



Austin City Council MINUTES

AUGUST 8, 1996

1. Approval of Minutes for Special Called Meeting of July 31, 1996 and Regular Meeting of August 1, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Matt Gaskins, to discuss the City of Austin Police Department's database of crime information on apartment complexes.
Absent
3. Mr. John Schroeder, to discuss unchecked development on our drinking water reservoir Lake Austin.
Absent
4. Mr. Richard Troxell, to discuss homeless issues.
Absent
5. Mr. Jimmy A. Castro, to discuss AISD: Time to Rock Enroll Back to School.
6. Mr. Leonard Lyons, to discuss \$15,000,000 grant without any application or competitive bid.
7. Mr. Mike Librik, to discuss methods by which ordinances are passed, in regards to the ongoing helmet law fiasco.
8. Ms. Amy Babich, to discuss bicycle helmet law.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Authorize the City Manager to take the necessary steps for the creation of a non-profit corporation for the purpose of planning and administering a tourism and convention program; approve the bylaws and articles of incorporation for the corporation known as the Austin Convention and Visitors Bureau. (Funding in the amount of \$10,000 is available in the 1995-96 operating budget for the Austin Convention and Visitors Bureau.)

Motion to approve first reading on, Mayor Pro Tem Garcia's motion, Mayor Todd's second,

Friendly amendment by Councilmember Goodman to add in on article 3, section 3.2, second paragraph, third sentence, "a particular company or firm or person would not be seen to be given a permanent spot, as opposed to being part of an industry that would be represented there". Amendment to add the word "competitive" in front of "strategy", acceptable to the maker and the second.

Amendment to also add at the end, in front of the first sentence on 4.2; reads now, "Notice to the City. A copy of each notice of a meeting of directors shall be furnished to the City Manager of the City and to the members of the City Council", simply to add; "and posted in the same place and manner and timing as City Council meetings".

Motion by Councilmember Slusher, that the new agency comply with the provisions of the Texas open meetings act that apply to the City of Austin, Councilmember Goodman's second, 3-2-2 vote, Mayor Todd and Councilmembers Reynolds voting "NO", Mayor Pro Tem Garcia and Councilmember Mitchell abstaining.

Motion fails.

Friendly amendment by Councilmember Slusher to add, "If the project and expense amounts were pre-approved by the director and were in the type and amount that have been previously established by the Board of Directors." Accepted by the maker and the second.

Friendly amendment by Councilmember Goodman to make sure that we also propose the two on the white sheet, one of which has industry-specific representation as the language, one of which adds Texas Asian Chamber of Commerce and also suggest to trade language anytime you come across the word "entitled" and rational representation.

Amendment accepted to maker and second.

Friendly amendment to go with the Texas Asian Chamber of Commerce, understanding that if there becomes more activity in the other one or two or three groups, that perhaps we might change it at a later time to have a rotation. Also suggested to put it on page 3 of the Bylaws under Resignation, 3.3 and that should a director no longer be a member of the sponsoring organization, as certified by the chief executive officer of that organization, that director shall automatically vacate this position as director.

Amendment accepted to the maker and the second. Roll call on the main motion was, 4-1-2 vote, Councilmember Slusher voting "NO", Councilmembers Griffith and Mitchell abstaining. The motion passed on first reading only.

ORDINANCES

10. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8700 Block of Brodie Lane, Case No. C14-96-0052, from "SF-2", Single Family Residence (standard lot) to "MF-1-CO", Multifamily Residence (limited density)-Conditional Overlay, subject to the following conditions: (1) to limit the density to a maximum of 12.44 units per acre; (2) to provide a "100 foot vegetative buffer" from the westerly boundary of the subject tract that will allow spray irrigation and utility crossings only; (3) to provide a "200 foot buffer" immediately east of the "100 foot vegetative buffer," that will allow water quality facilities, storm water management facilities, public and private utilities, and other drainage structures/improvements; (4) to provide a "150 foot wide setback" immediately east of the "200 foot buffer," that will limit the height of structures within the area to a maximum of 35 feet; (5) to participate in the Integrated Pest

