



Austin City Council MINUTES

October 19, 1995 - 1:00 P.M.

Mayor Pro Tem Garcia called the meeting to order, noting the absence of Mayor Todd.

1. Approval of Minutes for Special Called Meetings of October 4 and 19, 1995, and Regular Meeting of October 5, 1995.
Approved on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote, Mayor Todd absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Barbara Rush, to discuss employee relations.
Absent
3. Ms. Carol Guthrie, to discuss employee relations.
4. Mr. Gus Pena, to request housing for homeless in East Austin, discuss revitalization of the economy and juvenile crime in East Austin.
Absent
5. Mr. John Johnson, to discuss police harassment, beatings and giving false testimony to get convictions on people the police don't like.
6. Mr. Richard Troxell, encourage Council to immediately create a drug and alcohol detoxification, job training and placement program to assist Austin's homeless adults work their way off of our streets.
Absent
7. Mr. Jimmy A. Castro, to discuss NAFTA Superhighway.
8. Mr. George Humphrey, to discuss zoning and tax issues.
9. Mr. Horace E. Willis, to discuss neighborhood concerns.
10. Mrs. Bob Ryland, to discuss library cuts.

ORDINANCES

11. Approve third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 1200 to 1300 West Slaughter Lane, Case No. C14-95-0092, From "DR", Development Reserve to "SF-1", Single Family Residence (large lot); SUE ANN MEYER, MARTIN E. & ROSA H. COX, by Carlson Engineering (Terry Reynolds). First reading on August 24, 1995; Vote 5-0-1, Todd absent and Mitchell abstaining. Second reading on September 14, 1995; Vote 4-0-1, Todd and Shea absent and

Mitchell abstaining.

Ordinance No. 951019-A approved on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

12. Approve third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as Southwest Parkway and Wier Hills Road, Case No. C14-94-0144, From P and I-RR to SF-2. FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust). First reading on September 14, 1995; Vote 4-1-2, Goodman against and Todd and Shea absent. Second reading on October 5, 1995; Vote 4-3, Goodman, Shea and Nofziger against. Note: The recommendation to dedicate up to 30 feet of right-of-way from the centerline of Wier Hills Road was withdrawn by Staff and deleted by the City Council at the first reading of the ordinance.
Postponed to November 2, 1995

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 9218 1/2 E. U.S. Hwy. 290., Case No. C14-95-0073, From DR to LO. MICHAEL JOSEPH, First reading on October 5, 1995; Vote 7-0. Note: The request for SF-1 zoning east of Buttercup Creek was withdrawn by the applicant at first reading. The applicant and the adjacent neighborhood have agreed to a private restrictive covenant that will be executed prior to third reading.
Approve second reading only on, Councilmember Shea's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5638 West U.S. Hwy. 290, Case No. C14-95-0090, from "DR", Development Reserve to "GR-CO", Community Commercial-Conditional Overlay, zoning subject to a maximum height of 28 feet, limiting development intensity to a level that will generate less than 2,000 vehicle trips per day, and prohibiting the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (All types), Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Financial Services, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Sports and Recreation (Conditional), Pawn Shop, Pet Services, Research Services, Restaurant (Drive-In/Fast Food, Limited, and General), Service Station, Theater, Club or Lodge (Conditional), Communication Services Facilities, College or University, Community Recreation (Private and Public), Counseling Services, Day Care Services (Limited, General, and Commercial), Hospital Services (Limited and General

(Conditional), Local Utility Services, Off-Site Accessory Parking, Private Primary and Secondary Educational Facilities, Public Primary and Secondary, Educational Facilities, and Safety Services, CHARLIE GOODNIGHT, by Michael Foster. First reading on September 7, 1995; Vote 7-0. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. (note: there is a restrictive covenant between the applicant and the neighborhood group which further limits the use of the property)

Ordinance No. 951019-B approved

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12900 N. U.S. Hwy. 183, Case No. C14-95-0036, from "DR", Development Reserve and "GR", Community Commercial to "GR", Community Commercial zoning for that portion of the site zoned DR, Development Reserve and maintain the existing GR zoning for the remainder of the tract, JOHN P. NIEMAN, by Site Specifics (Bobbie Jo Cornelius). First reading on September 7, 1995; Vote 7-0. Conditions met as follows: a restrictive covenant incorporates conditions imposed by Council.

