



Austin City Council MINUTES

SEPTEMBER 28, 1995

Mayor Todd called the meeting to order, noting the temporary absent of Councilmember Shea and the absent of Mayor Pro Tem Garcia.

1. Approval of Minutes for Special Called Meetings of August 22, 1995 and September 11, 1995, and Regular Meeting of September 14, 1995.
Approved with corrections, to attach a map describing item #1 on Special Called Meeting of August 22, and to postpone minutes of Special Called Meeting for September 11, on Councilmember Nofziger motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea temporarily absent, Mayor Pro Tem Garcia absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss City matters, youth issues, and revitalization of the East Austin economy.
Absent
3. Mrs. Lel Hawkins, to request a curfew from 10:00 p.m. to 6:00 a.m.
Absent
4. Mr. John Johnson, to discuss police.
Absent
5. Ms. Elizabeth Bowen, to speak on policies regarding homeless needs and to break the cycle of discrimination against the homeless.
Absent
6. Ms. Carol Guthrie, to discuss employee relations.
7. Mr. Lance Winters, to discuss aspects of the current City employee layoff policy and the dire needs for immediate added protections for employees, and to save taxpayer dollars; emergency policy from City Council needed now to protect employees.
8. Ms. Barbara Rush, to discuss employee relations.

ACTION ON CONSENT AGENDA

ORDINANCES

9. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Rialto Boulevard, Case No. C14-94-0113, from "CS", Commercial Services to "MF-2", Multifamily Residence (low density) and "RR", Rural Residence for the 100-year floodplain along the south property line, F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust). First reading on November 17, 1994; Vote 4-1, Councilmember Goodman voting "No", Mayor Todd absent, and Councilmember Mitchell out of the room. Second reading on July 27, 1995; Vote 4-3, Nofziger, Goodman and Shea voting "No". (The previous conditional overlay to impose S.O.S. requirements was removed at second reading.)
Postponed to October 5, 1995
10. Approve second/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 28, 1995; Vote 4-1-2, Goodman voting "No" and Todd and Shea absent. 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 on September 14, 1995.
Postponed to October 5, 1995
11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4108 Nixon Lane, Case No. C14-95-0084, from "SF-3", Family Residence to "LI-CO", Limited Industrial Services-Conditional Overlay, subect to: (1) limit development to generate less than 2,000 vehicle trips per day; and (2) dedication of up to 35 feet of right of way from the existing centerline of Nixon Lane, SOUTHWEST TURF (Charles W. Fritsch), by Barker Company (S. R. Barker). First reading on August 24, 1995; Vote 5-0, Todd absent; Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Street deed has been executed.
Ordinance No. 950928-A, approved
12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Lakeline Boulevard and N. U.S. Hwy. 183, Case No. C14-94-0132, from "CH", Commercial Highway Services to "GR", Community Commercial zoning subject to dedication of additional right-of-way for the widening of U.S. Hwy. 183 at the time of site plan approval, HUNT PROPERTIES, INC. (Dave Berndt), by Bury & Pittman (Greg Strmiska). First reading on February 9, 1995; Vote 6-0, Mitchell off the dais. Note: This site is located within the area recently subject to State Legislation (S.B. 1396) that became effective on September 1, 1995. Under this legislation, the City may not "...deny, limit, delay or condition the use or development of land... because of traffic or traffic operations that could result from the proposed use or development of the land." Therefore the previous requirement by Council to provide a traffic phasing agreement, posting of fiscal for signalization, and compliance with the recommendations of the T.I.A. (except for the dedication of right-of-way) have been deleted.
Ordinance No. 950928-B, approved

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Straightline Drive and N. U.S. 183, Case No. C14-94-0134, from "CH", Commercial Highway; "LR", Neighborhood Commercial; "GO", General Office; "GR", Community Commercial & "IP", Industrial Park to "GR" Community Commercial zoning subject to dedication of additional right-of-way for the widening of U.S. Hwy. 183 at the time of site plan approval, HUNT PROPERTIES, INC. (Dave Berndt), by Bury & Pittman (Greg Strmiska). First reading on February 9, 1995; Vote 6-0, Mitchell off the dais. Note: This site is located within the area recently subject to State legislation (S.B. 1396) that became effective on September 1, 1995. Under this legislation, the City May not "...deny, limit, delay or condition the use or development of land... because of traffic or traffic operations that could result from the proposed use or development of the land." Therefore the previous requirement by Council to provide a traffic phasing agreement, posting of fiscal for signalization and compliance with the recommendations of the T.I.A. (except for the dedication of right-of-way) have been deleted.

