



Austin City Council MINUTES

AUGUST 15, 1996

Mayor Todd called the meeting to order, noting the presence of all Councilmembers.

1. Approval of Minutes for Retreat of August 7, 1996 and Regular Meeting of August 8, 1996.
Approved on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman out of room.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Robert Thomas, to discuss Rosewood Recreation Center.
3. Mr. Gus Pena, to discuss the budget and city issues.
4. Mr. Detrell Spellman, to discuss traffic laws.
Absent
5. Mr. Mike Ibrik, to discuss some social differences between the bicycling community and the motorists.
6. Ms. Amy Babich, to discuss economic effects of the bicycle helmet law.
7. Mr. Jay Painter, to discuss City Council actions on approval of zoning/rezoning cases and traffic impacts of same along RM 2222 corridor.
8. Mr. Daniel Dow, to discuss Item 11 on the August 8th Agenda (2222 Business Park.)
9. Mr. Walter Roye, to discuss a zoning change request.
10. Ms. Lori Renteria, to request that the City Manager re-instate transition team concept of all department heads meeting and planning.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

- 11a. Approve second/third reading authorizing 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.)
Approve resolution for staff directing that within contract need guidelines for conflict of interest and include in contract clear guidelines on what constitutes "competitive or strategic" issues on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote

Motion for amendment to Article 9 for 30 day cancellation clause by Councilmember Goodman, Councilmember Griffith's second, 3-2-2 vote, Mayor Pro Tem Garcia and Councilmember Mitchell voting "NO", Mayor Todd and Councilmember Reynolds "ABSTAINING"

Motion failed

Approve staff to negotiate reasonable early termination clause in contract on Councilmember Goodman's motion, Councilmember Reynolds' second, 6-1 vote, Councilmember Griffith voting "NO"

Ordinance No. 960815-J approved with amendments on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 5-2 vote, Councilmembers Griffith and Slusher voting "NO"

- 11b. Approve second/third reading 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)

Ordinance No. 960815-O approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-2-1 vote, Mayor Todd and Councilmember Mitchell voting "NO", Councilmember Reynolds' "ABSTAINING"

ORDINANCES

12. 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. (cont'd from 2-1-96, 2-15-96, 8-8-96)
Ordinance No. 960815-A approved with modification to condition #2 which now reads: "...2,000 vehicle trips per day or up to 3,000 trips if a TIA is approved by the Director of Development Review & Inspection"
13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5366 and 5408 U.S. Hwy. 290 West at Southwest Parkway, Case No. C14-95-0136, from "DR", Development Reserve to "CS", Commercial Services for Tract 1; "IP-CO", Industrial Park-Conditional Overlay for Tract 2; and "RR", Rural Residence for Tracts 3

and 4. The conditional overlay provisions for Tracts 2 and 4 are as follows: (1) limit height to a maximum of 35 feet; (2) prohibit the following uses - Automotive Rentals, Automotive Sales, Automotive Repair Services, Construction Sales and Service, Convenience Storage, Off-Site Accessory Parking, Outdoor Entertainment, Restaurant (drive-in, fast food), Restaurant (limited), Restaurant (general), Service Station, Vehicle Storage, Railroad Facilities, Outdoors Sports and Recreation, and Exterminating Services; (3) subject to an Integrated Pest Management Program (I.P.M.); and (4) 70% Xeriscape landscaping. All tracts will be subject to recommendations in Transportation Impact Analysis Memorandum dated February 26, 1996. Further subject to prohibit access to Southwest Parkway; TOM WHITE PROPERTIES (Tom White), by Land Strategies, Inc. (Paul Linehan). First reading on July 18, 1996; Vote 4-2, Slusher and Goodman voting "No"; Mitchell off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Postponed indefinitely

Items 12 & 13 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

14. 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 & 08/08/96)

Ordinance No. 960815-L approved with the following limits: 1) limit site to 560 apartment units; 2) limit to one (1) convenience store with double walled tanks and an alarm system (gasoline tanks); 3) one (1) drive in bank; and 4) two (2) restaurants which will result in 10,700 vehicle trips per day on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 6-1 vote, Councilmember Slusher "NO"

15. 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 parenthesis 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 Paul M. Juarez and Kenneth W. Brown, AICP. First May 16, 1996; Vote 4-0, Goodman, Mitchell and Nofziger off the dais. (continued from 08/8/96)

Approved second reading only on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

16. 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. (cont'd from 8-8-96)

City Attorney noted project will be subject to SOS Ordinance.

