



Austin City Council MINUTES

DECEMBER 14, 1995

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

1. Approval of Minutes for Regular Called Meeting of November 16, 1995, Special Called Meeting of December 6, 1995 and Regular Called Meeting of December 7, 1995.

Approved on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss housing, youth, and public safety issues.
3. Mr. Gavino Fernandez, Jr., to discuss Holly Power plant and East Town Lake citizens.
4. Mr. Robert Donley, to discuss Holly Power Plant and establishing a process for using Holly Power Plant mitigation money.
5. Mr. Paul Hernandez.
6. Mr. Kirk Becker.

Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

ORDINANCES

7. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2502 E. Oltorf St. and 2432 Pleasant Valley Road, Case No. C14-93-0139, from "LR", Neighborhood Commercial to "MF-3-CO", Multifamily Residence (medium density) Conditional Overlay, zoning limited to a maximum of 29 units per acre. Further subject to: (1) impervious cover be limited to existing square footage; and (2) implement an integrated pest management program to reduce or minimize pesticide use; BRIDGE OAK LODGE (Ken Beall), by Lopez-Phelps and Young (Amelia Lopez-Phelps). First reading on January 20, 1994; Vote 5-0, Todd out of the room and Shea absent. Second reading on February 3, 1994; Vote 6-0, Urdy absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Ordinance No. 951214-A approved

8. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2209-2433 S. Pleasant Valley (odd numbers only), 2514 E. Oltorf Street and 2513 Sherringham Drive, Case No. C14-93-0140, from "MF-2", Multifamily Residence (low density) and "LR", Neighborhood Commercial to "RR", zoning for the portion of the site within the 100-year floodplain, and "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay, zoning limited to a maximum of 22 units per acre. Further subject to: (1) impervious cover be limited to existing square footage; and (2) implement an integrated pest management program to reduce or minimize pesticide use; BRIDGE OAK LODGE (Ken Beall), by Lopez-Phelps and Young (Amelia Lopez-Phelps). First reading on January 20, 1994; Vote 5-0, Todd out of the room and Shea absent. Second reading on February 3, 1994; Vote 6-0, Urdy absent. Conditions met as follows: conditional overlay and restrictive covenant incorporates conditions imposed by Council.

Ordinance No. 951214-B approved

9. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as U.S. Hwy. 290 West and Staggerbrush Road, Case No. C14-95-0104, from "GR-CO", Community Commercial-Conditional Overlay & "GR-MU-CO", Community Commercial-Mixed Use Combining District-Conditional Overlay to "GR-CO", Community Commercial-Conditional Overlay & "GR-MU-CO", Community Commercial-Mixed Use Combining District-Conditional Overlay, subject to deleting the prohibition of access to U.S. Hwy. 290; the remaining conditions dealing with floor-to-area ratio limits will not be changed. SECURITY CAPITAL PACIFIC TRUST (Joe DiCristina), by Minter, Joseph, Thornhill & Graber (Ken Brown). First reading on September 28, 1995; Vote 5-0, Mitchell off the dais and Garcia absent. Second reading on November 2, 1995; Vote 7-0. Conditions met as follows: conditions have not been met.

Ordinance No. 951214-C approved

10. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9102 Burnet Road, 9205, 9215 & 9222 Reid Drive, and 9011, 9109, 9111 & 9225 Waterford Centre Boulevard, Case No. C14-95-0045, from "LI-PDA", Limited Industrial Services-Planned Development Area to "LI-CO", Limited Industrial Services-Conditional Overlay, subject to (1) limit development to generate less than 14,127 vehicle trips per day, and (2) retain the previous traffic improvement conditions in a Restrictive Covenant to include participation for traffic signals at the following intersections - Waterford Centre Boulevard/Burnet Road, Waterford Centre Boulevard/Reid Drive, and Waterford Centre Boulevard/U.S. Hwy. 183 Frontage Road; SAGE-WATERFORD, LTD. (Ralph E. Reed), by Jenkins & Gilchrist Henry Gilmore). First reading on June 22, 1995; Vote 5-0, Shea absent and Mitchell off the dais). Conditions met as follows: conditional overlay and restrictive covenant incorporates conditions imposed by Council.

Ordinance No. 951214-D approved

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as West Parmer Lane and Neenah Avenue, Case No. C14-95-0093, from "SF-2", Single Family Residence (standard lot) and "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay to "LO", Limited Office for the first 100 feet west of Parmer Lane West, and "IP-PDA", Industrial Park-Planned Development Area for the remainder of the tract. The IP-PDA portion of the tract shall be subject to the following site development restrictions: (a) maximum height 45 feet; (b) maximum building setbacks - front yard 100 feet, street side yard 100 feet, interior/rear yard, maximum building cover 40%, maximum impervious cover 65%, maximum

floor to area ratio 0.50. The following uses shall be prohibited: Agricultural Sales and Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Sales and Services, Construction Sales and Services, Convenience Storage, Extermination Services, General Warehousing and Distribution, Food Sales, Medical Office, and Railroad Facilities. The property will also be subject to the PDA Performance Standards as set forth in Section 13-2-269 of the Land Development Code; STANDARD PACIFIC OF TEXAS, INC. (Michael W. Brady), by Huffcut & Associates (Gina Diehl). First reading on November 2, 1995; Vote 6-0, Reynolds off the dais. Conditions met as follows: conditional overlay and restrictive covenant incorporates conditions imposed by Council.