Ordinance No. 951019-C approved

16. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Metric Boulevard and W. Parmer Lane, Case No. C14-95-0015, from "NO", Neighborhood Office to "GR-CO", Community Commercial-Conditional Overlay with the provision of the overlay to prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade Schools, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (general), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Pet Services, Research Services, Restaurant (general), Theater, Community Recreation (private), Community Recreation (public), Hospital Services (limited), Hospital Services (general), and the construction of any use which provides a Drive-Through Lane for vehicular traffic, MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on July 27, 1995; Vote 5-0, Mitchell and Nofziger off the dais. The staff and applicant requests inclusion of the recommendation of the January 1994 Traffic Impact Analysis (T.I.A.) which requires posting of fiscal for roadway improvements and limiting development to a level outlined in the T.I.A.

Approve second reading only

17. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10415 to 10447 Morado Circle and 10830 Jollyville Road, Case No. C14-95-0042, from "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay to "LO-CO", Limited Office-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) prohibit Medical Offices; (2) limit the development of the tract to 180,000 square feet or 0.34 Floor to Area Ratio; (3) provide for striping improvements for the northbound approach to Morado Circle; and (4) limit impervious cover to 60%, CRESCENT REAL ESTATE (Randy Chappel), by Faison Store, Inc. (Will Wynn). First reading on May 25, 1995; Vote 5-0, Mitchell absent and Garcia off the dais. The applicant has requested an increase in the allowable floor area on the site to 198,000 square feet. Staff requests the deletion of the previous condition to provide striping improvements on Morado Circle, because the improvements are already in place.
Approve second reading only
18. Approve changing the street name of the entire length of LOQUERCIO LANE (from the intersection of Loquercio Lane and Hunstville Drive southerly to the end of the right-of-way, approximately 412') to RIATA TRACE PARKWAY. (Processing and street sign fees paid by the requester.)
Ordinance No. 951019-D approved
19. Authorize acceptance of \$26,016 in additional grant funds from the Texas Department of Health for the Refugee Health Screening grant program; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating an additional \$26,016 in grant funds for the Health and Human Services Department Special Revenue fund, for a total grant amount of \$81,016; authorize an additional .25 portion of a grant funded full-time equivalent (FTE) position.
Ordinance No. 951019-E approved
20. Authorize the redemption and defeasance of certain outstanding General Obligation Bonds, in the amount of \$28,175,000; approving execution and delivery of an Escrow Agreement in connection therewith. (Funding is available from the Hospital Fund.)
Ordinance No. 951019-F approved
- Items 14 through 20 approved on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.**
21. Amend Sections 8-16-2, 8-16-4, 8-16-5, and 8-16-6 of the Austin City Code concerning the registration of lobbyists. (No fiscal impact.) [Recommended by Ethics Commission]
Approve first reading only and item to go back to Ethics

Commission on, Councilmember Shea's motion, Councilmember Nofziger's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

Second reading next meeting.