Ordinance No. 960815-K approved on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

17. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5100 Southwest Parkway and 4900, 4916 Industrial Oaks Boulevard, Case No. C14-96-0043, from "GR", Community Commercial to "SF-6", Townhouse and Condominium Residence, zoning subject to applicant's voluntary agreement with an Integrated Pest Management Program (IPM); BH TRAVIS COUNTRY (Lee Weber), by Land Strategies (Paul Johnson). First reading on June 13, 1996; Vote 5-0, Nofziger off the dais. Second reading on July 18, 1996; Vote 6-1, Slusher voting "No". Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council. Note: At this time, the only additional condition the applicant and the neighborhood have agreed upon is to "limit the site to a maximum of 88 single family homes with (private) garages."

Postponed indefinitely

18. Approve second reading on an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North Lamar Blvd. and Yager Lane, Case No. C14-96-0054, from "LO", Limited Office to "CS-CO", Commercial Services-Conditional Overlay, zoning subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Yager Lane; (2) prohibit the following uses - Adult Oriented Businesses, Arts & Craft Industry, Automotive Repair, Automotive Sales, Automotive Rentals, Automotive Washing, Outside Storage, Agriculture Sales & Services, Nursery, Convenience Store, Drop-Off Recycling, Equipment Repairs & Sales, Extermination Services, Indoor Entertainment, Kennels, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Restaurant (fast food), Vehicle Storage, and Custom Manufacturing; and (3) a restrictive covenant requiring - a three foot tall landscaped berm to screen all parking along Lamar Boulevard and Yager Lane; and 50% increase in number of required trees within Lamar Boulevard street yard; JOHN KING, INC. (John King), by Abbe/Garrett Engineering (Michael Simmons-Smith). First reading on June 6, 1996; Vote 6-0, Goodman absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council. Note: The applicant has requested to modify the restrictive covenant condition to provide a three foot tall landscape berm along Lamar Blvd. due to the location of a sidewalk and parking lot.

Approved

19. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1507 to 1513 West 35th Street, Case No. C14-96-0069, from "SF-3", Family Residence to "GR-MU-CO", Community Commercial-Mixed Use Combining District-Conditional Overlay, with the following conditions: (1) limit development to generate less than 2,000 vehicle trips per day; (2) limit permitted uses to all uses permitted in the LR zoning district and the following GR uses - Business Support Services, General Retail Sales (convenience), General Retail Sales (general), Medical Offices, Personal Improvement Services, and Restaurant (general); (3) prohibit access to Kerby Lane; (4) the site is subject to the LR site development regulations; and (5) vehicular access to the alley along the back portion of the property will be limited to emergency access only; MARGERY HANKS TRUST, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on July 25, 1996; Vote 5-0, Todd & Mitchell absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Ordinance No. 960815-B approved

20. Authorize acceptance of \$1,411 in additional grant funds from the Texas Department of Health, Bureau of Nutrition Services, for the Women, Infants, and Children (WIC) Lactation Center grant; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating an additional \$1,411 in grant funds for the Health and Human Services Department's Special Revenue Fund, for a total grant amount of \$103,911.

Ordinance No. 960815-C approved

21. Authorize acceptance of \$8,995 in additional grant funds from the Texas Department of Health, Bureau of Nutrition Services, for the Women, Infants, and Children (WIC) Peer Counseling grant; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating an additional \$8,995 in grant funds for the Health and Human Services Department's Special Revenue Fund, for a total grant amount of \$55,800.