Ordinance No. 950928-C, approved

14. Authorize acceptance of \$5,500 in additional grant funds from Public Technology, Inc., to fund production costs associated with a teleconference conducted with representatives of Portland Oregon on August 22, 1995; amend Ordinance No. 940912-D, the 1994-95 operating budget by appropriating an additional \$5,500 in grant funds to the Environmental and Conservation Services Revenue Fund, for a total grant amount of \$41,500. (A City match is not required.) [Recommended by Resource Management Commission]

Ordinance No. 950928-D, approved

15. Authorize acceptance of \$20,000 in grant funds from the Texas Employment Commission (TEC) for the Dependent Care Development Grant Program; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$20,000 in grant funds for the Health and Human Services Department Special Revenue Fund. (In-kind match of \$8,960 is available in the 1995-96 operating budget of the Health and Human Services Department.)

Ordinance No. 950928-E, approved

16. Authorize acceptance of an additional \$8,519 in grant funds from the Texas Department of Human Services for the purchase of a file server for the Child Care Management System; amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund of the Health and Human Services Department, by appropriating an additional \$8,519 in grant funds, for a total grant amount of \$9,576,642.

Ordinance No. 950928-F, approved

17. Authorize acceptance of \$9,084 in grant renewal funds from the Mental Health Association in Texas for the AmeriCorps Parenting Education Program, amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating \$9,084 in grant funds for the Health and Human Services Department. (The required match of \$3,322 is available in the 1994-95 operating budget of the Health and Human Services Department.)

Ordinance No. 950928-G, approved

18. Approve issuance by Brushy Creek Municipal Utility District of Unlimited Tax and Revenue Bonds, Series 1995, in an amount not to exceed \$9,150,000; approving a substantial draft of the Bond Order, Notice of Sale, Bid Instructions, Form of Bid, and Preliminary Official Statement. (No fiscal

impact.) [Recommended by Water and Wastewater Commission]
Ordinance No. 950928-H, approved

19. Approve cancellation of the October 26, 1995 Regular Council meeting.
Ordinance No. 950928-I, approved

Items 11 through 19 approved on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

RESOLUTIONS

20. Approve selection of TOM HATCH ARCHITECTS, AIA, Austin, Texas, for negotiation and execution of a professional services agreement to provide architectural design and construction phase services for building renovations at 1111 East Cesar Chavez for the Health and Human Services Department, in an amount not to exceed \$143,000. (Funding was included in the 1994-95 Amended Capital budget of the Health and Human Services Department Disproportionate Share Fund.) Best qualification statement of sixteen (16). 13% MBE, 22% WBE Subconsultant participation.
Approved, on Councilmember Shea's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Mayor Pro Tem Garcia absent.
21. Amend the Health Authority Interlocal Agreement with Travis County to establish the County Executive Manager position, resulting in an increase in expense refunds, in the amount of \$20,554 for the Health and Human Services Department in 1994-95. (Funding is provided by Travis County.)
Approved
22. Authorize negotiation and execution of a five (5) year Matching Funds Agreement subject to annual appropriation with the State of Texas Health and Human Services Commission regarding the delivery of health care services under State Medicaid Programs. (An estimated \$6,271,367 is budgeted annually in the General Fund appropriation for the Health and Human Services Department Medical Assistance and Charity Care Programs.)
Approved
23. Approve the election and allocation of certain general obligation bonds as qualified 501(c)(3) bonds.
Approved
24. Approve Change Order #6 to BRAUN & BUTLER CONSTRUCTION, INC., Austin, Texas, for the addition of smoke detectors on return air ducts as part of the South Austin Senior Activity Center Project, in the amount of \$7,689, for a total contract amount of \$1,364,444. (Funding was included in the 1993-94 Approved Capital budget of the Parks and Recreation Department.) 0% MBE, 4.22% WBE Subcontractor participation.
Approved

25. Approve execution of a contract with HEMPHILL BUS SALES, INC., Denton, Texas, for the purchase of one (1) 24 passenger bus with a wheelchair lift to be used by the Austin Nature and Science Center of the Parks and Recreation Department, in an amount not to exceed \$53,260. (Funding is available in the 1994-95 Fleet Acquisition Fund.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities.