22. Authorize acceptance of an Intermodal Surface Transportation Efficiency Act (ISTEA) grant in the amount of \$542,244.80 from the Texas Department of Transportation for the Saltillo Plaza Improvements Project; Amend Ordinance 950911-B, the 1995-96 Capital budget of the Public Works and Transportation Department, by appropriating \$542,244.80 to a new ISTEA Saltillo Plaza Project. (City's match funds in the amount of \$135,561.20 was included in the following Capital budgets: \$24,923.20 in the 1994-95 Capital budget of the Public Works and Transportation Department Saltillo Plaza Sidewalk Improvements Project, \$10,000 in the 1993-94 Amended Capital budget of the Public Works and Transportation Department Neighborhood Sidewalk Improvements Project, \$25,000 in the 1994-95 Capital budget of the Electric Utility Department Street Illumination Project, and \$74,362 in the 1994-95 Capital budget of the Public Works and Transportation Department Build Austin Program (Capital Metro funded project). The State document processing fee in the amount of \$583.60 is available in the 1995-96 operating budget of the Public Works and Transportation Department.) [Recommended by Planning Commission] (Related to Item 23)
Ordinance No. 951019-G approved

RESOLUTIONS

23. Approve execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the Saltillo Plaza Improvements Project, in an amount not to exceed \$677,806. [Funding in the amount of \$542,244.80 was included in the 1995-96 Amended Capital budget of the Public Works and Transportation Department; \$24,923.20 was included in the 1994-95 Capital budget of the Public Works and Transportation Department (Saltillo Plaza Sidewalk Improvements Program); \$10,000 was included in the 1993-94 Amended Capital budget of the Public Works and Transportation Department (Neighborhood Sidewalk Improvements Program); \$25,000 was included in the 1994-95 Capital budget of the Electric Utility Department (Street Illumination Program); and \$74,362 was included in the 1994-95 Capital budget of the Public Works and Transportation Department Build Austin Program (Capital Metro Funded Project). The State document processing fee in the amount of \$583.60 is available in the 1995-96 operating budget of the Public Works and Transportation Department.] (Related to Item 22)
Approved

24. Authorize execution of an amendment to the existing contract with the TEXAS DEPARTMENT OF HUMAN SERVICES (TDHS) for continuation caseworker services at the Health and Human Services Department, Federally Qualified Health Center (FQHC) clinics, in an amount not to exceed \$90,942.48 for the period of October 1, 1995 thru September 30, 1996, with three (3) additional extension options in an amount not to exceed \$90,942.48 per extension, for a total amount not to exceed \$363,769.92. (Funding is available in the 1995-96 operating budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.)

Approved

25. Approve an agreement between the City and Bergstrom/Austin Community Council to use sections of Austin-Bergstrom International Airport, to stage AEROFEST 1995, a military open house featuring aerobatics by the U.S. Navy "Blue Angels", on October 28 and 29, 1995 and authorize the use twenty-five (25) off-duty, Austin-area law enforcement officers to control AEROFEST vehicular traffic, in the amount of \$18,000. (Funding is available in the 1995-96 operating budget of the Aviation Department. The City will receive 33 1/3% of net revenues in excess of \$100,000 to support the Aviation Department's Good Neighborhood/Adopt-A-School Programs. Bergstrom/Austin Community Council has estimated the City's share of net revenues will be approximately \$65,000.) [Reviewed by Airport Advisory Board]

Approved

Items 22 through 25 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

26. Authorize an Interlocal Agreement with Travis County Emergency Services District Number 4 for the continued provision of First Responder Fire and EMS Services to the Emma Long Metropolitan Park Area for an initial term of two (2) years and a renewal term of one (1) additional two (2) year period. (The \$250 annual fee is available in the 1995-96 operating budget of the Austin Fire Department.)

Approved on Councilmember Shea's motion, Councilmember Goodman's second, 4-0-2 vote, Councilmembers Goodman and Mitchell abstaining, Mayor Todd absent.

27. Authorize Interlocal Agreements for Mutual Aid in Fire Protection for a term of five (5) years with the following Fire Departments: Pedernales Volunteer Fire Department, Inc., and Travis County Rural Fire Prevention District No. 12; Lago Vista Volunteer Fire Department, Inc., and Travis County Emergency Services District No. 1; Travis County Emergency Services District No. 2; Oak Hill Volunteer Fire Department, Inc., and Travis County Emergency

Services District No. 3; Manchaca Volunteer Fire Department, Inc., and Travis County Emergency Services District No. 5; North Shore Fire and Rescue of Lake Travis, Inc. and Travis County Emergency Services District No. 7; and Sandy Creek Volunteer Fire Department, Inc., and Travis County Emergency Services District No. 7. (No fiscal impact.)

