



# Austin City Council MINUTES

THURSDAY,  
JANUARY 30, 1997

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

1. Approval of Minutes for Regular Meeting of January 9, 1997, Special Called Meeting of January 15, 1997, and Regular Meeting of January 16, 1997.  
Postponed to February 6, 1997

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Doug Fowler, to discuss issues affecting Austin firefighters.
3. Mr. Frank Belanger, to discuss development in the Barton Springs Zone in spite of the SOS legal victories.  
**Absent**
4. Mr. Joe Rossi, to discuss a resolution supporting medicinal marijuana.
5. Miss Jennifer Gale, to discuss Austin's disenfranchisement of the citizenry by it's policymakers.  
**Absent**
6. Mr. Gus Pena, to discuss city, youth and senior citizen issues.
7. Ms. Kathleen Fitzgerald, to request City Council research impact of current federal immigration and welfare legislation on Austin.  
**Absent**
8. Mr. Mark Gentle, to discuss Barton Springs maintenance.  
**Absent**
9. Ms. Rebecca Smith, to speak in favor of proposed resolution that City employees not report undocumented immigrants to the INS - this includes hospital staff and police.
10. Ms. Maria Loya, to discuss the impact of welfare and immigration reform in the City of Austin.
11. Rev. Jaime Case, to discuss the impact of welfare and immigration reform in the City of Austin.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. 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.) [Recommended by Electric Utility Commission]

Motion made for discussion only on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second

Motion withdrawn

Motion to reopen public hearing on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 5-1-1 vote, Mayor Todd voting "NO", Councilmember Mitchell "ABSTAINING".

Substitute motion to postpone until June 15, 1997 on, Councilmember Slusher's motion, Councilmember Griffith's second

Motion withdrawn

Substitute motion to postpone until June 15, 1997 on, Councilmember Slusher's motion, Councilmember Griffith's second, 3-3-1 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO", Councilmember Goodman "ABSTAINING".

Substitute motion by Councilmember Goodman with amendments to tariff to extend term as follows:

Term Amendment 1:

Page 15 of 36, second full paragraph, first sentence. Amend to read as follows:

Beginning January 1, 1999 and ending on the later of (1) September 30, 2004 or (2) twenty-four (24) months after retail competition is allowed for customers in the large primary or industrial rate class, a most favored nations clause applies...

Term Amendment 2:

Page 15 of 36, third full paragraph. Replace with these two paragraphs.

For the years following the later of (1) September 30, 2004 or (2) twenty-four months after retail competition is allowed for customers in the large primary or industrial rate class, and continuing through the 10th year of the contract, the electric utility can keep customer loads on-system by exercising a right of first refusal to match the best offer of any competing suppliers. However, if a customer executes a contract later than sixty (60) days after the effective date of this tariff, then the period of time in which the electric utility has a right of first refusal shall be extended day-for-day past the end of the 10th year by an additional period of time equal to the number of days between the effective date of this tariff and the date a contract is executed. All such alternative proposals shall be disclosed only on a confidential trade secret basis, to the extent permitted by law, and shall be supported by a sworn affidavit signed by a corporate officer of the customer involved.

For the years following the later of (1) September 30, 2004 of (2) twenty-four months after retail competition is allowed for customers in the large primary or industrial rate class the electric utility shall no longer be under an obligation to continue to charge customer the Special Contract rate. In the event retail competition is not allowed, customer shall continue to take power from the electric utility at the Special Contract rate (with T-O-U option) and subject to extended application of the most favored nations clause, until the end of the 10th year of the contract.

Term Amendment 3:

Page 16 of 36, first full paragraph (begins with "No customer"):

Change "October 1, 2002" to "the day after the later of (1) September 30, 2004 or (2) twenty-four months after retail competition is allowed for customers in the large primary or industrial rate class".

Term Amendment 4 (necessary only if stranded investment provisions NOT changed):

Page 16 of 36, third full paragraph (begins with "if the contract is nullified"):

Change "December 31, 2006" to "the end of the 10th year of the contract".