Ordinance No. 951214-E approved

12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North IH-35 Service Road NB and East Martin Luther King Jr. Blvd, Case No. C14-95-0113, from "SF-3" Family Residence, "CS" Commercial Services, "CS-1", Commercial Liquor Sales & "MF-3", Multifamily Residence (medium density) to "CH-CO", Commercial Highway-Conditional Overlay for Tracts 1 and 2, subject to the conditions stated in the Transportation Memorandum dated November 9, 1995, the residential site development regulations stated in Sec. 13-2-715(3) of the Land Development Code, and prohibiting the following uses: Agricultural Sales and Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (All Types), Campground, Commercial Blood Plasma Center, Commercial Off-Street Parking, Construction Sales and Services, Convenience Storage, Drop-Off Recycling Collection Facility, Equipment Repair Services, Kennels, Liquor Sales, Off-Site Accessory Parking, Outdoor Entertainment (conditional), Pawn Shop, Vehicle Storage, Limited Warehousing and Distribution, Cocktail Lounge, Communication Services, Electronic Prototype Assembly, Equipment Sales, Exterminating Services, Funeral Services, General Retail Sales (convenience), Laundry Services, Monument Retail Sales, Pet Services, Restaurant (drive-in, fast food), Service Station, Custom Manufacturing, Hospital Services (general), Local Utility Services, Maintenance and Service Facilities, Safety Services, and Transportation Terminal. Furthermore, Tract 1 will also be subject to the following conditions: (1) the maximum height, building coverage, and floor to area ratio, permitted in the GR, Community Commercial, zoning district; and (2) a 5 foot vegetative buffer adjacent to the East 16th Street right of way; the emergency access to East 16th Street would be the only development permitted within the vegetative buffer; L.J. REAL ESTATE SERVICES (H. Drake Leddy), by Ray Wilkerson Co., Inc. (Jim Spence)/Larson-Burns (Brad Burns). First reading on November 30, 1995; Vote 6>0, Nofziger absent. Conditions met as follows: conditions have not been met. The applicant is requesting that Council amend the motion approved on 1st reading by allowing an increase in the maximum number of dwelling units permitted per acre from 54 units/acre to 170 units/acre.

Ordinance No. 951214-F approved

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2023-2119 E. Ben White Boulevard & 2060-2090 Woodward Street, Case No. C14-95-0116, from "SF-2", Single Family Residence (standard lot) to "CS-CO", Commercial Services-Conditional Overlay, zoning subject to limiting development to an intensity that will generate less than 2,000 vehicle trips per day, and the reservation of 200' of right of way from the future centerline of E. Ben White Boulevard/SH 71; SOUTH AUSTIN MARKET PLACE (Rosemary Follis). First reading on November 2, 1995; Vote 6-0, Reynolds off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Street deed has been

executed.

Ordinance No. 951214-G approved

14. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D) Speed Limits, for the extension of the existing 20 mph school zone on North Hampton Drive for students attending Harris Elementary and Pearce Middle School. (Funding in the amount of \$2,800 for signs and street markings is available in the 1995-96 Child Safety Fund.)

Ordinance No. 951214-H approved

5. Amend Section 8-13-28 (A) of the Austin City Code by increasing the Number of Additional Taxicab Permits Available to Franchise Holders for Providing Specialized Van Services to Disabled Passengers from Two (2) to Four (4). (Increased revenue will be contingent on the number of additional taxicabs used by the franchises. Annual revenue of \$400 per taxicab.) (Recommended by Urban Transportation Commission)

Ordinance No. 951214-I approved

16. Authorize acceptance of \$55,066 in additional grant funds from the Texas Department of Human Services for the Title IV-A At-Risk Child Care program; amend Ordinance No 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$55,066 in additional grant funds, for a total grant amount of \$220,305 for the Health and Human Services Department Special Revenue Fund. (Recommended by Child Care Council)

Ordinance No. 951214-J approved

17. Amend ordinance No. 950911-A, the 1995-96 operating Budget for the General Fund by increasing budgeted expenses and expense refunds by \$35,110 to the Health and Human Services Department to fund the Urban Youth Corps, downtown clean up program. Funding in the amount of \$35,110 is available from the Downtown Austin Alliance for the period December 1, 1995 through April 30, 1996. (Related to Item 22).

Ordinance 951214-K approved

18. Amend Ordinance No. 950911-A, the 1995-96 operating budget, by increasing budgeted expenses and expense refunds for the Planning and Development Department, in the amount of \$38,000 for the purpose of adding one FTE to the Austin Transportation Study staff; and authorizing one additional FTE for the Planning and Development Department. (Funding is available through the Federal Highway Administration.) (Recommended by Austin Transportation Study Advisory Committee)(Related to 19)

Ordinance 951214-L approved

19. Amend Ordinance No. 950911-A, the 1995-96 operating budget, by appropriating an additional \$193,000 in Federal Highway Administration Grant Funds to the Planning and Development Department Special Revenue fund for the purpose of expanding work tasks performed for the Austin Transportation Study (ATS) by various City departments; approve one additional grant-funded FTE. (Recommended by Austin Transportation Study Advisory Committee) (Related to item 18)