Approved on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

28. Authorize the negotiation and execution of an Interlocal Agreement with the City of Round Rock to provide construction management services for the Brushy Creek Regional Wastewater Treatment Plant, in the amount of \$114,740. (Funding to be paid by the City of Round Rock to offset Project Management costs budgeted by the City of Austin to be covered by the Capital budget.) [Recommended by Water and Wastewater Commission]

Approved on, Councilmember Shea's motion, Councilmember Goodman's second, 4-0-2 vote, Councilmembers Shea and Mitchell abstaining, Mayor Todd absent.

29. Approve a construction contract award to ENVIRONMENTAL CONTRACTORS, INC., Austin, Texas, for demolition and asbestos remediation services for four (4) City-owned duplexes located at 4709, 4711, 4713 and 4723 Teewood Drive in the Creek Bend Subdivision, in the amount of \$54,000. (Funding was included in the 1995-96 Capital budget of the Drainage Utility.) Low bid of six (6). 10% MBE, 5% WBE Subcontractor participation.

Approved

30. Approve a temporary street closure application from ST. MARTIN'S LUTHERAN SCHOOL for temporary closure, on October 20, 1995 (from 5:00 p.m. to 8:00 p.m.), of the 1500 block of Rio Grande Street for a school carnival. (The \$50 street closure fee to be paid by the applicant.)

Approved

31. Approve a temporary street closure application from the WESTBANK LIBRARY for temporary closure, on October 29, 1995 (from 7:30 a.m. to 9:30 a.m.), of the 400 block of Sterzing Street to create a start/finish line for a 5K run. (The \$50 street closure fee to be paid by the applicant.)

Approved

32. Approve a temporary street closure application from the KAPPA ALPHA FRATERNITY for temporary closure, on October 21, 1995 (from 4:00 p.m. to 2:30 a.m.), of the 2500 block of Leon Street for a "Jerry Jeff Walker Show". (The \$50 street closure fee to be paid by the applicant.)

Approved

33. Approve the selection of ESPEY, HUSTON & ASSOCIATES, INC., Austin, Texas, for Phase I (preliminary) engineering services for the Northwest A Pressure Zone Water System and Martin Hill Area Water System Improvements Project, in the estimated amount of \$210,000. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Best qualification statement of nine (9). 10.5% MBE, 12% WBE Subconsultant Participation. (Recommended by Water and Wastewater Commission)
Approved

34. Approve the conveyance of 0.593 acres of City of Austin owned railroad right-of-way to CAPITOL AGGREGATES, INC., Austin, Texas, in exchange for a 0.953 acre access and public utility easement. (No fiscal impact.) [Recommended by Water and Wastewater Commission]
Approved

35. Approve a construction contract award to CIRCLE T CONSTRUCTION (MBE/MH), Austin, Texas, to provide wastewater services for the Brodie Lane South Wastewater Improvements Project (Phase I), in the amount of \$154,914.80. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of four (4). 9.68% MBE, 7.04% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved

Items 29 through 35 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

36. Approve negotiation and execution of a twelve (12) month agreement with the COLORADO RIVER WATCH FOUNDATION, INC., Austin, Texas, to provide a water quality monitoring and training program for junior and senior high school students, in an amount not to exceed \$78,000. (Funding in the amount of \$25,000 is available in the 1995-96 operating budget of Environmental and Conservation Services Department; \$25,000 is available in the 1995-96 operating budget of the Electric Utility; and \$28,000 is available in the 1995-96 operating budget of the Water and Wastewater Utility.) Sole Source. 0% MBE, 1.7% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-2 vote, Councilmembers Goodman and Mitchell abstaining.

