



Austin City Council MINUTES

DECEMBER 12, 1996

Mayor Todd called the meeting to order, Councilmember Mitchell off the dais.

1. Approval of Minutes for Special Called Meeting of December 4, 1996 and Regular Meeting of December 5, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Patrick Goetz, to update Council on the petition to repeal the Bicycle Helmet Ordinance.
3. Mr. Gus Pena, to discuss city issues, youth and senior citizen issues, and APD issues.
4. Mr. Roger Baker, to discuss matters arising.
5. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
6. Mr. Dave Schroeder, to discuss a need for the City Council to adopt a resolution not to purchase "toxic" cement for City projects, i.e. to award contracts to those companies that don't incinerate tires or toxics and therefore don't have the toxic residues of said incineration mixed into their product.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

7. Approve the establishment of a strategic policy necessary to ensure the competitive position and to preserve the value of the Electric Utility. (Recommended by Electric Utility Commission)
Motion to approve staff and Electric Utility Commission recommendation on, Councilmember Reynolds' motion, Councilmember Mitchell's second

Friendly amendment by Councilmember Slusher, insertion under #1, that the City Manager will annually present to the City Council a review of utility operations and finances and the progress of deregulation, including legislation. The City Manager will also provide a detailed analysis of the utility's projected competitive position and recommend, based on this analysis, the annual allocation of utility revenue to its debt defeasance fund. The City Council will in turn use this recommendation in determining the general fund transfer and the utility's budget, as described below.

Friendly amendment accepted by maker and seconder

Amendment by Councilmember Slusher, to revise the staff recommendations on operating and maintenance reductions, and general fund transfer as set out below Councilmember Griffith's second,

Alter #3 (O&M reductions) as follows: The city will continue to reduce its operating expenses for its electric utility, summarized as follows:

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Total O&M (Cents/kWh)	3.367	3.145	3.064	2.905	2.75

Alter #5 (GFT reductions) as follows: The City will decrease the General Fund transfer from its electric utility, as indicated below, to reach 8.5% by 2001, as necessary to achieve competitive pricing for its utility using the annual ERCOT average retail price as a standard, with an annual review to reaffirm the appropriate level as the competitive market develops.

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
% of total revenue	10.6%	10.1%	9.1%	8.5%	8.2%

Friendly amendment to the amendment by Councilmember Goodman to: create a range from 8.1 to 8.5 in the fiscal year 2000, then fiscal year 2001 create a range from 6.6 as the staff had recommended, but the range being to 8.2,

Friendly amendment accepted by maker and seconder

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

Councilmember Reynolds withdrew main motion

Main motion withdrawn and with it dies the amendment

Motion to approve resolution modified by Councilmembers Slusher and Griffith's amendments on O&M and the General Fund transfer and adding an amendment on the conservation program as set out below: Alter #6 (Conservation Program), as follows: The City will reduce conservation spending by \$500,000 per year through FY 2001, as shown below. The City will evaluate conservation funding annually and adjust as warranted to achieve competitive pricing goals for its electric utility using the ERCOT average retail price as a standard. The City will also evaluate conservation programs on an ongoing basis to ensure that they are achieving maximum savings and effectiveness.

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Total Budget (\$ millions)	\$13.4	\$12.9	\$12.4	\$11.9	\$11.4

on, Councilmember Slusher's motion, Councilmember Griffith's second 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".

