



# Austin City Council MINUTES

OCTOBER 24, 1996

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

1. Approval of Minutes for Special Called Meetings of October 1, 2, and 9, 1996 and Regular Meeting of October 10, 1996.  
Postponed to October 31, 1996.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Robert Thomas, to discuss Rosewood Recreation Center.
3. Mr. Joe Martinez, to request waiver of fees for a lot located inside the 5 mile ETJ, approximately 3 miles east of I.H. 35 on FM 2001 in Hays
4. Mr. Gus Pena, to discuss homelessness issues and city issues.
5. Mr. Roger Baker, to discuss matters arising.
6. Ms. Portia Watson, to request foot patrol officers for 12th Street Entertainment District and to discuss reasons why it's needed.
7. Ms. Karen Hadden, to discuss city issues.
8. Mr. Robert Singleton, to provide the City Council with some much needed direction on two or three issues.
9. Mr. Leon Hernandez, to discuss parking tickets at Hernandez restaurant.  
**Absent**
10. Mr. Gavino Fernandez, to discuss the proposed \$1.8 million Electric Department fund for an athletic clubhouse on Town Lake.
11. Mr. Phil Arnold, to discuss development of Creekside properties.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve execution of a nineteen month contract with CENTRAL AND SOUTHWEST COMMUNICATIONS, INC., Austin, Texas, for the design, installation, and maintenance of a pilot system utilizing a fixed wireless network to perform automatic meter reading of electric and water meters, in an amount not to exceed \$1,164,296. (Funding in the amount of \$1,053,686 was included in the 1996-97 Capital budget of the Electric Utility Department; \$82,957 is available in the 1996-97 operating budget of the Water and Wastewater Utility; and \$27,653 is available in the 1996-97 operating budget of the Utility Customer Service Office.) Best proposal of twelve. 10%

MBE, 5% WBE Subcontractor participation. (Recommended by Electric Utility Commission and Water and Wastewater Commission)

Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell absent.

13. Direct the City Manager to address community policing initiatives and programs in the 1996-97 budget. (Councilmembers Jackie Goodman and Eric Mitchell) [Public Hearing Closed - For Action Only.]  
Postponed to October 31, 1996 on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd off the dais.

## ORDINANCES

14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Southwest Parkway and Wier Hills Road, Case No. C14-94-0144, from "P", Public District and "I-RR", Interim Rural Residence to "SF-2", Single Family Residence (standard lot) and "RR", Rural Residence for area within the 100 year flood plain; FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust). First reading on September 14, 1995; Vote 4-1, Goodman Voting "No", Todd and Shea absent. Second reading on October 5, 1995; Vote 4-3, Goodman, Nofziger and Shea voting "No". (continued from 9/12/96 - COUNCIL, 10/03/96 - STAFF) Note: **The applicant has withdrawn this rezoning request.**
15. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East Stassney Lane and Wasson Road, Case No. C14-95-0118, from "RR", Rural Residence, "SF-6", Townhouse and Condominium Residence (low density) to "W/LO-CO", Warehouse/Limited Office-Conditional Overlay. The conditional overlay will achieve the following: (1) Limit land uses and intensities to that which generates less than 1,200 vehicle trips per day; (2) Prohibit the following uses - Lodginghouse Residential, Exterminating Services, Local Utility Services, Telecommunications Tower, and Equipment Repair Services, as well as above ground or below ground fuel storage tanks; (3) Require a Conditional Use Permit (CUP) for Limited Warehousing and Distribution and Convenience Storage uses; (4) Limit development in the Water Quality Transition Zone (WQTZ) to - (a) No development except for utilities, stormwater management and water quality structures in the 75 feet closest to the creek; (b) Development in the remainder WQTZ will be restricted to no more than thirty percent (30%) impervious cover and height of 20 feet. Additional conditions have been incorporated into a restrictive covenant. Note: The applicant withdrew their request for rezoning on Tract #2 prior to Planning Commission public hearing. T. DAVID YOUNG, by Paul M. Juarez and Kenneth W. Brown, AICP. First reading on September 5, 1996. Vote 4-3; Goodman, Slusher and Griffith voting "No". (The applicant withdrew all the floodplain and Critical Water Quality Zone as noted above prior to the last Planning Commission Public Hearing) (continued from 9/26/96 - COUNCIL, 10/03/96 - APPLICANT)  
**Approved LO zoning for first 125 feet from Wasson Road and W/LO zoning for the remainder of the tract with appropriate LO and W/LO conditions, second reading only, third reading on November 7, 1996, on Councilmember Mitchell's motion, Councilmember Goodman's second, 5-2 vote, Mayor Pro Tem Garcia and Councilmember Slusher voting "NO".**
16. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D), Speed