37. Authorize negotiation and execution of Amendment No. 1 to the Professional Services Agreement with EMCON, INC., Austin, Texas, for Phase II remediation design services and Phase III remediation administration services for the Springdale Park Environmental Remediation Project, in the estimated amount of \$89,000, for a

total amount of \$164,000. (Funding is available in the 1995-96 Capital budget of the Solid Waste Services Department.) 18.25% MBE, 0% WBE Subconsultant participation.
Approved

38. Approve execution of a twelve (12) month supply agreement with CENTEX MATERIALS, INC., Austin, Texas, for the purchase of washed manufactured sand used in various construction, repair and landscaping projects by the Water and Wastewater Utility, Parks and Recreation Department, Electric Utility and Public Works Department, in an amount not to exceed \$67,440 with the option to extend for two (2) twelve (12) month periods in an amount not to exceed \$67,440 per extension, for a total amount not to exceed \$202,320. (Funding is available in the 1995-96 operating budgets for the Water and Wastewater Utility (\$38,440), Electric Utility (\$18,883.20), Public Works Department (\$6,744) and the Parks and Recreation Department (\$3,372). Funding for the extension options is contingent upon available funding in future Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved

39. Approve execution of a twelve (12) month service agreement with AMERICAN GRAFFITI, Austin, Texas, for graffiti removal services at City facilities, in an amount not to exceed \$59,000 with two (2) twelve (12) month extension options in an amount not to exceed \$59,000 per extension, for a total amount not to exceed \$177,000. (Funding in the amount of \$18,000 is available in the 1995-96 operating budget of the Finance and Administrative Services, Building Services Division and \$41,000 is available in the 1995-96 operating budget of the Parks and Recreation Department.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
Approved

40. Authorize a second amendment to the professional services agreement with COLETTE HOLT & ASSOCIATES, Chicago, Illinois, for additional services in connection with the Disparity Study Ordinance and the general fund portion of rule-making and for program implementation assistance during fiscal year 1995-96, in an amount not to exceed \$86,000, for a total amount not to exceed \$156,000. (Funding in the amount of \$36,000 is available in the 1995-96 operating budget of the Law Department. Funding in the amount of \$50,000 is available in the 1995-96 operating budget of the Small and Minority Business Resources.)
Approved

Items 37 through 40 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

Motion to recess on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote.

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

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 41-42 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

41. Approve the minutes of August 17, September 14, and September 28, 1995 meetings.
42. Authorize a contract with Gene Johnson Builder, Inc., Austin, Texas, for the construction of fourteen (14) single family homes in Scattered Cooperative Infill Housing Program (SCIP) 3, for a total amount not to exceed \$825,000. (Funding is available in the Austin Housing Finance Corporation's budget, SCIP 3 program.) [Recommended by Housing Subcommittee]

ITEMS FROM COUNCIL

43. Approve a resolution appointing Mayor Bruce Todd to the Balcones Canyonlands Coordinating Committee. (Mayor Pro Tem Gus Garcia)
Approved on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.
44. Approve a resolution supporting the I-35 Corridor Coalition and the designation of I-35 as a NAFTA Superhighway. (Mayor Pro Tem Gus Garcia)
Motion to reconsider to allow a citizen to speak on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

Motion to approve with friendly amendment by Councilmember Nofziger to add in the now therefore section of the resolution, that the City Council supports the designation of IH-35, including the proposed MOKAN section, as a NAFTA super highway.

Friendly amendment accepted.

Friendly amendment by Mayor Pro Tem Garcia to add a provision to encourage the State of Texas to enforce appropriate weight limits that are applicable to all trucks that move on the highway.

Friendly amendment accepted.