Approved

26. Approve a temporary street closure application from the City of Austin Electric Utility Department for the temporary closure of the 1500-1700 blocks of Pennsylvania Avenue for a Moonlight Tower Centennial Party for neighborhood residents. (The \$50 street closure fee waived for City departments.)

Approved

27. Approve a temporary street closure application from ADAPT OF TEXAS for temporary closure of the 1300 block of Lamar Square Drive for a Fun Run. (The \$50 street closure fee waived due to non profit status.)

Approved

28. Approve a temporary street closure application for OLD PECAN STREET PRODUCTIONS for temporary closure of certain streets within the City of Austin (100-700 blocks of East 6th Street, 500-600 blocks of Sabine Street, 500-600 blocks of Red River Street, 500-600 blocks of Neches Street, 500-600 blocks of Trinity Street, 500-600 blocks of San Jacinto Street, 500-600 blocks of Brazos Street and the east parking lane of Neches Street) for the Pecan Street Arts Festival. (The \$350 street closure fee will be paid by applicant.)

Approved

Items 21 through 28 approved, on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

29. Approve execution of four (4) twelve (12) month service agreements with AIRTECH ENERGY SYSTEMS, INC., Austin, Texas; CLIMATE MECHANICAL, INC., Austin, Texas; OSGOOD HEATING AND AIR CONDITIONING, INC., Austin, Texas and VALDEZ REMODELING (MBE/MH), Austin, Texas, for weatherization services to six hundred (600) low-income, elderly and disabled utility customers, in the amount of \$187,500 per contract with the option to extend each contract for one (1) twelve (12) month period in the amount of \$187,500, for a total amount per contract of \$375,000. (Funding in the amount of \$15,000 is available in the 1994-95 operating budget of the Environmental and Conservation Services Department, \$100,000 is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund. Funding for the remainder of the original contract and the extension options is contingent upon available funding in future budgets.) Low responsive bidders of five (5). M/WBE Subcontractor participation: Airtech Energy Systems: (3.8% MBE, 0% WBE); Climate Mechanical: (3.8% MBE, 0% WBE); Valdez Remodeling: (4.0% MBE, 0% WBE); Osgood (0% M/WBE). [Recommended by Resource Management Commission]

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

30. Approve execution of a six (6) month service agreement with VALDEZ REMODELING (MBE/MH), Austin, Texas, to provide weatherization services for low-to-moderate income households in the

Springdale/Webberville target neighborhood, in the amount of \$100,000 with the option to extend for one (1) six (6) month period in the amount of \$100,000, for a total amount of \$200,000. (Funding in the amount of \$100,000 is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund. Funding for the extension option is contingent upon available funding in future budgets.) Low responsive bid of five (5). 4% MBE, 0% WBE Subcontractor participation. (Recommended by Resource Management Commission)

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

31. Approve the issuance of a Letter of Intent and a rebate to the Lantana Apartment Complex, 6636 West William Cannon Drive, for the installation of energy efficient gas combination furnaces, in the amount of \$44,125. (Installation of this equipment will save an estimated 1,047 MCF, thousand cubic feet, of gas at a program cost of \$42.14 per MCF saved.) [Recommended by Resource Management Commission]

Approved, on Councilmember Shea's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Mayor Pro Tem Garcia absent.

