



## Austin City Council MINUTES

May 6, 1993 - 1:00 P.M.

### MEETING CALLED TO ORDER - 1:00 P.M.

1. Approval of Minutes for Regular Meeting of April 22, 1993 and Special Meetings of April 21 and 22, 1993.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 vote, Councilmembers Nofziger and Epstein absent.

### INTRODUCTION OF ASSISTANT CITY MANAGER

City Manager Camille Cates Barnett introduced Assistant City Manager Jesus Garza to members of the viewing audience.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to respond to the May 1st election.
3. Mr. Rodney Doerscher, to discuss police brutality by A.P.D. and or Sheriff Department.
4. Mr. Ron Lane, to discuss hospital issues.
5. Mr. Dennis Paddie, to discuss the Council's obligation to the people of Austin vis a vis the preservation of Barton Creek.
6. Mr. Robert Thomas, to discuss enforcement procedures of employment laws at the Rosewood Recreation Center; to take affirmative action for termination of the site management that is to be placed there; action from the City Council to work with the Human Resources and Parks and Recreation Departments for the termination, and subsequently elevating our position there as the new site manager of the facility.
7. Mrs. Ethel Davis, to discuss the trees in Memorial Cemetery.
8. Mr. Mike Workman, to comment on election results and run-off issues.
9. Mr. Leonard Lyons, to discuss business as usual with Snow White and the Seven Dwarfs at Disneyland. Did not speak.

## ORDINANCES

10. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5600-5720 F.M. 2222, Case No. C14-92-0134, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, JOSIE CHAMPION. First reading on April 1, 1993; Vote 5-2, Mayor Todd and Councilmember Garcia voting "No". Conditions met as follows: Conditional overlay and a restrictive covenant incorporate conditions imposed by Council. A street deed dedicating right-of-way has been executed.

On Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 4-2-0 Vote, Mayor Todd and Councilmember Garcia voted No, Councilmember Nofziger was absent.

11. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1700-2300 Loop 360, Case No. C814-87-007, from "SF-2", Single Family Residence (standard lot) to "PUD", Planned Unit Development, INTERNATIONAL BANK OF COMMERCE (Parkstone PUD) (Pete Dwyer), by Terry Bray/Bury & Pittman. First reading on September 1, 1988; Vote 5-0, Councilmembers Urdy and Barnstone out of the room. Second reading on June 25, 1992; Vote 5-2, Mayor Todd and Councilmember Garcia voting "No". Conditions met as follows: Conditions imposed by Council have been incorporated into a PUD ordinance.

No Action - Councilmember Reynolds made a motion to approve but there was not a second to his motion.

12. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5010 U.S. Highway 290 West, Case No. C14-92-0149, from "RR", Rural Residence to "GR-CO", Community Commercial-Conditional Overlay, K-MART CORPORATION, by Bury & Pittman (Greg Strmiska). First reading on March 18, 1993; Vote 4-3, Mayor Todd, Councilmembers Garcia and Nofziger voting "No". Second reading on April 15, 1993; Vote 4-3, Mayor Todd, Councilmembers Garcia and Nofziger voting "No". On April 22, 1993, the case was continued to May 6, 1993 due to lack of a quorum vote (3-3) in favor of third reading; Mayor Todd, Councilmembers Garcia and Nofziger voting "No," and Councilmember Epstein absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

On Councilmember Reynolds' motion, Councilmember Larson's second, 4-2-0 Vote, Mayor Todd and Councilmember Garcia voted No, Councilmember Nofziger absent.

13. Approve calling a run-off election (if necessary).

Early voting will begin May 17, 1993, on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, with directions to post again the following week. 6-0 Vote, Councilmember Nofziger absent.