Management Program (IPM); (6) at the site plan stage, the Barton Springs/Edward's Aquifer Conservation District will be included in the review process as a consultant regarding environmental features; and (7) two additional acres of reduction in impervious cover; W.W. DEERFIELD C/O WALTERS SOUTHWEST (Bill Walters), by Bury & Pittman/Land Strategies (James B. Knight/Paul Linehan). First reading on July 18, 1996; Vote: 5-2, Slusher, Garcia voting "No." Second reading on August 1, 1996; Vote: 4-3, Garcia, Griffith, and Slusher "No." Note: At second ordinance reading, City Council modified condition #6 to include the Barton Springs/Edwards Aquifer Conservation District as a consultant, instead of a review agency at the site plan stage. Conditions met as follows: Conditional overlay and restrictive covenant incorporates conditions imposed by Council.
Postponed to August 15, 1996, applicants request.

11. Approve third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10603 FM 2222, Case No. C14-95-0193, from "I-SF-2", Interim Single Family Residence (standard lot) to "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; DON ENGELING, by Urban Design Group (Laura T. Berland). First reading on June 13, 1996; Vote 5-0, Shea and Nofziger off the dais. Second reading on June 27, 1996; Vote 5-1-1, Slusher nay, Reynolds abstained. Conditions met as follows: Conditional overlay and restrictive covenant incorporates conditions imposed by Council. (continued from 07/11/96)
Postponed to August 15, 1996 as requested by applicant.
12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2006 W. Koenig Lane, Case No. C14-96-0004, from "SF-2", Single Family Residence (standard lot) to "LO-CO", Limited Office-Conditional Overlay, zoning, with the provision of the overlay prohibiting Medical Office use, and Arts and Crafts Studio use; and subject to the dedication of 45 feet of right-of-way from the existing centerline of West Koenig Lane; TOP SURFACE (Kevan Calhoun), by King, Polson & Associates, P.C. (William M. King). First reading on March 28, 1996; Vote 4-0, Todd absent; Mitchell and Nofziger off the dais. Conditions have been met as follows: Conditional overlay incorporates conditions imposed by Council. Street deed for dedication of right-of-way has been executed.
Ordinance No. 960808-A approved
13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1503 Enfield Road, Case No. C14-96-0055, from "MF-3", Multifamily Residence (medium density) to "NO-CO", Neighborhood Office-Conditional Overlay zoning for a 580 square foot 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. Note: applicant and neighborhood group have agreed to enter into a private restrictive covenant; SHELTER HOME OWNERSHIP (Burrell Johnston), by Bruce E. Leslie. First reading on June 13, 1996; Vote: 5-0; Shea and Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Ordinance No. 960808-B approved

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1212 East Braker Lane, Case No. C14-96-0065, from "SF-2", Single Family Residence (standard lot) to "NO", Neighborhood Office; JONES ENGINEERING (Randall Jones). First reading on June 27, 1996; Vote 7-0.

Ordinance No. 960808-C approved

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

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9152 to 9170 N. U.S. Hwy. 183, Case No. C14-95-0043, from "SF-3", Family Residence to "CS-CO", Commercial Services-Conditional Overlay for Tract 1 and 2, subject to: (1) 10 foot buffer (after privacy fence) from West property line of Tract 2; (2) limit development to generate less than 2,000 vehicle trips per day; (3) limit access to property from U.S. Hwy. 183 only; (4) prohibit following uses - Agricultural Sales and Services, Automotive and Equipment Services, Automotive Rentals, Automotive Sales, Commercial Blood Plasma Center, Construction Sales and Services, Convenience Storage, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Monument Retail Sales, Pawn Shop Services, Restaurant (drive-in, fast food), Theater, Vehicle Storage; and (5) limit height to 35 feet for Tract 2 only; AKIN, GUMP, STRUASS, HAUER & FELD (Daniel W. Nelson), by Strasburger & Price (Richard Suttle). First reading on June 22, 1995; Vote 5-0, Shea absent; Mitchell off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Postponed to August 15, 1996 as requested by applicant.