32. Approve a construction contract award to CHAMBERLAIN WATERPROOFING & ROOFING SYSTEMS, INC., Dallas, Texas, for repairs to the curtainwall system and exterior terraces to Waller Creek Center, in the amount of \$146,700. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of two (2). No MWBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

33. Approve a construction contract award to AUSTIN FILTER SYSTEM, INC., Austin, Texas, for installation of erosion control protective measures and a wastewater line for the Lower Little Walnut Creek Erosion Controls, Phase VI, Geneva Circle Project, in the amount of \$648,843.98. (Funding in the amount of \$447,427.38 was included in the 1994-95 Capital budget of the Public Works and Transportation Department and \$201,416.60 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of four (4). 6.67% MBE, 6.53% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

34. Approve execution of a twelve (12) month supply agreement with THE ROHAN COMPANY, Austin, Texas, for the purchase of iron body gate valves used to control the flow of water in water mains for the Water and Wastewater Utility, in an amount not to exceed \$90,333.03 with two (2) twelve (12) month extension options in an amount not to exceed \$90,333.03 per extension, for a total amount not to exceed \$270,999.09. (Funding is contingent upon approval of the 1995-96 operating budget of the Water and Wastewater Utility. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two (2). No MWBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

35. Approve execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, Austin, Texas, for the purchase of six (6) truck cabs and chassis for use by Solid Waste Services, in an amount not to exceed \$437,712, with an option to purchase up to nine (9) additional truck chassis, in an amount not to exceed \$656,568 within the next three (3) months of the next fiscal year, for a total amount not

to exceed \$1,094,280. (Funding was included in the 1994-95 Capital Budget for Solid Waste Services; funding for the additional cabs and chassis will be contingent upon available funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

Approved

36. Authorize negotiation and execution of an amendment to the Professional Service Agreement with AUSTIN DESIGN ARCHITECTS, INC., Austin, Texas, to comply with Texas Natural Resources Conservation Commission (TNRCC) permitting procedures and to provide safety improvements to the hazardous waste facility at the South Austin Transfer Station, in an amount not to exceed \$74,586, for a total contract amount of \$437,040. (Funding was included in the 1994-95 Capital budget of the Solid Waste Services Department.) 0% MBE, 25.4% WBE Subconsultant participation.

Approved

37. Approve a construction contract award to SOUTHWEST CONSTRUCTORS, INC., Austin, Texas, for accessibility modifications at the Montopolis Recreation Center in compliance with the Americans with Disabilities Act, in the amount of \$132,222. (Funding was included in the 1994-95 Amended Capital budget of the Parks and Recreation Department.) Low bid of six (6). 10.59% MBE, 5.82% WBE Subcontractor participation.

Approved

38. Approve negotiation and execution of a twelve (12) month contract award with CAPITAL CITY CHAMBER OF COMMERCE, Austin, Texas, to provide for marketing of Austin as a tourist and convention destination to African-American markets, in an estimated amount not to exceed \$234,793 with two (2) twelve (12) month extension options in an amount not to exceed \$234,793, for a total estimated amount of \$704,379. (Funding is available in the 1995-96 operating budget for the Austin Convention and Visitors Bureau. Funding for the extension options is contingent upon available funding in future budgets.) Single bid. 10% MBE, 5% WBE Subcontractor participation.

Approved

39. Approve negotiation and execution of a twelve (12) month contract award with HISPANIC CHAMBER OF COMMERCE, Austin, Texas, to provide for marketing of Austin as a tourist and convention destination to Hispanic markets, in an estimated amount not to exceed \$234,793 with two (2) twelve (12) month extension options in an amount not to exceed \$234,793, for a total estimated amount of \$704,379. (Funding is available in the 1995-96 operating budget for the Austin Convention and Visitors Bureau. Funding for the extension options is contingent upon available funding in future budgets.) Single bid. 10% MBE, 5% WBE Subcontractor participation.