14. Approve issuance by Fern Bluff Municipal Utility District of District Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds Series 1993, in an amount not to exceed \$700,000, approving the terms, conditions and covenants of the Bond Resolution, Notice of Sale, Bid Instructions, Form of Bid and Preliminary Official Statement. (The City is not obligated for payment on District bonds until annexation and dissolution of the District.) [Recommended by Water and Wastewater Commission]
15. Authorize acceptance of a \$234,293 increase in grant reimbursement from the Texas Department of Health WIC (Women, Infants and Children) Nutrition/Education grant, for a total grant amount of \$1,300,293, to continue the Breastfeeding Peer Counseling Program, and increase other WIC services; amend Ordinance 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$234,293 for the Health and Human Services Department Special Revenue Fund; and adding eleven (11) grant funded full-time equivalents.
16. Authorize acceptance of \$818,931 in grant funds from the Texas State Library to provide cooperative library services through the Austin Public Library, Central Texas Library System; amend Ordinance No. 920922-E, the 1992-93 operating budget for the Library Special Revenue Fund, increasing appropriations by \$818,931 to fund the grant for the period beginning September 1, 1993 and continuing through August 31, 1994; and authorize continued employment of 7.5 full-time equivalents and the addition of a .8 full-time equivalent.
- #14-16 on Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Nofziger absent.
17. Amend Ordinance 920922-A, the approved 1992-93 Capital Budget, to increase the appropriation for the Solid Waste Business Plan improvements from \$2,305,000 to \$5,190,830 for the purchase of semi-automated garbage carts and recycling trucks. (To be reviewed by Planning Commission on May 4, 1993.) [Related to Item 18]

Pulled off agenda.

#### RESOLUTIONS

18. Approve execution of a twelve (12) month supply agreement with ROTO INDUSTRIES (MBE), Anaheim, California, for the purchase of 30, 60

and 90 gallon refuse carts for use in the Pay-As-You-Throw Program, in the amount of \$2,754,200 (Phase I & II), with the option to extend for two (2) twelve (12 ) month periods, in the amount of \$1,946,630 for the first extension period (Phase III), and \$432,265 for the second extension period (replacement parts), for a total amount of \$5,133,095. (Funding in the amount of \$4,700,830 (for new carts) which includes \$1,815,000 in the current appropriation, plus an amendment of \$2,885,830 is included in a related Capital budget amendment; funding for the second extension option (replacement carts) in the amount of \$432,265 will be budgeted in the 1995 operating budget of the Solid Waste Services Fund.) Low responsive bid of eight (8). 5% MBE, 5.7% WBE Subcontractor participation. (Related to Item 17)

Pulled off agenda.

19. Approve a contract with AMERICAN TELEGRAPH & TELEPHONE COMPANY, Austin, Texas, for the purchase of a PBX System for Solid Waste Services Division of the Environmental and Conservation Services Department, in the amount of \$104,914. (Funding is available in the 1992-93 operating budget for Solid Waste Services.) Sole source. No M/WBE Subcontracting opportunities were identified.
20. Approve issuance of a Letter of Intent and a rebate amount of \$77,917.50 to the Oak Ridge Apartments, located at 3517 North Hills Drive, for the installation of energy saving air conditioners and attic insulation. (Funding is available in the 1992-93 operating budget of the Environmental and Conservation Services Department - Energy Rebates and Incentive Fund.) [Recommended by Resource Management Commission]
21. Approve issuance of a Letter of Intent and a rebate in the amount of \$43,290 to Timberline Office Complex, located at 2525 Wallingwood, for the installation of energy saving air conditioning equipment. (Funding is available in the 1992-93 operating budget of the Environmental and Conservation Services Department - Energy Rebates and Incentives Fund.) [Recommended by Resource Management Commission]
22. Approve negotiation and execution of a contract with JONES AND NEUSE, INC., Austin, Texas, to perform two (2) hazardous materials contamination risk studies for water bodies within the City of Austin and its extraterritorial jurisdiction (ETJ), in an amount not to exceed \$264,815. (Funding is available in the 1992-93 operating budget for the Environmental and Conservation Services Department.) Best proposal of seven (7). 10% MBE, 8% WBE Subcontractor participation.
23. Approve execution of a twelve (12) month supply agreement with UNITED STATES PIPE & FOUNDRY COMPANY, Austin, Texas, for the

purchase of approximately 8,780 feet of ductile iron pipe for use by the Water and Wastewater Utility to repair and replace damaged and deteriorated water main lines and for construction of new water mains, in an amount not to exceed \$61,032.76, with two (2) twelve (12) month extension options, in an amount not to exceed \$61,032.76 per extension, for a total amount not to exceed \$183,098.28. (Funding in the amount of \$25,430.32 is available in the 1992-93 operating budget of the Water and Wastewater Utility; funding for the final seven (7) months of the original contract and the extension options is contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

