



Austin City Council MINUTES

SEPTEMBER 5, 1996

Mayor Todd called the meeting to order, noting the temporary absence of Councilmembers Goodman, Griffith and Mitchell.

1. Approval of Minutes for Regular Meeting of August 15, 1996 and Special Called Meeting of August 28, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Goodman, Griffith and Mitchell temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Melissa Amici, to introduce the Resource Center on Wheels and invite Council members to Connections open house/van kick-off.
3. Mr. Michael Roe, to discuss budget cuts for the Drug Abuse Resistance Education program.
Absent
4. Mr. Frank Belanger, to discuss rude and uncharitable remarks from the dais from councilmembers toward constituents and others.
Absent
5. Mr. Dale Johnson, to discuss Council's attitude toward bicycle helmet issue.
6. Ms. Cynthia Merritt, to address cut of community services in APD budget.
7. Ms. Annie Elderbroom, to discuss proposed APD budget.
8. Ms. Sallie Buchner, to discuss State concerns for cutting community services of APD.
9. Ms. Sara Kessler, to speak in support of APD programs to be cut under current budget proposal.
10. Mr. Gus Pena, to discuss the City of Austin budget, and youth and senior citizen issues.
11. Ms. Karen Hadden, to discuss protection of Austin environment and City Council policies.
Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve execution of a construction contract to RICHARD H. WATERS CONSTRUCTION, Austin, Texas, for construction of the 16-inch Water Line at Mopac and Barton Bluff Lane, in the amount of \$172,837. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of five. 23.8% MBE, 8.4% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Pulled off agenda.

1:30 P.M. - BOND SALE (Items 13-16)

13. Authorize the issuance of \$30,550,000 City of Austin, Texas, Public Improvement Bonds, Series 1996. (\$2,497,552 debt service requirement for the proposed bond sale in 1996-97 is provided in the 1996-97 Proposed Budget of the General Obligation Debt Service Fund.)
Ordinance No. 960905-A approved
14. Authorize the execution of a paying agent/registrars agreement, with Texas Commerce Bank, N.A., Austin with respect to the \$30,550,000 City of Austin, Texas, Public Improvement Bonds, Series 1996. (\$100 annual administration fee for paying agent/registrars services is available in the 1996-97 proposed budget of the General Obligation Debt Service Fund.)
Approved
15. Authorize the issuance of \$11,755,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1996. (\$1,127,140 debt service requirement for the proposed contractual obligation sale in 1996-97 is provided in the 1996-97 Proposed Budget of the General Obligation Debt Service Fund.)
Ordinance No. 960905-B approved
16. Authorize the execution of a paying agent/registrars agreement, with Texas Commerce Bank, N.A., Austin with respect to the \$11,755,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1996. (\$100 annual administration fee for paying agent/registrars services is available in the 1996-97 proposed budget of the General Obligation Debt Service Fund.)
Approved

Items 13 through 16 approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmembers Goodman and Griffith off the dais.

ORDINANCES

17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2525 Kramer Lane, Case No. C14r-84-202(DE), from "LI", Limited Office to "LI-CO", Limited Office-Conditional Overlay, zoning subject to current water quality controls as referenced in Section 13-7-19 of the Land Development Code; and request to delete a portion of a previously approved Principle Roadway Area site plan; BROCKTON OFFICE PARK, by Griffin Engineering (Greg Griffin). First reading on August 8, 1996; Vote 6-0, Mitchell off dais. Conditions met as follows: conditions incorporated into conditional overlay.
Ordinance No. 960905-C approved
18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3701 East Martin Luther King Jr. Blvd., Case No. C14-96-0025, from "SF-3", Family Residence to "NO", Neighborhood Office for Tract 1, and "RR", Rural Residence for Tract 2; ST. JAMES EPISCOPAL CHURCH (Rev. William B. Miller), by Ken Brown/Paul Juarez. First reading on April 25, 1996; Vote 5-0, Reynolds absent and Nofziger off the dais.