Ordinance No. 960815-D approved

22. Authorize acceptance of \$432,120 in additional grant funds from the Texas Department of Health, Bureau of Nutrition Services, for the Women, Infants, and Children (WIC) Nutrition grant; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating an additional \$432,120 in grant funds for the Health and Human Services Department's Special Revenue Fund, for a total grant amount of \$1,968,000.
Ordinance No. 960815-E approved
23. Authorize the preliminary application of \$656,745 in Local Law Enforcement Block Grants Program funds from the Bureau of Justice Assistance, U.S. Department of Justice, for the Police Department; designate an advisory board to review this application and make nonbinding recommendations regarding the proposed use of funds received from this program. (City's match of \$72,900 is included in the 1996-97 proposed operating budget of the Police Department.)
Approved
24. Amend Ordinance 950911-A, the 1995-96 operating budget, by transferring \$57,577 from the General Fund Contingency Reserve and increasing the appropriation of the Municipal Court by the same amount to fund unbudgeted contractual costs.
Ordinance No. 960815-G approved
25. Amend Ordinance 950911-A, the 1995-96 Operating Budget, for the Federally Qualified Health Center (FQHC) Fund by increasing the FQHC Fund budgeted beginning balance by \$79,300, decreasing Medicaid revenue by \$530,540, transferring \$329,000 from the General Fund Health and Human Services Department to the FQHC Fund, increasing interest earnings by \$29,448, decreasing expense appropriations by \$68,060, and decreasing the ending balance by \$24,732, resulting in a budgeted ending balance of \$143,596; amend Ordinance 950911-A, the 1995-96 Operating Budget for the Health and Human Services Department, by reducing the appropriation for Managed Care by \$329,000, and by increasing the appropriation for the FQHC Subsidy by \$329,000, resulting in no impact on the General Fund ending balance. (Funding in the amount of \$79,300 from the 1995-96 FQHC Fund beginning balance; \$329,000 from the General Fund Health and Human Services Department (Managed Care), \$29,448 from interest earnings, \$68,060 decrease in expense appropriations, and \$24,732 from the FQHC budgeted ending balance.)
[Reviewed by FQHC Board]
Ordinance No. 960815-H approved

Employee Benefits (Items 26-30)

26. Amend Ordinance 950911-A, the 1995-96 Operating Budget to fund increased expenses by increasing the Budgeted Revenue of the Employee Benefits Fund by \$508,494, increasing the Budgeted Expenditures by \$479,989 and increasing the Ending Balance by \$28,505. (Funding is available from projected increases in Employee Benefit Fund revenue.)
Ordinance No. 960815-I approved

Items 17-26 approved on Mayor Pro Tem Garcia's motion, councilmember Goodman's second, 7-0 vote

RESOLUTIONS

27. Approve modification of a contract with PCA HEALTH PLAN OF TEXAS, Austin, Texas, for group medical coverage for employees and retirees, increasing the contract in an amount not to exceed \$3,000,000 for a total amount not to exceed \$8,746,000 for the 1996 contract year, an increase for the 1997 and 1998 contract years in an amount not to exceed \$3,200,000 per year for a total amount not to exceed \$8,946,000 for the 1997 and 1998 extension options for a total contract amount not to exceed \$26,638,000. (Funding in the amount of \$750,000 is available in the 1995-96 Employee Benefits Fund budget for the Human Resources Department. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

Approved

28. Approve modification of a contract with DENTACARE/UNILIFE INSURANCE COMPANY, Roanoke, Virginia, for group medical coverage for employees and retirees increasing the contract in an amount not to exceed \$45,000 for a total amount not to exceed \$89,375 for the 1996 contract year, an increase for the 1997 contract year in an amount not to exceed \$58,000 per year for a total amount not to exceed \$96,200 for the 1997 extension option for a total contract amount not to exceed \$232,075. (Funding in the amount of \$23,100 is available in the 1995-96 Employee Benefits Fund budget for the Human Resources Department. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

Approved

29. Approve modification of a contract with METRAHEALTH NETWORK OF TEXAS, Austin, Texas, for group medical coverage for employees and retirees to increase the contract in an amount not to exceed \$325,000 for a total amount not to exceed \$2,407,000 for the 1996 contract year, an increase for the 1997 and 1998 contract years in an amount not to exceed \$680,000 per year for a total amount not to exceed \$2,762,000 for the 1997 and 1998 extension options, for a total contract amount not to exceed \$7,931,000. (Funding in the amount of \$187,500 is available in the proposed 1996-97 Employee Benefits Fund budget for the Human Resources Department. Funding for the extension options is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

Approved

30. Approve modification of a contract with UNITED DENTAL CARE, Austin, Texas, for managed dental care increasing the contract in an amount not to exceed \$17,000 for a total amount not to exceed \$58,000 for the 1996 contract year, and increase the 1997 contract option in an amount not to exceed \$18,000, for a total amount not to exceed \$61,000 for the 1997 extension option, for a total contract amount not to exceed \$158,000. (Funding in the amount of \$2,300 is available in the 1995-96 Employee Benefits Fund budget for the Human Resources Department. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

Approved

Items 27-30 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Mitchell abstaining

31. Approve execution of a twelve month supply agreement with SUPERIOR UNIFORM COMPANY, (MBE/MB), Houston, Texas, for the purchase of work shirts for City of Austin personnel, in an amount not to exceed \$66,395.50 with two twelve month extension options in an amount not to exceed \$66,395.50 per extension, for a total amount not to exceed \$199,186.50. (Funding in the amount of \$11,065.90 is available in the 1995-96 operating budget of the user departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three. 100% MBE Prime participation.