Limits, for the installation of a 20 mph reduced speed school zone on Salina Street for the protection of students attending Blackshear Elementary School. (Funding in the amount of \$600 for installation of signs and markings is available in the 1996-97 Child Safety Fund of the Public Works and Transportation Department.)

**Ordinance No. 961024-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.**

17. Approve full purpose annexation of the following areas: Lamplight Village/Tomanet Estates, North Park Estates, North Oaks Park, Wong Tract, Arnold Tract, Estates of Brentwood, Great Hills, Engling/Park West, Loop 360 ROW, and Airport Acquisition area. (Funding is available in the 1996-97 operating budget for required services.)

**Ordinance No. 961024-B, Lamplight Village/Tomanet Estates,**

**Ordinance No. 961024-C, North Park Estates,**

**Ordinance No. 961024-D, North Oaks Park,**

**Ordinance No. 961024-E, Wong Tract,**

**Ordinance No. 961024-F, Arnold Tract,**

**Ordinance No. 961024-G, Estates of Brentwood,**

**Ordinance No. 961024-H, Great Hills,**

**Ordinance No. 961024-I, Engling/Park West,**

**Ordinance No. 961024-J, Loop 360 ROW,**

**Ordinance No. 961024-K, Airport Acquisition area approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Todd off the dais.**

18. Amend Chapter 16-5 of the City Code to provide for parking by persons whose presence is required in a judicial proceeding. (No fiscal impact.)

**Ordinance No. 961024-L approved**

19. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget, by increasing the appropriation for the Hospital Operating Fund by \$575,000 and reducing the unreserved ending balance by \$575,000. (Related to Item 20)

**Ordinance No. 961024-M approved**

## RESOLUTIONS

20. Approve Settlement and Release Agreement with Daughters of Charity Health Services of Austin relating to the lease of Brackenridge Hospital. (Total payment amount is \$3,075,000; \$575,000 is available in the 1996-97 operating budget of the Hospital Fund; \$2,500,000 is available in the External Escrow Reserve for the Hospital Fund.) (Related to Item 19)

**Approved**

**Items 18 through 20 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.**

21. Approve the appointment of three Council members to a steering committee to assist in informing and educating Austin's community on the changing electric utility industry, the impact of these changes on the future of Austin's electric Utility, and future options for Austin's Electric Utility. (No fiscal impact.)

Approved with change that four Councilmembers can participate on, Councilmember Slusher's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.

22. Authorize negotiation of a strategic partnership agreement with Anderson Mill Municipal Utility District. (No fiscal impact.)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Griffith "ABSTAINING", Councilmember Mitchell off the dais.

23. Authorize negotiation and execution of a one year lease renewal with MICHAEL KUHN, Austin, Texas, for 30,873 square feet of office and warehouse space located at 211 East Alpine Street for the Records Center of the Library Department, in the amount of \$140,780.00, with a one year extension option in the amount of \$140,780.00, for a total contract amount not to exceed \$281,561.76. (Funding is available in the 1996-97 operating budget of the Library Department.)

**Approved**

24. Approve execution of a construction contract with STR CONSTRUCTORS, INC., Waller, Texas, for construction of the Southeast Austin Community Branch Library located at 5803 Nucklos Crossing Road, in the amount of \$1,086,896. (Funding was included in the 1996-97 Approved Capital budget of the Library Department.) Low bid of two. 4.42% MBE, 0.98% WBE Subcontractor participation.

