



# Austin City Council MINUTES

JANUARY 4, 1996

Mayor Todd called the meeting to order.

1. Approval of Minutes for Regular Called Meeting of December 14, 1995.  
Approved with correction to item 45 to read "first reading only", on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Arvid Youngquist, to discuss encampment ordinance, to ask for a review of blue laws that should be repealed, and Happy New Year.  
**Absent**
3. Mr. Rodney Doerscher, to discuss housing the homeless.
4. Mr. Matthew Dawson, to discuss housing the homeless.  
**Absent**
5. Mr. Kenneth Galloway, to discuss City's enforcement of sign ordinance.
6. Mr. Gus Pena, to discuss youth and City issues.  
**Absent**
7. Mr. Antonio Sosa, to discuss police policy.
8. Mr. Gavino Fernandez, to discuss City Boards and Commissions.
9. Mr. Richard Troxell, to discuss issues relating to homelessness.
10. Ms. Cecilia Wood, to discuss homeless issues and the need for positive programs.

## ACTION ON CONSENT AGENDA

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve third reading of Encampment Ordinance. (Mayor Bruce Todd and Councilmember Ronney Reynolds)  
Ordinance 960104-B approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 4-1-1 vote, Councilmember Goodman voting "NO", Councilmember Mitchell abstaining, Councilmember Shea absent.

12. Approve an ordinance amending section 10 of Chapter 18-3, the drainage utility, offering an exemption from drainage utility fees for churches that shelter homeless persons in their sanctuaries. (Councilmembers Max Nofziger, Jackie Goodman, and Brigid Shea)  
**Postponed one week**
13. Approve a resolution creating a task force on homelessness. (Councilmembers Max Nofziger and Jackie Goodman)  
**Approved with substitute resolution, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 6-0 vote, Councilmember Shea absent. (See attachment).**
14. Approve an ordinance amending the Land Development Code to create a new zoning district, the Central Urban Redevelopment District (CURE), for the downtown area. The purpose of the new zoning district is to provide incentives and flexibility for development and redevelopment within the downtown area. (Councilmembers Eric Mitchell and Ronney Reynolds)  
**Postponed to February 1, 1996**

## ORDINANCES

15. 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.) (cont'd. from 08/24/95, 09/07/95, 09/28/95, 10/5/95, 11/02/95 & 11/16/95)  
**Ordinance No. 960104-C approved with friendly amendment by Councilmember Goodman to interject the restrictive covenant with the following: 1) density limited to 180 units; 2) xeriscape landscaping; 3) integrated pest management; 4) statement listing and accepting remedies available to the City of Austin; 5) Green Builder Program, on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.**
16. Approve third reading 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. (cont'd. from 10/19/95, 11/02/95 & 11/16/95)  
**Motion to approve on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 3-3 vote, Mayor Pro Tem Garcia, Councilmembers Goodman and Nofziger voting "NO", Councilmember Shea absent.**

**Motion fails**

17. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6010 to 6210 Daffodil Drive, Case No. C14-95-0111, from "LO", Limited Office and "CS", Commercial Services to "CS-CO", Commercial Services-Conditional Overlay, subject to prohibit access to Daffodil Drive until street is improved to meet commercial street standards, BEN WHITE BOULEVARD NO. 1 LTD. (Herman Neusch), by Carson Planners (Bill Carson). First reading on November 7, 1995; Vote 7-0. Conditions met as follows: restrictive covenant incorporates conditions imposed by Council.  
**Approve second reading only**
18. Approve third reading of franchise agreement between Pedernales Electric Cooperative, Inc. and the City of Austin.  
**Ordinance No. 960104-A approved**
19. Approve an ordinance canceling the regular scheduled City Council meetings for January 18, February 22, March 14, April 4, May 2, May 30, June 20, July 4, August 29, September 19, September 26, October 17, November 14, November 28, December 19, and December 26, 1996; waiving requirements of sections 2-2-3, 2-2-5 and 2-2-7 of the Austin City Code.  
**Ordinance No. 960104-D approved with changes of adding January 25 and deleting the meeting of January 18 and September 26.**