Approved

Austin-Bergstrom International Airport (Items 40-42)

40. Approve execution of a twelve (12) month service agreement with DAVIS SECURITY AGENCY (MBE/MB), Austin, Texas, to provide security guard services at the Austin-Bergstrom International Airport, in an amount not to exceed \$447,217.84 with two (2) twelve (12) month extension options in

an amount not to exceed \$447,217.84 per extension, for a total amount not to exceed \$1,341,653.52. (Funding is available in the 1995-96 operating budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

Approved

41. Approve a supplemental amendment to a service agreement with LEIGH FISHER ASSOCIATES, San Francisco, California, for general advisory services related to airline negotiations on a new use and lease agreement, in an amount not to exceed \$200,000. (Funding was included in the 1994-95 Approved Capital budget of the Aviation Department.) No M/WBE Subcontracting opportunities were identified. (Reviewed by Airport Advisory Board)

Approved

42. Authorize the filing of eminent domain proceedings to acquire fee simple title on a parcel of land containing 8.582 acres of land out of the Jose Antonio Navarro Survey in Travis County, Texas, owned by Jacob Z. Castillo and wife, Carmen V. Castillo for the Land Acquisition Program, New Austin Airport at Bergstrom Project, in the amount of \$180,000. (Appraised value is \$180,000.)

Approved

43. Authorize the filing of eminent domain proceedings to acquire the following: Tract 1 - a Drainage and Sedimentation/Filtration Easement containing 0.2587 acres of land (11,270 square feet); Tracts 2 and 3 - a Drainage and Sedimentation/Filtration Easement containing 1.2003 acres of land (52,287 square feet); and Tract 3 - a Drainage and Sedimentation/Filtration Easement containing 0.8788 acres of land (38,279 square feet) out of the Santiago Del Valle Grant No. 24 in Travis County, Texas, owned by Michael R. Eledge, Thomas M. Mays, Mark N. Hardeman, and Francine Fields Hardeman for the Stassney Lane Road Improvement Project, in the amount of \$52,100. (Appraised value is \$52,100.)

Approved

44. Set a public hearing to approve a 1.35 acres (2,350 feet long) permanent land use agreement, and a 0.52 acre temporary construction use agreement to allow the construction of a 12 inch diameter gravity wastewater main through dedicated parkland known as Dick Nichols Park in accordance with Section 26.001 of the Texas Parks and Wildlife Code. (Suggested date and time: October 26, 1995 at 4:30 p.m.)

Approved, new date and time: November 2, 1995 at 4:30 p.m.

45. Set a public hearing to approve a 24,648 square foot (0.566 acre) permanent drainage easement agreement to allow the construction of a water quality pond in dedicated parkland known as Gillis Park in accordance with Section 26.001 seq. of the Texas Parks and Wildlife Code. (Suggested date and time: October 26, 1995 at 5:00 p.m.)

Approved, new date and time: November 2, 1995 at 5:00 p.m.

46. Set a public hearing to amend Chapter 13-8, Article IV of the Austin City Code (Electrical Code) by replacing two provisions dealing with branch circuits and minimum size conductors. (Suggested date and time: October 26, 1995 at 5:30 p.m.)

Approved, new date and time: November 2, 1995 at 5:30 p.m.

Items 32 through 46 approved, on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

ITEMS FROM COUNCIL

47. Approve a resolution directing the City Manager to provide up to \$1,250,000 of Community Development Block Grant (CDBG) funds for interim financing for the acquisition of the former State School by Vision Village. (Councilmember Eric Mitchell)

Request from Councilmember Mitchell to direct the City Manager to bring to us any ideas that he and staff might have for us to participate and help in acquiring this property so that we would have an opportunity to realize this or some other meaningful activity for the community. No date given.

48. Authorize initiation of amendments to the Land Development Code, pursuant to Chapter 13-1, Art. XIII, Division 1 of the Land Development Code, to provide that a Capital Improvement Project (CIP) will be subject to those water quality regulations in place at the time of the respective bond election which approves the CIP provided that the CIP is permitted and completed within ten years. (Councilmember Eric Mitchell)

Motion to approve with change to seven year time frame, on Councilmember Mitchell's motion, Councilmember Goodman's second for discussion only.

Second withdrawn.

Councilmember Reynolds' second, 3-3 vote, Councilmembers Goodman, Nofziger, and Shea voting "NO", Mayor Pro Tem Garcia absent.