**Approved**

25. Approve execution of a twelve month service agreement with DIVERSIFIED FLEET SERVICES, Houston, Texas, for maintenance/repair of aerial devices and cranes, in an amount not to exceed \$150,000 with two twelve month extension options in an amount not to exceed \$150,000 per extension, for a total amount not to exceed \$450,000. (Funding is available in the 1996-97 operating budget of the Fleet Maintenance Fund. Funding for the extension option is contingent upon available funding in future budgets.) Low bid of three. No MWBE Subcontracting opportunities were identified.

**Approved**

26. Approve execution of a construction contract with SMITH CONTRACTORS, San Antonio, Texas, for replacement/modifications to an existing rock wall, sidewalks and pedestrian bridge at Waller Creek and East 6th Street, in the amount of \$141,875.02. (Funding was included in the 1996-97 Capital budget of the Drainage Utility Department.) Low bid of seven. 26.22% MBE, 9.39% WBE Subcontractor participation.

**Approved**

27. Approve execution of a construction contract with ENVIRONMENTAL CONTRACTORS, INC., Austin, Texas, for asbestos and lead-based paint remediation and demolition at the Shady Oaks Apartments, located at 4900 Manor Road, as part of the Tannehill Branch Watershed Improvement Program, in the amount of \$103,000. (Funding was included in the 1996-97 Capital budget of the Drainage Utility Department.) Low bid of three. 9.70% MBE, 13.30% WBE Subcontractor participation.

**Approved**

28. Approve Amendment #1 to the Americans with Disabilities Act Rotation List with the following two firms: GUTIERREZ/JOHNSTON ARCHITECTS-JV (WBE/FR), Austin, Texas, and J. ROBINSON AND ASSOCIATES, ARCHITECTS, INC., Austin, Texas, to provide professional services on a variety of projects for the removal of architectural barriers in public buildings and in the public right-of-way for compliance with the Americans with Disabilities Act (ADA), for a period of approximately one year or until available funding is expended, increasing the agreement in the amount of \$100,000, for a total agreement amount of \$305,000. (Funding was included in the 1996-97 Capital budget of the Public Works and Transportation Department.) Percentages of MBE/WBE Subconsultant participation cannot be determined at this time because scope of work is not known.

**Approved**

29. Approve execution of a contract with L.B. FOSTER COMPANY, Houston, Texas, for the purchase of railroad turnouts to rehabilitate up to 16.3 miles of the City-owned railroad from McNeil Road to downtown Austin near the Convention Center, in an amount not to exceed \$52,782. (Funding is included in the 1995-96 amended Capital Budget of the Public Works and Transportation Department.) Low bid of eight meeting specifications. No M/WBE Subcontracting opportunities were identified. **Approved**

30. Authorize negotiation and execution of a License Agreement with BLUEBONNET ELECTRIC COOPERATIVE, INC., Giddings, Texas, to locate, construct, maintain and operate three phase electrical distribution lines across/above the Giddings to Llano railroad right-of-way. (The annual fee in the amount of \$200 will be paid by Bluebonnet Electric Cooperative, Inc., to the Capital Metropolitan Transportation Authority.)

**Approved**

31. Authorize the filing of eminent domain proceedings to acquire fee simple title to 4,580 square feet of land, a Drainage Channel Easement containing 4,805 square feet of land out of the Lot 1 of the Eula May Addition, a subdivision out of the William Cannon League No. 19, in the Travis County, Texas, owned by South Austin Professional Park Joint Venture, a Texas Joint Venture for the Manchaca Road Project. (Appraised value \$17,257.00.)

**Approved**

32. Approve Supplemental Amendment #7 to a Professional Services Agreement with MAXIM TECHNOLOGIES, Austin, Texas, for geotechnical testing and engineering services at Austin-Bergstrom International Airport, in the amount of \$400,000, for a total contract amount of \$2,150,000. (Funding was included in the 1996-97 Capital Budget of the Aviation Department.) DBE Participation: 21% (11.5% MBE, 9.50% WBE). (Recommended by Airport Advisory Board)

**Approved**

Items 23 through 32 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

33. Approve the revised Articles of Incorporation and Bylaws of the Austin Convention and Visitors Bureau. (No fiscal impact.)