**Items 17 through 19 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 6-0 vote, Councilmember Shea absent.**

20. Authorize acceptance of \$175,000 in grant funds from Public/Private Ventures, to implement a Community Change for Youth Development Program; amend Ordinance No. 950911-A, the 1995-96 Operating budget, amending the Special Revenue Fund by appropriating \$175,000 in grant funds for Health and Human Services special revenue fund; and authorize two (2) grant-funded full time equivalent positions.  
**Ordinance No. 960104-E approved on Mayor Pro Tem Garcia's motion with a provision directing the City Manager to work with the grantor, the current Steering Committee and neighborhood representatives to insure appropriate neighborhood representation in the program's Steering Committee, Mayor Todd's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.**

## RESOLUTIONS

21. Authorize negotiation and execution of three (3) contract amendments for the provision of comprehensive youth services under the Strategic Intervention for High Risk Youth (SIHRY) initiative and to extend contracts through September 30, 1996; Austin Child Guidance Center in the amount of \$48,461, for a total contract amount of \$70,856; Big Brothers/Big Sisters in the amount of \$26,707 for a total contract amount of \$36,361; and Youth Advocacy, Inc. in the amount of \$92,960 for a total contract amount of \$179,995. (Funding in the amount of \$168,128 is available in the 1995-96 operating budget of the Health and Human Services Department).  
**Approved**
22. Approve the release of approximately 19 acres of the City of Austin's extra territorial jurisdiction

(ETJ) to the City of Pflugerville.

**Approved**

23. Approve the release of approximately 700 acres of the City of Austin's extra territorial jurisdiction (ETJ) to the City of Round Rock.

**Approved**

24. Approve execution of a twelve (12) month supply agreement with UNITED MEDICAL SUPPLIES, San Antonio, Texas for the purchase of first aid supplies in an amount not to exceed \$38,371.19 with two (2) twelve (12) month extension option in an amount not to exceed \$38,371.19 per extension, for a total contract amount not to exceed \$115,113.57. (Funding in the amount of \$28,785.15 is available in the operating budgets of the user departments. Funding for the balance of the contract and the extension options is contingent upon the availability of future funding). Low bid of (5). No opportunities for M/WBE subcontracting were identified.

**Approved**

25. Approve execution of a twelve (12) month supply agreement with KUENSTLER MACHINERY COMPANY, San Antonio, Texas for the purchase of captive repair parts for John Deere heavy equipment in the City's fleet, in an amount not to exceed \$80,000 with two (2) twelve (12) month extension options in an amount not to exceed \$80,000 per extension option for a total contract amount not to exceed \$240,000. (Funding in the amount of \$60,000 is available in the 1995-96 Fleet Maintenance Fund. Funds for the balance of the contract and the extension options is contingent upon the availability of future funding). Sole Source. No opportunities for M/WBE subcontracting were identified.

**Approved**

26. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TXDOT) for the construction of a water transmission main within the TXDOT right-of-way in the extension of Parmer Lane East, and for the relocation of existing water and wastewater utilities, in the amount of \$3,532,464. (Funding was included in the 1991-92 capital budget of the water and wastewater utility.) (Recommended by the Water and Wastewater Commission).

**Approved**

27. Authorize the negotiation and execution of an agreement with AUSTIN-JOURDAN CROSSING PARTNERS for engineering design of a water main and appurtenances to provide permanent water service within and near Jourdan Crossing Subdivision, with City cost reimbursement not to exceed \$219,400. (Funding was included in the 1991-92 capital budget of the water and wastewater utility) (Recommended by the Water and Wastewater Commission).

**Approved**

28. Approve execution of a Memorandum of Understanding whereby the City of Austin participates as a

partner in the U. S. Environmental Protection Agency's voluntary WAVE program to encourage efficient water consumption, in the amount of \$27,500. (Funding is available in the 1995-96 operating budget of the Environmental and Conservation Services Department.) (Recommended by Resource Management Commission)

**Approved**

#### ITEMS FROM COUNCIL

29. Direct the City Manager to commence negotiations with Capital Metro to reroute certain public transportation vehicles away from Congress Avenue between Cesar Chavez and the State Capitol. (Mayor Bruce Todd)

**Approved**

30. Consider cosponsorship and waiver of fees for the Third Annual Community Celebration recognizing Dr. Martin Luther King Jr.'s birthday, to be held January 13-15, 1996. (Councilmembers Eric Mitchell, Ronney Reynolds and Mayor Pro Tem Garcia)

**Approved**

Items 21 through 30 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 6-0 vote, Councilmember Shea absent.