8. Amend Ordinance 960910-G, the 1996-97 operating budget, by decreasing the Electric Utility ending balance by \$2,227,500 and increasing the appropriation to the Electric Utility Operating Budget by \$2,227,500 to fund a management services contract with Metzler & Associates. (Recommended by Electric Utility Commission) **(Related to Item 9)**
Ordinance No. 961212-A approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 5-1-1 vote, Councilmember Mitchell "ABSTAINING", Councilmember Slusher voting "NO".
9. Approve negotiation and execution of a two year contract with METZLER & ASSOCIATES, Deerfield, Illinois, to provide management services for the Electric Utility Department, in an amount not to exceed \$5,940,000. (Funding is available in the 1996-97 operating budget of the Electric Utility Department; funding for the remainder of the contract is contingent upon available funding in future budgets.) Best proposal of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission) **[Related to Item 8]**
Approved a 12 month contract with Metzler & Associates, with a friendly amendment by Mayor Pro Tem Garcia to award contract but to be reviewed by SMBR on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 5-1-1 vote, Councilmember Mitchell "ABSTAINING", Councilmember Slusher voting "NO".
10. Amend Section 13-1-406 of the Land Development Code to establish a zoning postponement policy and waive Section 13-1-981 of the Austin City Code regarding the approval of amendments to the Land Development Code. (No fiscal impact.)
Ordinance No. 961212-L approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 6-1 vote, Councilmember Slusher voting "NO".

ORDINANCES

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3423 W. Slaughter Lane, Case No. C14-96-0080, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, with the provisions of the overlay to: (1) limit development to that which will generate less than 2,000 vehicle trips per day; and (2) limit future development to 15% impervious coverage; NINTH NCS REALTY CO. (Chuck Divelbiss), by Site Specifics (B.J. Cornelius).
First reading on November 21, 1996; Vote 6-0, Garcia absent. Conditions met as follows:
Conditional overlay incorporates conditions imposed by Council.
Ordinance No. 961212-B approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.
12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as W. William Cannon Dr. & Brush Country, Case No. C14-96-0105, from "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay, subject to the following: (1) limit development to LR, Neighborhood Commercial uses in addition to Car Wash, and increasing the capture volume to 0.9 inches; and (2) limit development to generate less than 2,000 vehicle trips per day; HARRIS BRANCH JOINT (William P. Resch), by Abbe/Garrett Engineering, Inc. (Michael

Simmons-Smith). First reading on October 31, 1996; Vote: 5-1, Slusher voting "No", and Goodman off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Ordinance No. 961212-C approved on, Mayor Pro Tem Garia's motion, Councilmember Reynolds' second, 5-2 vote, Councilmembers Goodman and Slusher voting "NO".

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9001 N. IH-35 Service Road NB, Case No. C14-96-0094, from "GR", Community Commercial to "CS-CO", General Commercial Services-Conditional Overlay, zoning subject to: (1) a maximum of 4,900 vehicle trips per day; and (2) prohibit the following uses - Agricultural Sales and Service, Kennels, Vehicle Storage, Campgrounds, Arts and Crafts Studio, Construction Sales and Services, Laundry Services, and Equipment Sales. NOTE: The applicant voluntarily agrees to retain the parking lot lighting during the evening hours; NORTH AUSTIN OFFICE, LTD. (Morris Friedman), by Paul M. Juarez, Attorney at Law (Ken Brown). First reading on October 24, 1996; Vote 6-0, Todd off the dais. Staff directed to write memo to Public Works asking them to look into traffic calming measures for the area and contact Mr. Hornsby with the association. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first ordinance reading and street deed has been executed. Note: The applicant has entered into a private restrictive covenant with the neighborhood that will contain the following conditions: (1) prohibit truck access to North Plaza; and (2) landscaping to be done on the six foot strip of land between the parking lot and along the frontage of North Plaza Drive utilizing trees such as Oak or Cedar Elm every 15 feet along with shrubs that are the size of a photenia. (CONTINUED FROM 11/21/96 - APPLICANT) Note: The applicant has requested indefinite postponement of this case.

Appliant has requested an indefinite postponement.

14. Authorize acceptance of \$656,745 in federal grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program; amend Ordinance 960910-G, the 1996-97 operating budget, by deleting two vacant grant funded full-time equivalent (FTE) positions in the Austin Police Department Special Revenue Fund. (A City match of \$72,470 is required and is available in the 1996-97 operating budget of the Austin Police Department.)

Ordinance No. 961212-D approved

15. Authorize acceptance of \$2,499.94 in grant funds from the U.S. Department of Veterans' Affairs to reimburse the cost of training eligible veterans as police officers; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating \$2,499.94 in grant funds for the Police Department Special Revenue Fund. (A City match is not required.)