Item to be brought back to Council October 5, 1995

49. Approve a resolution designating funds from the Capital Reserve Account, that are determined mid-year to be available for current year appropriation to be used only to fund unmet public safety needs; and directing the City Manager to develop recommendations for the expenditure of these funds for one-time expenditures in order to enhance public safety. (Councilmember Eric Mitchell)

Motion made to approve by Councilmember Mitchell, Councilmember Shea seconded for discussion only.

Amendment by Councilmember Mitchell to come up with some language that says, "public safety," and definition being "police, fire, EMS or other emergency items as it relates to the health, safety, and welfare of the community or the citizens," then maybe that will give us an opportunity to use it for contingencies, such as you cited.

Accepted by the seconder, 3-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Nofziger off the dais.

Motion fails on a 3-2 vote.

50. Approve a resolution authorizing four City-owned vacant lots at 905 East 14th Street in the Swede Hill neighborhood to be optioned to the Austin Housing Finance Corporation, subject to Austin Housing Finance Corporation's successful negotiation of a land exchange contract with Baylor

House, Inc. (Councilmember Eric Mitchell) [Related to Item 51]

Motion to postpone to 5:30 p.m. on Councilmember Shea's motion, Councilmember Goodman's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Mayor Pro Tem Garcia absent.

Substitute motion by Councilmember Reynolds to be last item taken after 4:00 zoning hearing, Councilmember Mitchell's second, 2-4 vote, Mayor Todd, Councilmembers Goodman, Nofziger and Shea voting "NO", Mayor Pro Tem Garcia absent.

51. Approve a resolution authorizing a land exchange contract with Baylor House, Inc., to exchange five lots owned or controlled by Austin Housing Finance Corporation (Four lots at 905 East 14th Street in the Swede Hill neighborhood and one lot at 1105 Navasota Street in the Anderson neighborhood) for six lots owned or controlled by Baylor House Inc. (4613, 4701, 4703 and 4705 East 12th Street and 1174 and 1172 Webberville House in the Springdale/Webberville CDBG targeted neighborhood) subject to an appraisal valuing the six Baylor tracts equal to or greater than the five AHFC lots, receipt by AHFC from Baylor of an acceptable environmental clearance report with respect to the six Baylor tracts and receipt of acceptable security from Baylor ensuring that the four AHFC lots will be conveyed to low or moderate income homeowners within three years following the exchange of the lands. (Councilmember Eric Mitchell) [Related to Item 50]

Motion to postpone to 5:30 p.m. on Councilmember Shea's motion, Councilmember Goodman's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Mayor Pro Tem Garcia absent.

Substitute motion by Councilmember Reynolds to be last item taken after 4:00 zoning hearing, Councilmember Mitchell's second, 2-4 vote, Mayor Todd, Councilmembers Goodman, Nofziger and Shea voting "NO", Mayor Pro Tem Garcia absent.

52. Approve a resolution in support of a strong and effective Safe Drinking Water Act. (Councilmember Brigid Shea)
Approved, on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

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. Item 53 is the AHFC item to be considered by the Austin Housing Finance Corporation's Board of Directors.