24. Approve execution of a construction contract award to BASIC CONSTRUCTORS, INC., Houston, Texas, for the purchase and installation of a new chlorine disinfection system and modifications and improvements to the existing sludge handling system at the Ullrich Water Treatment Plant, for compliance with the Safe Drinking Water Act, in the amount of \$3,898,550. (Funding is included in the 1992-93 Capital Budget of the Water and Wastewater Utility.) Low bid of two (2). 10.89% MBE, 10.01% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on May 5, 1993.)
25. Approve execution of a twelve (12) month supply agreement with TRI-GAS INC., Houston, Texas, for bulk liquid oxygen for use at Brackenridge Hospital, in an amount not to exceed \$45,240, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$45,240 per extension, for a total amount not to exceed \$135,720. (Funding in the amount of \$18,850 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final seven months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
26. Set a public hearing to amend the Land Development Code, Section 13-1-332, by providing alternatives for posting fiscal surety for independent school districts and community college projects. (Suggested date and time: May 20, 1993 at 4:30 p.m.)

#19-26 on Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Nofziger absent.

#### ITEMS FROM COUNCIL

27. Approve a resolution transferring the ownership of two lots located at 2400 and 2404 East 9th Street to Habitat for Humanity for the

purpose of building homes for low income families. (Councilmembers Bob Larson and Gus Garcia and Mayor Pro Tem Charles Urdy)

Pulled off agenda.

28. Provide direction and support to the City of Austin's Charter Revision Committee. (Mayor Pro Tem Charles Urdy)

Approved on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, with a friendly amendment by Councilmember Reynolds to bring back November 1, 1993; and Committee members approved were Robert Mendoza (Councilmember Reynolds), Pat Robbins (Councilmember Epstein), Malcolm Milburn (Councilmember Larson), and Joel Bennett (Mayor Pro Tem Urdy). 4-2-0 Vote, Mayor Todd and Councilmember Garcia voted No, Councilmember Nofziger absent.

57. Report from staff and interested parties on accidental dumping of the effluent into Barton Creek and condition of algae bloom. (Councilmembers Gus Garcia and Michael "Max" Nofziger)

Report was presented to staff by Austan Librach, Director, Environmental and Conservation Services Department.

RECESS - Council recessed from 3:25 to 4:00 P.M.

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

29. C14-92-0150 - TEXAS COMMERCE BANK (Doug Snyder), by Holford Group (David Holt), IH-35 and VFW Road. From SF-2 to CS. Planning Commission Recommendation: To Grant GR for a depth the same as the GR tract to the east; CS for the remainder of the tract; A 10' foot strip of GO zoning along the southern and eastern boundaries of the tract, subject to dedication of up (approximately 450') to 35' of right-of-way from the existing centerlines of County Road and VFW Road in accordance with the Transportation Criteria, Land Development Code (LDC), Section 13-5-9, and subject to: (1) The conditions imposed by staff as to right-of-way and limitation of uses which will not exceed or significantly vary from the proposed traffic conditions assumed in the traffic impact analysis, and to formally work with the Texas Department of Transportation to evaluate and consider modifications to entrance and exit ramps along the west frontage road of IH-35, between Braker and Parmer Lanes; (2) A Conditional Overlay which would include a provision for all development to comply with the development regulations of the GR, (Community Commercial Services) zoning district and prohibition of the following uses: arts and crafts studio (General), campgrounds, equipment repair services, equipment sales, kennels, monument retail sales, pawn shop services, vehicle storage, veterinary services, adult-oriented businesses, and automotive repair services; (3) Automobile Sales and Services will be limited to new car dealerships

and their accessory uses only; (4) A restrictive covenant is to include the following limitations: (a) Landscape Nursery Uses will be the only allowable use under the Agricultural Sales and Services definition; (b) the only uses and conditions permitted under the Construction Sales and Services definition would be: building materials stores, all outdoor storage will be screened, building heights will be limited to 40', and front facades will be of masonry materials; (c) the only uses and conditions permitted under the Convenience Storage definition will be: site area will be limited to 3 contiguous acres, storage units shall have masonry exterior walls, storage units will have an on-site manager, storage units shall have access off Yager Lane, and storage units shall front Yager Lane; (d) moving and storage firms will be prohibited in the Limited Warehousing definition; (e) under the Custom Manufacturing definition: all services will be conducted within a building, and outside storage will be prohibited; (5) landscaped berms along the property fronting IH-35 and VFW Road not to exceed 3' in height, landscape buffering in excess of ordinance requirements for screening, and front facades of all structures to be masonry; (6) the landscape nursery use under the Agricultural Sales and Services definition will require that all temporary (non-permanent) structures be located at the rear of the Landscape Nursery use; (7) no loading docks or truck bays shall front on IH-35 for the uses permitted under the Limited Warehousing and Distribution.