**Motion to approve Articles of Incorporation and Bylaws of the ACVB on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second,**

Friendly amendment by Councilmember Reynolds to, reappoint a board member if three consecutive meetings are missed,

Acceptable to the seconder

Friendly amendment that in the absence of the finance director, the executive director should designate another employee to be the signer, therefore you will always have one employee, one boardmember co-signing checks,

Friendly amendment by Councilmember Slusher that; "the Board may determine a minimum amount not to be above \$2,500 where a co-signature is not required."

Acceptable to the seconder

Three friendly amendments acceptable to the maker

Amendment by Councilmember Goodman that; "No substantial part of the activities of the Corporation shall be Carrying on or propaganda otherwise attempting to influence legislation," and also, "The Corporation shall not participate in or intervene in, including publishing statements for any political or electoral campaign."

Friendly amendment that 51% of the Board be in agreement

Acceptable to the maker and the seconder,

Amendment to change 51% to 2/3rds vote on, Councilmember Griffith's motion, Councilmember Goodman's second, 3-3-1 vote, Mayor Todd, Mayor Pro Tem Garcia and Councilmember Reynolds voting "NO", Councilmember Mitchell "ABSTAINING".

Motion by Councilmember Griffith to delete "reasonably tend to", Exhibit B to the bylaws, section 2.e, Councilmember Goodman's second for discussion only,

The second on the deletion of the word "reasonable" is withdrawn,

Vote on the revised articles and bylaws, 6-1 vote, Councilmember Griffith voting "NO".

34. Approve an amendment to the Human Services Interlocal Agreement with Travis County for substance abuse services, job training, and services for youth at risk; revising the contract allocation and increasing the agreement in an amount not to exceed \$90,254, for a total amount not to exceed \$6,083,229. (Funding is available in the 1996-97 operating budget of the Health and Human Services Department Social Services fund.) (Recommended by Community Action Network Resource Council)

**Approved**

35. Approve Amendment #3 to the Interlocal Agreement with Travis County for provision of emergency medical service. (Revenue in an estimated amount of \$836,990 for 1995-96 and an estimated

amount of \$1,118,316 for 1996-97.)

**Approved**

36. Amend the resolution establishing an Indigent Care Work Team with Travis County to study issues related to the financing and provision of indigent health care services. (The estimated cost of City staff support for 120 days is \$29,105 for salaries and fringe benefits. Funding is available in the 1996-97 operating budget of the Health and Human Services Department.)

**Approved**

**Items 34 through 36 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.**

37. Authorize negotiation and execution of a refundable \$50,000 option contract with the Texas General Land Office, on behalf of the Texas Department of Mental Health and Mental Retardation to acquire the former State School located at 8509 FM 969 (approximately 200 acres of improved property). [Total acquisition cost is \$2,700,000. Funding for the \$50,000 option is available in 22nd Year Housing Implementation Program, Community Development Block Grant Funds.] **(Related to Item 43)**

**Approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd off the dais.**

38. Authorize a grant of HOME funds in the amount of \$300,000 to the Austin Housing Finance Corporation (AHFC) to provide down payment assistance to 100 first time home buyers purchasing new homes in the Meadows at Walnut Creek Subdivision. [Funding in the amount of \$103,215 is available in the 1994-95 operating budget Revenue Fund of the Neighborhood Housing and Community Development Office (HOME Year 3) and \$196,785 is available in the 1995-96 operating budget Special Revenue Fund of the NHCD (HOME Year 4.) **(Related to Item 46)**

**Approved**

39. Set a public hearing for the disannexation of the following areas: Austin MUDs 1,2 and 3 (Harris Branch) out parcels, and Moore's Crossing MUD out parcels. (The estimated property tax loss is \$72.13.) [Suggested date and time: October 31, 1996 at 5:00 p.m.]