Ordinance No. 961212-E approved

Items 14 and 15 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

16. Approve third reading of an ordinance renewing the term of the current local exchange telephone service franchises with SOUTHWESTERN BELL TELEPHONE CO. and TIME

WARNER COMMUNICATIONS, L.P., for a 110-day period and with GST LIGHTWAVE and CSW COMMUNICATIONS, INC., for a period of approximately 6 1/2 years. (\$2,400,000 in Franchise Fee Revenue is included in the 1996-97 budget for the Financial Services Department.) (Recommended by Telecommunications Commission)

Postponed one week to December 19, 1996

17. Adopt an ordinance annexing the Maple Run Municipal Utility District (MUD) area for full purposes. (Funding is available in the 1996-97 budget.) **[Related to Item 18]**
Ordinance No. 961212-F approved

RESOLUTIONS

18. Authorize giving official notice to Travis County Emergency Service Districts 4,5,6,9 and 11 of full purpose annexations by the City of Austin during calendar year 1996. (No fiscal impact.) **[Related to Item 17]**
Approved
19. Approve execution of a three year contract with TEXAS COMMERCE BANK, Austin, Texas, to provide banking services for the City of Austin for an estimated amount of \$902,141.25 with an option to renew for an additional two year extension in an estimated amount of \$601,427.50, for a total estimated contract amount not to exceed \$1,503,568.75. (This contract will be funded through Investment Pool Income.) Low bid of five. No M/WBE Subcontracting opportunities were identified.
Approved
20. Approve execution of a contract with SEFAC LIFT AND EQUIPMENT CORPORATION, Columbia, Maryland, for the purchase and installation of a freestanding truck lift, in the amount of \$56,800. (Funding was included in the 1995-96 Capital budget of the Fleet Services Division of the Financial and Administrative Services Department.) Low bid of two meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved
21. Approve execution of a twelve month service agreement with VIKING FENCE COMPANY, INC., Austin, Texas, to provide fencing and fencing services (purchase and installation, relocation, repair and materials for metal fences) primarily at Austin-Bergstrom International Airport, Robert Mueller Municipal Airport and other City locations, in an amount not to exceed \$61,000 with two twelve month extension options in amounts not to exceed \$36,000 per extension, for a total contract amount not to exceed \$133,000. (Funding in the amount of \$49,000 is available in the 1996-97 operating budget of the Aviation Department and \$12,000 is available in the 1996-97 operating budget of the Finance and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.
Approved
22. Approve execution of a twelve month service agreement with UNITEC ELEVATOR SERVICES COMPANY, Austin, Texas, to provide elevator maintenance services at Austin-Bergstrom

International Airport, in an amount not to exceed \$50,154 with two twelve month extension options in an amount not to exceed \$21,572 per extension, for a total contract amount not to exceed \$93,298. (Funding is available in the 1996-97 operating budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

Approved

23. Approve execution of a construction contract with GRIFFIN-AUSTIN COMPANY, INC., (WBE/FR), Manchaca, Texas, for construction of the Slaughter Lane Area III, Subsystem "M" Wastewater Line, Phase II-B project, in the amount of \$356,569. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of ten. 69.68% WBE Prime participation. 2.69% MBE, 3.98% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

24. Approve execution of a construction contract with CROUCH ELECTRIC, INC., Austin, Texas, for construction of the Green Water Treatment Plant Low Service Pump Station Electrical Renovations, in the amount of \$1,813,050. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of two. 15.80% MBE, 2.81% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

