairs, in an amount not to exceed \$60,000 for the State's Down Payment Assistance Program. (Funding is available in the 1995-96 operating budget of the Neighborhood Housing and Conservation Office.)

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

51. C14-95-0193 - DON ENGELING, by Urban Design Group (Laura T. Berland), 10603 F.M. 2222. From I-SF-2 to GR, GO, & MF-2. Planning Commission Recommendation: To Grant GR, Community Commercial zoning, for Tracts 1 and 2; GO, General Office, zoning for Tract 3; and MF-2-CO, Multifamily Residence (low density)-Conditional Overlay for Tract 4, and compliance with the Traffic Impact Analysis memo with the provisions of the overlay as follows: (1) limit the density to 14 units per acre on the multifamily tract; (2) prohibit access to Riverplace Boulevard (unless approved by the Riverplace Homeowners Association and a traffic signal at F.M. 2222 and Business Park Drive is not installed); and (3) that all structures, which are office and retail uses, beyond the 1,000 feet outside the Hill Country Roadway ordinance be limited to 40 feet in height. (cont'd from 5-9-96, 5-16-96, 5-23-96)
Approved first reading only, 2nd and 3rd readings on June 27, 1996, staff to review and assess applicant's traffic data, 2) Staff to look at ways neighborhood association can be party to restrictive covenants between the applicant and Riverplace Developers from a legal standpoint) on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.
52. C14H-93-0024 - STONE HOUSE (Helen Stanley), by City of Austin, 1811 Newton Street. From SF-3 to SF-3-H. Planning Commission Recommendation: To Grant SF-3-H, Family Residence-Historic based on designation criteria items (1), (6), (8), and (9). Items (12) and (13) would be met if the structure were restored. (cont'd from 5-23-96)
Postponed indefinitely, staff's request.
53. C14-96-0043 - BH TRAVIS COUNTRY (Lee Weber), by Land Strategies (Paul Johnson), 5100 Southwest Parkway and 4900, 4916 Industrial Oaks Boulevard. From GR to SF-6. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence, zoning subject to applicant's voluntary agreement with an Integrated Pest Management Program (IPM). (cont'd from 5-23-96)
Motion to close hearing on, Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

Approved first reading (need to see restrictive covenant with neighborhood; staff should coordinate with all area developers in the posting of fiscal for the completion of the Republic of Texas Boulevard, on, Councilmember Goodman's motion, Councilmember Reynolds' second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

54. C14-96-0048 - CAPITOL CITY OIL CO. (Don Burnett), by Consort, Inc. (Ben Turner), 6509, 6517 & 6519 U.S. Hwy. 290 West. From SF-2 to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial- Conditional Overlay and RR, Rural Residence for that portion of the site that falls within the 100 year floodplain; subject to limit development to generate less than 2,000 vehicle trips per day.

Approved first reading only.

55. C14-79-152 - CENTRAL LIFE ASSURANCE CO., by Strasburger & Price L.L.P. (David B. Armbrust), 9300 Great Hills Trail. RESTRICTIVE COVENANT TERMINATION REGARDING LAND USE RESTRICTIONS. Planning Commission Recommendation: To approve request to terminate restrictive covenant, subject to Planning Commission approval of the site plan.

Approved

56. C14-79-157 - CENTRAL LIFE ASSURANCE CO., by Strasburger & Price L.L.P. (David B. Armbrust), 9300 Great Hills Trail. RESTRICTIVE COVENANT TERMINATION REGARDING LAND USE RESTRICTIONS. Planning Commission Recommendation: To approve request to terminate restrictive covenant, subject to Planning Commission approval of the site plan.

Approved

57. C14-79-152/157(1) - CENTRAL LIFE ASSURANCE CO., by Strasburger & Price L.L.P. (David B. Armbrust), 9300 Great Hills Trail. RESTRICTIVE COVENANT AMENDMENT REGARDING LAND USE RESTRICTIONS. Planning Commission Recommendation: To approve request to terminate the restrictive covenant, subject to Planning Commission approval of the site plan.

Approved

58. C14-79-152/157(2) - CENTRAL LIFE ASSURANCE CO., by Strasburger & Price L.L.P. (David B. Armbrust), 9300 Great Hills Trail. RESTRICTIVE COVENANT AMENDMENT REGARDING LAND USE RESTRICTIONS. Planning Commission Recommendation: To approve request to terminate the restrictive covenant, subject to Planning Commission approval of the site plan.

Approved

Items 54 through 58 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Nofziger off the dais.

59. C14-96-0055 - SHELTER HOME OWNERSHIP Planning Commission Recommendation: To grant NO-CO, Neighborhood Office-Conditional Overlay zoning for a 580 square feet Administrative Business Office space, allowing Group Home Class I (limited and general), Group Home Class II (conditional use), Congregate Living (conditional use), Family Home, Residential Treatment, and Religious Assembly as permitted uses.