Amendment to Tariff to Clarify Stranded Cost Recovery

Page 16 of 36, replace second and third full paragraphs (which begin with "Any unrecoverable costs" and "if the contract is nullified" respectively) with:

Nothing in this tariff or the contract thereunder shall operate to prevent, prohibit or delay the electric utility from fully recovering from the customer any surcharge or additional charge or any new or revised rate level or element which may be authorized by existing or subsequent legislation or regulatory action by state or federal authorities for the purpose of recouping "stranded" or "economic" costs or costs associated with "planned resources" [as described in Public Utility Commission Rules 23.67 and 23.70 or the Public Utility Regulatory Act].

If, notwithstanding the foregoing paragraph, any subsequent legislation would in any way operate to prevent, prohibit or delay recovery of the full amount of "stranded", "uneconomic" or "planned resources" costs through any surcharge or additional charge or any new or revised rate level or element solely because of the existence or contents of this tariff or the contract thereunder, then the contract rates specified in this tariff for energy, demand and/or fuel shall be deemed to be changed by an amount designed to exactly equal the revenue the electric utility would otherwise recover but for the existence of contents of this tariff or contract thereunder. Any such change shall take effect on the same date that the surcharge, additional charge or new or revised rate level or element would otherwise go into effect. If necessary the change may take the form of a one-time charge, assessable prior to or after customer ceases full requirements purchases. To the extent possible, while still allowing full recovery, the change shall be incorporated into prospective monthly recurring charges.

The contract to be signed by customer shall explicitly incorporate the terms of the preceding two paragraphs, and also provide that the result contemplated by such paragraphs are essential and non-severable terms of the contract, Councilmember Reynold's second, 4-3 vote, Mayor Pro Tem Garcia, Councilmembers Griffith and Slusher voting "NO".

## ORDINANCES

13. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8400 1/2 Brodie Lane, Case No. C14-96-0083, from "SF-2", Single Family Residence (standard lot) to "LR-CO", Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to that which generates 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; JAMES & LOIS ESKEW, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on September 5, 1996; Vote 5-2, Goodman and Griffith voting "No". Second reading on January 16, 1997; Vote 4-2, Goodman and Griffith voting "No", Todd absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. **Motion to postpone to February 27, 1997 on, Councilmember Reynolds' motion, Councilmember Mitchell's second 7-0 vote.**
  
14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8212 Brodie Lane, Case No. C14-96-0084, from "SF-2", Single Family Residence (standard lot) to "LR-CO", Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to that which generates 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; JAMES & LOIS ESKEW, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on September 5, 1996; Vote 5-2; Goodman and Griffith voting "No". Second reading on January 16, 1997; Vote 4-2, Goodman and Griffith voting "No", Todd absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. **Ordinance No. 970130-C approved reading only on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-3 vote, Councilmember Goodman, Griffith and Slusher voting "NO".**
  
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12410 North Lamar Boulevard, Case No. C14-96-0122, from "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay, zoning subject to the following conditions: (1) limited to LR, Neighborhood Commercial height limitations; and (2) prohibit the 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); GLENN & REBECCA F. VAN SHELLENBECK. First reading on December 12, 1996; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. **Ordinance No. 970130-A approved**

16. Amend Chapter 18-4 of the City Code, Utility Service Regulations, namely the Section 18-4-250(A) procedural requirement for voluntary termination of service for a customer. (No fiscal impact.)  
**Ordinance No. 970130-B approved**

## RESOLUTIONS

17. Approve an Interlocal Agreement with the City of Lakeway concerning extraterritorial jurisdiction released by the City of Austin on December 12, 1996.  
**Approved**
18. Approve execution of a twelve month supply agreement with AUSTIN CRUSHED STONE COMPANY, INC., Austin, Texas, for the purchase of dolomite grade #6 aggregate used in the surface treatment of roads, in an amount not to exceed \$54,960 with the option to extend for two twelve month periods in amounts not to exceed \$54,960 per extension, for a total contract amount not to exceed \$164,880. (Funding in the amount of \$34,640 is available in the 1996-97 operating budget of the Public Works and Transportation Department. 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**
19. Approve execution of a construction contract with MUNIZ CONCRETE & CONTRACTING COMPANY, (MBE/MH), Austin, Texas, for the renovation of Eastwoods Park Play Area necessary to comply with the Americans with Disabilities Act and Consumer Product Safety Commission guidelines, in the amount of \$64,116. (Funding was included in the 1995-96 Capital budget of the Parks and Recreation Department.) Low bid of four. 90.0% Prime participation; 10.0% MBE Subcontractor participation, 0% MBE Subcontractor participation.  
**Approved**