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

31. C8-95-0172.0A - LOT 1 OF THE RESUBDIVISION OF PART OF LOTS 6, 7, 8, 9 & 10, BRYKERWOODS ANNEX NO. 2 AND PARTS OF LOTS 4 & 5, BRYKERWOOD SUBDIVISION, by Jeffrey Barnett (Vincent Gerard & Associates), 1907 West 30th Street. Restrictive Covenant Amendment. Planning Commission Recommendation: To amend the Restrictive Covenant to restrict development of lots to single family residences. (cont'd. from 12/14/95)

**Approved and amended to: 1) terminate restriction relating to sale of property; 2) no more than two (2) bedrooms per unit; and 3) no less than six (6) parking spaces for lot closest to west 30th street on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second 5-0-1 vote, Councilmember Goodman abstaining, Councilmember Shea absent.**

32. C14-90-0021 - PRESBYTERIAN CHURCH OF THE HILLS (Frank Boswell), by Gele & Associates (Stephen Gele), 11672 Jollyville Road. Restrictive Covenant Amendment. Planning Commission Recommendation: To approve the request to amend the Restrictive Covenant filed in Volume 11501, Pages 25-27, and to approve the request to terminate the Restrictive Covenant filed in Volume 11417, Pages 595-601 in the Deed Record of Travis County. (cont'd. from 11/16/95 & 12/14/95)

**Motion to close public hearing and approve Planning Commission recommendation; staff and applicant encouraged to assess ingress and egress to Ladera Vista to ensure safety of public on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.**

33. C14-95-0101 - DOCHEN TRUST (formerly NATIONS BANK), by Crocker Consulting (Sarah Crocker), 68 to 74 East Avenue. From SF-3 to GR. Planning Commission Recommendation: Forward to Council without a recommendation. A petition of 23.06% has been filed in opposition to this request that will require an affirmative vote of six out of seven members of Council for approval.

(cont'd. from 11/02/95 & 12/14/95)

**Applicant has withdrawn case**

34. C14-84-107(DE) - NATIONWIDE HOUSING (Leif Johnson Ford), West Ben White and Judson Road. Existing zoning: LI. Request for deletion of a portion of a previously approved Principal Roadway Area Site Plan. Planning Commission Recommendation: To approve the partial site plan deletion of 253,388 sq. ft. (Tract 2 only)  
**Ordinance No. 960104-F approve Planning Commission recommendation**
  
35. C14-95-0108 - THE KUCERA COMPANY (Angelo Paraskevas), by Bury & Pittman (James Knight), 1000 Block West Braker Lane. From DR to W/LO. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay for Tract 1, and W/LO-CO, Warehouse/Limited Office-Conditional Overlay for Tract 2, subject to limit development to generate less than 2,000 vehicle trips per day.  
**Approve Planning Commission recommendation, first reading only**
  
36. C14-95-0153 - KATTON, INC. (Javad Ahmadi), by Fatter & Evans Architect (Mervin Fatter), 1515 West 5th Street. From MF-6-CO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, with the provisions of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; (2) prohibit access to West Lynn Street; (3) notwithstanding all applicable water quality controls provisions contained in the Land Development Code, at the time of an application for approval of a site plan for development of the Property, or any portion of the Property, the Owner shall design, construct, and maintain water quality ponds on the Property in accordance with the Environmental Criteria Manual and shall be subject to review and approval by the Environmental and Conservation Services Department; and (4) prohibit Food Sales use. **Approve Planning Commission recommendation, first reading only**
  
37. C14-95-0158 - DON STEWART, INC., by Abbe/Garrett Engineers (Michael Simmons-Smith), Manchaca Road and Davis Lane. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial- Conditional Overlay, with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day.  
**Ordinance No. 960104-G approve Planning Commission recommendation**
  
