



Austin City Council MINUTES

MAY 23, 1996

Mayor Todd called the meeting to order, noting the temporary absence of Councilmembers Shea, Mitchell and Reynolds.

1. Approval of Minutes for Special Called Meeting of April 30, 1996 and Regular Meeting of May 16, 1996.
Minutes for Regular Meeting of May 16, 1996 postponed to June 6, 1996, Minutes for Special Called Meeting of April 30, 1996 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Mitchell, Reynolds and Shea temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss City issues and youth issues.
3. Ms. Mary Roe Aleshire, to discuss the smoking ordinance.
4. Mr. Frank Parker, to discuss the Renaissance Market.
5. Mr. Michael Bonds, to discuss the bicycle helmet law.
Absent, substitute speaker
6. Mr. Kirk Becker, to discuss campaign finance reform.
7. Mr. Paul Robbins, to speak on City issues.
Absent
8. Ms. Sherry Ellen Hayes, to discuss strategies recently taken regarding bicycle safety.
Absent
9. Mr. Jimmy Castro, to discuss the Children's Miracle Network Telethon.
10. Mr. Leonard Lyons, to discuss priorities.
Absent
11. Mr. Denis Fitzpatrick, to discuss the refusal of the police to protect the lives of Austin's citizens.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend ordinance 950911-A, the 1995-96, Operating budget by adding an appropriation to the Austin Fair Campaign Fund in the amount of \$21,662.30 to distribute the contents of the Austin Fair Campaign Fund as provided by the Austin Fair Campaign Ordinance. (Funding is

available in the Austin Fair Campaign Fund)

Motion to refer to Ethics Commission for additional assistance and advice on, Councilmember Shea's motion, Councilmember Goodman's second 5-0-2 vote, Councilmember Mitchell and Reynolds abstaining.

ORDINANCES

13. Approve third readings of Ordinance 950911-A to amend the 1995-96 operating budget, by transferring \$25,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Public Works and Transportation Department to fund a pedestrian coordinator, and authorize one additional full-time equivalent. (Councilmembers Max Nofziger and Brigid Shea)
Ordinance 960523-A approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".
14. Approve third readings of Ordinance 950911-A to amend, the 1995-96 operating budget, by transferring \$15,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Planning, Environmental and Conservation Services Department to fund the bicycle transit link program. (Councilmembers Max Nofziger and Brigid Shea)
Ordinance 960523-B approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".
15. Approve third readings of Ordinance 950911-A to amend, the 1995-96 operating budget, by transferring \$30,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Solid Waste Services Fund to fund the reformulated products program, and authorize one additional full time equivalent. (Councilmembers Max Nofziger and Brigid Shea)
Ordinance No. 960523-C approved with friendly amendment by Mayor Pro Tem Garcia to allocate money to Planning Environmental & Conservation Services rather than Solidwaste on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".
16. Approve third readings of Ordinance 950911-A to amend, the 1995-96 operating budget, by transferring \$24,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Drainage Utility to fund an Edwards Aquifer library. (Councilmembers Max Nofziger and Brigid Shea)
Ordinance No. 960523-D approved with friendly amendment by Councilmember Nofziger to allocate money to Nature Center rather than Drainage Utility and to house at the Public Library on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".
17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 13694 Research Boulevard, Case No.

C14-96-0022, from "LO-CO", Limited Office-Conditional Overlay & "GR-CO", Community Commercial-Conditional Overlay to "GR-CO", Community Commercial-Conditional Overlay, zoning, on Tract 1; and "GO-CO", General Office-Conditional Overlay, zoning, on Tract 2, subject to the following: (1) limit development to a level generating less than 2,000 vehicle trips per day (on Tract 1); (2) prohibit access to U.S. 183 North (on Tract 1); (3) prohibit the following uses (on Tract 1): Automotive Washing, Automotive Rentals, Automotive Repair Services, Business or Trade Schools, Exterminating Services, Food Sales, Funeral Services, Hotel-Motel, Indoor Sports and Recreation, Outdoor Sports and Recreation, Indoor Entertainment, Pawn Shop Services, Restaurant (general, limited & fast food), Service Stations, General Retail Sales (convenience), General Retail Sales (general), Communication Service Facilities, Day Care Services (general, limited and commercial), Hospital Services, Local Utility Service, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities; (4) limit building height to 35 feet (on Tracts 1 and 2); and (5) dedicate up to 180 feet of right-of-way from the future centerline of U.S. Highway 183 North. Further subject to prohibiting the following uses on Tract 2: Communication Services, Medical Offices, Professional Offices, Software Development, Communication Service Facilities, Convalescent Services, Counseling Services, Day Care Services (general, limited, commercial), Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, and Public Secondary Educational Facilities; CALGON SUMMIT LTD. (Dan Cooper), by A.R. Thrower Design (Ron Thrower). First reading on April 25, 1996; Vote 5-0; Reynolds absent & Nofziger off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Ordinance No. 960523-E approved with the deletion of condition 5 on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