25. Authorize negotiation and execution of Amendment #1 to an existing Land Surveying Services Rotation List Agreement with the following six firms: MACIAS AND ASSOCIATES, INC., (MBE/MH), Austin, Texas; MCGRAY AND MCGRAY SURVEYORS, INC., (WBE/FR), Austin, Texas; SURVEY RESOURCES, INC., Austin, Texas; A. B. SURVEYING COMPANY, Austin, Texas; MARTINEZ AND WRIGHT ENGINEERS, INC., (MBE/MH), Austin, Texas; and CAPITAL SURVEYING COMPANY, INC., Austin, Texas; to provide professional land surveying services on a variety of Capital Improvement Projects for a period of approximately six months or until available funding is expended, increasing the agreement in the amount of \$150,000, for a total agreement amount not to exceed \$550,000. (Funding was included in the Capital budgets of various departments for which services are needed.) Macias and Associates, Inc.: 85% MBE Prime participation. 10% MBE, 5% WBE Subconsultant participation. McGray and McGray Land Surveyors, Inc.: 85% MBE Prime participation; 12.50% MBE, 2.0% WBE Subconsultant participation. Survey Resource, Inc.: 11% MBE, 7% WBE Subconsultant participation. AB Surveying Company: 10% MBE, 6% WBE Subconsultant participation. Martinez and Wright Engineers, Inc.: 81% MBE Prime Participation; 13% MBE, 6% WBE Subconsultant participation. Capital Surveying Company, Inc.: 10% MBE, 5% WBE Subconsultant participation. (Was not reviewed by the Water and Wastewater Commission)

Approved

26. Approve execution of a construction contract with NBS CONSTRUCTION, INC., Manor, Texas, for the reconstruction, overlay, and utility adjustments on San Jacinto from 26th Street to 30th Street, in the amount of \$567,816. (Funding in the amount of \$2,000 is available in the 1996-97 operating budget of the Drainage Utility. \$397,001 was included in the 1996-97 Capital budget of the Public Works and Transportation Department; \$500 was included in the 1992-93 Capital budget of the Water and Wastewater Utility; and \$168,315 was included in the 1991-92 Capital

budget of the Water Utility.) Low bid of five. .70% MBE, 26.24% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

Items 17 through 26 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

27. Approve execution of a twelve month service agreement with ENSCO, INC., Baton Rouge, Louisiana, to package, transport, and dispose of household hazardous waste collected at the Household Hazardous Waste Collection Facility, in an amount not to exceed \$174,891.44 with two twelve month extension options in an amount not to exceed \$174,891.44 per extension, for a total contract amount not to exceed \$524,674.32. (Funding in the amount of \$131,168.58 is available in the 1996-97 operating budget of the Solid Waste Services Department. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified.

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

28. Approve execution of Change Order #2 to the construction contract with D. GUERRA CONSTRUCTION COMPANY, INC., (MBE/MH), Austin, Texas, for re-routing, lowering and extending a wastewater line as part of the East St. Elmo Wastewater Services, Phase II project, increasing the contract in the amount of \$90,996.87, for a total contract amount of \$763,106.62. (Funding in the amount of \$84,216.87 was included in the 1991-92 Capital budget of the Solid Waste Services Department; \$6,780 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) 60.60% MBE Prime participation. 4.95% MBE, 12.86% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

29. Approve execution of a twelve month supply agreement with MUELLER COMPANY, San Antonio, Texas, for the purchase of butterfly and gate valves of various sizes used to control the flow of water in water mains by the Water and Wastewater Utility, in an amount not to exceed \$61,716.49 with two twelve month extension options in an amount not to exceed \$61,716.49 per extension, for a total contract amount not to exceed \$185,149.47. (Funding is available in the Inventory Fund 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 three. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

30. Authorize the negotiation and execution of a Community Facilities Contract with NORTH SHOAL CREEK ESTATES, LTD., to affect the construction of a multi-objective stormwater management pond, with the City's cost participation not to exceed \$203,000. (Funding in the amount of \$120,000 was included in the 1996-97 Capital Budget of the Drainage Utility Department; \$83,000 was included in 1992-93 Amended Capital Budget.) [Recommended by Environmental Board]