53. Approve the 1995-96 budget of the Austin Housing Finance Corporation.
No action taken

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

54. C14-95-0073 - MICHAEL JOSEPH, 9218 1/2 E. U.S. Hwy. 290. From DR to LO & RR. Planning Commission Recommendation: To Grant LO, Limited Office for area west of Buttercup Creek and SF-1, Single Family Residence (large lot) for area east of Buttercup Creek, subject to a restrictive covenant to be executed prior to third reading which prohibits access across Buttercup Creek, require a 25 foot buffer from the northwest property line, and prohibit disturbance of vegetation within 100-year floodplain. The applicant and the adjacent neighborhood have agreed to a private restrictive covenant that will be executed prior to third reading.
Postponed to October 5, 1994
55. C14-95-0017 - LEIF JOHNSON FORD, INC. (Jerry Broesche), by Mathias Co. (Richard Mathias), 5073 U.S. Hwy. 290 West. From GO-CO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to compliance with the 1994 Comprehensive Watershed Ordinance Amendments.
Ordinance No. 950928-J, approved
56. C14-95-0077 - BARTON RIDGE PARTNERS, LTD. (Ronald P. Brooks), by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg), 4544 Westgate Boulevard. From GR to LI. Planning Commission Recommendation: To Grant CS, Commercial Services, zoning for the existing GR, Community Commercial portion of the tract, except for a 57,422 square foot footprint to be zoned LI-CO, Limited Industrial Services-Conditional Overlay. The provisions of the conditional overlay would permit light manufacturing and "CS", Commercial Services uses. In addition, to execute a restrictive covenant that would rollback the "LI" Limited Industrial footprint zoning to "CS" Commercial Services zoning if the manufacturing use ceases for more than ninety days, and prohibit the storage of hazardous materials within the LI footprint.
Approve first reading only
57. C14-95-0097 - REED PROPERTIES (Jerry Reed), 9600 Dessau Road. From SF-3 to LI & GO. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay, zoning for Tract 1 and LI-CO, Limited Industrial Services-Conditional Overlay, zoning for Tract 2 subject to: (1) limit development to generate less than 2,000 vehicle trips per day on Tract 1 and Tract 2; (2) limit height for Tract 1 to 20 feet, and Tract 2 to 24 feet; (3) prohibit the following uses on Tract 1 and Tract 2 - Arts and Craft Studio (general, industrial), Automotive Repair Services, Automotive Rentals, Automotive Sales, Automotive Washing, Campground, Construction Sales and Services, Convenience Storage, Equipment Sales, Equipment Repair Services, Hotel-Motel, Kennels, Laundry Services, Restaurant (limited, general), Service Station, Vehicle Storage, Veterinary Services, Basic Industry, General Warehousing and Distribution, Resource Extraction, Day Care Services (commercial), Local Utility Services, Maintenance and Service Facilities, Railroad Facilities, and Safety Services.
Ordinance No. 950928-K, approved
58. C14-95-0098 - OAK HILL LIQUOR (Chris Petropoulos), 6036 W. U.S. Hwy 290. From GR-CO to CS-1. Planning Commission Recommendation: To Grant CS-1-CO, Commercial Liquor Sales-Conditional Overlay, zoning with an amended conditional overlay. The provisions of the overlay would be as follows: (1) maximum development of 0.25 to 1 floor to area ratio; (2) maximum impervious coverage shall be 55%; (3) prohibit the following uses - Funeral Services, Pawn Shop

Services, Automotive Services, Cocktail Lounge, Campground, Construction Sales and Services, Convenience Storage, Equipment Repair Services, Equipment Services, Kennels, Vehicle Storage, and Adult Oriented Businesses. NOTE: The applicant and the adjacent property owner (YMCA) will enter into a private restrictive covenant to install traffic safety improvements to prevent vehicle encroachment onto the adjacent playground prior to third reading.

Ordinance No. 950928-L, approved

59. C14-95-0103 - GOTTESMAN COMPANY (Sanford Gottesmann), by The Liverman Company (Robert J. Liverman), 3000 Block of Duval Road. From LO to GR-CO. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay and "RR" Rural Residence for the area within the 100 year floodplain. The provisions of the conditional overlay would: (1) limit the "GR-CO" Community Commercial-Conditional Overlay portion of the site to LO, Limited Office, site development regulations; and (2) limit the trip generation to less than 2,000 vehicle trips per day. In addition, to execute a restrictive covenant that would: (1) limit the number of guest rooms associated with a Hotel-Motel use to maximum of 192; (2) limit the floor area associated with an office use to a maximum of 105,000 square feet; and (3) to rollback the "GR-CO" Community Commercial-Conditional Overlay portion of the site to "LO", Limited Office, if any one of the following uses cease for more than 90 days: Restaurant (drive-in, fast food), Hotel Motel, Administrative and Business Office, Medical Office and Professional Office.

Approve first reading only, with deletions shown above, and with added conditions that permitted uses are those allowed in LO zoning and the only permitted GR uses are: 1) hotel-motel, 2) medical offices, and 3) restaurant, limited and general.