Ordinance No. 960905-D approved

Items 17 and 18 approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

19. Approve third 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. Second reading on August 15, 1996; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council. At second reading of the ordinance, the City Council modified the restrictive covenant to allow a three foot wrought iron fence and landscaping, instead of a three foot tall landscape berm along Lamar Blvd. In addition, the City Council requested at third reading the applicant address whether sidewalks will be installed along Yager Lane and Lamar Blvd. (continued from 8-22; Staff directed to prepare a restrictive covenant which requires construction of a temporary walkway along Lamar boulevard). Note: Staff requests this item be postponed to the October 3, 1996 meeting, so a legal description describing the location of the temporary walkway may be finalized. The applicant does not object to this postponement request by staff.
Postponed to October 3, 1996
20. Amend Ordinance 960627-I to reflect Council action of June 27, 1996 to extend the waiver of development fees for projects located within Subdistricts 1 and 2 of the East 11th Street Neighborhood Conservation District to July 20, 2001. (No fiscal impact to correct an ordinance.)
Ordinance No. 960905-E approved
21. Amend Ordinance 950911-A, the 1995-96 operating budget for the Electric Utility Department by increasing the beginning balance by \$19,873,535 to reflect audit adjustments increasing budgeted revenues by \$77,313,207 and increasing budgeted expenditures in the amount of \$36,000,000 to reflect the increased cost of fuel resulting from an increase in sales to customers outside the service area. (It is anticipated that the increased cost of fuel will be approximately \$36,000,000 for the fiscal year. As fuel cost is passed on directly to the ratepayer, revenue will increase by a corresponding amount.)
Ordinance No. 960905-F approved
22. Authorize acceptance of \$157,820.19 in grant funds from the U.S. Department of Veterans' Affairs to reimburse the cost of training eligible veterans as police officers; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$157,820.19 in grant funds for the Police Department Special Revenue Fund. (A City match is not required.)

Ordinance No. 960905-G approved

23. Amend Ordinance 950911-A, the 1995-96 operating budget appropriating an additional \$15,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to the Police Department Special Revenue Fund for the Police Department's Victims Assistance Program. (Total grant award increases from \$40,000 to \$55,000. City's match of \$11,000 is available in the 1995-96 operating budget of the Police Department.)

Ordinance No. 960905-H approved

24. Authorize acceptance of \$191,688 in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services, for the Police Department's Victims Assistance Program to implement a new program to combat domestic violence; amend Ordinance 950911-A, the 1995-96 operating budget, by appropriating \$191,688 in grant funds for the Police Department Special Revenue Fund; and authorize four full-time equivalent (FTE) grant funded positions. (A City match is not required.)

Ordinance No. 960905-I approved

25. Authorize acceptance of \$10,000 in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services, and Department of Defense, for the Troops to Cops Program; amend Ordinance 950911-A, the 1995-96 operating budget, appropriating \$10,000 in grant funds for the Police Department Special Revenue Fund. (A City match is not required.)

Ordinance No. 960905-J approved

26. Amend Ordinance 950911-A, the 1995-96 operating budget of the Water and Wastewater Utility by increasing budgeted revenue by \$14,108,378, reduce Debt Service expense by \$436,622, and increase Debt Service Management Fund by \$14,545,000 for a total of \$15,500,000; appropriate an additional \$7,000,000 from accumulated Capital Recovery Fees (CRFs) to an escrow for the defeasance of certain outstanding Water and Wastewater Utility revenue bonds. (Total authorization of \$22,500,000 to be funded as follows: \$13,500,000 from the Water Utility Operating Fund, \$2,000,000 from the Wastewater Operating Fund, \$4,500,000 from the Water Capital Recovery Fee Fund, and \$2,500,000 from the Wastewater Capital Recovery Fund.) [To be reviewed by Water and Wastewater Commission on September 4, 1996.]

Ordinance No. 960905-K approved

27. Amend Ordinance 950911-A, the 1995-96 operating budget of the Water and Wastewater Utility by increasing the transfers to the Capital Improvements Program by \$893,951 to \$13,013,951 for the increase in the total amount of reimbursement to Davis Springs Properties, Ltd., for design, construction and inspection of water lines by \$267,624 and \$626,327 for wastewater lines; amend Ordinance 950911-B, the 1995-96 Capital Budget of the Water and Wastewater Utility by increasing the appropriation of the Davis Springs service extension reimbursement projects (Water \$267,624; Wastewater \$626,327). (\$893,951 will be transferred from the Water and Wastewater Utility's 1995-96 operating budget; \$267,624 from the Water Utility and \$626,327 from the Wastewater Utility to the Utility's CIP Funds for actual disbursements.) [To be reviewed by Water and Wastewater Commission on September 4, 1996] **(Related to Item 28)**