38. C14-95-0159 - UNITY CENTER OF POSITIVE PRAYER (Rev. S. Roger Smith), by William G. Gurasich, 9603 Dessau Road. From SF-3 to Tract 1: LR-CO and Tract 2: LI-CO. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, zoning for Tract 1, and LI-CO, Limited Office-Conditional Overlay, zoning for Tract 2. The provisions of the overlay are as follows: (1) limit development to generate less than 2,000 vehicle trips per day; (2) limit height for Tract 1 to 20 feet, and 24 feet for Tract 2; (3) prohibit the following uses on Tract 1 - Consumer Convenience Services, Consumer Repair Services, Restaurant (drive-in, fast food), Service Station, Club or Lodge, Local Utility Services, and Safety Services; (4) prohibit the following uses on Tract 2 - Agricultural Sales and Services, Arts and Craft Studio (general & industrial), Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Campground, Construction Sales and Services, Convenience Storage, Equipment Repair Services, Equipment Sales, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Kennels, Laundry Services, Restaurant (limited, general, drive-in & fast food), Service Station, Vehicle Storage, Veterinary Services, Day Care Services (commercial), Local Utility Services, Maintenance

and Service Facilities, Railroad Facilities, Safety Services, Basic Industry, General Warehousing and Distribution, and Resource Extraction.

**Ordinance No. 960104-H approve Planning Commission recommendation**

39. C14-95-0160 - CHARLES JONES, by Rayburn & Associates (Don Rayburn), 607 Kawnee Drive. From NO to SF-3. Planning Commission Recommendation: To Grant SF-3, Family Residence, zoning as requested.

**Ordinance No. 960104-I approve Planning Commission recommendation**

40. C14-95-0166 - TERRELL TIMMERMAN, by Law Office of Brent Devere (Brent Devere), 1000 East 50th Street. From LR to GR. Planning Commission Recommendation: To Grant GR, Community Commercial, zoning subject to prohibit access to Harmon Avenue until such time as an additional five (5) feet of land is dedicated for the future widening of Harmon Avenue.

**Approve Planning Commission recommendation, first reading only**

41. C14-95-0167 - LUMBERMEN'S INVESTMENT, by Small, Craig & Werkenthin (Jim Nias), 11601-11805 North FM 620, 11612-11714 Anderson Mill Road. From SF-2 to GR, LR, and LO. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning for the southwestern portion of the tract; LO-CO, Limited Office-Conditional Overlay for the first 300 feet of the northeastern most property line; and LR-CO, Neighborhood Commercial-Conditional Overlay for the first 300 feet of the northwestern most property line. The provisions of the overlay are as follows: (1) a minimum 50 foot buffer on the northeastern portion of the first 300 feet of the rear yard (LO-CO portion only); (2) prohibit Hospital Services (limited) uses (for the entire site); (3) dedication of 53 feet of right-of-way from the future centerline of Anderson Mill Road.

**Approve Planning Commission recommendation, first reading only**

Items 34 through 41 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.

## PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

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

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

#### Advice of Counsel - Section 551.071

42. Discuss impact of Edmonds v. Oxford, 115 S. Ct. 1776 (1995) on the provisions of the City's Land Development Code.
43. Discuss Monaghan et al v. Maple Run at Austin MUD and the City of Austin, 53rd District Court , Travis County, CA 95-06139.

44. Discuss City of Cedar Park v. City of Austin ; Cause No. 95-317-c368, in the District Court of Williamson County, Texas.
45. Discuss litigation threatened by Barton Springs Edwards Aquifer Water District.

**Action on the Following**

46. Approve agreement with Barton Springs Edwards Aquifer Water District.

**ADDENDUM**

47. Release approximately 2,975 acres of the City of Austin's extra territorial jurisdiction (ETJ) to the City of Cedar Park subject to acceptance of the territory by Cedar Park.  
**Approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second 6-0 vote, Councilmember Shea absent.**

NOTE: The above items will be considered under its respective category, but follows the last number on the Austin City Council Agenda for January 4, 1996.

**ADJOURNED at 6:00 p.m. on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second 6-0 vote, Councilmember Shea absent.**

**Approved on this the 11<sup>th</sup> day of January, 1996, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 4-0 vote, Councilmembers Mitchell and Reynolds temporarily absent, Councilmember Shea absent.**