60. C14-95-0104 - SECURITY CAPITAL PACIFIC TRUST (Joe DiCristina), by Minter, Graber & Thornhill (Ken Brown), US Hwy. 290 West & Staggerbrush Road. From GR-CO & GR-MU-CO to GR & GR-MU. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, and GR-MU-CO, Community Commercial-Mixed Use Combining District-Conditional Overlay, to limit the floor to area ratio to 0.15 to 1 for the "GR-CO" portion of Lot 1, Block A, Storm 290 Subdivision and 0.35 to 1 for the "GR-MU-CO" portion of the lot; and to limit the floor to area ratio to 0.20 to 1 on Lot 5, Block A, Storm 290 Subdivision.

Approve first reading only

61. C14-95-0105 - ROA LAND, INC. (Doug Hall), by Site Specifics (B. J. Cornelius), 1025 East 41st Street. From GR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial 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. 950928-M, approved

Items 54 through 61 approved on Councilmember Goodman's motion, Councilmember Nofziger's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Pro Tem Garcia absent.

TO BE HEARD BY PLANNING COMMISSION ON SEPTEMBER 26, 1995; RECOMMENDATION TO FOLLOW

62. C14-95-0112 - I-35 DESSAU ROAD JOINT VENTURE (Len Layne), by John F. Hickman (John Warden), 1210 W. Dessau Road. From GR-CO to GR-CO.

Postponed indefinitely by Planning Commission

63. C14-95-0101 - NATIONS BANK OF TEXAS (Gonzalo Gonzales), by Crocker Consulting (Sarah Crocker), 68 to 74 East Avenue. From SF-3 to GR. A petition of 23.96% has been filed in opposition to this request.

Postponed to October 19, 1995 by Planning Commission

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

64. 4:30 P.M. - Public hearing and action on the discontinuance of Lot 1 of the Adey Subdivision Section One. (Mayor Bruce Todd and Mayor Pro Tem Gus Garcia)
Ordinance No. 950928-N, approved, on Councilmember Goodman's motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Garcia absent.

65. 5:00 P.M. - Public hearing on full purpose annexation of the following areas: Texas Oaks/Bilbrook, Cherry Creek, Park Ridge, Cullen Road, The Terrace, Ridgewood Road, and Loop 360/Barton Creek.

No action taken

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.

Real Estate Acquisition - Section 551.072

66. Discuss fee simple acquisition of real property located at 4900 Manor Road.

Real Estate - Section 551.072

67. Discuss lease agreement of Brackenridge Hospital to the Daughters of Charity Health Services of Austin.

Pending/Contemplated Litigation - 551.071

68. Discuss settlement of Patrick W. Hajda v. City of Austin; Cause No. 95-09464.
69. Discuss settlement of Dr. Ledbetter, et. ux. v. The Summit at West Rim, Ltd., et. al. v. The City of Austin, et. al.; Cause No. 59,606-A.

ACTION ON THE FOLLOWING

70. Authorize fee simple acquisition of real property located at 4900 Manor Road for the Tannehill, Phase IA Drainage Project.
Approved in the amount of \$211,141
71. Approve settlement of Patrick W. Hajda v. City of Austin; Cause No. 95-09464.
Approved in the amount of \$100,000
72. Approve settlement of Plaintiff's Ledbetter Estate claim in Cause No. 59,606-A, styled Dr. Ledbetter, et. ux. v. The Summit at West Rim, Ltd., et. al. v. The City of Austin, et. al., a planning and zoning lawsuit.
Approved (no amount given)

73. APPOINTMENTS

ETHICS REVIEW COMMISSION - MARVIN GRIFFIN, KAREN HASCHKE, DAVID NINO
SOLID WASTE ADVISORY BOARD - WENDY S. ANDETTE, GAIL VITTORI, ANITA SADUN, J.D. PORTER

Items 70 through 73 approved on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

ADDENDUM

74. Approve settlement of Marie Kershner, et al v. City of Austin; Cause No. A-93-CA-281SS.
No action taken.

ADJOURNED at 7:53 p.m.

Approved on this the 5th day of October, 1995, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmember Mitchell off the dais, Councilmembers Shea and Reynolds temporarily absent.