**Approved**

40. Set public hearings on establishing a standard process for franchising telecommunications service providers, establishing rules for use of City right-of-way, providing for payment of fees, and establishing penalties for unauthorized use of rights-of-way. (Suggested dates and times: October 31, at 5:30 p.m., and November 7, 1996 at 4:30 p.m.)

**Approved**

#### ITEMS FROM COUNCIL

41. Approve waiver of street closure fee for the closing of the 1700-1800 Block of Haskell Street for the El Concilio Halloween Block Party to be held on October 31, 1996. (Councilmember Eric Mitchell)Fiscal Impact is \$50.

**Approved**

42. Approve a resolution declaring the week of November 2, through November 10, 1996, as Arts Week. (Mayor Bruce Todd)  
**Approved**

**Items 38 through 42 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.**

43. Direct the City Manager to conduct an analysis of the feasibility of the City purchasing and developing the former State School property located at 8509 FM 969 with Community Development Block Grant, HOME and/or other federal, state and local funds, and report back to Council in 30 days. (Councilmembers Eric Mitchell and Gus Garcia) **(Related to Item 37)**  
**Approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd off the dais.**
44. Set a public hearing on a proposed amendment to the 1996-97 Community Development Program and Consolidated Plan to reallocate \$150,000 for a small and minority business assistance program from the \$930,797 allocated to the Neighborhood Commercial Management Program; and direct the City Manager to notify the community of proposed amendment as provided for in the City's Citizen Participation Plan, in accordance with Chapter 373, Texas Government Code. (Councilmembers Eric Mitchell and Gus Garcia) [Suggested date and time: November 21, 1996 at 4:30 p.m.]  
**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.**

#### 3:30 P.M. - BOARD OF DIRECTORS 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 45-46 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

45. Approve the minutes of the August 22, 1996 and September 26, 1996, meetings of the Austin Housing Finance Corporation Board of Directors.
46. Authorize acceptance of a grant of HOME funds in the amount of \$300,000 to fund Down Payment assistance to 100 home buyers purchasing a new home in the Meadows of Walnut Creek, and authorize execution of an agreement with the Texas Department of Housing and Community Affairs for matching state participation; amend the AHFC budget by increasing the funds available for the Down Payment Assistance Program by \$300,000 and the source of funds from grants by \$300,000. (Funding in the amount of \$103,215 is available in the 1994-95 operating budget Special Revenue Fund of the Neighborhood Housing and Community Development Office (NHCD) (HOME Year 3) and \$196,785 is available in the 1995-96 operating budget Special Revenue Fund of the NHCD (Year 4). **(Related to Item 38)**

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



47. C14-95-0168 - WILLOW/RIVERSIDE (A. Leon Thompson), Amelia Lopez-Phelps Consulting, 2427 East Riverside Drive. From SF-3 to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay, with the provisions of the overlay as follows: (1) limit development to that which generates less than 2,000 vehicle trips per day; (2) dedication up to 70 feet of right-of-way from the existing centerline of Willow Mill Drive; and (3) limited to a maximum of 22 units per acre. (continued from 3/21/96 APPLICANT, 4-11-96 - APPLICANT, 9/26/96 - COUNCIL)

Approved Planning Commission recommendation, first reading only, subject to attached conditions, and modified condition #2 to require the developer to construct a cul-de-sac on Willow Mill Drive prior to issuance of a certificate of occupancy.

Conditions of Letter Agreement - The owner/developer shall be required to meet the following criteria in the construction of improvements on the property:

\*1. The project shall be fenced with black chain link or other similar type non-scaling barrier on the east, west and south sides of the property. The fencing facing Riverside Drive shall be an attractive, decorative style such as wrought iron or masonry (or masonry appearing concrete) and metal combination. Said fencing design shall not be a style that lends itself to be easily defaced by graffiti. In addition, all entrances shall be gated.

\*2. The project shall contain an amenities area including a pool, recreation building with meeting/gathering room and exercise room.