16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2211 and 2301 West Parmer Lane, Case No. C14-96-0037, from "NO", Neighborhood Office to "LR-CO", Neighborhood Commercial-Conditional Overlay, zoning subject to the following: (1) a joint access driveway is required for the two parcels constituting this zoning case; (2) maximum of 12 parking spaces for the 2 lots with parking being clearly delineated; (3) removal of the tree stump on site; (4) limit to 300 vehicle trips per day for the two lots; and (5) place bollards with chains between parking and the sidewalk; PHUOC & BACH HOA NGYEN HUYNH/XIA & PHUONG LUU HUYNH (Bach "Becky" Hoa). First reading on May 23, 1996; Vote 6-0, Mitchell off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Ordinance No. 960808-D approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as E. Parmer Lane and Harris Ridge Blvd., Case No. C14-95-0183, from "I-RR", Interim Rural Residence to "GR", Community Commercial zoning for Tracts 1, 3, and 4; "MF-2", Multifamily Residence (low density) zoning for Tract 2 as amended; "SF-2", Single Family Residence (standard lot) zoning for Tract 5; and "RR", Rural Residence zoning for Tract 6 with the following provisions of a conditional overlay: 1) A north/south collector stub-out at the McAdams/Mueke property line; in the event that the staff recommended collector is not permitted by either the Texas Department of Transportation or the City of Austin, a local street stub-out will be

provided at the McAdams/Mueke property line. (These conditions represent the minimal acceptable property connections between the subject property and the adjacent property to the north. The applicant is encouraged to work with the property owners to create a denser network). Note: these last statements in brackets would not be part of the conditional overlay. 2) An additional street stub-out be provided at a point midway between that property line and the proposed alignment of Heatherwilde Boulevard with the exact alignment to be subject to City of Austin approval; 3) The conditional overlay applies to single family development only (applicable to conditions 1 and 2); and all tracts will be subject to the recommendations included in the Transportation Impact Analysis (TIA) Memorandum dated March 19, 1996; RIDGE INVESTORS, LTD. (Darren B. Casey), by Minter, Joseph & Thornhill (Ken Brown). First May 16, 1996; Vote 4-0, Goodman, Mitchel and Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Postponed to August 15, 1996.

18. Approve waiving the residency requirement of Section 2-4-1 of the City Code to reappoint a member of the Electrical Board. (No fiscal impact.)

Ordinance No. 960808-E approved

19. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (A), Speed Limits, to set the speed limits on Bilbrook Place from West Slaughter Lane to Sweetwater River Drive at 35 mph. (Funding in the amount of \$300 for the installation of traffic signs is available in the 1995-96 operating fund of the Public Works and Transportation Department.)

Ordinance No. 960808-F approved

20. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (A), Speed Limits, to confirm the existing speed limit of 35 mph on South 1st Street from Barton Springs Road to Slaughter Lane. (No fiscal impact.)

Ordinance No. 960808-G approved

Items 18 through 20 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

21. Approve issuance of Unlimited Tax and Revenue Bond Series 1996 by Village at Western Oaks Municipal Utility District, in an amount not to exceed \$2,100,000; approving a substantial draft of the Bond Order, Notice of Sale, Bid Instructions, Form of Bid, and the Preliminary Official Statement. (No fiscal impact. The City is not obligated for payment on District bonds unless District is annexed and dissolved by the City.) [Recommended by Water and Wastewater Commission]

Approved on, Councilmember Goodman's motion, Councilmember Mitchell's second, 6-0-1 vote, Councilmember Slusher abstaining.

RESOLUTIONS

22. Approve execution of a twelve month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Georgetown, Texas, to provide janitorial services at the following five Austin Fire Department locations: Fire Headquarters (1621 Festival Beach Road), Fire Administration (92 Red River Street), Fire Prevention/Medical Operations (517 S. Pleasant Valley Road), Fire Operation Annex (401 E. 5th Street), and Fire Training Offices and Joint Use Building (4800B Shaw

Lane), in an amount not to exceed \$51,144 with two twelve month extension options in an amount not to exceed \$51,144 per extension option, for a total contract amount not to exceed \$153,432. (Funding in the amount of \$8,524 for the first two months is available in the 1995-96 operating budget of the Austin Fire Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.)