**Items 15 through 19 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

20. Approve a construction contract with GREENSCAPE PUMP SERVICE, INC., Carrollton, Texas, for construction of the irrigation pump station modifications at Morris Williams Golf Course, in the amount of \$176,100. (Funding was included in the 1994-95 Capital budget of the Golf Enterprise Fund, Parks and Recreation Department.) Low bid of three. 0% MBE, 2.70% WBE Subcontractor participation.  
**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-1 vote, Councilmember Mitchell voting "NO".**

21. Approve execution of a five year revenue generating contract with MERLYN DEAN INCORPORATED, Austin, Texas, for a food and beverage concession operation at Jimmy Clay/Roy Kizer Golf Course, in the estimated amount of \$666,250 with the option to extend for up to five one year extension options in the estimated amount of \$133,250 per year, for a total estimated amount of \$1,332,500. (Estimated revenue is \$133,250 annually, or \$666,250 over the duration of the initial contract period. Revenue will be placed in the Golf Enterprise Fund of the

Parks and Recreation Department.) Best proposal of six. No M/WBE Subcontracting opportunities were identified.

**Approved**

22. Approve execution of a five year revenue generating contract with MERLYN DEAN INCORPORATED, Austin, Texas, for a food and beverage concession operation at Morris Williams Golf Course, in the estimated amount of \$162,500 with the option to extend for up to five one year extension options in the estimated amount of \$32,500 per year, for a total estimated amount of \$325,000. (Estimated revenue is \$32,500 annually, or \$162,500 over the duration of the initial contract period. Revenue will be placed in the Golf Enterprise Fund of the Parks and Recreation Department.) Best proposal of six. No M/WBE Subcontracting opportunities were identified.

**Approved**

**Items 21 and 22 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

23. Approve the issuance of a Letter of Intent and a rebate in the amount of \$38,250 to the ROCK CREEK AT RIATA APARTMENT COMPLEX, a 306 unit complex currently under construction at 12345 Alameda Trace Circle, for the installation of energy efficient gas combination furnaces. Energy improvements qualifying for this rebate will save an estimated 734 MCF (thousand cubic feet of gas) at a program cost of \$52.11 per MCF. (Funding is available in the 1996-97 operating budget of the Energy Conservation Rebates and Incentives Fund.) [Recommended by Resource Management Commission]

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

24. Approve execution of a contact with AMERICAN TRANSFER AND STORAGE COMPANY, Austin, Texas, for the purchase of moving services for Infrastructure Support Services, Drainage Utility, Public Works and Transportation and Planning Environmental and Conservation Services Departments, in an amount not to exceed \$44,000. (Funding was included in the 1996-97 operating budget for Infrastructure Support Services Department.) Low bid of five. No M/WBE Subcontracting opportunities were identified.

**Approved**

25. Set a public hearing to amend Chapter 13-3A of the City Code, to add a new subpart (o) to Sec. 13-31-10, providing a conditional exemption from the requirement for payment of Water and Wastewater Capital Recovery Fees for up to 500 service units of affordable housing per annum. (Suggested date and time: February 6, 1997 at 5:00 p.m.)

**Approved**

**Items 24 and 25 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

26. Authorize extending or rescinding the December 12, 1996, moratorium placed on receiving new applications for the Neighborhood Housing and Community Development Office programs. (Related to Item 29)

Approved to resend the December 12, 1996, moratorium placed on receiving new applications for the Neighborhood Housing and Community Development Office Programs on, Councilmember Goodman's motion, Councilmember Slusher's second 6-0 vote, Councilmember Mitchell off the dais.