Ordinance 951214-M approved

20. Amend Ordinance No. 950911-A, the 1995-96 operating budget increasing revenue and appropriations for the Planning and

Development Special Revenue Fund for the Austin Downtown Public Improvement District by \$779,476. (Funding is available through \$603,348 in 1996 assessments (at a 95% collection rate); \$51,128 in prior year revenue (\$33,768 from interest accrued in the PID account; \$316 from Delinquent Account interest; \$17,044 from unappropriated prior year collections); \$100,000 City of Austin Annual Contribution; and \$25,000 Capital Metro Annual Contribution, and possible adjustment, after the assessment roll hearing on December 14, 1995, which is dependent on the results of that hearing. **(Related to item 21)**

Ordinance 951214-N approved

RESOLUTIONS

21. Approve an amendment to the management contract with the Downtown Austin Alliance (DAA, formerly the Austin DMO, Inc.) for the Austin Downtown Public Improvement District (PID) to increase the not to exceed amount of the contract to the available revenue in 1996-97, or \$1,000,000 which ever is less; and to formally recognize Austin DMO, Inc.'s name change to Downtown Austin Alliance. (The Downtown Austin Alliance (DAA) submitted a 1996-97 budget for the PID in the amount of \$801,588. This will be funded through \$625,460 in 1996 assessments (at a 95% collection rate); \$33,768 from interest accrued in the PID account; \$316 from Delinquent Account interest; \$17,044 from unappropriated collections; \$100,000 City of Austin Annual Contribution; and \$25,000 Capital Metro Annual Contribution, and possible adjustment, after the assessment roll hearing on December 14, 1995. **(Related to item 20)**

Approved

22. Approve negotiation of a renewable five (5) month contract with DOWNTOWN AUSTIN ALLIANCE (DAA) for the provision of litter pickup services in the Downtown Austin Public Improvement District, in the amount of \$35,110. (The City's Urban Youth Corps program is funded by Special Revenue Funds (grants) and the General Fund. Revenue to the City is estimated at \$35,110 from December 1, 1995 through April 30, 1996.) **(Related to item 17)**

Approved

23. Authorize negotiation and execution of amendments to three (3) contracts totaling \$258,888 for HIV-related services under the U.S. Department of Health and Human Services' Ryan White Title I Supplemental grant program; AIDS Services of Austin (ASA) in the amount of \$136,110, for a total contract amount not to exceed \$441,129; Austin/Travis County MHMR C.A.R.E. UNIT in the amount of \$59,184, for a total contract amount not to exceed \$117,646; Project Transitions in the amount of \$63,594, for a total contract amount not to exceed \$134,396. (Funding is available in the Special Revenue Fund for the Health and Human Services Department Ryan White Title I Supplemental grant program.)

Approved

24. Approve execution of the Temporary Trackage Use Agreement between the City of Austin, Capital Metropolitan Transportation Authority, and HSI productions for use of a portion of the Giddings to Llano Railroad right of way.

Approved

Items 7 through 24 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

Aviation (Items 25 - 29)

25. Approve the award of a construction contract to ANCHOR POST PRODUCTS OF TEXAS, INC., Cibolo, Texas, for the installation of fencing, nine (9) gates and two (2) gate guard portable buildings for the Austin-Bergstrom International Airport (ABIA), in the amount of \$182,022.00. (Funding was included in the 1995-96 approved Capital budget of the Aviation Department.) Low bid of five (5). 50.00% DBE participation: 50% MBE, 0% WBE. (Recommended by Airport Advisory Board)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Shea absent.

26. Approve the execution of a two (2) year supply agreement with ADB-ALANCO, INC., Columbus, Ohio, for the purchase of all airfield lighting at Austin-Bergstrom International Airport (ABIA), in an amount of \$547,544.28. (Funding was included in the 1995-96 approved Capital budget of the Aviation Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified. (Recommended by Airport Advisory Board)
Approved

27. Approve the execution of a two (2) year supply agreement with ADB-ALANCO, INC., Columbus, Ohio, for the purchase of all airfield signage for Austin-Bergstrom International Airport (ABIA), in the amount of \$174,748.21. (Funding was included in the 1995-96 approved Capital budget of the Aviation Department.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified. (Recommended by Airport Advisory Board)
Approved

28. Approve the execution of a supply contract with CROUSE-HINDS AIRPORT LIGHTING PRODUCTS, Windsor, Connecticut, for the purchase of all airfield constant current regulators for Austin-Bergstrom International Airport (ABIA), in the amount of \$245,200. (Funding was included in the 1995-96 approved Capital budget of the Aviation Department.) Single bid. No M/WBE Subcontracting opportunities were identified. (Recommended by Airport Advisory Board)
Approved

Items 26 through 28 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 6-0 vote, Councilmember Shea absent.