Planning Commission recommendation approved, with DELETION OF ITEMS 3 THROUGH 7, on Councilmember Reynolds' motion, Councilmember Epstein's second, 5-0-1 Vote, Councilmember Nofziger absent, Councilmember Garcia abstained.

30. C14-93-0001 - DAVENPORT LTD., by Griffin Engineering Group (Greg Griffin), Loop 360 South and Westlake Drive. From SF-2 to MF-4-CO. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence, zoning as amended, subject to the Comprehensive Watershed Ordinance.

Postponed to May 20, 1993 at 4:00 P.M.

31. C14-93-0004 - JAMES C. PHILLIPS, by Carson Planners, 5900-6000 Mopac Expressway South. From GR-CO to MF-2. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning limited to 20 units per acre.

FIRST READING ONLY - Closed the public hearing on Councilmember Reynolds' motion, Councilmember Larson's second, and approved Planning Commission recommendation on Councilmember Larson's motion, Councilmember Epstein's second, with changes offered by the applicant as follows: (1) Impervious cover limited to 60.9%; (2) Limit to 13.21 units per acre. 6-0 Votes, on both motions, Councilmember Nofziger absent.

32. C14-93-0019 - W. M. INVESTMENTS NO. FOUR, by Allan Nutt, Architect, 8440 Burnet Road. From CS to CS-1. Planning Commission Recommendation: Forward to Council without a recommendation due to lack of a quorum vote.

Postponed to May 13, 1993 at 5:00 P.M.

33. C14-85-149.40.(93)1- BLUEBONNET SAVINGS BANK FSB (Margaret Menta), by Land Strategies, Inc. (Paul Linehan), 11900 Stonehollow Drive. Restrictive Covenant Termination. Planning Commission Recommendation: To approve deletion of the density restrictions on the 32.534 acre portion of the restrictive covenant on the property.

APPROVED

34. C14-93-0025 - BLUEBONNET SAVINGS BANK FSB (Margaret Menta), by Land Strategies, Inc. (Paul Linehan), 11900 Stonehollow Drive. From RR and SF-6 to MF-3. Planning Commission Recommendation: To Grant MF-2-C0, Multifamily Residence (low density)- Conditional Overlay, zoning for Tracts 1 and 2-A, and P, Public District for Tracts 2 and 3, north of Austin Community College; with the following conditions - (1) Applicant to pay proportionate share of contribution for traffic signals at Stonehollow/Metric & Stonehollow/Gracy Farms; (2) Dedication of 14 acres of parkland and access easement along Walnut Creek; (3) Screen parking on all perimeter streets with berming and landscaping; (4) Establishment of Tenants Council (prior to third reading) for a total of 380 units (734 units over the entire development) to be funded with \$25,000 per tract by developer and \$1.00/month dues per tenant for citizens to participate in maintenance and control of project. If Tenants Council is not possible, then restrict development to 661 total units for cases C14-93-0025 and C14-93-0028; (5) no development allowed beyond edge of ravine; and (6) Limit impervious cover to 50%.

FIRST READING - DELETE CONDITION (4).

35. C14-93-0028 - BLUEBONNET SAVINGS BANK (Margaret Menta), by Land Strategies, Inc. (Paul Linehan), 9100 block of Stonehollow Drive. From L0 to MF-3. Planning Commission Recommendation: To Grant MF-2-C0, Multifamily Residence (low density)- Conditional Overlay, zoning with the following conditions - (1) Applicant to pay proportionate share of contribution for traffic signals at Stonehollow/Metric & Stonehollow/Gracy Farms; (2) Dedication of 14 acres of parkland and access easement along Walnut Creek; (3) Screen parking on all perimeter streets with berming and landscaping; (4) Establishment of Tenants Council (prior to third reading) for a total of 350 units (734 units over the entire development) to be funded with \$25,000 per tract by developer and \$1.00/month dues per tenant for citizens to participate in maintenance and control of



project. If Tenants Council not possible, then restrict development to 661 total units on cases C14-93-0025 and C14-93-0028; (5) no development allowed beyond edge of ravine; (6) Limit impervious cover to 50%; (7) No access onto Meteric Boulevard except for emergency vehicles; and (8) 25-foot building and parking setback on Metric Boulevard.