Approved

23. Approve execution of a construction contract with A.D. WILLIS COMPANY, INC., Austin, Texas, for roof repairs at the Old Lundberg Bakery, located at 1006 Congress Avenue, in the amount of \$37,500. (Funding was included in the 1995-96 Amended Capital budget of the Parks and Recreation Department.) Low bid of four. No M/WBE Subcontracting opportunities were identified.

Approved

24. Approve ratification of a construction contract with SOUTHWEST CONSTRUCTORS, INC., Austin, Texas, for the removal of materials containing friable asbestos at the Municipal Court Building, located at 700 East Street, in the amount of \$94,494. (Funding was included in the 1995-96 Capital budget of the Public Works and Transportation Department.) Low bid of three. 5.3% MBE, 2.6% WBE Subcontractor participation.

Approved

25. Approve Change Order #8 to the construction contract with GRIFFIN-AUSTIN COMPANY, INC., (WBE/FR), Manchaca, Texas, for additional work and traffic control associated with the Teri Road Improvements project, in the amount of \$8,333.09, for a total contract amount of \$538,909.30. (Funding in the amount of \$6,083.09 was included in the 1993-94 Capital budget; \$2,250 was included in the 1994-95 Capital budget of the Public Works and Transportation Department.) 42% WBE Prime participation. 0% MBE, 58% WBE Subcontractor participation.

Approved

Items 22 through 25 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

26. Approve a construction contract with MW BUILDERS, INC., Temple, Texas, for plant completion improvements necessary to comply with state and federal water regulations at the Albert H. Ullrich Water Treatment Plant, in the amount of \$16,847,000. (Funding was included in the 1995-96 Amended Capital budget of the Water and Wastewater Utility.) Low bid of four. 9.60% MBE, 5.09% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission August 7, 1996) (Recommended by Water and Wastewater Commission)

Approved on, Councilmember Reynolds' motion, Mayor Todd's second, 7-0 vote.

27. Authorize a \$75,000 Community Development Block Grant (CDBG) Housing Implementation Program (HIP) loan to the McKinley Heights Development Corporation for the acquisition of Eden Park, located at 3129-3131 East 12th Street, to be restructured into a deferred-payment, forgivable loan and requiring McKinley Heights Development Corporation to construct a recreation-activity facility. (Cash flow to the City Special Revenue fund will be reduced by approximately \$5,800 per year.)

Approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd off the dais.

28. Approve execution of a twelve month service agreement with CISCO SYSTEMS, INC., Austin, Texas, to provide telecommunications hardware maintenance for CISCO Telecommunications equipment, in an amount not to exceed \$78,633 for one year of maintenance for equipment installed and in use for the Greater Austin Area Telecommunications Network Project (GAATN), in an amount not to exceed \$78,633 with three twelve month extension options in amounts not to exceed \$101,063, \$116,616, and \$122,447 respectively, for a total amount not to exceed \$418,759. (Funding in the amount of \$46,050 is available in the 1995-96 operating budget of the Information Systems Department for equipment currently installed and due in the maintenance contract. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.

Approved

29. Authorize an amendment to the contract with SOUTHWESTERN BELL TELEPHONE, Dallas, Texas, for the purchase and construction of fiber optic cable infrastructure which satisfy departmental requests for additional connections to the Greater Austin Area Telecommunications Network (GAATN), in the amount of \$578,500 for a revised total amount not to exceed \$1,531,968.44. (Funding was included in the 1995-96 Capital budget of the Information Systems department.)