\*3. Access to and from the project shall be from both Riverside Drive and Willow Hill Drive. Both access points shall be for normal in and out traffic and not limited to emergency access only.

\*\*4. Maximum density of the project shall be limited to 22 units per acre.

\*\*5. Traffic generated from the development shall be limited to no more than 2,000 trips per day.

6. Developer shall provide an up-to-date soils report to the City of Austin and will follow the recommendations contained therein.

\* To be included in the tri-party restrictive covenant agreement between the owner, neighborhood association and the City of Austin.

\*\*Conditional overlay included in the zoning ordinance.

48. C14-96-0094 - NORTH AUSTIN OFFICE, LTD. (Morris Friedman), by Paul M. Juarez, Attorney at Law (Ken Brown), 9001 N. IH-35 Service Road NB. From GR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning subject to: (1) to limit development to that which generates a maximum of 4,900 vehicle trips per day; (2) prohibit truck access to North Plaza Drive; (3) prohibit following uses - Agricultural Sales and Service, Kennels, Vehicle Storage, Campgrounds, Arts and Crafts Studio, Construction Sales and Services Laundry, and Equipment Sales; and (4) Landscaping to be done on the six foot strip of land between the parking lot and along the frontage of North Plaza Drive utilizing trees such as

Oak or Cedar Elm every 15 feet along with shrubs that are the size of a photenia. NOTE: The applicant voluntarily agrees to retain the parking lot lighting during the evening hours.

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

**Approved Planning Commission recommendation, first reading only; staff directed to write a memo to Public Works asking them to look into traffic calming measures for the area and contact Mr. Hornsby with the Association on, Councilmember Mitchell's motion, Councilmember Griffith's second, 6-0 vote, Mayor Todd off the dais.**

49. C14-96-0096 - WAYNE ELLIOT, by Jim Bennet, 10209 N. IH-35 Service Rd. NB. From SF-2 to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, subject to: (1) limit development to that which generates less than 2,000 vehicle trips per day; and (2) prohibit access to Middle Fiskville Road.

**Ordinance No. 961024-N approved Planning Commission recommendation**

50. C14-96-0097 - THE ASSURED GROUP (Don Valk), by Urban Design Group (Norma P. Raven), 2005 S. Pleasant Valley Road. From MF-4-CO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, with the provision of the overlay to limit development to that which generates less than 2,000 vehicle trips per day.

**Ordinance No. 961024-O approved Planning Commission recommendation**

51. C14-96-0101 - MACONDA PARK JOINT VENTURE (David Bodenman), by Graves, Dougherty, Hearon & Moody (Wm. Terry Bray), 13311 to 13247 N. F.M. 620 Road. From MF-2, GR, LR, LO, GO & SF-2 to GR & MF-3. Planning Commission Recommendation: To Grant GR, Community Commercial for Tracts 1 and 3; MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay for a portion of Tract 2; and RR, Rural Residence for the area of Tract 2 that is within the 100-year flood plain. The provisions of the overlay on Tract 2 are as follows: (1) Limited to a maximum of 25 units per acre; (2) Prohibit access to Cowdray Park and Parliament House Road; (3) No structures to be erected within twenty five (25) feet of the property line of the Forest North Estates Phase 4-D Subdivision (water quality/detention ponds may be located within this 25 foot area); (4) No structures shall exceed two (2) stories or thirty (30) feet in height within fifty (50) feet of the Forest North Estates Phase 4-D Subdivision property line; (5) A fence shall be provided abutting the Forest North Estates Phase 4-D Subdivision property line to screen adjacent property to east of the property line from views of off-street parking areas, mechanical equipment, storage areas, and areas for refuse collection; (6) All exterior lighting shall be hooded or shielded so that the light source is not directly visible from the Forest North Estates Phase 4-D Subdivision; and (7) The noise level from mechanical equipment at the western and northern property line of the Forest North Estates Phase 4-D Subdivision shall not exceed seventy (70) decibels.