**FIRST READING - DELETE CONDITION (4).**

#33,34,35 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 5-0-1 Vote, Councilmember Nofziger absent, Councilmember Larson abstained.)

36. C14-92-0145 - FDIC, AMRESKO MANAGEMENT, INC. (Mike Pacillio), by Bury & Pittman (James B. Knight), 9809-9900 Stonelake Boulevard. From CH to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay, zoning subject to: (1) any signs and/or placards with respect to the development of this site be ground-mounted and located on berms along York Drive, Stonelake Boulevard, or Capital of Texas Highway; (2) No blasting will be allowed (restrictive covenant); (3) density limited to 23 units per acre (327 total); (4) an undisturbed buffer of 50 feet is required to be along the outer perimeter of the site fronting Loop 360, Stonelake, and York Streets. The buffer may be reduced, with staff approval, to a minimum depth of 25 feet as necessary to compensate for extension of the buffer beyond 50 feet to preserve significant trees.

**FIRST READING - DELETE CONDITION (2)**

37. C14r-85-147 - AMRESKO MANAGEMENT, INC. (Mike Pacillio), by Bury & Pittman (James B. Knight), 9809-9900 Stonelake Boulevard. Restrictive Covenant Amendment. Planning Commission Recommendation: To Grant the request to amend the restrictive covenant.

**APPROVED**

#36-37 on Councilmember Reynolds' motion, Councilmember Larson's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Nofziger absent.

38. GHV-93-0001 - ALAMEDA HOUSE, by Hilgers and Watkins (David Hilgers), 4901 Manchaca Road. Waiver requested from the one-half mile Group Home Spacing Requirement, Section 13-2-262(a). Planning Commission Recommendation: To Grant the requested waiver, with the condition that the facility be used by handicapped individuals as defined by the Fair Housing Act.

**APPROVED - On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger absent.**

39. C14-93-0034 - SALLY and BRAD FOWLER, by Griffin Engineering (Greg Griffin), City Park Road and Glenlake Drive. From DR to NO. Planning Commission Recommendation: To Grant P, Public District, zoning as amended.

ORDINANCE

40. C14-93-0040 - HIGHWAY 71 ASSOCIATES, LTD., by Howard Engineers, 9200-9299 State Highway 71 West. From GO, LO to SF-1. Planning Commission Recommendation: To Grant RR, Rural Residence, zoning as amended.

ORDINANCE

#39-40 on Councilmember Reynolds' motion, Councilmember Larson's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Nofziger absent.

41. C14-93-0044 -EDWARD R RATHGEBER, JR.(John Morran), by Capitol Metro (Michael Ouimet), 6405 IH-35 North. From GR to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.

Postponed to May 13, 1993 at 4:00 P.M.

42. C814-92-0006 - SETON PUD (Daughters of Charity Health Services of Austin - Peter Kaharl), by Page, Southerland, Page (James C. Alvis), 3500 to 3524, 3700 to 3724 Medical Parkway and 1101 to 1125, 1201 to 1223 West 38th Street. From GR, CS, and CS-CO to PUD. Planning Commission Recommendation: To Grant approval of Seton PUD, Phase One only, subject to the condition that Phase Two be delayed and be reviewed and approved at the submittal stage in 17 years subject to the following amendments: (1) No direct access from site to West 34th Street; (2) Pedestrian corridors along Medical Parkway from 38th Street to 32nd Street; Pedestrian corridor on 34th Street from Lamar to Shoal Creek Boulevard; these pedestrian corridors to include 6 foot sidewalks with trees with the exception of areas that contain existing, mature trees; (3) The interior ring road that was indicated from 38th Street to Medical Parkway to have no direct parking; that it be developed exclusively as an interior ring road with a pedestrian corridor along it; (4) Capture and filter all run-off from the parking structures; (5) Inclusion of retail and/or office space at the ground level of the parking structure along 34th Street to maintain the character that exists today; and finally (6) Work with Capital Metro on providing bus stops for the subject development; (7) grant the following Waivers:(a) waiver from Section 13-2-683(f)(2) to allow maximum floor-to-area ratio of 1.86 to 1; (b) waiver from Section 13-2-683(f)(4) to allow street yard set back along 34th Street to be 10 feet; (c) waiver from Section 13-2-683(h)

to allow open space of no less than 12.4% to be reserved; (d) waiver from Section 13-2-734(b)(5) to allow height limitations for north tower to be increased to 110 feet and for south tower to be increased to 120 feet; and (e) waiver from Section 13-5-107 to allow 6 off-street loading spaces to be provided for both Phase 1 and 2010.