18. Approve second reading of an ordinance granting a franchise to Time Warner Entertainment Company, L.P. (Austin Cablevision) to provide cable services. (Franchise Fee Revenue 1996-97 \$2.6 million)
Approved second reading only on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second 6-0-1 vote, Councilmember Mitchell abstaining.
19. Approve second/third reading of Ordinance 950911-A to amend the 1995-96 Operating budget, by increasing the transfers from the Airport Capital Fund to the Aviation CIP by \$170,000; and amend Ordinance 950911-B, the 1995-96 Capital budget of the Airport, by increasing appropriations for Arts in Public Places for the Austin Bergstrom International Airport by \$170,000. (Councilmember Max Nofziger, Mayor Pro Tem Gus Garcia, Councilmember Jackie Goodman)
Approved second reading only on, Councilmember Goodman's motion, Councilmember Nofziger's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".
20. Approve naming an unnamed park in Northwest Austin "Great Hills Park". (Funding in the amount of \$600 for park signs was included in the 1992-93 Amended Capital budget of the Parks and Recreation Department.) (Recommended by Parks Board)
Ordinance No. 960523-F approved

21. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (C) Speed Limits, to reduce the speed limit on Alta Vista Avenue from 30 mph to 25 mph between East Oltorf Street and Rosedale Terrace. (Funding in the amount of \$200 for the installation of speed limit signs is available in the 1995-96 General Fund for the Public Works and Transportation Department.)
Ordinance No. 960523-G approved
22. Amend Sections 6-3-1 and 6-3-40 (E) of the Austin City Code by adding a definition of the term "Pediatric Intensive Care Transfer" and authorizing Pediatric Intensive Care Transfers by Medical Transfer Service Franchise Holders. (No fiscal impact.)
Ordinance No. 960523-H approved

Items 20 through 22 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second 7-0 vote.

23. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Public Works and Transportation Department, by transferring \$615,000 from the Stassney Lane Road Project to the Grove Boulevard project. (Funding available from 1984 G.O. Bonds Proposition 18)(To be reviewed by the Planning Commission on May 21, 1996)
Ordinance No. 960523-V approved on, Councilmember Reynolds' motion, Councilmember Nofziger's second, 5-0 vote, Mayor Pro Tem Garcia and Councilmember Mitchell off the dais.
24. Approve an ordinance canceling the regular scheduled City Council meeting for January 2, 1997 and add December 19, 1996 as a regular scheduled Council meeting.
Ordinance No. 960523-R approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-2 vote, Councilmembers Mitchell and Reynolds voting "NO".

Amendment to cancel June 6, 1996 meeting on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 2-5 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmembers Goodman, Nofziger and Shea voting "NO".

RESOLUTIONS

25. Authorize negotiation and execution of Amendment #2 to the Professional Services Agreement with COMMUNITY ENVIRONMENTAL SERVICES, INC., (WBE/FR), Austin, Texas, for Phase II (design) and Phase III (construction management of demonstration alternative systems) for the Alternative Wastewater Management Project, in an amount not to exceed \$237,000, for a total contract amount of \$426,960. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) 87.8% Prime participation. 2.7% WBE, 1.6% MBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
Approved on Councilmember Nofziger's motion, Councilmember Shea's second, 5-0 vote, Councilmembers Mitchell and Shea off the dais.
26. Approve amendments to the City of Austin's Investment Policy. (No fiscal impact.)

(Recommended by Audit and Finance Committee)

Approved

27. Approve a construction contract with AIRCO MECHANICAL, INC., Austin, Texas, for the installation of a cooling tower at the Robert Mueller Municipal Airport, in the amount of \$78,000. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) Low bid of two. 14.27% MBE, 0% WBE Subcontractor participation.