Approved

30. Approve ratification of a contract with HART FORMS AND SERVICES, Austin, Texas, for the purchase of ballots for the June 1, 1996 election, in the amount of \$37,509.80. (Funding is available in the 1995-96 operating budget of the City Clerk's office. \$17,750.90 will be reimbursed by Austin Community College. Net cost to the City is \$19,758.90.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

31. Approve execution of a twelve month contract with DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN, DBA SETON MEDICAL CENTER, Austin, Texas, to provide a wellness program for City of Austin employees in an amount not to exceed \$168,910, with two twelve month extension options in an amount not to exceed \$168,910 per extension option, for a total contract amount not to exceed \$506,730. (Funding in the amount of \$28,151.67 for the first two months is available in the 1995-96 operating budget of the Employee Benefits Fund. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Best proposal of two. 7.3% MBE, 7.7% WBE Subcontractor participation.

Approved

32. Set a public hearing on an ordinance amending the cut and fill requirements contained in the Land Development Code to exclude Landfill and Sand and Gravel extraction operations located in the City's Extraterritorial Jurisdiction. (Suggested date and time: August 15, 1996 at 5:00 P.M.)

Approved

Items 28 through 32 approved 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. Item 33 is the AHFC item to be considered by the Austin Housing Finance Corporation's Board of Director's.

33. Approve execution of a contract with GENE JOHNSON BUILDER, INC., Austin, Texas, for the construction of 22 single family homes in SCIP 3, in an amount not to exceed \$1,349,480, and amend the AHFC budget accordingly. (Funding is available in the Austin Housing Finance Corporation Housing Assistance Fund.)

ITEMS FROM COUNCIL

34. Set a public hearing on issues related to the financing and provision of health care services in Austin and Travis County, preparatory to establishing a joint work group with Travis County to study those issues. Suggested date and time: August 22, 1996 at 6:30 p.m.) (Councilmember Daryl Slusher)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 7-0 vote.

35. Approve an ordinance requiring an affirmative vote of at least five members of the Council before the Council may meet in a closed session under Section 551.075 of the Government Code for the purpose of conferring with employees. (Councilmembers Daryl Slusher and Jackie Goodman)
Amendment by Councilmember Reynolds to have four affirmative votes instead of five, Mayor Todd's second, 2-2-3 vote, Councilmembers Griffith and Slusher voting "NO", Mayor Pro Tem Garcia, Councilmembers Goodman and Mitchell abstaining.

Approved on, Councilmember Slusher's motion, Councilmember Goodman's second, 4-2-1 vote, Mayor Todd and Councilmember Mitchell voting "NO, Councilmember Reynolds abstaining.

36. Approve a resolution prohibiting lobbying related to a request for proposals regarding the privatization of a City function by any proposer responding to the request for proposals. (Mayor Bruce Todd and Councilmember Daryl Slusher)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 7-0 vote.

37. Approve a resolution providing guidance to the City Manager regarding principles for conducting labor relations and negotiating ground rules for the Meet and Confer process. (Councilmember Eric Mitchell)
Postponed to August 22, 1996.

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

38. C14R-84-202(DE) - BROCKTON OFFICE PARK (Industrial Properties Corp.), by Griffin Engineering (Greg Griffin), 2525 Kramer Lane. Request to from LI to LI, and delete a previously approved Principle Roadway Area site plan. Planning Commission Recommendation: To approve staff recommendation to delete site plan, subject to the site using the current water quality controls. (continued from 7-11-96 & 7-18-9)

Approved Planning Commission recommendation, first reading only.

39. C14-95-0118 (Tract 1 & 2) - T. DAVID YOUNG, by Land Strategies, Inc. (Paul W. Linehan), East Stassney Lane and Wasson Road. From RR, SF-6, SF-3, MF-2 to IP, RR. Planning Commission Recommendation: (to be heard by PC 08/06/96) (continued from 7-11-96)
Postponed to August 15, 1996 due to postponement by Planning Commission.

Items 38 and 39 approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Mitchell off the dais.

40. SP-96-0175C - BRAKER PHASE III, LTD; 2800 INDUSTRIAL, INC. and INTER-NATIONAL BUSINESS MACHINES CORP. (IBM), By: Hill Partners, Inc. (Ben Greider), Modification to the location of an access easement as proposed by this Site Plan (Subdivision Case Number C8-84-149.0A.1(86), Stonehollow Buildings A & D, 11800 Stonehollow Drive. Planning Commission public hearing not required.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0-1 vote, Councilmember Reynolds abstaining, Councilmember Mitchell off the dais.