29. Approve the award of a demolition contract to CHERRY DEMOLITION, Houston, Texas, for the demolition of ten (10) buildings/structures for Austin-Bergstrom International Airport (ABIA), in the amount of \$96,351.18 plus a contingency fund of \$9,633.82 for change orders. (Funding was included in the 1995-96 approved Capital budget of the Aviation Department.) Low bid of seven (7). 50% DBE participation: 28% MBE, 22% WBE. (Recommended by Airport Advisory Board)
Postponed

30. Approve execution of two (2) twelve (12) month service agreements with AM-KO BUILDING MAINTENANCE, INC., Carrollton, Texas, in an amount not to exceed \$185,870.64 and with MAJESTIKLEEN, Austin, Texas, in an amount not to exceed \$142,344 to provide janitorial and custodial services at Health Department Facilities with two (2) twelve (12) month extension options in amounts not to exceed \$185,870.64 and \$142,344 respectively per extension, for total amounts not

to exceed \$557,611.92 and \$427,032 respectively. (Funding in the amount of \$218,809.76 is available in the 1995-96 operating budget of the Finance and Administrative Services, Building Services Division. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of five (5). No M/WBE Subcontracting opportunities were identified.

Approved

31. Approve negotiation and execution of a contract with COMPUTER ASSOCIATES INTERNATIONAL, INC., Islandia, New York, for the renewal licensing and software maintenance for Datacom/DB for Multiple Virtual Storage (MVS) and Ideal for MVS software products used on the City's mainframe computer located at Waller Creek Plaza, in an amount not to exceed \$37,697.10 for Ideal, for MVS for a total amount not to exceed \$83,076. (Funding is available in the 1995-96 operating budget of the Information Systems Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

32. Approve payment of the annual membership in the Greater Austin-San Antonio Corridor of Texas, in the amount of \$50,000. Funding is available in the 1995-96 operating budget of the Finance and Administrative Services Department.)

Approved

33. Authorize giving official notice to Travis County Emergency Service Districts 5 and 9 of full-purpose annexations by the City of Austin during calendar year 1995. (No fiscal impact.)

Approved

34. Authorize an Interlocal Agreement for mutual aid in fire protection for a term of five (5) years with the Jollyville Volunteer Fire Department, Inc., Anderson Mill Municipal Utility District, and Williamson County Emergency Services District No. 1. (No fiscal impact.)

Approved

35. Authorize the negotiation and execution of an agreement with MET CENTER NYCTEX, LTD., for the construction of a 24-inch wastewater main and appurtenances to provide permanent wastewater service within and near the Metro Center Subdivision with City cost reimbursement, in an amount not to exceed \$240,000. (Cost reimbursement will be paid from the Water and Wastewater Utility's operating fund (Approach Main/Refund Contracts). Cost reimbursement to the owner will be made in three annual installments beginning March 1, of the second year following the year in which the improvements are accepted.) (Recommended by Water and Wastewater Commission)

Approved

36. Authorize the negotiation and execution of an agreement with WPL JOINT VENTURE for construction of a 16-inch water main and appurtenances needed to provide permanent water service within and near the Ludwig Subdivision with City cost participation, in an amount not to exceed \$24,480. (City cost participation will be paid from the Water and Wastewater Utility's operating fund (Approach Main/Refund Contracts). Reimbursement to the developer will be made on March 1 of the year following the year in which the improvements are accepted.) (Recommended by Water and Wastewater Commission)

Approved

37. Approve a construction contract award to CHAMPION SITE PREP., INC., (MBE/MH), Georgetown, Texas, for the construction of the Quarry Tract, Phase I Wastewater Improvements, in the amount of \$164,813.30. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of six (6). 14.7% MBE, 6.06% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

38. Approve a construction contract award to CIRCLE T CONSTRUCTION (MBE/MH), Austin, Texas, for construction of the 1995 Miscellaneous Wastewater Improvements South on Silvermine Drive, Mallory Tract, and Evergreen Avenue, in the amount of \$224,540.00. (Funding in the amount of \$131,466 is the combined amount for Silvermine Drive, and Mallory Tract which was included in the 1991-92 Capital budget of the Water and Wastewater Utility, and \$93,074.00 for Evergreen Avenue was included in the 1995-96 Capital budget of the Water Wastewater Utility.) Low bid of four (4). 11.09% MBE, 5.57% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

39. Authorize negotiation and execution of Amendment #1 to the professional services agreement with COMMUNITY ENVIRONMENTAL SERVICES, INC., (WBE), Austin, Texas, for additional Phase I preliminary engineering services for the Alternative Wastewater Management Project, in the estimated amount of \$91,940, for a total amount of \$191,940. (was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission). 2.7% MBE, 0% WBE Subcontractor

Approved

40. Approve execution of a contract with GA INDUSTRIES, INC., Cranberry Township, Pennsylvania, for the purchase of ball and butterfly valves which will be installed as part of the construction project at the Davis Water Treatment Plant High Service Pump Station modifications, in the amount of \$510,156. Low bid of two (2). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission) (Funding was included in the 1991-92 Capital budget of the Water and Wastewater utility.)

Approved

41. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL of Governments Cooperative Purchasing Program (H-GAC) for the purchase of seven (7) pumper fire trucks, in an amount not to exceed \$1,942,288.67. (Funding in the amount of \$1,387,338.34 is available in the 1995-96 Vehicle Acquisition Fund. Funding in the amount of \$554,935.33 was included in the 1995-96 Capital budget of the Austin Fire Department.)