Approved

28. Approve negotiation and execution of contract with MIDWEST AIR TRAFFIC CONTROL SERVICE, INC., New Century Aircenter, Kansas, to provide interim air traffic control tower (ATCT) services for up to twenty-four hours per day at Austin-Bergstrom International Airport (ABIA), in an amount not to exceed \$960,800 for a three year contract with monthly holdover options in an amount not to exceed \$28,925 per month. (Funding in the amount of \$35,200 is available in the 1995-96 operating budget of the Aviation Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

29. Approve a contract with the Sundt Corporation, Tucson, Arizona, for the construction of the East Runway System Project, at Austin- Bergstrom International Airport (ABIA) in an amount of \$31,470,613, plus a contingency fund of \$3,147,061. (Funding is included in the 1996 -) Low responsive bid of eight. DBE participation: 32.6%. 4.6% MBE, 28.5% WBE. Funding is available in the 1995-96 Capital Budget for Aviation

Approved

30. Approve execution of a twelve month service agreement with BROWNING-FERRIS INDUSTRIES, INC., Austin, Texas, to provide contaminated soil waste disposal services, in an amount not to exceed \$45,800.10 with two twelve month extension options in an amount not to exceed \$19,653.75 per extension, for a total amount not to exceed \$85,107.60. (Funding in the amount of \$32,697.60 is available in the 1995-96 operating budget of the Transportation Fund. Funding for the remaining eight months and the extension options is contingent upon available funding in future budgets.) Low responsive bid of two. No M/WBE Subcontracting opportunities were identified.

Approved

31. Approve execution of a twelve month supply agreement with IDC TRACONEX/MULTISONICS, Fullerton, California, for the purchase of pedestrian signal heads, in an amount not to exceed \$54,337.50 with two twelve month extension options in an amount not to exceed \$54,337.50 per extension, for a total contract amount not to exceed \$163,012.50 (Funding in the amount of \$18,112.50 is available in the 1995-96

operating budget of the Public Works and Transportation Department. Funding for the remaining eight months and the extension options is contingent upon available funding in future budgets.) Low bid of five. No M/WBE Subcontracting opportunities were identified.

Approved

32. Approve an increase in authorized expenditures and an amendment to the Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for replacement and rehabilitation of the bridge on Mount Bonnell Road at Water Plant Road, in the amount of \$18,710.39, for a total amount of \$178,710.30. (Funding in the amount of \$18,710.39 was included in the 1995-96 Capital budget of the Public Works and Transportation Department.) (Recommended by Planning Commission)

Approved

33. Authorize an Interlocal Agreement with Travis County for the maintenance of Local Emergency Planning Commission data with an automatic renewal provision, in the amount of \$24,910. (Funding is included in the 1995-96 operating budget of the Fire Department, to be reimbursed by Travis County)

Approved

Items 26 through 33 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

34. Approve revision of the City's Personnel Policies. (No fiscal impact.)
Approved substitute motion of City Personnel Policies by Councilmember Goodman, on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 4-0 vote, Councilmembers Mitchell, Nofziger and Shea off the dais.

35. Approve negotiation and execution of a twelve month contract award to AIDS SERVICES OF AUSTIN, for HIV services under the Ryan White Title I Supplemental Emergency CARE grant, in an amount not to exceed \$171,448. (Funding is available in the Health and Human Services Department Special Revenue Fund from the U.S. Department of Health and Human Services.) (Recommended by HIV Planning Council)

Approved

36. Approve negotiation and execution of four nine month contracts totaling \$427,894 for HIV services under the Ryan White Title I Formula Emergency CARE grant to AUSTIN/TRAVIS COUNTY MHMR CARE, in an amount not to exceed \$123,330, PROJECT TRANSITIONS, in an amount not to exceed \$144,167, ALLGO/INFORME SIDA, in an amount not to exceed \$59,498, and WATERLOO COUNSELING CENTER, in an amount not to exceed \$100,899, for a total amount not to exceed \$427,894. (Funding is available in the Health and Human Services Special Revenue Fund from the U.S. Department of Health.) (Recommended by HIV Planning Council)

Approved

37. Approve negotiation and execution of two eleven month contracts totaling \$298,941 for HIV Services under the Ryan White Title II Consortia and Insurance grant to COMMUNITY ACTION, INC., in an amount not to exceed \$241,230, and to HIV WELLNESS CENTER, in an amount not to exceed \$57,711. (Funding is available in the Health and Human Services Special Revenue Fund for the Texas Department of Health.) (Recommended by HIV Planning Council)