41. C14-86-198 - NORTH AMERICAN ISLAMIC CENTER, by Department of Development Review & Inspection (Antonio Gonzalez), 5022 to 5206 Old Manor Road, 5101 to 5305 New Manor Road, and 2300 to 2800 East 51st Street. Request for Restrictive Covenant Termination. Planning Commission Recommendation: To Approve termination of the restrictive covenant subject to the property being rezoned CS-CO, Commercial Services-Conditional Overlay zoning limited to the range of GR, and W/LO uses permitted in the CS zoning district; a maximum height of 45 feet; prohibit access to Old Manor Road; and limit development to generate less than 2,000 vehicle trips per day.
Approved

42. C14-96-0079 - NORTH AMERICAN ISLAMIC CENTER, By Department of Development Review & Inspection (Antonio Gonzalez, 5022 to 5206 Old Manor Road, 5101 to 5305 New Manor Road, and 2300 to 2800 East 51st Street. From CS to CS-CO. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning subject to: (1) limited to the range of GR, and W/LO uses permitted in the CS zoning district; (2) a maximum height of 45 feet; (3) prohibit access to Old Manor Road; and (4) limit development to generate less than 2,000 vehicle trips per day.
Ordinance No. 960808-I approved

43. C14-96-0072 - WAYNE PRESCOTT, by Brown, McCarroll & Oaks Hartline (Jerry L. Harris), 7104 and 7106 Silver Dale Drive. From SF-1 to SF-3. Planning Commission Recommendation: To Grant SF-3, Family Residence, zoning as requested.
Ordinance No. 960808-J approved Planning Commission recommendation

44. C14-96-0073 - MILBURN INVESTMENTS, INC., (Richard Marek), by Holland Company (Steve Holland), 9931 Bilbrook Place. From I-RR to SF-6. Planning Commission Recommendation: To

Grant SF-3, Family Residence zoning.

Ordinance No. 960808-K approved Planning Commission recommendation

45. C14-96-0074 - O. P. ENTERPRISES, INC. #2, by Brown, McCarroll & Oaks Hartline (Jerry L. Harris), 13096 Research. From GR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, subject to the site being restricted to Laundry Services and any other land uses allowed in the GR, Community Commercial zoning district; and rollback to GR should the CS use cease for more than 90 days. Note: for the record the proposed Dry Cleaning business is a self-contained system (closed loop) as required by the Environmental and Protection Agency (EPA).

Ordinance No. 960808-L approved Planning Commission recommendation

46. C14-96-0075 - LIVING FAITH BAPTIST CHURCH (Charles B. Perkins), 1007 West Dittmar. From DR to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, limiting the uses to Religious Assembly, Group Homes Class I and II and Residential Treatment Center and until such time that Dittmar Road is upgraded and a Traffic Impact Analysis (TIA) can determine whether Dittmar Road can handle additional traffic and the removal of those restrictions.

Ordinance No. 960808-M approved Planning Commission recommendation

47. C14-96-0078 - BUFORD MUELLER, 7409 Cooper Lane. From DR to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot), zoning as requested.

Ordinance No. 960808-N approved Planning Commission recommendation

Items 41 through 47 approved on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Mitchell off the dais.

PUBLIC HEARINGS

48. 5:00 P.M. - Public hearing on proposed Solid Waste Services and Water and Wastewater Utility fees and charges.

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

49. 5:30 P.M. - Public hearing to discuss the proposed Comprehensive Drainage Fee Rate increase beginning October 1, 1996. (Current rates are \$3.30 for residential customers and \$35.66 per developed acre for commercial customers. Proposed rates are \$3.67 for residential customers and \$39.59 per developed acre for commercial customers.)

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

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.