Ordinance No. 961212-G approved

31. Approve an Interlocal Cooperation Agreement between the City of Austin, Travis County and the Austin/Travis County Mental Health-Mental Retardation Center for the period January 1, 1997 through December 31, 1997, in an amount not to exceed \$1,125,147. (Funding in the amount of \$1,031,385 is available in the 1996-97 operating budget of the Health and Human Services Department; funding for the remainder is contingent upon funding in the 1997-98 budget.) [Recommended by Community Action Network Resource Council]

Approved

32. Approve an Interlocal Cooperation Agreement with Travis County to fund and administer social services contracts for the period January 1, 1997, through December 31, 1997, in an amount not to exceed \$5,772,207. (Funding in the amount of \$5,460,042 is available in the 1996-97 operating budget of the Health and Human Services Department.) [Recommended by Community Action Network Resource Council]

Approved

33. Approve negotiation and execution of a Master License Agreement with NOVELL, INC., Orem, Utah, for the purchase of maintenance support for existing Novell software products in various City departments, in an amount not to exceed \$99,482. (Funding is available in the 1996-97 operating budgets of various departments, funding in the amount of \$1,148 was included in the 1994-95 and funding in the amount of \$8,835 was included in the 1995-96 Capital budget of the Fleet Services Division of the Financial Services Department.)

Approved

Items 28 through 33 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

34. Release approximately 2,613 acres of Austin's Extra-territorial jurisdiction (ETJ) to the City of Lakeway and authorize the execution of an Interlocal Agreement with the City of Lakeway. (No fiscal impact.)

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

35. Approve an amendment to the 1996-97 Community Development Program and revisions to the Consolidated Plan to reallocate \$180,000 from the Neighborhood Commercial Management Program (NCMP) and establish a Small Minority Business Assistance Program (SMBA). (Funding is available in the Special Revenue Fund of the Neighborhood Housing and Community Development Office 22nd Year Community Development Block Grant (CDBG) Neighborhood Commercial Management Program (NCMP). [Recommended by Community Development Commission]

Approved

36. Authorize the negotiation and execution of a \$300,000 grant of Community Development Block Grant (CDBG) funds to the Austin Revitalization Authority (ARA) for Phase I and II rehabilitation of 1101 East 11th Street (Shorty's Bar) for the purpose of restoring and preserving the property for historic reasons; and limiting the cost of Phase I renovation activities (architectural and engineering services, site work, security fencing, demolition and improvements of the exterior of the structure) to \$180,041 of the \$300,000 in funds provided. (Funding is available in the

1996-97 operating budget Special Revenue Fund of the Neighborhood Housing and Community Development Office, 21st Year Community Development Block Grant (CDBG) East 11th and 12th Street Revitalization program.) [Related to Item 37]

Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0-1 vote, Councilmember Slusher "ABSTAINING".

37. Authorize negotiation and execution of a contract of sale and deed to transfer ownership of Shorty's Bar, located at 1101 East 11th Street to the Austin Revitalization Authority (ARA) for the public purpose of restoring and preserving the property for historic reasons in accordance with the City's Community Development Program and Chapter 373 of the Texas Local Government Code. (No fiscal impact.) [Related to Item 36]

Approved on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0-1 vote, Councilmember Slusher "ABSTAINING".

38. Approve an amendment to the License Agreement with Austin Aqua Festival. (Deferred payments were not included in the 1996-97 approved budget, therefore this action will have no unanticipated fiscal impact.) [To be reviewed by Parks Board on December 10, 1996.] (Was not recommended by Parks Board. Vote: 3-4-1)

Motion to approve extension of deferred payment to January 15, 1997 on, Councilmember Reynolds' motion, Mayor Todd's second, 7-0 vote.

39. Set a public hearing pursuant to Texas Local Government Code, Chapter 395, to consider approval of proposed update to Impact Fee CIP and Land Use Assumptions; amendment of Impact Fee Service Area and Water and Wastewater Service Area; and consider amendments to Chapter 13-3A, Land Development Code, approving and incorporating the amended Impact Fee CIP and Land Use Assumptions. (No fiscal impact.) [Suggested date and time: January 16, 1997 at 4:30 P.M.]