Ordinance No. 960905-L approved

RESOLUTIONS

28. Authorize negotiation and execution of Second Amendment to "Agreement Regarding the Dissolution of Davis Spring MUD and the Construction Improvements to the City of Austin's Water and Wastewater Systems in the Davis Spring Area" to increase the reimbursement to Davis Springs Properties, Ltd., a Texas limited partnership for design, construction and inspection of water lines by \$267,624 and \$626,327 for wastewater lines to provide service to the property for a total amount of \$2,982,951. (Funding is available in the amended Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission] **(Related to Item 27)**
Approved

Items 20 through 28 approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

29. Request authorization to negotiate and execute an Interlocal Agreement with the City of Round Rock for the assumption of the obligations and division of assets of the Brushy Creek Regional Wastewater System from the Brushy Creek Water Control and Improvement District No. 1 of Williamson and Milam Counties (WCID). (\$1,540,605 is to be paid to the Water and Wastewater Utility by the City of Round Rock in one lump sum upon execution of the interlocal agreement for capital expenditures incurred by the Utility in the Brushy Creek Regional Wastewater System.) [To be reviewed by Water and Wastewater Commission on September 4, 1996.]
Approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second 6-0-1 vote, Councilmember Slusher abstaining.

30. Request authorization to negotiate and execute an Interim Wastewater Agreement with the City of Round Rock and Terminate the 1989 Interim Wastewater Disposal Agreement with Brushy Creek WCID No. 1. (\$704,246 from the Water and Wastewater Utility's operating budget for 1996-97 through 2000-01 is estimated to be paid to the City of Round Rock over a 5 year period for the treatment and transportation of wastewater flows received from its two MUD customers; Fern Bluff MUD and Brushy Creek MUD.) [Recommended by Water and Wastewater Commission]
Approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second 6-1 vote, Councilmember Slusher abstaining.

31. Request by LITTLE LONGHORN SALOON, located at 5434 Burnet Road, for a financial hardship exemption to the Smoking in Public Places Ordinance (SIPPO) [Section 12-5-6 (A)(6)(c)].

Approved

32. Request by CLUB MAX LOUNGE, located at 6121 North IH 35, for a financial hardship exemption to the Smoking in Public Places Ordinance (SIPPO) [Section 12-5-6 (A)(6)(c)].

Approved

Items 31 and 32 approved on Councilmember Reynolds' motion, Councilmember Goodman's second, 4-3 vote, Mayor Todd, Mayor Pro Tem Garcia and Councilmember Griffith voting "NO".

33. Establish an Indigent Care Work Team with Travis County to study issues related to the financing and provision of indigent health care services, and prepare a report within 120 days. (No fiscal impact.)
Friendly amendment by Councilmember Goodman to add AFSCME HIV Planning Council

Friendly amendment accepted

Amendment by Councilmember Griffith: The work team will receive staff support from city and county staff, including but not limited to the following:

1. Travis County Executive Manager of Health, Human Services and Veteran Services
2. Travis County Executive Manager of Planning and Budget
3. Travis County Auditor
4. Travis County Legal Counsel
5. Assistant City Manager for the Health and Human Services Department
6. City Auditor
7. City Chief Financial Officer
8. City Legal Counsel

Also to delete from team members list: Assistant City Manager (Ex officio, non-voting member) and County Executive Representative (Ex officio, non-voting member).

Approved on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 4-1-2 vote, Mayor Todd voting "NO", Councilmembers Mitchell and Reynolds abstaining.

34. Approve a Neighborhood Commercial Management Program (NCMP) loan to Word of Mouth Catering for acquisition of a building located at 1804 Chicon Street for business expansion, in an amount not to exceed \$183,000. [Funding is available in the 1995-96 Special Revenue Fund of the Neighborhood Housing and Conservation Office 21st Year Community Development Block Grant (CDBG)].
Postponed to September 12, 1996.
35. Approve execution of a contract with INDUSTRIAL DISPOSAL SUPPLY COMPANY, San Antonio, Texas, for the purchase of three street sweepers to be used by the Solid Waste Services Department, in the amount of \$257,628 with the option to purchase five additional sweepers in the amount of \$442,880 in the next fiscal year. (Funding was included in the 1995-96 Capital budget of the Solid Waste Services Department. Funding for the additional purchase option is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.
Approved
36. Approve execution of a contract amendment with CLINICAL PATHOLOGY LABORATORIES, INC., Austin, Texas, for additional laboratory services for the Health and Human Services Department, in the amount of \$11,150, for a total contract amount of \$1,015,468. (Funding in the amount of \$6,801 is available in the Federally Qualified Health Center fund; \$4,237 is available from Special Revenue funds; and \$112 is available from the General Fund for the Health and Human Services Department General Fund.) No M/WBE Subcontracting opportunities were identified.
Approved
37. Authorize execution of an amendment to a contract with INTERIM PHYSICIANS, INC., New Braunfels, Texas, for additional temporary physician services for the Health and Human Services Department, in an additional amount not to exceed \$62,600, for a total contract amount not to exceed \$98,600. (Funding in the amount of \$1,400 is available in the 1995-96 operating budget of