Motion to approve resolution with prior amendments on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

45. Direct the City Manager to participate in a comprehensive financial management evaluation of city operations, beginning with public works and related infrastructure. (Councilmembers Brigid Shea and Jackie Goodman, and Mayor Pro Tem Gus Garcia)
Motion to postpone to November 2, 1995 on, Councilmember Shea's motion, Councilmember Goodman's second 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

46. Approve a resolution supporting affirmative action programs. (Mayor Pro Tem Gus Garcia and Councilmember Eric Mitchell)
Motion made to approve by Mayor Pro Tem Garcia, Councilmember Goodman's second.

Councilmember Goodman withdrew the second, motion is seconded by Councilmember Nofziger instead of Goodman.

Friendly amendment by Councilmember Nofziger to quantify the level of support that we currently do by asking the City Manager to come up with a number of our financial support for affirmative action programs."

Friendly amendment accepted, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

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

47. C14-95-0101 - NATIONS BANK OF TEXAS (Gonzalo Gonzales), by Crocker Consulting (Sarah Crocker), 68 to 74 East Avenue. From SF-3 to GR. Planning Commission Recommendation: Forward to Council with no recommendation. A petition of 23.96% has been filed in opposition to this request that will require an affirmative vote of three-fourths (3/4) the members of Council to approve the applicant's request.
Postponed November 2, 1995 on, Councilmember Goodman's motion, Councilmember Nofziger's second 6-0 vote, Mayor Todd absent.
48. C14-95-0099 - AAW LIMITED, by Hill Partners, Inc. (D. Kent Lance, Jr.), 7725 East Riverside. From DR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to limit development to an intensity that will generate less the 2,000 vehicle trips per day.
Ordinance No. 951019-H approved on, Councilmember Nofziger's motion, 6-0 vote, Mayor Todd absent.

49. C14-94-0017 - MORADO CIRCLE LTD. (Harvey Doerring), by Site Specifics (Bobbie Jo Cornelius), 10617 Morado Circle. From LO to MF-1-CO.

Postponed

50. C14-94-0018 - MORADO CIRCLE LTD. (Harvey Doerring), by Site Specifics (Bobbie Jo Cornelius), 10701 Misting Falls Trail. From LO to MF-1-CO.

Postponed

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

51. 4:30 P.M. - Consider an appeal by Teri Road Baptist Church of drainage utility fees assessed to the Church.
Motion to approve refund of \$5,300 on Councilmember Mitchell, Councilmember Reynolds' second.

Motion by Councilmember Goodman to grant credit to applicant.

Friendly amendment by Councilmember Reynolds to refund two years assessment in cash and prior three years to be credited to future assessments, Councilmember Mitchell's second.

Motion not voted on.

Postponed to November 2, 1995

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date.

Executive session held at 6:00 p.m. to 7:30 p.m. on items 55, 57, 58, and 59.

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/Contemplated Litigation - Section 551.071

52. Discuss John Ross, et al. v. City of Austin, Cause No. 95-12853, in the 201st District Court of Travis County, Texas.

53. Discuss James G. Monaghan, Maple Run Joint Venture and S.R. Ridge Limited Partnership v. Maple Run at Austin Municipal Utility District and City of Austin; Cause No. 95-06139.
54. Discuss settlement of Venilde Aguilar, et al. v. City of Austin, et al.; Cause No. 94-07542.
55. Discuss settlement of Josie Ellen Champion, et al. v. City of Austin; Cause No. 94-07160, in the 353rd District Court of Travis County, Texas.
56. Discuss mediation of Sandi Gomes v. City of Austin; Civil Action No. A-94-CA-834SS.
57. Discuss City of Cedar Park v. City of Austin; Cause No. 95-317-C368, in the District Court of Williamson County, Texas.
58. Discuss potential litigation against Shell Oil Company, et al for defective plastic water pipes installed in water distribution systems.

Advice from Counsel - Section 551.071

59. Discuss settlement on Bradfield Cummins, II, Ltd., et al. v. City of Austin; Cause No. 94-02877.
60. Discuss the negotiations and possible real estate transactions related to the use and lease agreement with the airlines for Austin Bergstrom International Airport.