Pending Litigation - Section 551.071

50. Discuss additional litigation costs and trial strategy in Cause No. 92-04889; Gutierrez, et al. v. Mobil Oil Corporation, et al.
51. Discuss City of Austin v. Power Clearinghouse, Inc., Lloyd Latham, d/b/a Park Place on the Lake Apartments, and Park Place on the Lake Apartments Limited, 250th District Court, Travis County, Cause No. 96-08447 and Complaint of Power Clearinghouse Against the City of Austin Electric Utility Department for Denial of Transmission Service, PUC Docket No. 16147.
52. Discuss City of Austin v. Quick, No. 03-95-00164-CV before the Third Court of Appeals.

Advice from Counsel - Section 551.071

53. Discuss contemplated litigation with the United States challenging the constitutionality of a portion of the Telecommunications Act of 1996, jointly with other cities.

ACTION ON EXECUTIVE SESSION ITEMS

54. Approve execution of a professional services agreement with Clark, Thomas & Winters for legal counsel and representation in the City of Austin v. Power Clearinghouse, Inc., Lloyd Latham, d/b/a Park Place on the Lake Apartments, and Park Place on the Lake Apartments Limited, 250th District Court, Travis County, Cause No. 96-08447 and Complaint of Power Clearinghouse Against the City of Austin Electric Utility Department for Denial of Transmission Service, PUC Docket No. 16147, in the amount of \$249,000. (Funding in the amount of \$100,000 is available in the 1995-96 operating budget for the Electric Utility Department; funding for the remainder of the contract and extension options are contingent upon available funding in future budgets.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 7-0 vote.
55. Approve an Ordinance providing for the Revised Composite Ordinance to be effective in the event that enforcement of the Save Our Springs Initiative Ordinance is prevented by court action in the appeal of City of Austin v. Quick et al, No. 03-95-00164-CV.
Approve as presented on, Councilmember Reynolds' motion, Mayor Todd's second, 2-1-4 vote, Councilmember Mitchell voting "NO", Mayor Pro Tem Garcia, Councilmembers Goodman, Griffith and Slusher abstaining.

Motion fails.

Motion to postpone one week to August 15, 1996, on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".

56. APPOINTMENTS

AIRPORT ADVISORY BOARD - JACK WORTH KILCREASE.
BUILDING AND FIRE CODE BOARD OF APPEALS - RICHARD HUFFMAN.
CENTRAL CITY ENTERTAINMENT CENTER - ALTA OCHILTREE.
ELECTRIC UTILITY COMMISSION - CEDRIC GRICE, NEAL KOCUREK, LINDA SHAW.
ELECTRICAL BOARD - GARY GRIMES, RALPH MERRIWEATHER.
ENVIRONMENTAL BOARD - TIM JONES, MICHAEL WILSON.
ETHICS REVIEW COMMISSION - GINNY AGNEW, DAYNA FINET, KAREN HASCHKE, MAR
NELL MATHIS, EDWARD SHACK.
MECHANICAL, PLUMBING & SOLAR BOARD - THOMAS COMBS.
RESOURCE MANAGEMENT COMMISSION - RANDOLPH DOYER, PAUL MOORE.
SOLID WASTE ADVISORY BOARD - MARSHALL KUYKENDALL.
STREET CLOSURE TASK FORCE - PAUL EIGHMEY.
TELECOMMUNICATION COMMISSION - DEBORAH HILL, JOHN HORRIGAN.
URBAN FORESTRY BOARD - 7 (3 WITH EXPERTISE IN ARBORICULTURE, URBAN
URBAN TRANSPORTATION COMMISSION - BERDELL COLLINS.
WATER AND WASTEWATER COMMISSION - LANETTA COOPER, ROBERT HINOJOSA,
VICTORIA HSU, DARWIN MCKEE, GLEN OPEL
Approved with the postponement of the Urban Forestry Board appointee by Councilmember Slusher
on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ADJOURNED at 5:55 p.m. on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 7-0
vote.

Approved on this the 15th day of August, 1996, on, Mayor Pro Tem Garcia's motion,
Councilmember Griffith's second, 6-0 vote, Councilmember Goodman temporarily absent.