the Federally Qualified Health Center Fund for the Health and Human Services Department. Funding for the remaining four months is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

Approved

38. Approve execution of a twelve month supply agreement with ORTHO-MCNEIL PHARMACEUTICAL CORPORATION, Raritan, New Jersey, for the purchase of pharmaceuticals and medical supplies for the Women's Health Program at the Health and Human Services Department, in an amount not to exceed \$165,000 with two twelve month extension options in an amount not to exceed \$165,000 per extension option, for a total contract amount not to exceed \$495,000. [Funding in the amount of \$13,750 is available in the 1995-96 operating budget of the Federally Qualified Health Center (FQHC) Fund. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.] Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

39. Approve execution of a twelve month supply agreement with BOUND TO STAY BOUND BOOKS, INC., Jacksonville, Illinois, to provide prebound children's books for the Austin Public Library, in an amount not to exceed \$195,000 with two twelve month extension options in an amount not to exceed \$150,000 per extension, for a total contract amount not to exceed \$495,000. (Funding in the amount of \$10,000 is available in the 1995-96 operating budget of the Library Department. Funding in the amount of \$25,000 was included in the 1994-95 Capital budget and \$100,000 was included in the 1995-96 Capital budget of the Library Department. Funding for the remaining \$60,000 and the extension options is contingent upon available funding in future budgets.) Low bid of two meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

40. Approve the recommendation of the Austin Convention and Visitors Bureau for additional places, sponsoring organizations, and initial directors with their terms for the Board of Directors of that organization. (No fiscal impact.)

Approved

41. Amend the Rail Freight Operator Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY AND LONGHORN RAILWAY, CO. to facilitate construction of the Railroad Line Improvements from McNeil Road to Downtown Austin, funded by the Intermodal Surface Transportation Efficiency Act (ISTEA) Grant, in the amount of \$821,307.20 for materials and labor from the Texas Department of Transportation (TxDOT). [No fiscal impact].

Approved

Items 35 through 41 approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Austin-Bergstrom International Airport (Items 42-44)

42. Approve Supplemental Amendment #3 to a professional service contract with RMT/JONES & NEUSE, INC., Austin, Texas, for continued utility engineering services at Austin-Bergstrom

International Airport, in the amount of \$249,203, for a total contract amount not to exceed \$848,000. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) DBE participation to date: 30.16% (23.13% MBE, 7.03% WBE) Percentages for this amendment cannot be determined because final subcontracts for this portion of work have not been negotiated. (Recommended by Airport Advisory Board)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-1 vote, Councilmember Mitchell voting "NO".

43. Approve additional funding for the contract with SOUTHWESTERN BELL TELEPHONE, St. Louis, Missouri, for Phase 2 of the rerouting and maintenance of telephone communications to all existing and new facilities during the construction of the Austin-Bergstrom International Airport (ABIA), in the amount of \$512,000, for a total amount of \$962,000. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) No DBE subcontracting opportunities were identified. (Recommended by Airport Advisory Board) **Approved**

44. Approve additional contingency funding to the contract with H.B. ZACHRY, San Antonio, Texas, for construction of the Midfield Cross Taxiway Project for the Austin-Bergstrom International Airport (ABIA), in the amount of \$272,250.10, for a total contract amount of \$15,488,550.10. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) DBE participation to date: 36.5% (32.47% MBE, 2.68% WBE) [Reviewed by Airport Advisory Board]
Approved

45. Approve appointments of Daryl Slusher and Beverly Griffith to the Board of Directors of the ABIA Development Corporation.
Approved

Items 43 through 45 approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

46. Approve issuance by ABIA Development Corporation of Airport Facilities Revenue Bonds, Series 1996A, in an amount not to exceed \$11,710,000. (No fiscal impact. The bonds are not debts of the City and are the sole obligation of the corporation. The bonds are repaid from revenue generated by the facilities constructed.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Mitchell and Reynolds off the dais.