Approved

42. Authorize negotiation and execution of Amendment #1 to the Professional Services Agreement with MORALES & ASSOCIATES, ARCHITECTS, INC., (MBE/MH), Austin, Texas, for additional bidding, award and construction phase services for additions to four (4) existing EMS facilities, in the amount of \$27,500, for a total contract amount of \$146,385. (Funding in the amount of

\$27,500 was included in the 1995-96 Capital budget of the Emergency Medical Services Department.) 9.2% MBE, 2.6% WBE Subconsultant participation.

Approved

43. Approve a change in the membership of the Austin Community Education Consortium, replacing the South Austin Civic Association representative with a Mexican American Business & Professional Women of Austin representative. (No fiscal impact.)

Approved

ITEMS FROM COUNCIL

44. Approve an Interlocal Agreement with the Austin Independent School District for playscape improvements to serve Allison Elementary School students and Civitan Park patrons. (Recommended by the Parks Board) (Councilmember Jackie Goodman and Councilmember Brigid Shea)

Approved

Items 30 through 44 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

45. Consider and approve the bylaws of the Community Action Network. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman).

Approve first reading only on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 4-0 vote, Councilmember Nofziger off the dais, Mayor Todd and Councilmember Shea absent.

46. Direct the City Manager to set up an interdepartmental team with a deadline of late January to address unresolved questions regarding the Austin Museum of Art and to get the Venturi feasibility study and redesign process underway. (Mayor Pro Tem Gus Garcia, Mayor Bruce Todd and Councilmember Max Nofziger)

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

47. 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 to January 4, 1996

48. Approve a resolution creating a task force on homelessness. (Councilmembers Max Nofziger and Jackie Goodman)

Postponed to January 4, 1996

Direct the City Manager or his designee to work with Longhorn Partners Pipeline, Inc., and appropriate state and federal agencies to address the public health, safety, environmental, and other issues raised during the December 7, 1995 Austin City Council public hearing on the proposed changes for the "Crane-Baytown" Pipeline. (Councilmembers Max Nofziger, Brigid Shea, Jackie Goodman)

Approved

50. Direct the City Manager to develop a plan for discussion and action to regulate tow truck rates and service in Austin and report back to Council in January. (Councilmembers Eric Mitchell and Ronney Reynolds)

Approved

Items 49 through 50 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

51. Approve ordinances 1. amending Article VI, Chapter 8-14, Towing Regulations, of the Code of the City of Austin, 1992 as amended, to make changes allowed by federal legislation, to regulate towing movements within the City, to be effective upon the same day such federal legislation is effective; and 2. approve an ordinance establishing the fees which may be charged for towing services and towing permit fees, in connection with Article VI of Chapter 8-14, Towing Regulations, of the Code of the City of Austin, 1992, concerning towing regulations. (Mayor Bruce Todd and Mayor Pro Tem Gus Garcia)

Per Mayor Todd, this item will be back on the agenda as soon as the ordinance is ready, pending the signing and implementation of this federal legislation.

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 52-54 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

52. Approve the minutes of October 19, 1995 meeting.
53. Approve a resolution to appoint Mayor Pro Tem Gus Garcia as Vice President of the Austin Housing Finance Corporation.
54. Authorize the Manager of the Austin Housing Finance Corporation (AHFC) to file an application for allocation of Private Activity Bond Authority with the Texas Bond Review Board, in the amount of 23,000,000 by January 10, 1996; and take the necessary action to implement a Mortgage Credit Certificate Program.

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

55. 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)
- Postponed to January 4, 1996, Request of New Neighborhood Association, (should be 1st**

item under zoning)

56. C14-95-0101 - NATIONS BANK OF TEXAS (DOCHEN TRUST), 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)

Mayor Pro Tem Garcia called the question

Motion to postpone indefinitely on, Councilmember Reynolds' motion, Councilmember Goodman's second, 3-2-1 vote, Mayor Pro Tem Garcia and Councilmember Nofziger voting "NO", Councilmember Mitchell abstaining, Councilmember Shea absent.

Motion to postpone indefinitely fails

Postpone to January 4, 1996 on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-1-1 vote, Councilmember Nofziger voting "NO", Councilmember Goodman abstaining, Councilmember Shea absent.

57. C14-95-0150 - JOHNSON'S CAR WASH (Bob Johnson), by Renee Blanks, 10401 Jollyville Road. From LO-CO to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, with an amended overlay. The amended conditional overlay limits the following: (1) a maximum of one driveway off of Jollyville Road; and (2) uses shall be restricted to parking lot uses. (cont'd. from 11/16)

Ordinance No. 951214-P approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

8. 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.

Motion to close hearing, but to continue on January 4, 1996 for action on, Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote, Councilmember Nofziger off the dais, Mayor Todd and Councilmember Shea absent.

Motion to postpone for two weeks on, Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote, Councilmember Nofziger off the dais, Mayor Todd and Councilmember Shea absent.