**Ordinance No. 961024-P approved Planning Commission recommendation, subject to modification of condition #1 to 26.32 units per acre.**

52. C14-96-0103 - TRAVIS 51 LIMITED (Fred Eberhart, III), by Minter, Joseph & Thornhill, (Nikkelle S. Meade) 7016 E. Ben White Boulevard. From LI to MF-2. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning subject to the following: (1) limited to a maximum of 300 units on the site; (2) limit development to that which generates less than 2,000 vehicle trips per day; (3) prohibit access to Carson Ridge, Thrasher

Lane, and Maxwell Lane; and (4) dedication of seventy five (75) feet from the future centerline of Ben White Boulevard, and reservation of two hundred (200) feet from the future centerline of Ben White Boulevard.

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

53. C14-96-0106 - HAZEL THOMPSON, by A.R. Thrower Design (Ron Thrower), 2506 West 35th Street. From SF-3 to SF-6. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay, zoning with the provision of the overlay to provide for sidewalks along 35th Street. (Note: The applicant and the neighborhood association have agreed to a separate restrictive covenant to provide site development limitations on the tract.)

**Postponed to January 10, 1997, applicant's first request**

54. C14-96-0107 - GREAT HILLS BAPTIST CHURCH (Jim Walden), by Jeryl Hart Engineers (Jeff Ferguson), 10400 to 10440 Morado Circle and 10508 to 10712 Jollyville Road. From GO & MF-2-CO to GO. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay, subject to a level of development that generates less than 2,000 vehicle trips per day.

**Ordinance No. 961024-Q approved Planning Commission recommendation**

55. C14-96-0115 - HARRIS RIDGE JOINT VENTURE (John Lewis), by Austin Permit Service (Melissa Whaley), E. Parmer Lane and E. Yager Lane. From DR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with the provision of the overlay to limit development to that which generates less than 2,000 vehicle trips per day. Note: The applicant has requested deletion of the conditional overlay provision limiting the number of vehicle trips per day.

**Approved Planning Commission recommendation first reading only**

56. C14-96-0116 - HARRIS RIDGE JOINT VENTURE (John Lewis), by Austin Permit Service (Melissa Whaley), E. Parmer Lane and E. Yager Lane. From DR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with the provision of the overlay to limit development to that which generates less than 2,000 vehicle trips per day. Note: The applicant has requested deletion of the conditional overlay provision limiting the number of vehicle trips per day.

**Approved Planning Commission recommendation first reading only**

57. C814-77-003 - MEADOW MOUNTAIN PUD, by Laura M. Holder, 4404 and 4407 Canyonside Trail. Request to change land uses on two lots - Lot CB-1A from a proposed parking lot to a single family residence, and Lot CB-1 from a proposed community building to an existing single family residence. Planning Commission Recommendation: To Approve the request.

**Approved Planning Commission recommendation first reading only**

**Items 49 through 57 approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.**

## PUBLIC HEARINGS

58. 4:30 p.m. - Public Hearing on Tax Increment Financing District.  
This item will be postponed to December 12, 1996 at 5:00 p.m., applicant's first request on, Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.
59. 5:00 P.M. - Public hearing on an appeal by Mr. Joe R. Garcia, of the Planning Commission's decision to deny a request for compatibility standards waivers for the Rollins Martin Apartments, 1172 Webberville Road.  
Applicant is requesting a postponement to November 7, 1996 at 5:30 p.m. on, Councilmember Goodman's motion, Councilmember Griffith's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.
60. 5:30 P.M. - Public hearing to amend Title XIII (Land Development Code) of Austin City Code of 1992 by: 1) amending Section 13-1-491 to allow administrative approval of final plats with four or fewer lots from a preliminary plan; 2) amending Section 13-1-41 to allow administrative approval of amending plats with five or more lots; 3) amending Section 13-2-402.1 to expand the subdivision platting exception to existing tracts of land served a utility service; and 4) amending Section 13-1-481 to clarify the notice requirement when a portion of a tract is being subdivided. (Recommended by Planning Commission)
- Public hearing to continue on October 31, 1996
61. 6:30 P.M. - Public hearing on a report from staff on the design of the Lamar Bridge Project, future of Lamar and a downtown access study. (Councilmember Jackie Goodman)  
Motion to continue public hearing October 31, 1996 at 6:00 p.m. on, Councilmember Slusher's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.