Motion to close hearing on, Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

Approved Planning Commission Recommendation, first reading only: NO-CO Neighborhood Office-Coinditional Overlay, zoning for a 580 square feet administrative business office space, allowing: 1) Group Home Class I (Limited and General), 2) Group Home Class II (Conditional Use), 3) Congregate Living (Conditional Use), 4) Family Home, 5) Residential Treatment, and 6) Religious Assembly as permitted uses. NOTE: The applicant and neighborhood have agreed to enter a private restrictive covenant to further clarify (limit) the types of administrative and business office use allowed, on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 5-0 vote, Councilmembers Shea and Nofziger off the dais.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

60. 4:30 P.M. - Public hearing approving a waiver of Development Process fees for the first phase of the Samsung semiconductor facility and all Water and Wastewater Capital Recovery fees for Samsung Austin Semiconductors, L.L.P.

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

61. 5:00 P.M. - Public hearing to receive citizen input on an ordinance amending water quality regulations contained in the Land Development Code as requested by the Planning Commission. (Recommended by Environmental Board and Planning Commission)

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

ACTION ON THE FOLLOWING

62. Approve waiving the Development Process fees for the first phase of the Samsung Semiconductor facility, all Water and Wastewater Capital Recovery fees for Samsung Austin Semiconductors, L.L.C., and waiving certain requirements under Sections 13-3A-18 (b) and (c) of the 1992 Austin City Code relating to capital recovery fee waivers. (Estimated total fee waiver of \$1,543,625.)

Ordinance 960613-L approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

63. Approve an ordinance amending water quality regulations contained in the Land Development Code as requested by the Planning Commission. (Recommended by the Environmental Board and Planning Commission)

Ordinance No. 960613-M approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Nofziger and Shea off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

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.

Advice of Counsel - Section 551.071

64. Discuss legal issues concerning renewal of the cable franchise to Time Warner Entertainment Company, L.P.

Staff Briefing - Section 551.075

65. Staff briefing on renewal of the cable franchise to Time Warner Entertainment Company, L.P. (No City Council deliberation permitted under Section 551.075)

Real Estate - Section 551.072

66. Discuss the negotiations for relocation of Del Valle School.

Pending Litigation - Section 551.071

67. Discuss Austin Black Contractors v. City of Austin, Civil Action No. 94 CA 269 SS.
68. Discuss Joel Bellah, Antonio Gonzalez, and Gonzolo Gonzalez, Jr. v. Scott Gunnlaugsson and Walter Riek, Case No. A-94-CA-355-SS.
69. Discuss Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin, Cause No. 94-07160, in the 353rd District Court, Travis County, Texas.
70. Discuss Save Our Springs Legal Defense Fund and Save Barton Creek Association v. City of Austin et al., CA 92-16982, 201st District Court of Travis County, Texas.

ACTION ON THE FOLLOWING

71. Consider an amendment to a professional services agreement with Mayor, Day, Caldwell & Keeton, L.L.P., for representation of the City of Austin in Austin Black Contractors v. City of Austin increasing the agreement by \$100,000 for a new not-to-exceed total of \$235,000.
Approved
72. Approve an amendment to the contract with Jamie Balagia, Attorney, in the amount of \$20,000.00 for a total contract not to exceed \$56,950.00, for outside counsel in connection with Joe Bellah, Antonio Gonzalez, and Gonzolo Gonzalez, Jr. v. Scott Gunnlaugsson and Walter Riek, Case No. A-94-CA-355-SS.
Approved
73. Approve an amendment to the contract with Randy Leavitt, Attorney, in the amount of \$65,000.00 for a total contract not to exceed \$120,000.00, for outside counsel in connection with Joe Bellah, Antonio Gonzalez, and Gonzolo Gonzalez, Jr. v. Scott Gunnlaugsson and Walter Riek, Case

A-94-CA-355-SS

Approved

74. Consider approval of a resolution to authorize settlement of Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin, Cause No. 94-07160, in the 353rd District Court, Travis County, Texas.

Approved

75. Consider an Ordinance granting a special exception for development of five (5) tracts of land: Tract 1: being 153.75 acres out of James Jett Survey No. 1, more particularly described in City Application No. C-81-87-020; Tract 2: being a 20.59 acres out of James Jett Survey No. 1, more particularly described in City Application No. C-81-87-021; Tract 3: being 49.70 acres out of James Jett Survey No. 1, more particularly described in City Application No. C-81-87-022; Tract 4: being 9 acres out of T. J. Chambers Survey, more particularly described in City Application No. C-81-87-023; and Tract 5: being 26 acres out of James Jett Survey No. 1 and Thomas Jefferson Chambers Grant, more particularly described in City Application No. C-81-87-024; granting a special exception under Division 3 of Article V of Chapter 13-1, Article I of Chapter 13-7, and Article V of Chapter 13-2 of the Austin City Code of 1992, as amended; imposing water-quality protections on development of the property; waiving the requirements of Sections 2-2-3, 2-2-5, 2-2-7, 13-1-301 and 13-1-302 of the Austin City Code of 1992, as amended; establishing an expiration date; and establishing an effective date.