59. C14-95-0118 - T. DAVID YOUNG, by Land Strategies, Inc. (Paul W. Linehan), East Stassney Lane and Wasson Road. From RR, GR, LO, SF-6, SF-3 & MF-2 to IP & MF-2. Planning Commission Recommendation: To Grant RR-CO, Rural Residence-Conditional Overlay for Tract 2, and MF-2-CO, Multifamily Residence (low density)-Conditional Overlay for Tract 3, with a conditional overlay to limit development to a maximum of 2,000 trips per day on the entire parcel (Tracts 1, 2, & 3). To Grant W/LO-CO, Warehouse/Limited Office-Conditional Overlay, zoning for existing SF-3, MF-2 and a portion of SF-6 (400 feet from the centerline of the creek as shown on applicant's exhibit and LO-CO,

Limited Office-Conditional Overlay, zoning for the remainder of SF-6 zoning (with MF-2 impervious cover limits), subject to Planning Commission approval of the site plan and the following: (1) conditional overlay to limit building height to one-story (25 feet); (2) dedication of up to 35 feet right-of-way for Wasson Road; (3) limit development to a maximum 2,000 trips per day on the entire parcel (Tracts 1, 2, & 3); (4) Restrictive Covenant to limit hours of operation from 7:00 a.m. to 7:30 p.m., Monday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturday; (5) orient loading dock facilities towards Wasson Road and the following conditions as outlined in the October 23, 1995, letter from Ken Brown to the Planning Commission in regards to items nos. 1 and 4 (exclusion of nos. 3 and 7) - 1. clearing within the Water Quality Transition Zone (WQTZ) will be limited to that required for: Utility Installation, construction of Parking, Buildings, Stormwater Management/Water Quality (SWM/WQ) facilities, and the support infrastructure as allowed by the permitted thirty percent (30%) impervious cover and conditions of no. 4 below. 4. Development within the WQTZ will be limited as follows: (a) the inward seventy-five (75) feet (closest to Williamson Creek) will be restricted to no development except for required Utilities and SWM/WQ facilities; (b) the outward seventy-five (75) feet (furthest from Williamson Creek) will be restricted to no more than thirty percent (30%) impervious cover. This impervious cover can be developed as One-story Buildings, Parking, Drives, Sidewalks, SWM/WQ facilities and the like.

Postpone to February 15, 1996, 1st request by applicant, approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

60. C14-95-0137 - WINDSOR RESIDENTIAL PROPERTIES (Nancy Roger), by Strasburger & Price, LLP. (Richard T. Suttle, Jr.), 8207 North IH-35 NB. From LO & SF-3 to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, and LO-CO, Limited Office-Conditional Overlay for the first 100 feet of the Eastern most property line, subject to the following: (1) limit development to that which will generate less than 2,000 vehicle trips per day (both tracts); (2) dedicate up to 40 feet of right-of-way from the existing centerline of Rutherford Drive (both tracts); (3) for the GR-CO portion of the tract - (a) a 65 foot minimum setback for all parking and driveways, (b) provide a 4 foot screened wall adjacent to the parking area, (c) any and all receptacle disposal systems (dumpsters) will be placed within the first 200 feet of the western most property line, and (d) prohibit following uses - Automotive Rental, Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Consumer Convenience Services, Exterminating Services, Food Sales, General Retail Sales (convenience), Pawn Shop Services, Pet Services, Restaurant (drive-in, fast food), Service Station and Theater, (e) require all buildings a setback of 115 feet from single family zoned areas, (f) provide a 50 foot undisturbed buffer, except for utilities and off-site drainage from single family zoned areas; (4) for the LO-CO portion of the tract (a) prohibit the Medical Office use, (b) a 65 foot minimum setback for all parking and driveways from single family zoned areas, (c) provide a 50 foot undisturbed buffer, except for utilities and off-site drainage from single family zoned areas; and (d) provide a four foot screened wall adjacent to the parking area. A petition of 33.96% has been filed in opposition to this request that will require an affirmative vote of six out of seven members of Council for approval.

Approve first reading only with Planning Commission recommendation, 1st reading subject to new conditions offered by neighborhood as follows: 1) any development on the site will include a 65' vegetative buffer along the east & north property lines of the subject tract where it is adjacent to a property zoned SF-3. The buffer shall remain undisturbed except that the following activities shall be permitted if necessary: a. drainage improvements, b. installation of underground utilities, and c. landscaping & landscape maintenance, including irrigation system. 2) walls or fences not to exceed 4' in height shall be placed on the perimeter of the

parking areas on the site where vehicular traffic or parking causes headlights to point in the direction of the adjacent property zoned SF-3. the purpose of the walls is to screen the adjoining homes from headlights. 3) no building or tenant amenities such as pool, tennis courts, or recreational equipment shall be placed within 100' of any adjacent property zoned SF-3. 4) no building taller than one story shall be located closer than 150' from any adjacent property zoned SF-3. 5) in addition to compliance with the landscape ordinance, at least six 15-gallon trees shall be placed within the 65' buffer in areas where the existing vegetation is sparse for the purpose of additional screening of applicant's development from SF-3 zoned properties. The trees shall be either cedar elm, eastern red cedar, or live oak. 6) prior to the final reading of the zoning ordinance, the applicant will deliver to you a letter agreement including a commitment to use reasonable efforts to limit the times for construction activity on the tract and to relocate wildlife which may be displaced by the proposed development. The letter agreement will include a contact person with phone numbers that your client can call in the event that the construction times are not complied with. The letter agreement will also include a commitment to provide your client with a copy of the site plan for review and comment, either prior to or upon the submittal of the site plan to the city. It is expressly understood that your client's approval of the site plan is not a requirement for city approval of a site development permit on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

TO BE HEARD BY PLANNING COMMISSION 12-12-95, RECOMMENDATION TO FOLLOW

61. C814-95-0002 (formerly C814-89-0001) - PWB JOINT VENTURE/PEROT GROUP (Larry J. Cain), by Joseph, Minter & Thornhill (John M. Joseph), 7200 to 7500 North F.M. 620 Road. From PUD to PUD.