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

ITEMS FROM COUNCIL

40. Direct the City Manager to place a moratorium on the receipt of any additional applications for funding in connection with any program managed by the City's Neighborhood Housing and Community Development Office until further directed by the City Council. (Mayor Pro Tem Gus Garcia and Councilmember Eric Mitchell) [Related to Item 45]

Approve moratorium until January 7, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Mayor Todd off the dais.

41. Direct the City Manager to undertake a zoning and land use study of the area bounded by IH 35, Airport Boulevard, and Town Lake relating to land zoned Limited Industrial, Commercial General Services, and Commercial-Liquor Sales, and to report the results to the Planning Commission and City Council within three months. (Mayor Pro Tem Gus Garcia)

Approved

42. Approve an ordinance prohibiting acceptance of development applications on land zoned Limited Industrial, Commercial General Services, and Commercial-Liquor Sales within the area bounded by IH 35, Airport Boulevard, and Town Lake for a period of 45 days. (Mayor Pro Tem

Gus Garcia)
Ordinance 961212-P approved

Items 41 and 42 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

43. Direct the City Manager to prepare an ordinance for review by the City Council on January 9, 1997, establishing procedures and criteria for accepting development permit applications for land within the area bounded by IH 35, Airport Boulevard, and Town Lake zoned Limited Industrial, Commercial General Services, and Commercial-Liquor Sales, pending completion of a zoning and land use study of the area and the implementation of actions based on that study.
(Mayor Pro Tem Gus Garcia)

No action taken

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

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 44-46 are to be considered by the Austin Housing Finance Corporation's Board of Directors.

44. Authorize the remaining 10 months of the 1996-97 budget for the Austin Housing Finance Corporation.
45. Direct the General Manager to place a moratorium on the receipt of any additional applications for funding in connection with any program managed by the Austin Housing Finance Corporation until further directed by the Board of Directors. (Board Members Gus Garcia and Eric Mitchell)
[Related to Item 40]

EXECUTIVE SESSION - (No Public Discussion on These Items)

Executive session held at 12:39 p.m. to 2:10 p.m. on items 63 through 70.

The Austin Housing Finance Corporation 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 Austin Housing Finance Corporation may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Advice of Counsel - Section 551.071

46. Discuss liability of Austin Housing Finance Corporation for third party transactions.

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

47. C14H-76-017 - MCANGUS BUILDING, FORMERLY CHICAGO HOUSE, by Mary Jo Beeson, 607 Trinity Street. From CBD to CBD-H. Planning Commission Recommendation: To Grant CBD-H, Central Business District-Historic zoning based on designation criteria items (1), (2), (6), (8), (12) & (13).

Ordinance No. 961212-H approved

48. C14H-96-003 - BARTHOLOMEW-ROBINSON HOUSE, by Texas Osteopathic Medical Association (Terry Boucher), 1415 Lavaca. From DMU to DMU-H. Planning Commission Recommendation: To Grant DMU-H, Downtown Mixed Use-Historic zoning based on designation criteria items (1), (3), (5), (6), (7), (8), (9), (11), (12) & (13).

Ordinance No. 961212-I approved

Items 47 and 48 approved on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

49. C14-96-0108 - MICHAEL & SALEEM MEMON, by Ashraf & Associates (Ashraf Mohammad), W. Stassney Lane and Gobi Drive. From SF-3 to LR. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay for Tracts 1 and 2, subject to: (1) limit development to that which generates less than 2,000 vehicle trips per day; (2) no vehicular curb cut on Gobi Drive, but allows for pedestrian access; and (3) require a 25 foot landscape buffer adjacent to Gobi Drive and the adjacent duplex properties.

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

Approve first reading only on, Councilmember Goodman's motion, Councilmember Griffith's second, 7-0 vote.