Approved

32. Approve execution of a twelve month supply agreement with R & R UNIFORMS, INC., San Antonio, Texas, for the purchase of denim work jeans for City of Austin personnel, in an amount not to exceed \$40,687.50 with two twelve month extension options in an amount not to exceed \$40,687.50 per extension, for a total amount not to exceed \$122,062.50. (Funding in the amount of \$6,781.24 is available in the 1995-96 operating budget of the user departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low responsive bid of five. No M/WBE Subcontracting opportunities were identified.

Approved

33. Approve execution of a contract with COMMERCIAL VIDEO SYSTEMS, INC., Austin, Texas, for the purchase of a video system to be used in training by the Fire Department and EMS personnel, in the amount of \$73,954.78 (Funding in the amount of \$60,000 is available in the 1995-96 Special Revenue Fund of the Fire Department. \$13,954.78 is available in the 1995-96 operating budget of the Fire Department.) Low bid of three meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

34. Approve execution of a contract with WILTEL COMMUNICATION SYSTEMS INCORPORATED, Austin, Texas, for the purchase and installation of a digital private business exchange (PBX) telephone system at the Water and Wastewater Department's East Service Center located at 6301 Harold Court, in the amount of \$77,797.92. (Funding is available in the 1995-96 operating budget of the Water and Wastewater Utility.) Low bid of two. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

35. Approve execution of a twelve month service agreement with MAJESTIKLEEN (MBE/MB), Austin, Texas, to provide janitorial services at Waller Creek Center, in an amount not to exceed \$71,088 with options to extend the agreement for two additional twelve month extensions in an amount not to exceed \$71,088 per extension, for a total contract amount not to exceed \$213,264. (Funding in the amount of \$11,848 is available in the 1995-96 operating budget of the Water and Wastewater Utility. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of twelve. 100% MBE Prime participation. (Recommended by Water and Wastewater Commission)

Approved

36. Approve execution of a construction contract with L.D. TEBBEN COMPANY, Austin, Texas, for the Govalle Wastewater Treatment Plant Maintenance Building Re-roofing project, in the amount of \$57,000. (Funding is available in the 1995-96 operating budget of the Water and Wastewater

Utility.) Low bid of two. 21.05% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

Items 31-36 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote

37. Approve ratification of an emergency purchase contract with AMERITEX FIRE PROTECTION, San Antonio, Texas, for the emergency repair of the fire sprinkler system at Waller Creek Center, in the amount of \$93,000. (Funding is available in the 1995-96 operating budget of the Water and Wastewater Utility.) Low bid of three. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

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

38. Approve execution of a twelve month service agreement with A & R HAULING AND DEMOLITION, Del Valle, Texas, to provide demolition services for the Development Review and Inspection Department, in an amount not to exceed \$63,300 with two twelve month extension options in an amount not to exceed \$63,300 per extension option, for a total amount not to exceed \$189,900. (Funding in the amount of \$5,275 is available in the 1995-96 operating budget of the Development Review and Inspection Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.

Approved

39. Approve execution of a twelve month service agreement with JOHN L. PETERSON CONSULTING, Round Rock, Texas, for residential and commercial building computer models which provide examples of energy requirements necessary to evaluate energy efficient technologies, in an amount not to exceed \$74,500 with one three month extension option in an amount not to exceed \$19,625, for a total contract amount not to exceed \$94,125. (Funding in the amount of \$12,417 is available in the 1995-96 operating budget of the Planning, Environmental & Conservation Services Department. 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

Items 38 & 39 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote

40. Approve notifying other taxing jurisdictions of the City's intention to create a reinvestment zone for an area of Downtown Austin to establish a Tax Increment Finance District pursuant to Section 311 of the Tax Code, provide taxing jurisdictions with the required evidentiary materials, including the Preliminary Finance Plan, and setting a date for a public hearing. (Funding for additional expenditures are projected to include \$100,000 in contractual costs and \$85,000 in staff costs which are included in the proposed budget for 1996-97.) Suggested date and time: October 24, 1996 at 4:30 p.m.

Approved amendment to redraw west side lines to east of Lamar north of the river and South First street south of the river on Councilmember Goodman's motion, Councilmember Slusher's second, 4-2-1 vote, Mayor Todd and Mayor Pro Tem Garcia voting "NO", Councilmember Griffith abstaining.

Approved motion as amended on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-2 vote, Councilmembers Slusher and Griffith voting "NO".