Motion to close hearing, and approve, speakers will be allowed to speak at 2nd/3rd readings, on, Councilmember Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Shea absent.

Approved PUD, Planned Unit Development, zoning subject to the following conditions:

1. The development shall be subject to the attached PUD land use plan dated December 12, 1995 (attachment "A").
2. The conditions regarding the amendment of the traffic phasing agreement by terminating the separate instrument and incorporating the conditions into the traffic impact analysis and PUD land use plan notes as stated in Ivan Naranjo's memorandum dated December 8, 1995 (attachment "B").
3. The Hill Country Roadway vegetative buffer waiver recommendations as outlined in Joe Calabrese's memorandum dated September 6, 1995 (attachment "C") as shown on the PUD land use plan.
4. the multi-family lots are limited to those uses permitted in the MF-2, multi-family lots are limited to those uses permitted in the MF-2, multi-family residence (low density), zoning district; the office lots are limited to those uses permitted in the GO, general office zoning district; and, the hotel and retail lots are limited to those uses permitted in the GR, community commercial, zoning district; and the R&D lots are restricted to the following uses: research assembly services, research services, research testing, research warehousing services. The use limitations will be specified by notes on the PUD land use plan.

5. The dedication of the 181.99 acre preserve to a private entity that is approved by the applicant and the US Fish and Wildlife Service prior to 3rd reading of this zoning case.
6. Development of the R&D sites will comply with the planned area development performance standards as outlined in Sec. 12-2-269 of the Land Development Code. This requirement will be specified by a note on the PUD land use plan.
7. Any site development standards not specifically established in the PUD land use plan will be based on the land development code site development standards for the MF-2, GO, and GR zoning districts for the multi-family, office, and retail/hotel lots respectively as they exist on December 12, 1995. Site development standards for the R&D sites will be established by the PUD land use plan (see waivers/variance requests).
8. Development of the multi-family lots or any development adjacent to single-family uses will be subject to the compatibility standards of the land development code, Secs. 12-3-730 through 13-2-739, except for those site development standards specifically established by the PUD land use plan. This requirement will be specified by a note on the PUD land use plan.
9. All parking will comply with the requirements of Chapter 13-5 of the land development code as of December 12, 1995.
10. Compliance with the F.A.R. Hill Country Roadway Corridor requirements of Sec. 13-2-782 based on the overall PUD F.A.R. rather than requiring lot by lot compliance; and
11. Approved variance from: A. Hill Country Roadway and vegetative buffer as recommended by ECSD and the Environmental Board; and B. Parkland dedication to allow credit for the preserve areas, and subject to the following additional conditions:
 1. Parks board action of parkland dedication variance and initiate LDC amendment to allow credit for preserve area;
 2. Planning Commission consideration of vacation of Riverplace Boulevard; and
 3. Staff and applicant to resolve issue on excess fiscal posting for roadway improvements.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

62. 4:15 P.M. - Public hearing to consider proposed assessments for the Austin Public Improvement District (PID).
Ordinance No. 951214-R, motion to close public hearing and approval of the Austin Public Improvement District (PID) proposed assessments, on Councilmember Nofziger's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Shea absent.
63. 4:30 P.M. - Public hearing to consider amending the Land Development Code Sections 13-1-661 and 13-1-667 which will clarify the approval process for Planning Commission site plans. (To be reviewed by Planning Commission December 5, 1995) Planning Commission recommends, vote by consent (8-0)
Motion to close hearing and approve Planning Commission recommendation on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Shea absent.
64. 4:45 P.M. - Public hearing to consider amending to the Land Development Code permitting small plant nurseries on sites of 22,5000 square feet by conditional use in "LR" and "GR" use districts. (Recommended by Planning Commission)

Motion to close public hearing on, Councilmember Mitchell's, motion, Councilmember Nofziger's second, 5-0 vote, Mayor Todd and Councilmember Shea absent.

Motion to approve on first reading only with a friendly amendment by Councilmember Goodman to ask the Planning Commission to look at one acre or less for the conditional use permit and also taking the herbicides, pesticides, to 5% of the building area on, Councilmember Mitchell's motion, Councilmember Goodman's second 5-0 vote, Mayor Todd and Councilmember Shea absent.

65. 5:00 P.M. - Public hearing on proposed amendment to the City's 1995 Community Development Program to consider revised Consolidated Plan reprogramming \$1,250,000 from the 20th Year Community Development Block Grant (CDBG) Commercial Management Program (HIP) multifamily assistance program; and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan.

Motion to close hearing on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-0 vote, Councilmember Mitchell off the dais, Mayor Todd and Councilmember Shea absent.

66. 5:15 P.M. - Public hearing on a proposed amendment to the City's 1995 Community Development Program and consider a revised Consolidated Plan reprogramming \$500,000 from 1994 and prior years for additional public facilities and public services; and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan, as required under Chapter 373 of the Texas Local Government Code. (Councilmembers Eric Mitchell and Jackie Goodman)

Motion to close hearing on, Councilmember Goodman's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Shea absent.