Ordinance 960613-J approved

76. Approve amending a real estate appraisal consulting contract with J. Scott McNabb by increasing the contract by \$15,135 for a new not to exceed total of \$50,135. This contract is for serving as an expert witness in Cause No. 94-7160, Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin.

Approved

77. Approve amending a landplanner consulting contract with Jack Holford by increasing the contract by \$4,001, for a new contract total amount not to exceed \$39,001. This contract is for serving as an expert witness in Cause No. 94-7160, Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin.

Approved

Items 71 through 77 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Nofziger off the dais.

78. Consider any required final action, vote, or decision necessary concerning Save Our Springs Legal Fund and Save Barton Creek Association v. City of Austin, CA 92-16982, 201st District Court of Travis County, Texas.

No action taken

79. **APPOINTMENTS**

AIRPORT ADVISORY BOARD - LEONARD LYONS.

ANIMAL ADVISORY COMMISSION - DR. ROBERT KELLY, PATRICIA VALLS-TRELLES.

BUILDING STANDARDS COMMISSION - WILLIAM ADORNO, E. DECKER AYERS.

DOWNTOWN COMMISSION - EDWINA CARRINGTON.
EMS QUALITY ASSURANCE TEAM - DR. TIM FAULKENBERRY.
ETHICS REVIEW COMMISSION - SANDRA SERNA.
HISTORIC LANDMARK COMMISSION - JULIA BUNTON, JAMES CHRISTIANSON, JIM FOWLER, WILLIAM HOLFORD, GLEN REYNOLDS.
PARKS AND RECREATION BOARD - ELAINE CARTER, ROSEMARY CASTLEBERRY, ERMALINDA CRUZ-TORRES, PHIL FRIDAY, DEWAYNE NAUMANN.
SIDEWALK TASK FORCE - KAREN AKINS, JOEL KATZ, KEVIN KUCERA, JOSEPH MCCORMIC, JENNIFER MCPHAIL, KATHERINE SHRIVER.
URBAN FORESTRY BOARD - JOYCE BASCIANO.
WATER AND WASTEWATER COMMISSION - ROBERT HINOJOSA, VICTORIA HSU.

CORRECTION OF ITEM 47.

47. Approve ordinance granting The Leddy Company a one time waiver of the City's Water and Wastewater Capital Recovery Fee in an amount not to exceed \$30,000 for the "Inn at Oakwood" Project at IH 35 and Martin Luther King Boulevard only; waiving the requirements of Section 13-3A-18, Austin City Code, for purposes of the foregoing waiver for the Inn at Oakwood Project only; granting to the Leddy Company a one-time waiver of the requirements of Sections 13-7-19 and 13-7-19.1 requiring construction of on-site drainage facilities or payment of a fee in an amount not to exceed \$42,000 in lieu of constructing on-site drainage facilities for the Inn at Oakwood Project only; granting to The Leddy company a one-time waiver of the requirements of 13-1-301 and 13-1-302 for purposes of the foregoing waiver of drainage requirements for the Inn at Oakwood Project only; and prescribing a one year time limit for use of the waivers described above. (Councilmember Eric Mitchell and Mayor Pro Tem Gus Garcia)
80. Authorize a loan to the RITES OF PASSAGE DEVELOPMENT CORPORATION, in an amount not greater than \$100,000 which is forgiven in an amount equal to \$20,000 per year to provide operating reserves and expenses in connection with the Meadows Glen Apartments as long as the property is maintained and managed in cooperation with an experienced management company and as long as the property is used for providing low and moderate income. (Councilmember Eric Mitchell and Mayor Pro Tem Gus Garcia)
Approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Reynolds and Nofziger off the dais.

3:30 PM - BOARD OF DIRECTOR'S MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION

81. Approve a resolution authorizing the sale of the Meadows Glen Apartments to the RITES OF PASSAGE DEVELOPMENT CORPORATION equal in to the amount invested by the Austin Housing Finance Corporation. (Boardmembers Eric Mitchell and Gus Garcia)
82. Authorize a loan to the RITES OF PASSAGE DEVELOPMENT CORPORATION for 30 years at 0% with the intent to finance the acquisition of the Meadows Glen Apartments. (Boardmembers Eric Mitchell and Gus Garcia)

NOTE: Items 81-82 will be taken up after item 50 under the Austin Housing Finance Corporation

Board of Director Meeting at 3:30 PM.

ADJOURNED at 8:00 p.m.

Approved on this the 11th day of July, 1996, on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.