41. Approve an amendment to the Interlocal Agreement with Travis County for provision of emergency medical service. (Revenue in an estimated amount of \$836,990 for 1995-96 and an estimated amount of \$1,536,340 for 1996-97. \$1,117,447 in revenue from Travis County is currently included in the proposed 1996-97 Budget.)
Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote

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

42. C14-95-0118 (Tract 1 & 2) - T. DAVID YOUNG, by Paul M. Juarez and Kenneth W. Brown, AICP, 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 08/13/96) (continued from 7/11/96, 8-8-96)
Note: A valid petition of 22.07% has been filed in opposition to this request.
Postponed until September 5, 1996 on Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote
43. C14-96-0064 - THOMAS HENDERSON (Gigi Edward's), 1704 to 1710 Lovingood Drive. From SF-3 to LR. Planning Commission Recommendation: To Deny the request for LR, Neighborhood Commercial zoning. Note: A valid petition of 24.95% has been filed in opposition to this request.
Referred back to Planning Commission on Councilmember Mitchell's motion, Councilmember Goodman's second, 7-0 vote
44. C14-96-0091 - THE AUSTIN PROJECT (Olivia Walker), 5219 Ledesma Road and 1139 Cessal Ave. From SF-3 to LO. Planning Commission Recommendation: To Grant LO, Limited Office, zoning as requested.
Ordinance No. 960815-M
45. C14-96-0092 - ROUND ROCK I.S.D. (Tom Phillips), by C.O.A.-DEPT. OF DEVELOP. REVIEW & INSPECTIONS, 8455 Spicewood Springs Road. From DR to SF-2. Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, with the provision of the overlay to provide a vegetative buffer that contains the flood plain along the northern property line.
Ordinance No. 960815-N
- Items 44 & 45 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote

PUBLIC HEARINGS

46. 4:30 P.M. - Public hearing for the full purpose annexation of the Billbrook Place Annexation area.
Close public hearing on Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 5-0

vote, Councilmembers Reynolds and Slusher temporary absent

47. 5:00 P.M. - Public hearing 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.
Close public hearing on Councilmember Mitchell's motion, Councilmember Slusher's second, 7-0 vote
48. 5:00 P.M. - Public hearing on the proposed 1996-97 Operating and Capital Budgets.
Mayor closed public hearing

ACTION ON PUBLIC HEARINGS

49. Approve 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. (Recommended by Environmental Board and Planning Commission)
Ordinance No. 960815-O approved on Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held from 3:31 p.m. until 4:27 p.m. on Item 51, 54 & 56

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 Gutierrez, et al. v. Mobil Oil Corporation, et al; Cause No. 92-04889.
51. Discuss City of Austin v. Quick, No. 03-95-00164-CV before the Third Court of Appeals.

Advice of Counsel - Section 551.071

52. Discuss Senate Bills 1017 and 1396 affecting City development control in the City's extraterritorial jurisdiction.

ACTION ON EXECUTIVE SESSION ITEMS

53. Approve an amendment to the contract with Exploration Technologies, Inc., for expert services in the lawsuit styled Gutierrez, et al. v. Mobil Oil Corporation, et al., Cause No. 92-04889, filed in

Travis County District Court.

Amendment in an amount of \$24,000 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote

54. 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.
Motion to approve by Councilmember Reynolds, Mayor Pro Tem Garcia's second

Substitute motion to amend Part 2 in proposed ordinance by deleting the words December 16, 1994 to July 31, 1996 and add the words "when SOS does not apply" and after "applicable state law" add "and pursuant to court rulings" by Councilmember Slusher,

Councilmember Slusher dropped the wording "and pursuant to court rulings"

Councilmember Goodman seconded the motion, 6-0 vote, Councilmember Mitchell temporarily absent

Ordinance No. 960815-P as amended approved on 6-0 vote, Councilmember Mitchell temporarily absent

55. APPOINTMENTS

BOARD OF ADJUSTMENT - Hans Herman Thun

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

ADDENDUM

ACTION ON EXECUTIVE SESSION ITEMS (continued)

56. Approve a resolution waiving attorney-client privilege allowing the City Attorney's Office to discuss legal issues related to City of Austin v. Quick, No. 03-95-00164-CV before the Third Court of Appeals. (Mayor Bruce Todd and Councilmember Jackie Goodman) [Related to Items 51 and 54]
Withdrawn by Mayor Todd and Councilmember Goodman

ADJOURNED at 11:10 p.m. on Councilmember Slusher's motion, Councilmember Reynolds' second, 5-0 vote.

Approved on this the _____ day of _____, 1996, on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Goodman, Griffith and Mitchell temporarily absent.