ITEMS FROM COUNCIL

47. Present to the City Council as comments and suggestions, new procedures and policy for increasing citizen participation, improving time certainty on items for citizens and media, and to help staff increase the efficiency of their work time during Council sessions. (Councilmember Ronney Reynolds)
48. Direct the City Manager to assure that Stage 1 and Stage 2 Vapor Recovery Controls are installed

on all appropriate City of Austin fuel facilities. (Councilmembers Ronney Reynolds and Daryl Slusher)

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

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT (ABIA) DEVELOPMENT CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the ABIA Development Corporation will be conducted. Following adjournment of the ABIA Development Corporation meeting, the City Council meeting will be reconvened. Items 49-51 are the agenda items to be considered by the ABIA Development Corporation's Board of Directors.

49. Approve minutes of March 27, 1996 meeting.
50. Conduct a public hearing with respect to the issuance of ABIA Development Corporation Airport Facilities Revenue Bonds (Austin CargoPort Development L.L.C. Project) Series 1996A.
51. Adopt a resolution of the ABIA Development Corporation with respect to a public hearing and authorizing issuance of Airport Facilities Revenue Bonds (Austin CargoPort Development L.L.C. Project) Series 1996A in the amount of \$11,710,000, and approving documents.

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

52. C14-96-0026 - EMMETT S. SUTTON, 5101 Balcones Drive. From SF-3 to NO. Planning Commission Recommendation: To Deny NO, Neighborhood Office, zoning. (continued from 4/25/96) Note: Staff requests this item be postponed to November 21, 1996, pending resolution of the amendment to the home occupation ordinance.
Postponed to November 21, 1996.
53. C14-95-0118 (Tract 1) - 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. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay for Tract 1, subject to the following: (1) limit land uses and intensities to a level which will not exceed 1,300 vehicle trips per day; (2) dedication of 35 feet of right-of-way from the centerline of Wasson Road; (3) restrictions of ingress and egress as described by the applicant; and (4) no access for 18-wheeler trucks until a study shows the bridges on Wasson Road to be structurally able to bear the load. Note: A petition of 17.34% has been filed in opposition to this request. In addition, the applicant withdrew their request for rezoning on Tract #2 prior to Planning Commission public hearing. (continued from 7/11/96 due to Planning Commission postponement & 8/8/96 at the request of the neighborhood)
Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd off the dais.

Motion to deny on, Councilmember Slusher's motion, Councilmember Goodman's second, 3-3 vote, Mayor Pro Tem Garcia, Councilmember Mitchell and Reynolds voting "NO".

Approved first reading, W/LO-CO zoning instead of CS-CO Zoning subject to Planning

Commission recommendations and following list of conditions (9/4/96) agreed upon between applicant and neighborhood, only on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-3 vote, Councilmembers Goodman, Slusher and Griffith voting "NO".

1. Development of the W/LO tract will be such as to generate no more 1,200 vehicle trips per day.
2. Configuration of driveways/traffic islands/curbs will prevent northbound turns by commercial trucks onto Wasson Road. Trucks will be able to exit the property in a southbound direction only.
3. No on-site use or storage of hazardous materials (Class ??) will be permitted (Definition of hazardous materials to be negotiated).
4. Owner will install a traffic "headache bar" across the north driveway to further assure no access by large trucks.
5. Exterior lighting will be directional away from Battle Bend Neighborhood homes.
6. No above or below ground fuel storage tanks will be permitted.
7. Final W/LO site plan will be subject to Planning Commission review.
8. No exterior speakers or public address systems will be utilized on the site.
9. Applicant agrees not to oppose the institution of a zoning case by city staff to rezone the SF-6 zoned parcel at the northeast corner of the site to RR.
10. Owner will post directional signs for truck traffic at the site's south exit, including instructions for "No through trucks" on Mockingbird Lane, if permitted by City of Austin Public Works.
11. Additional conditions, as agreed to before the Planning Commission on August 13, will apply as follows:
 - (a) Any warehousing facilities will be oriented away from the Battle Bend neighborhood and Wasson Road,
 - (b) All warehousing facilities will be located on the western portion of the tract, with the eastern portion of the tract being reserved for mini-warehouse use,
 - (c) There will only be one semi-tractor trailer accessible driveway to the tract, which will be located at the southwest corner of the tract immediately adjacent to Wasson Road;
 - (d) The driveway described in (c) above will be designed to prevent right hand turns from the tract onto Wasson Road by semi-tractor trailers
 - (e) Clearing within the Water Quality Transition Zone ("WQTZ") will be limited to that required for: utility installation, construction of parking, buildings, stormwater management/water quality ("SWM/WQ") facilities, and the support infrastructure as allowed by the permitted thirty percent (30%) impervious cover and conditions of (f) below
 - (f) Development within the WQTZ will be limited as follows:
 - (i) The inward seventy-five (75) feet (closest to Williamson Creek) will be restricted to no development except for required utilities and SWM/WQ facilities.
 - (ii) The outward seventy-five (75) feet (furthest from Williamson Creek) will be restricted to no more than thirty percent (30%) impervious cover. This impervious cover can be developed as one-story buildings, parking, drives, sidewalks, SWM/WQ facilities and the like.
 - (g) Loading and unloading areas will be screened by a eight (8) foot screening fence (or the equivalent) as appropriate where existing vegetation does not accomplish the same screening value and entire tract will be fenced.