Approved

Items 35 through 37 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

38. Pursuant to the agreement between the City of Austin and the Village at Western Oaks M.U.D., approve payment to the Village at Western Oaks M.U.D., Austin, Texas, for the purchase and installation of a water meter and associated water and wastewater piping including Water Tap Fee, Wastewater Tap Fee, Capital Recovery Fee and Deposit, as part of the Dick Nichols Park Pool and Bathhouse, in the amount of \$39,637.50. (Funding was included in the 1994-95 Amended Capital budget of the Parks and Recreation Department.) (Recommended by Planning Commission)

Postponed to June 6, 1996

39. Approve execution of a contract with LANFORD EQUIPMENT COMPANY INC, Austin, Texas for the purchase six low center of gravity (LCG) diesel tractors in the amount of \$79,727.50. (Funding in the amount of \$66,466.25 is available in the Vehicle Acquisition Fund; \$13,261.25 is available in the 1995-96 Golf Enterprise Fund. No M/WBE subcontracting opportunities identified.)

Approved

40. Authorize acceptance in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services, for the Police Department to participate with 14 other cities in an Anti-Gang Initiative; amend Ordinance No. 950911-A, the 1995-96 Operating budget, amending the Special revenue Fund by appropriating \$750,000 in grant funds for the Police Department Special Revenue Fund; and authorizing 2 additional FTEs. (Funding is available from the U.S. Department of Justice)

Ordinance No. 960523-T approved

Items 39 through 40 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

41. Release approximately 200 acres of the City of Austin's extra territorial jurisdiction to the City of Pflugerville. (No fiscal impact.)

Approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0-1 vote, Mayor Todd abstaining.

ITEMS FROM COUNCIL

42. Approve a resolution authorizing a grant of \$160,000 to the Austin Housing Finance Corporation to fund the Down Payment Assistance Program in the Meadows of Trinity Crossing and Fairway Ridge subdivisions. (Funding in the amount of \$80,000 from HOME Year 3 and \$80,000 is available in the 1995-96 Operating budget of the Neighborhood Housing and Conservation.) (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia) (Related to 50)

Approved \$100,000 on, Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

43. Amend Ordinance No. 890810-C, relating to the refund of various fees paid to the City of Austin in connection with construction of single family residential dwelling units in the Meadows of Trinity Crossing subdivision. (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia)

Ordinance No. 960523-I approved

44. Approve an ordinance changing the street name of Peyton Gin Road to Payton Gin Road. (Councilmember Ronney Reynolds and Councilmember Jackie Goodman)

Ordinance No. 960523-J approved

Items 43 and 44 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

45. Approve a resolution to support decreased demand on water resources through water conservation. (Councilmember Jackie Goodman and Councilmember Max Nofziger)

Approved on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 4-1-1, Councilmember Reynolds voting "NO", Mayor Todd abstaining, Councilmember Mitchell off the dais.

46. Approve a resolution to disband the City Task Force on Homelessness in name, noting that CAN will provide the necessary oversight and direction on homeless issues through the CAN planning body for Homelessness, utilizing the Task Force members as previously appointed by City Council. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)

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

47. Approve an ordinance to require the reading of all items on the City Council agenda at the beginning of each Council meeting. (Councilmember Max Nofziger and Councilmember Brigid Shea)

Motion to approve on, Councilmember Nofziger's motion, Councilmember Shea's second, 3-1-1 vote, Mayor Todd voting "NO", Mayor Pro Tem Garcia abstaining, Councilmembers Mitchell and Reynolds off the dais .

Motion fails.

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 48-50 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Director's.

48. Approve the minutes of March 28, 1996, meeting.

49. Approve a resolution authorizing the sale of 1105 Navasota Street to Jo Baylor, in an amount not less than \$14,000 for the expansion of an office retail-complex located at

1101-03 Navasota Street.