50. C14-96-0122 - GLENN & REBECCA F. VAN SHELLENBECK, 12410 North Lamar Boulevard. From LR to GR. Planning Commission Recommendation: To Grant GR, Community Commercial zoning subject to the following conditions: (1) limited to LR, Neighborhood Commercial height limitations; and (2) prohibit following uses - Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Restaurant (drive-in, fast food), Theater, Community Recreation (private), Community Recreation (public), and Restaurant (general), (these uses as listed in letter from River Oaks Neighborhood Association dated, November 14, 1996).

Approved first reading only

51. C14-96-0125 - LOUISE & H. R. KEELING, by Crocker Consultants (Sarah Crocker), Burleson Road. From SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day.

Ordinance No. 961212-J approved

52. C14R-85-269(DE) - RIDGE INVESTORS, LTD. (Darren Casey), By: Paul M. Juarez,

15001-15299 IH 35 North, Northbound and 15000-15220 F.M. 1825 Road. Existing zoning is CS, General Commercial Services district. Request for deletion of a zoning site plan for Three Points Common, retail center. Planning Commission Recommendation: Approved.

Approved first reading only

Items 50 through 52 approved on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

PUBLIC HEARINGS

53. 4:30 P.M. - Public hearing on the Austin Downtown Public Improvement District (PID) 1997 assessments; consideration of the assessment roll and of the levy.
Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Goodman's second, 7-0 vote.
54. 5:30 P.M. - Public hearing on Onion Creek Floodplain. (Councilmember Daryl Slusher)
Public hearing held, no action taken.
55. 6:30 P.M. - Public hearing on proposed changes to: (1) the Electric Utility Rate Ordinance, (2) the Utility Service Regulations, (3) the Electric Service Connection Fee Ordinance, and (4) the Utilities Criteria Manual as required by the Public Utility Regulatory Act and the ratesetting process approved by City Council on October 9, 1996.
Motion to close public hearing on, Councilmember Goodman, Mayor Pro Tem Garcia's second, 7-0 vote.

ACTION ON PUBLIC HEARINGS

56. Approve the assessment roll and levy for the Austin Downtown Public Improvement District (PID) 1997 assessments. (The proposed 1997 assessment rate at \$0.10/\$100 valuation is estimated to produce \$695,680 at a 96% collection rate.)
Approved
57. Amend Ordinance 960910-G, the 1996-97 operating budget, by increasing revenue and appropriations for the Planning, Environmental and Conservation Services Special Revenue Fund for the Austin Downtown Public Improvement District by \$887,490. (Funding is available through \$695,680 in 1997 assessments (at a 96% collection rate); \$66,810 in prior year revenue (\$33,605 from interest accrued in the PID Account; \$540 from Delinquent Account Interest; \$32,665 from unappropriated prior year collections); \$100,000 City of Austin Annual Contribution (\$33,334 from General Fund, \$33,333 from Austin Convention Center Fund, and \$33,333 from Water and Wastewater Utility Fund); and \$25,000 Capital Metro Annual Contribution, and possible adjustment, after the assessment roll public hearing.)
Ordinance No. 961212-K approved
58. Approve an amendment to the management contract with the DOWNTOWN AUSTIN

ALLIANCE (DAA) (formerly the Austin DMO, Inc.) for the Austin Downtown Public Improvement District (PID) to provide in-depth services and increase the amount of the contract to the available revenue in 1997-98 or \$887,490 whichever is less. (The Downtown Austin Alliance (DAA) submitted a 1997-98 budget for the Austin Downtown Public Improvement District (PID) in the amount of \$887,490. This will be funded through \$695,680 in 1997 assessments (at a 96% collection rate); \$66,810 in prior year revenue (\$33,605 from interest accrued in the PID Account; \$540 from Delinquent Account interest; \$32,665 from unappropriated collections); \$100,000 City of Austin Annual Contribution (\$33,334 from the 1996-97 General Fund; \$33,333 from the Austin Convention Center Fund, and \$33,333 from the Water and Wastewater Utility Fund); and \$25,000 from Capital Metro Annual Contribution, and possible adjustment, after the assessment roll public hearing.)