**FIRST READING - PUBLIC HEARING CLOSED AND APPROVED ON FIRST READING ONLY, WITH SEVEN CONDITIONS OFFERED BY THE APPLICANT, on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent. The seven conditions are as follows:**

- 1) Phase 2 is deleted and the PUD ordinance will contain no reference to Phase 2,
- 2) Direct access from the site to 34th street is limited to; (a) a card controlled doctor's entrance from Bailey Lane and (b) an exit only right turn only drive at the east end of the garage,
- 3) The 38th Street entrance will be straightened and widened with the removal of the parking spaces from the west side of the drive and relocation and addition of them to the planned surface area north of the new emergency entrance. Impervious cover and open space will be adjusted to allow for this relocation,
- 4) Seton will put a sign visible to Lamar and 35th Street on its parking garage at 35th and Medical Parkway indicating an entrance to the site at 35th and Medical Parkway,
- 5) Seton will post a fiscal guarantee for 7 years at PUD approval for the cost of such work, prior to issuance of a building permit,
- 6) As part of Phase 1, Seton may add 2 floors to its garage now just as it would have been able to do as part of Phase 2, and the garage will have the set back, architectural, and landscape concepts show in Phase 1 of the application,
- 7) At the exit at the northwest corner of the garage the pavement will be painted with conspicuous arrows and visible signs will be placed directing traffic up the driveway to 38th Street.

43. C14-93-0032 - SKRUDLAND PHOTO, INC. (Erik Skrudland), by The Faust Group (Bill Faust), FM 620 and FM 2769. From DR & SF-2 to CS. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to dedication of up to 75' of right-of-way and reservation of an additional 175' of right-of-way from the existing centerline of R.M. 620, and with the provisions of the conditional overlay as follows: (1) Prohibition of

Restaurant Uses (Fast Food, Drive-In), (Limited), and (General), Food Sales; and (2) Limitation of Floor-to-area ratios (FAR's) as follows: General Retail Sales (General and Convenience) - 0.02 to 1.0; Office (Administrative and Business), (Medical), (Professional) - 0.21 to 1.0; and Financial Services - 0.03 to 1.0.

**FIRST READING** - On Councilmember Reynolds' motion, Councilmember Larson's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Nofziger absent.

44. C14-93-0033 - ANDERSON MILL CENTER, LTD. (David Roberts), by Eurotex (Andrew Ozuna), 13500-13600 Research Boulevard. From LO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to reservation of up to 150' of right-of-way from the future centerline of Research Boulevard (U.S. Hwy. 183) and dedication of up to 30' of right-of-way from the existing centerline of Caldwell Drive. The provisions of the conditional overlay limits floor-to-area ratios (FARs) as follows: (1) General Retail Sales (Convenience and General) - 0.28 to 1.0; (2) Restaurants (Drive-In, Fast Food, General and Limited) - 0.05 to 1.0; (3) Food Sales - 0.05 to 1.0; and (4) Financial Services - 0.16 to 1.0.

**POSTPONED TO MAY 20, 1993 AT 4:00 P.M.**

45. C14-93-0045 - NASH PHILLIP/COPUS, INC. (James A. Howard), by Urban Design Group (Laura Toups), 12100 Metric Boulevard. From LO to MF-3. Planning Commission recommendation: To grant MF-1 limited to 12 units per acre.

**POSTPONED TO MAY 13, 1993 AT 4:00 P.M.**

46. C14-93-0047 - DON BARR, by L. H. Layne Company (Len Layne), IH-35 North and Dessau Road. From SF-2 to CS. Planning Commission recommendation: To grant GR-CO for 200 feet from the existing property line along I.H. 35 and West Dessau Road (to be measured prior to right-of-way dedication); and CS-CO for the remainder of the site, subject to the following: (1) dedication of 60 feet of right-of-way from the existing centerline of West Dessau Road; (2) limitation of development to a floor-to-area ratio of 0.10 to 1; (3) restriction of food sales to a maximum of 1,500 square feet; and (4) prohibition of the following uses: Restaurants (Drive-in fast food, general and limited); Administrative, Business Medical and professional offices; automotive sales; and adult-oriented uses as defined in Section 13-2-265 of the Land Development Code.