- (h) Height limitations will be those established by the governing zone district except that, within the outward seventy-five (75) feet of the WQTZ, height of any structure will be limited to one story or twenty (20) feet, whichever is more restrictive
- (i) SWM/WQ facilities will be provided on-site per City of Austin regulations.
- (j) Hours of operation of any mini-warehousing or warehousing operations will be limited to the hours of 7:00 a.m. to 7:30 p.m. Monday through Friday, and 9 00 a.m. to 5:00 p.m. on Saturdays with no hours of operation on Sundays.
- (k) Total semi-tractor trailer trips per day generated by the development on the western portion of the tract will be limited to no more than ten (10) trips per day.
- (l) No use that is predominately a warehousing distribution center served primarily by semi-tractor trailers will be allowed.

12. No semi-tractor trailers proceeding north on Wasson from tract until bridge is tested and approved for such loads by appropriate governmental authority.

PROHIBITED USES

- 1.Lodginghouse Residential
- 2.Exterminating Services
- 3.Local Utility Services
- 4.Telecommunications Tower
- 5.Equipment Repair Services

TO BE RESCHEDULED ON SEPTEMBER 26, 1996 (MENTION WHETHER THERE IS A WATER QUALITY ZONE TO BE ZONED RR AT THE TIME OF 2ND & 3RD READINGS

54. C14-96-0027 - MV WALNUT CREEK LTD (Robert Shepard, Jr.), by Cook-Steinman & Associates (Charles Steinman, P.E.), 8105 Cross Park Drive. From LI, LI-CO, I-RR, GR to LI and MF-4. Planning Commission Recommendation: To Grant LI, Limited Industrial Services for Tracts 1 and 2, and MF-4, Multifamily Residence (moderate-high density) for Tracts 3 and 4, subject to Traffic Impact Analysis recommendation contained in Transportation Section memorandum dated July 12, 1996. The applicant is required to post fiscal prior to third reading based on a pro-rata share of the estimated traffic control improvements as a result of the proposed development. [Continued from 8-22: Council directed applicant to meet with interested parties (Rich Harden); in the event the applicant desires an additional postponement, he should attend the September 5th meeting and explain to Council his reason for requesting an additional postponement.]

Postponed to October 31, 1996

55. C14-96-0071 - KATHERINE REYNOLDS (William Shepherd), by Dunagan, Weichert, Houston (Glenn K. Weichert), 3003 West 35th Street. From SF-3 to SF-6. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium, zoning with the provisions of the conditional overlay as follows, subject to a 10 foot minimum building setback from all adjoining properties. [continued from 8-22 at applicant's request (1st)].

Postponed to October 3, 1996

56. C14-96-0058 - DAN SCHULMAN, 603 West Live Oak Street. From SF-3 to LR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, for Tract 1, subject to the following: (1) the maximum square footage for a building structure on the site shall be limited to the existing 1,224 square feet; (2) prohibit the following uses - Food Sales,

Restaurant (drive-in, fast food), Financial Services, and Service Stations; and (3) vegetative screening as much as possible along the front of Live Oak, except the driveway. Further, to grant NO-CO, Neighborhood Office-Conditional Overlay, for Tract 2, subject to: (1) vegetative screening along the western portion of the property line and as much as possible along the front of Live Oak except for the driveway; and (2) limit the building structure to 1,224 square feet.