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 27-29 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Director's.

- 27. Presentation of revenues, expenditures, and program activities.
- 28. Authorize the remaining 1996-97 budget for the Austin Housing Finance Corporation.
- 29. Authorize extending or rescinding the December 12, 1996, moratorium placed on receiving new applications for the Austin Housing Finance Corporation's programs. **(Related to Item 26)**

ITEMS FROM COUNCIL

- 30. Approve a resolution supporting enabling legislation to create a non-taxing intermunicipal commuter rail district in the Austin-San Antonio corridor. (Recommended by Austin Transportation Study Policy Advisory Committee) [Mayor Pro Tem Gus Garcia]  
**Approved**
- 31. Set a public hearing on establishing an additional site for the Renaissance Market on Sixth Street at Sabine. (Suggested date and time: February 27, 1997 at 5:00 p.m. (Councilmembers Daryl Slusher and Jackie Goodman)  
**Approved**
- 32. Approve a resolution thanking employees of the Texas Department of Transportation (TxDOT) and the City of Austin for their valiant effort to keep the streets and highways open during the ice storms of January, 1997. (Councilmember Ronney Reynolds)  
**Approved**

Items 30 through 32 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

- 33. Approve a resolution declaring that it shall be the policy of the City of Austin that it will not discriminate or deny city services to anyone on the basis of a person's immigration status. (Mayor Pro Tem Gus Garcia)  
**Approved resolution as follows:**

Whereas, recent Federal legislation addressing immigration and welfare reform has

been the cause of significant concern to many individuals living in Austin; and

Whereas, Austin has been a city that traditionally respects the rights of all individuals, regardless of immigration status; and

Whereas, immigrants do not generally rely on public social services, and many immigrants are long-time residents of the United States; and

Whereas, immigrants contribute to Austin's culture richness and the support of the economy through their work and entrepreneurship, the purchase of goods, and the payments of taxes, thereby contradicting the argument that immigrants drain government resources;

NOW THEREFORE BE IT RESOLVED, that the Austin City Council declares it to be the policy of the City of Austin that it will not discriminate or deny city services on the basis of a person's immigration status; and

BE IT FURTHER RESOLVED, that the Austin city Council declares the City of Austin to be a "Safety Zone" where all persons are treated equally, with respect and dignity regardless of immigration status.

BE IT FURTHER RESOLVED, that the Austin City Council directs the City Manager to study the effects of the new immigration and welfare reform legislation in our City department, on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second 7-0 vote.

34. Approve a resolution stating that the City Council affirms its support for the right of each county and city to decide at the local level whether the carrying of concealed weapons should be permitted in their buildings and parks. (Councilmember Jackie Goodman)  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0-1 vote, Councilmember Mitchell "ABSTAINING".
35. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget by transferring \$60,000 from the General Fund Contingency Reserve and increasing the appropriation for transfers out to the Support Services Fund by \$60,000; amending the Support Services Fund by increasing the transfers in from the General Fund by \$60,000 and increasing the appropriation for Management Services by \$60,000 for use on an as needed basis for legislative issues. (Councilmembers Jackie Goodman and Daryl Slusher)  
Approved first reading only on, Councilmember Goodman's motion, Councilmember Griffith's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Mitchell off the dais.
36. Approve a resolution requiring the City Council to meet periodically at a location convenient to citizens in one of the city's neighborhoods. (Councilmember Ronney Reynolds, and Jackie Goodman)  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

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

37. C14-85-288.17 - STEVE THOMPSON, by Amelia Lopez-Phelps Consulting (Amelia



Lopez-Phelps), 6806 Breezy Pass. Restrictive Covenant Amendment. Planning Commission Recommendation: To amend the restrictive covenant which allows the applicant to take access via Breezy Pass for an existing single family residence. (continued from 12-05-96 - OPAPPLICANT; 01-09-97 - STAFF)

**Approved**

38. C14-96-0139 - H.E.B. GROCERY COMPANY (Jim D. Sloan), by Bury & Pittman (James B. Knight), Brodie Lane and W. William Cannon Dr. From PDA-LI to GR. (Applicant is requesting a postponement to February 27, 1997)

**Postponed to March 6, 1997 to receive Planning Commission recommendation, applicant's request.**

39. C14-83-163 - JEFFERSON COMMONS-UT PHASE II, LP., By: Bury & Pittman (James B. Knight), E. Riverside Drive. RESTRICTIVE COVENANT AMENDMENT. Planning Commission Recommendation: Approve amendment to restrictive covenant. 7-0.