50. Approve a resolution authorizing the General Manager or his designee to accept a \$160,000 grant from the City for the Down Payment Assistance Program. (Boardmember Jackie Goodman and Boardmember Gus Garcia) **(Related to 42)**

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

51. C14-95-0193 - DON ENGELING, by Urban Design Group (Laura T. Berland), 10603 F.M. 2222. From I-SF-2 to GR, GO, & MF-2. Planning Commission Recommendation: To Grant GR, Community Commercial zoning, for Tracts 1 and 2; GO, General Office, zoning for Tract 3; and MF-2-CO, Multifamily Residence (low density)-Conditional Overlay for Tract 4, and compliance with the Traffic Impact Analysis memo with the provisions of the overlay as follows: (1) limit the density to 14 units per acre on the multifamily tract; (2) prohibit access to Riverplace Boulevard (unless approved by the Riverplace Homeowners Association and a traffic signal at F.M. 2222 and Business Park Drive is not installed); and (3) that all structures, which are office and retail uses, beyond the 1,000 feet outside the Hill Country Roadway ordinance be limited to 40 feet in height. (cont'd from 5-9-96, 5-16-96)
Postponed to 6-13-96 on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Shea off the dais.

52. C8-86-061.1 - AUSTIN THREE POINTS LAND PARTNERSHIP, LTD. (Daren Casey), by Minter, Joseph and Thornhill, P.C. (Jeffery S. Howard), F.M. 1825 and IH-35 North. Restrictive Covenant Amendment. Planning Commission Recommendation: To approve the requested restrictive covenant amendment.
Approved

53. C14H-92-0012 - JOHNSON SMOKE HOUSE (Danny Burnett), by Dwyer/Murphy Co., 1500 Block of Capital of Texas Highway. From LO to to SF1-H). Planning Commission Recommendation: To Grant SF1-H, Single Family Residence- Historic, zoning based on designation criteria items (1), (8), (9), (11), (12), and (13).
Ordinance No. 960523-K approved

Items 52 and 53 approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmembers Goodman and Shea off the dais.

54. C14H-93-0024 - STONE HOUSE (Helen Stanley), by City of Austin, 1811 Newton Street. From SF-3 to SF-3-H. Planning Commission Recommendation: To Grant SF-3-H, Family Residence-Historic based on designation criteria items (1), (6), (8), and (9). Items (12) and (13) would be met if the structure were restored.
Postponed to June 13, 1996 on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

55. C14H-95-0007 - BADGER HOUSE, by Susan J. Pryor and Richard E. Boner, 4006 Speedway. From LO to LO-H. Planning Commission Recommendation: To Grant LO-H, Limited Office-Historic, zoning based on designation criteria items (1), (2), (6), (8), (9), (12), and (13).

Ordinance No. 960523-L approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmembers Goodman and Shea off the dais.

56. C14-96-0037 - PHUOC & BACH HOA NGYEN HUYNH/XIA & PHUONG LUU HUYNH (Bach "Becky" Hoa), 2211 and 2301 West Parmer Lane. From NO to LR. Planning Commission Recommendation: To Grant LR, Neighborhood Commercial, zoning subject to the following: (1) a joint access driveway is required for the two lots constituting this zoning case; (2) a maximum of 12 parking spaces for the two lots, parking to be delineated; (3) removal of tree stump; (4) limit development to a level generating less than 300 vehicle trips per day for the two lots; and (5) placement of bollards with chains between parking and the sidewalk.
Approved first reading only on, Councilmember Reynolds' motion, Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.

57. C14-96-0039 - DENNIS & FAYE ARTALE (Dennis Artale), 3110 West Slaughter Lane. From I-RR to GR & LR. Planning Commission Recommendation: 1) To Grant GR-CO, Community Commercial-Conditional Overlay for Tract One, with the provision to prohibit all GR uses, except Personnel Improvement Services and allow all LR, Neighborhood Commercial, uses; 2) To Grant LR-CO, Neighborhood Commercial-Conditional Overlay for Tract Two; and 3) To prohibit Restaurant (limited) and Restaurant (drive-in, fast-food) on both Tracts One and Two. Note: There is an applicant's agreement to a restrictive covenant on a roll back (rezoning) provision should the use (Personal Improvement Service) cease for more than 90 days.
Ordinance No. 960523-M approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote Councilmember Goodman and Shea off the dais.

58. C14-96-0041 - SWISHER LTD. (Garey Legett, III), by Rod Arend, Inc. (Rod Arend), 2801 to 2901 Swisher Street. From GO to MF-6. Planning Commission Recommendation: To Grant MF-5, Multifamily Residence (high density), zoning.
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second 4-0 vote, Councilmember Goodman, Mitchell and Shea off the dais.

Ordinance No. 960523-U approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmembers Goodman and Shea off the dais.