67. 5:30 P.M. - Public hearing on a proposed amendment to the City's 1995 Community Development Program and consider a revised consolidated Plan to amend the 21st Year Community Development Block Grant (CDBG) budget to reallocate \$275,000 out of the \$300,000 allocated for acquisition of land under the "East 11th Street Revitalization Program" for the annual operating expenses of the Austin Revitalization Authority (ARA); and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan, as required under Chapter 373 of the Texas Local Government Code. (Councilmember Eric Mitchell)

Motion to close hearing on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Shea absent.

68. 6:30 P.M. - Public hearing on a proposed amendment to the City's 1995 Community Development Program and to approve a revised consolidated Plan adding a new program (East 11th and 12th Street Redevelopment Program) funded through the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program; and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan, as required under Chapter 373 of the Texas Local Government Code)

Motion to close hearing on, Councilmember Mitchell's motion, Councilmember Reynolds'

second, 4-0 vote, Councilmember Nofziger off the dais, Mayor Todd and Councilmember Shea absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date.

Executive session held at 2:25 p.m. to 3:35 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.

Pending/Contemplated Litigation - Section 551.071

69. Discuss Melissa McGrath, et al. v. City of Austin, et al, Civil Action No. A-95-CA-220-SC.
70. Discuss Monaghan et al v. Maple Run at Austin MUD and the City of Austin, 53rd District Court, Travis County, CA 95-06139.
71. Discuss City of Cedar Park v. City of Austin; Cause No. 95-317-c368, in the District Court of Williamson County, Texas.

Personnel Matters - Section 551.074

72. Discuss personnel evaluation of Municipal Court Clerk.
73. Discuss personnel evaluations and appointment of Municipal Court Judges.

Advice of Counsel - Section 551.071

74. Discuss litigation threatened by Barton Springs Edwards Aquifer Water District.

Action On The Following

75. Appoint Municipal Court Judges.
Approved the reappointment of Municipal Court Judges, full time judges: Penny Wilkov, Celia Castro, Ronald Meyerson, Kenneth Vitucci, Phillip Sanders, Evelyn McKee, Mitchell Solomon, part time judges: Gisela Triana, Charles Wood, Sue Berkel, Sandra Fitzpatrick, David Spencer and Karrie Key, on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Mayor Todd and Councilmember Shea absent.
6. Approve benefit and compensation package of Municipal Court Judges and Municipal Court Clerk.
Approved on, Councilmember Reynolds' motion, Councilmember Nofziger's second 5-0 vote, Mayor Todd and Councilmember Shea absent.

77. Ratify approval of settlement of City of San Antonio, Texas et al v. Westinghouse Electric Corp., Cause No. 90-5-00684-C, in the 23rd District Court of Matagorda County, Texas.
Approved on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.
78. Approve settlement of Monaghan et al v. Maple Run at Austin MUD and City of Austin, 53rd District Court, Travis County, CA 95-06139.
79. Approve settlement of Melissa McGrath, et al v. City of Austin, et al. Civil Action No. A-95-CA-22-sc.
80. Approve settlement of City of Cedar Park v. City of Austin; Cause No. 95-317-C368, in the District Court of Williamson County, Texas.
81. Approve agreement with Barton Springs Edwards Aquifer Water District.
82. ARTS COMMISSION - **BERNADETTE PHIFER, BRUCE WILLENZIK**
AUSTIN COMMUNITY EDUCATION CONSORTIUM - **RICHARD MCCOWN, DR. LILLIAN JOSEPHINE DAVIS**
CHILD CARE COUNCIL - **E. LEN DOUGHTY**
CITY OF AUSTIN COMMISSION FOR WOMEN - **ELVIA LOPEZ, ARLENE PACE**
CONSTRUCTION ADVISORY COMMITTEE - **JOHN ARMSTRONG, SUSIE LITZ**
DESIGN COMMISSION - **GLORIA MCCRAY**
ECONOMIC DEVELOPMENT COMMISSION - **JEFFREY MOTEN**
ETHICS REVIEW COMMISSION - **DR. DAYNA FINET**
FEDERALLY QUALIFIED HEALTH CENTER BOARD - **DAVID CAMPOS**
HUMAN RIGHTS COMMISSION - **SAUL GONZALEZ, ELIZABETH HANSHAW, JOHN ANDREW MEDRANO**
MBE/WBE ADVISORY COMMITTEE - **RON C. JORDAN**
MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - **DR. MARY ADAMS, DR. MARIAN AGUILAR, CHRIS FABRE, BERT GARRETT**
RESOURCE MANAGEMENT COMMISSION - **RANDOLPH DOYER**
SOLID WASTE ADVISORY BOARD - **JOHN ALBERT**
STREET CLOSURE TASK FORCE - **SHANNON SEDWICK, BETTY JO SUMMERS**
Approved on, Councilmember Reynolds, Mayor Pro Tem Garcia's second, 5-0 vote, Mayor Todd and Councilmember Shea absent.

ADJOURNED at 9:35 p.m. on, Councilmember Goodman's motion, Councilmember Reynolds' second 4-0 vote, Councilmember Nofziger off the dais, Mayor Todd and Councilmember Shea absent.

Approved on this the 4th day of January, 1996, 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.