**Approved**

**Items 37 through 39 approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote, Mayor Pro Tem Garcia, Councilmember Griffith and Mitchell off the dais.**

#### PUBLIC HEARINGS

40. 4:30 P.M. - Public hearing to amend Title XIII (Land Development Code) of the Austin City Code of 1992 by: 1) Amending Section 13-2-1, General Definitions, to modify the definition of Home Occupation; 2) Amending Section 13-2-260, Home Occupations, to delete the requirement that no person other than a family member who resides in the dwelling unit participates in the home occupation, to prohibit the construction of additional parking, to limit the location of parking for the home occupation, and to delete the limitation on trips per day generated by the home occupation.

**Postponed to March 20, 1997 at 4:00 p.m.**

41. 5:00 P.M. - Public hearing to amend Title XIII (Land Development Code) of the Austin City Code of 1992 by amending Section 13-2-221, Authorized Uses, to allow Medical Office use in the LR zoning district as a permitted and conditional use.

**Motion to close public hearing on, Councilmember Mitchell's motion, Councilmember Slusher's second 6-0 vote, Councilmember Goodman off the dais.**

42. 7:00 P.M. - Public hearing on rules for City Council meetings. (Rules Subcommittee)

**Public hearing left open until Council meeting in two weeks.**

#### ACTION ON PUBLIC HEARINGS

43. Amend Title XIII (Land Development Code) of the Austin City Code of 1992 by: 1) Amending Section 13-2-1, General Definitions, to modify the definition of Home Occupation; 2) Amending Section 13-2-260, Home Occupations, to delete the requirement that no person other than a

family member who resides in the dwelling unit participates in the home occupation, to prohibit the construction of additional parking, to limit the location of parking for the home occupation, and to delete the limitation on trips per day generated by the home occupation. (No fiscal impact.) [To be reviewed by Planning Commission on January 28, 1997.]

**Postponed to March 20, 1997 at 4:00 p.m.**

44. Amend Title XIII (Land Development Code) of the Austin City Code of 1992 by amending Section 13-2-221, Authorized Uses, to allow Medical Office use in the LR zoning district as a permitted and conditional use. (No fiscal impact.) (Recommended by Planning Commission)

**Postponed two weeks**

45. Approve rules for City Council meetings. (Rules Subcommittee)

**Postponed for two weeks.**

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date.

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.

#### Advice of Counsel - Section 551.071

46. Discuss Gillie v. City of Austin, et al, CA No. 94-00927, Travis County District Court.

47. Discuss legal issues related to Meet and Confer negotiations.

48. Discuss State laws concerning water quality.

#### Pending Litigation - Section 551.071

49. Discuss Gutierrez et al v. Mobil Oil Corporation et al, CA No. 92-0489, Travis County District Court.

#### ACTION ON EXECUTIVE SESSION ITEMS

50. Consider settlement proposal in Gillie v. City of Austin, et al, CA No. 94-00927, Travis County District Court.

**Approved in the amount of \$50,000 on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

51. Consider settlement proposal in Gutierrez et al v. Mobil Oil Corporation et al, CA No. 94-00927, Travis County District Court.

Approved in the amount of \$360,000 on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-1 vote, Councilmember Mitchell voting "NO".

52. APPOINTMENTS

CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD - 1 (TO EXPIRE 6/30/97).

No action taken

ADJOURNED at 9:10 p.m. on, Councilmember Slusher's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Todd, Councilmembers Goodman and Mitchell absent.

Approved on this the 6<sup>th</sup> day of February, 1997 on, Councilmember Goodman's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Mitchell and Reynolds temporarily absent and Mayor Pro Tem Garcia absent.