59. C14-96-0043 - BH TRAVIS COUNTRY (Lee Weber), by Land Strategies (Paul Johnson), 5100 Southwest Parkway and 4900, 4916 Industrial Oaks Boulevard. From GR to SF-6. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium

Residence, zoning subject to applicant's voluntary agreement with an Integrated Pest Management Program (IPM).

Postponed to June 13, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmember Goodman and Shea off the dais.

60. C14-96-0044 - TOM W. BRADFIELD, by Crocker Consultants (Sarah Crocker), 2710 Hancock Drive. From CS to SF-2. Planning Commission Recommendation: To Grant SF-2,

Single Family Residence (standard lot), zoning as requested.

Ordinance No 960523-N approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmembers Goodman and Shea off the dais.

61. C14-96-0045 - DAVIS SPRING PROPERTIES, LTD. (Perry O. Blanton), by Huffcut & Associates, Inc. (Gina Diehl), West Parmer Lane and Spectrum Drive. From GR, LI & P to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay, with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day.

Ordinance No. 960523-O approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmembers Goodman and Shea off the dais.

62. C14-96-0046 - BILL GASTON ENTERPRISES (Bill Gaston), by Minter, Joseph & Thornhill (Kenneth W. Brown), 9185 Research Boulevard. From LI to CS-1. Planning Commission Recommendation: To Grant CS-1, Commercial Liquor Sales, zoning as requested.

Motion to approve Planning Commission recommendation of first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmember Goodman and Shea off the dais.

Motion to reconsider and approve on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

Ordinance No. 960523-S approved

63. C14-96-0050 - TRAVIS COUNTY (Belinda Poppa), by Ponciano & Associates, Architect, Inc. (Ponciano Morales), Nueces Street and W. 10th Street. From MF-4, GO, GO-H & CS to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.

Ordinance No. 960523-P approved

64. C14-96-0059 - GERALD LAMAR, by JB Goodwin Commercial (David Petrick), 4800 Loyola Lane. Tract 1: From MF-2 to GR & NO. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay for Tract 1 and NO-CO, Neighborhood Commercial-Conditional Overlay for Tract 2; with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day.

Ordinance No. 960523-Q approved

Items 63 and 64 approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's motion, 5-0 vote, Councilmembers Goodman and Shea off the dais.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

65. 4:30 P.M. - Public hearing regarding amendments to the Land Development Code to provide for successor departments to Planning and Development, and Environmental and Conservation Services; to establish an environmental review division; and to create an environmental

officer. (Councilmember Max Nofziger and Councilmember Brigid Shea)

Motion to close public hearing on Councilmember Nofziger's motion, Councilmember Goodman's second 4-0 vote, Mayor Pro Tem Garcia, Councilmembers Mitchell and Shea off the dais.

ACTION ON THE FOLLOWING

66. Approve an Ordinance to amend the Land Development Code to provide for successor departments to Planning and Development, and Environmental and Conservation Services; to establish an environmental review division; and to create an environmental officer. Recommended by the Planning Commission and the Environmental Board. Councilmember Max Nofziger and Councilmember Brigid Shea)
Approve first reading only on, Councilmember Nofziger's motion, Councilmember Goodman's second, 4-1 vote, Mayor Todd voting "NO", Councilmember Mitchell and Reynolds off the dais.

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.

Real Estate Acquisition - Section 551.072

67. Discuss acquisition of 0.14 of an acre (6,098 square feet) tract of land for the proposed U.S. 183 Expansion project.

Advice of Counsel - Section 551.071

68. Discuss legal issues concerning renewal of cable franchise to Time Warner Entertainment Company, L. P.
69. Discuss Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin, Cause No. 94-01760, in the 353rd District Court of Travis County, Texas.

Staff Briefing - Section 551.075

70. Staff briefing on the renewal of the cable franchise to time Warner Entertainment Company, L.P. (No Council deliberation permitted under Section 551. 075)

ACTION ON THE FOLLOWING

71. Authorize the acquisition of 0.14 of an acre (6,098 square feet) tract of land for the proposed

U.S. 183 Expansion project.

Approved in the amount of \$55,580 on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

ADDENDUM

MAY 23, 1996 COUNCIL AGENDA

72. Direct the City Manager to work with Fiesta Patrias to explore the potential for the development of a recreational areas on land owned by Fiesta Patrias. (Mayor Pro Tem Gus Garcia and Mayor Bruce Todd)

Approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

ADJOURNED at 8:00 p.m.

Approved on this the 6th day of June, 1996, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Reynolds temporarily absent, Councilmember Goodman absent.