#### ACTION ON PUBLIC HEARINGS

62. Deny or grant an appeal by Mr. Joe R. Garcia, of the Planning Commission's decision to deny a request for compatibility standards waivers for the Rollins Martin Apartments, 1172 Webberville Road.  
Postponed to November 7, 1996 at 5:30 p.m.
63. Approve an amendment to Title XIII (Land Development Code) of Austin City Code of 1992 by: 1) amending Section 13-1-491 to allow administrative approval of final plats with four or fewer lots from a preliminary plan; 2) amending Section 13-1-41 to allow administrative approval of amending plats with five or more lots; 3) amending Section 13-2-402.1 to expand the subdivision platting exception to existing tracts of land served a utility service; and 4) amending Section 13-1-481 to clarify the notice requirement when a portion of a tract is being subdivided. (Recommended by Planning Commission)  
Postponed to October 31, 1996

64. Provide direction to the City Manager concerning design of Lamar Street Bridge; direct the City Manager to study and provide a recommendation on downtown access issues, including the future of Lamar Boulevard in relation to downtown access. (Councilmember Jackie Goodman)  
**Postponed to October 31, 1996**
65. Approve the creation of a subcommittee of the Urban Transportation Commission and Planning Commission to study and make recommendations on reducing the restrictions placed on use of alternative funding sources for neighborhood enhancement programs. (Councilmember Jackie Goodman) **Approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.**

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

Executive session held on the morning of this day.

Executive session held at 5:35 to 6:45 p.m.

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.

#### Personnel Matters - Section 551.074

66. Discuss personnel evaluations, benefit and compensation package of City Council appointees: City Clerk, Municipal Court Clerk, City Auditor, and Municipal Court Judges.

#### Advice of Counsel - Section 551.071

67. Discuss State Laws concerning annexation.
68. Discuss decision in Maple Run at Austin Municipal Utility District v. Monahahan, et al., No. 96-0489, Texas Supreme Court.

#### Land Acquisition - Section 551.072

69. Discuss fee simple acquisition of real property located at 6305 Berkman for the purchase of an Emergency Medical Services site, and payment of relocation benefits to the owners.

#### ACTION ON EXECUTIVE SESSION ITEMS

70. Approve benefit and compensation package of City Council appointees: City Clerk, Municipal Court Clerk, City Auditor, and Municipal Court Judges.  
**No action taken**
71. Authorize fee simple acquisition of real property located at 6305 Berkman for the purchase of an

Emergency Medical Services site, and payment of relocation benefits to the owners.

Approved on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 4-0 vote, Mayor Todd, Councilmembers Goodman and Griffith off the dais.

## 72. APPOINTMENTS

ETHICS REVIEW COMMISSION - SUSAN D. ALBERS

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

## ADDENDUM

October 24, 1996

## RESOLUTIONS

73. Set public hearings for the annexation of Maple Run at Austin Municipal Utility District. (Suggested dates and times: November 7, 1996 at 5:00 p.m. and November 21, 1996 at 5:00 p.m.) [Related to Item 68]

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

## ITEM FROM COUNCIL

74. Report from City Clerk on the petition requesting a Charter Amendment concerning campaign financing. (Councilmembers Daryl Slusher and Beverly Griffith). (Related to Item 75)  
Report given by City Clerk Elden Aldridge.

## EXECUTIVE SESSION

### Advice of Counsel - Section 551.071

75. Discuss legal requirements for verification of charter amendment petition. (Related to Item 74)

ADJOURNED at 10:00 p.m. on, Councilmember Slusher's motion, Councilmember Griffith's second, 4-0 vote, Mayor Todd, Councilmembers Mitchell and Reynolds absent.

Approved on this the 31<sup>ST</sup> day of October, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.