**CLOSE PUBLIC HEARING AND PASS THROUGH FIRST READING**, on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent, with direction that the neighborhood is to be informed when 2nd and 3rd readings of the

ordinance are to be on the agenda, and public input will be accepted at the time of second reading.

The following cases will be postponed to a future date. Posting of these cases on this agenda is required due to a previous advertisement for a public hearing for this date.

47. C14-93-0035 - HEALTHVEST (Gregory Herring), by Minter, Joseph & Thornhill, P.C. (Ken Brown), 1110 East 32nd Street. From NO-H to GO-H.

POSTPONED TO MAY 20, 1993

48. C14-93-0015 - AUSTIN CHINESE CHURCH (Leo Yeung), 11118 Dessau Road. From PUD to GO. (to be heard by Planning Commission 4-27)

POSTPONED TO JUNE 3, 1993

49. C14-90-0017 - IVANHOE, INC. (Claude Maynard), by Richardson Verdoorn (Nancy Riviere), F.M. 2222. From DR to RR (Tract 1) and SF-2 (Tract 2).

POSTPONED TO MAY 20, 1993

50. C14-93-0022 - IVANHOE, INC. (Claude Maynard), by Richardson Verdoorn, F.M. 2222. From DR to SF-1.

POSTPONED TO MAY 20, 1993

51. C14-80-133 - PHOTRONIC TEXAS, INC., by David B. Armbrust, 2201 Grove Boulevard. Restrictive Covenant Amendment request to delete the requirement that a Planned Development Agreement (PDA) with attached site plan be approved by the City Council prior to the issuance of a building permit by the City of Austin.

POSTPONED INDEFINITELY

#### FINAL CITIZEN COMMUNICATION

Robert Singleton, Al St. Louis, Brett White, Roger Baker, Nicholas Weeks

#### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

52. 5:00 P.M. - Appeal of Planning Commission approval of a Conditional Use Permit for a Campus Center for the Episcopal Theological Seminary.

Postponed to June 3, 1993 at 5:00 P.M.

53. 5:30 P.M. - Proposed assessments for the Downtown Austin Public Improvement District (PID).

Speaker's cards are on file in the City Clerk's office.

Chuck Griffith, Deputy City Attorney, explained to Council they could make motions pertaining to the appellant's property in one of three categories: A, assessment is reasonable; B, reduce assessment; and C, property of a certain class will have the assessment reduced.

Motion

02-0603-1811 Protestant Episcopal Church Council Diocese, A recommended, but remove from consideration until the tax exempt status can be determined. On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 4-0-1 Vote, Councilmember Epstein out of the room, Councilmember Reynolds abstained and was out of the room because of conflict of interest, Councilmember Nofziger absent.

(The church is presently in litigation over the tax exemption of the same property included in the PID Assessment Roll and would like it to be clear that if the Court finds that this property is exempt under state law, it will be exempt from the PID Assessment - Diana L. Granger, City Attorney)

Motion

02-0805-0614 Holden Orbry D. Tr., Texas Association of School Boards, Finding A, on Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger absent.

Motion

02-0501-0407 George S. Nalle Jr., Finding A on Mayor Pro Tem Urdy's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Nofziger absent.

Motion

02-0501-0401 George S. Nalle Jr., Finding A, on Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Nofziger absent.

Motion

02-0805-1118 George S. Nalle Jr. Finding A, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

Motion

02-0502-1507 and 1506 R.G. Mueller Jr. Finding A, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger absent.

Motion

02-0603-1001 Mier Expedition Company Finding A, on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 6-0 Councilmember Nofziger absent.

54. Approve an ordinance levying assessments, approving the assessment roll, and providing for the method of payment, interest rate and related matters for the Downtown Austin Public Improvement District.

Public hearing closed and ordinance approved on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger absent.

55. 6:45 P.M. - Amend Title XIII (Land Development code) of the Austin City Code of 1992 by establishing and defining "microbrewery" use and the zoning districts in which such use is authorized, and other site development regulations related to the microbrewery use. (Recommended by Planning Commission)

Postponed to May 20, 1993 at 5:30 P.M.

56. APPOINTMENTS

FEDERALLY QUALIFIED HEALTH CENTER BOARD - Mary Harvey, Ernest Perales

MECHANICAL, PLUMBING & SOLAR BOARD - Larry Warner

Appointments were made on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Reynolds out of the room, Councilmember Nofziger absent,

9:42 P.M. - ADJOURN