Real Estate Acquisition - Section 551.072

61. Discuss the negotiations and possible real estate transactions related to the use and lease agreement with the airlines for Austin Bergstrom International Airport.
62. Discuss fee simple acquisition of real property for the Water and Wastewater Service Center.

ACTION ON THE FOLLOWING

63. Approve settlement of Venilde Aguilar, et al. v. City of Austin, et al; Cause No. 94-07542.
Approved for \$237,500 on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

64. Approve settlement of Josie Ellen Champion, et al. v. City of Austin; Cause No. 94-07160.
Approve commencement of settlement of the Josie Ellen Champion et. al. v. City of Austin cause number 94-07160 with an ordinance to be brought back for council consideration for finalization of any settlement therein.
- Approved on Councilmember Nofziger's motion, Councilmember Goodman's second 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.
65. Designation of an individual with full settlement authority to attend the Court ordered mediation of Sandi Gomes v. City of Austin; Civil Action No. A-94-CA-834SS.
Approved on, Councilmember Shea's motion, Councilmember Goodman's second 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.
66. Authorize execution of a contract with George, Donaldson & Ford, L.L.P. to represent the City of Austin in litigation against Shell Oil Company, et al for defective plastic water pipes installed in water distribution systems.
Approved on, Councilmember Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.
67. Approve settlement of Bradfield Cummins, II, Ltd., et al v. City of Austin; Cause No. 94-02877.
Move to accept an application from plaintiffs to rezone the subject property in this lawsuit and direct the Director of the Planning Department to set a public hearing on such application before the planning commission on November 14, 1995 and to set a hearing before the city council on November 14, 1995 and to set a hearing before the city council on November 16, 1995 and further to waive all filing fees applicable to this application if the application is filed by plaintiffs within the next five days. (business days)
- Approved on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.
68. Authorize fee simple acquisition of real property located between Burnet Road and McKalla Place near Braker Lane for the Water and Wastewater Service Center.
Approved in the amount of \$1,422,630 on, Councilmember Shea's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

69. APPOINTMENTS

ARTS COMMISSION - DR. MARIO GARZA
BUILDING AND FIRE CODE BOARD OF APPEALS - JACK DRUMMOND
CENTRAL CITY ENTERTAINMENT CENTER ADVISORY BOARD - JUAN COTERA
JR., KIVEN T. ROBESON, SUSAN A. MANNAS, DONNETTA MCCALL
COMMUNITY DEVELOPMENT COMMISSION - SYLVIA CEDILLO
DESIGN COMMISSION - TOM SHEFELMAN, JUAN COTERA
ELECTRICAL BOARD - ROBERT SCHMIDT
ELECTRIC UTILITY - MANUEL ZUNIGA
EMS QUALITY ASSURANCE TEAM - ROBERT WALKER
ENVIRONMENTAL BOARD - DORA HERNANDEZ
HISTORIC LANDMARK COMMISSION - AVADNE MONTANDON
HOUSING AUTHORITY OF THE CITY OF AUSTIN - JOHNIE RUTH HILL
MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES - SHARON E. DYE,
LAURA C. HAM
MHMR - PUBLIC RESPONSIBILITY COMMITTEE - BETTIE STOREY
MUSIC COMMISSION - JILL MCGUCKIN
PARKS AND RECREATION BOARD - ELAINE CARTER
RESOURCE MANAGEMENT COMMISSION - PETER PFEIFFER
SOLICITATION BOARD - GEORGE MORE III, RICHARD RESNIK
Approved on, Councilmember Shea's motion, Councilmember Goodman's
second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd
absent.

ADJOURN AT 8:00 p.m. on, Councilmember Shea's motion, Mayor Pro Tem
Garcia's second, 5-0 vote, Councilmember Mitchell off the dais,
Mayor Todd absent.

Approved on this the 2nd day of November,
1995, on Mayor Pro Tem Garcia's motion, Councilmember Shea's
second, 6-0 vote, Councilmember Reynolds temporarily absent.