Ordinance No. 960905-M approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

57. C14-96-0083 - JAMES & LOIS ESKEW, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg), 8400 1/2 Brodie Lane. From SF-2 to LR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; (2) prohibit access to Hornet Drive; (3) limited to 45% impervious coverage; (4) prohibit underground storage tanks or hazardous materials storage as per the Fire Code; and (5) screening to be one 36" boxed tree or the equivalent for each single family lot to the north adjacent to the site.

Motion to close public hearing on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

Approved first reading only on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 6-1 vote, Councilmember Goodman voting "NO".

58. C14-96-0084 - JAMES & LOIS ESKEW, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg), 8212 Brodie Lane. From SF-2 to GR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; (2) require applicant to provide a 25 foot buffer along the west property line which would prohibit parking, expansion of the existing storage area, or new development of any kind (excluding public utility improvements); (3) limited to 45% impervious coverage; and (4) prohibit underground storage tanks or hazardous materials storage as per the Code.

Motion to close public hearing on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

Approved first reading only on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-2 vote, Councilmembers Goodman and Griffith voting "NO".

59. C14-96-0085 - STANDARD PACIFIC OF TEXAS, INC. (Perry Blanton), by Land Strategies, Inc. (Paul Linehan), West Parmer Lane and Neenah Ave. From SF-2 to SF-4A. Planning Commission Recommendation: To Grant SF-4A, Single Family Residence (small lot), zoning as requested.

Ordinance No. 960905-N approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

PUBLIC HEARINGS

60. 4:30 P.M. - Public hearing on proposed adoption of the 1994 Uniform Fire Code and local amendments. (No fiscal impact.)

Postponed to September 12, 1996.

61. 5:00 P.M. - Public hearing on proposed adoption of the 1994 Uniform Building Code and local

amendments. (No fiscal impact.)

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

62. 5:30 P.M. - Public hearing to approve and convey easements to allow open drainage ways, and the construction of storm sewers, water and wastewater lines through dedicated parkland known as Slaughter Creek Metropolitan Park in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks Board and Water and Wastewater Commission)

Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

63. 6:30 P.M. - Public hearing on a proposed amendment to the Brackenridge Project Urban Renewal Plan for property located at 500 East 11th Street in the City's Brackenridge Project Urban Renewal Area by changing the designation of the property from District R to District B-3.) [Recommended by Planning Commission]

Motion to close public hearing on Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

64. 7:00 P.M. - Continuation of hearing on the Bicycle Helmet Ordinance. (Councilmembers Jackie Goodman and Daryl Slusher) (Public hearing will be limited to 30 minutes: 15 minutes for proponents and 15 minutes for opponents.)

ACTION ON PUBLIC HEARINGS

65. Adopt the 1994 Uniform Fire Code and local amendments. (No fiscal impact.) [Recommended by Building and Fire Code Board]
Postponed to September 12, 1996

66. Adopt the 1994 Uniform Building Code and local amendments. (No fiscal impact.) [Recommended by Building and Fire Code Board and Environmental Board]
Postponed to September 12, 1996

67. Approve and convey easements to allow open drainage ways, and the construction of storm sewers, water and wastewater lines through dedicated parkland known as Slaughter Creek Metropolitan Park in accordance with Section 26.001 et. seq. of the Texas Parks and Wildlife Code. (Recommended by Parks Board and Water and Wastewater Commission)

Approved on, Councilmember Mitchell's motion, Mayor Todd's second, 4-0-2 vote, Mayor Pro Tem Garcia off the dais.

Motion to reconsider on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

Motion to approve on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second 5-0-2 vote, Councilmember Goodman and Slusher abstaining.

68. Amend the Bicycle Helmet Ordinance. (Councilmembers Jackie Goodman and Daryl Slusher)

Approved first reading only with, amendment four dealing with medical exemptions on, Councilmember Goodman's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Mitchell 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.

Pending Litigation - Section 551.071

69. Discuss Gutierrez, et al v. Mobil Oil Corporation, et al; Cause No. 92-04889.

Advice of Counsel - Section 551.071

70. Discuss state statutes affecting annexation and municipal services.

Real Estate - Section 551.072

71. Discuss the negotiations for the relocation of the Del Valle Schools.

ADJOURNED at 9:35 p.m. on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Approved on this the 12th day of September, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.