Approved

Items 56 through 58 approved, on Councilmember Reynolds' motion, Councilmember Goodman's second, 7-0 vote.

59. Amend Chapter 18-4 of the City Code by amending the Utility Service Regulations. (No fiscal impact.)

Ordinance No. 961212-O approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

60. Repeal Ordinance 850620-J which established charges for electric service connections (hook-up fees). (Elimination of fees will reduce CIP contribution in aid of construction by approximately \$3-4 million per year. The approved 1996-97 Capital budget anticipated elimination of these fees prior to the beginning of the new fiscal year.)

Ordinance No. 961212-M approved on, Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 7-0 vote.

61. Repeal Ordinance 940916-A, Electric Rate Ordinance, and approve new and amended electric utility rates and tariffs. (This will decrease annual sales revenue by \$4.2 million. The impact on 1996-97 sales revenue is approximately \$3.2 million.)

Motion to postpone to June 1, 1997 on, Councilmember Slusher's motion, Councilmember Griffith's second, 3-4 vote, Mayor Todd, Councilmember Goodman, Mitchell and Reynolds voting "NO".

Motion to call the question on, Mayor Pro Tem Garcia's motion, 2-4 vote, Mayor Todd, Councilmembers Goodman, Griffith and Reynolds voting "NO", Councilmember Mitchell off the dais.

Motion fails to call the question.

Main motion fails on 3-4 vote, Mayor Todd, Councilmembers Reynolds, Mitchell, and Goodman voting "NO"

Motion to postpone to December 19, 1996 on, Councilmember Goodman's motion, Councilmember Mitchell's second, 5-1-1 vote, Mayor Todd voting "NO, Councilmember Slusher "ABSTAINING".

62. Amend the Utilities Criteria Manual regarding provision of electric service to customers. (This will reduce annual CIP contributions in aid of construction and CIP expenses by approximately \$2 million. The impact on 1996-97 is approximately \$1.5 million.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher'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

63. Discuss City of Austin v. Sandra Dee Parham, Cause No. 91-7314, Travis County District Court.
64. Discuss Elvira Mendoza v. City of Austin; Cause No. 94-09998, Travis County District Court.
65. Discuss Gutierrez et al v. Mobil Oil Corporation et al., CA No. 92-0489, Travis County District Court.

Real Estate Acquisition - Section 551.072

66. Discuss agreements to acquire lots owned by the University of Texas in the Blackland Neighborhood and to subsequently convey the lots to the Blackland Community Development Corporation (BCDC).

Real Estate - Section 551.072

67. Discuss negotiations for lease of real property for the State Pooling Board and Texas National Guard and acquisition of current State Pooling Board site.

ACTION ON EXECUTIVE SESSION ITEMS

68. Authorize settlement of City of Austin v. Sandra Dee Parham, Cause No. 91-7314, Travis County District Court.
Approved in the amount of \$55,000
69. Authorize settlement of Elvira Mendoza v. City of Austin; Cause No. 91-7314, Travis County District Court.
Approved in the amount of \$55,000

Items 68 and 69 approved on, Mayor Pro Tem Garcia's motion Councilmember Reynolds' second, 7-0 vote.

70. Authorize negotiation and execution of agreements to acquire lots owned by the University of Texas in the Blackland Neighborhood and to subsequently convey the lots to the Blackland Community Development Corporation (BCDC).
Approved on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 7-0 vote.

71. APPOINTMENTS

AIRPORT ADVISORY BOARD - DIANE SOLIS.

CITIZENS' PLANNING IMPLEMENTATION COMMITTEE - KERRY TATE.

CONSTRUCTION ADVISORY COMMITTEE - JOHN ARMSTRONG.

DOWNTOWN COMMISSION - DR. EDWARD BALDWIN, BILL MULLANE, STAN HAAS.

EMPLOYEE'S RETIREMENT SYSTEM BOARD OF TRUSTEES - EDWIN GOLDEN,

ELIZABETH GONZALES.

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

ADJOURNED at 10:45 p.m.

Approved on this the 19th day of December, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.