



Austin City Council MINUTES

SEPTEMBER 7, 1995 - 1:00

Mayor Todd called the meeting to order, Councilmember Reynolds off the dais.

1. Approval of Minutes for Special Called Meetings of August 16, 23, and 30, 1995, and Regular Meetings of August 17 and 24, 1995.
Approved minutes of Special Called Meetings of August 16, 23 and 30 and regular Meetings of August 24, with change to item 32, and to postpone approval of minutes of August 17, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Barbara Rush, to discuss the budget, employee relations and the Health Department.
3. Ms. Carol Guthrie, to discuss budget and employee relations.
4. Mr. Walt J. Graner, to discuss the graffiti abatement program budget.
absent
5. Ms. Donna Hoffman, to discuss the budget - Health Department.
6. Mr. Richard R. Troxell, to encourage City Council to immediately fund a detoxification, treatment, job training program that is both cost effective and comprehensive as a means of helping the homeless adults work their way off the streets of the City of Austin.
7. Mr. Daniel T. Michael, to speak to the Council about keeping ACTV; Powerful special interests want to do away with access for their own selfish reasons.
absent
8. Mr. Robert L. Thomas, to discuss Rosewood Park.
9. Mrs. Dorothy Jackson, to ask for funding for senior citizen area in Bartholomew Park and to request that non-profit groups not be charged for the use of library rooms.
10. Ms. Jennifer McPhail, to discuss the need for more funding in the Public Works department to build curb cuts.
11. Ms. Stephanie Thomas, to discuss funding for curb cuts in the Public Works department budget.

ACTION ON CONSENT AGENDA

1:30 P.M. - BOND SALE (Items 12-17)

12. Authorize the issuance of \$30,250,000 City of Austin, Texas, Public Improvement Bonds, Series 1995. (\$3,165,000 debt service requirement for proposed bond sale in 1995-96 is provided in the 1995-96 Proposed budget of the General Obligation Debt Service Fund.)
Ordinance No. 950907-A approved
13. Authorize the issuance of \$8,660,000 City of Austin, Texas, Certificates of Obligation, Series 1995. (\$519,600 debt service requirement for proposed certificates of obligation sale in 1995-96 is provided in the 1995-96 Proposed budget of the General Obligation Debt Service Fund.)
Ordinance No. 950907-B approved
14. Authorize the issuance of \$8,205,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1995. (\$1,030,850 debt service requirement for proposed contractual obligation sale in 1995-96 is provided in the 1995-96 Proposed budget of the General Obligation Debt Service Fund.)
Ordinance No. 950907-C approved
15. Authorize the execution of a paying agent/registrars agreement, with Texas Commerce Bank, N.A., Austin, and a letter of representations for issuance of book-entry obligations, with respect to the \$30,250,000 City of Austin, Texas, Public Improvement Bonds, Series 1995. (\$100 annual administration fee for agent/registrars services is available in the 1995-96 proposed budget of the General Obligation Debt Service Fund.)
Approved
16. Authorize the execution of a paying agent/registrars agreement, with Texas Commerce Bank, N.A., Austin and a letter of representations for issuance of book-entry obligations, with respect to the \$8,660,000 City of Austin, Texas, Certificates of Obligation, Series 1995. (\$100 annual administration fee for paying agent/registrars services is available in the 1994-95 proposed budget of the General Obligation Debt Service Fund.)
Approved
17. Authorize the execution of a paying agent/registrars agreement, with Texas Commerce Bank, N.A., Austin and a letter of representations for issuance of book-entry obligations, with respect to the \$8,205,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1995. (\$100 annual administration fee for paying agent/registrars services is available in the 1995-96 proposed budget of the General Obligation Debt Service Fund.)
Approved

Items 12 through 17 approved, on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

18. Authorize the negotiation and execution of an agreement with Austin Three Points Land Partnership, Ltd., for construction of a 16-inch and 24-inch water main and other facilities needed for permanent water service within and near the Three Points Common Subdivision with City cost participation for oversizing improvements of approximately \$25,000 and City cost reimbursement of approximately \$300,000. (Total project cost is estimated to be \$325,000. Cost participation, estimated at \$25,000 for oversizing, will be paid from the Water and Wastewater Utility's operating fund. Cost reimbursement estimated at \$300,000 will be paid from the Water and Wastewater Utility's operating fund in three annual installments commencing March 1st of the year following the year in which the improvements are accepted by the City. This amount will be included in future operating budgets.) (Recommended by Water and Wastewater Commission)
Postponed indefinitely
19. Authorize the negotiation and execution of an Interlocal Agreement with Wells Branch Municipal Utility District (MUD) which authorizes the City to draw water from the Wells Branch 24-inch Water Transmission Main for the purpose of improving water utility service to the FM 1825 Area. (No cost to City for the use of the Wells Branch 24-inch line.) [Recommended by Water and Wastewater Commission]
Postponed indefinitely

ORDINANCES

20. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4309 to 4311 Marathon Boulevard, Case No. C14-95-0053, from "SF-3", Family Residence to "GO-MU-CO", General Office-Mixed Use Combining District-Conditional Overlay with the provisions of the overlay as follows: (1) to prohibit the following uses - Administrative and Business Office, Arts and Crafts (limited), Business Support Services, Business and Trade Schools, Communication Services, Medical Offices, Personal Improvement, Professional Office, Restaurant (limited), Convalescent Services, Counseling Services, Day Care (limited, general & commercial), Guidance Services, Hospital Services (limited and general), Local Utility Services, Safety Services, Cultural Services, Private Primary Education, Private Secondary Education, and Community Services Facility; (2) prohibit access to Marathon Boulevard; and (3) post fiscal to provide for a solid six foot masonry fence along the west property line; CENTRAL TEXAS REGIONAL BLOOD BANK (Trudell Green), by Ray Wilkerson Companies (Jim Spence). First reading on July 20, 1995; Vote 5-0-2, Shea and Goodman abstaining. Second reading on August 17, 1995; Vote 6-0-1, Shea abstaining. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. A Letter of Credit has been posted for the construction of the required fence. (cont'd. from 8-22)
Ordinance 950907-O approved with Councilmember Goodman's amendment to grant GO-MU-CO, subject to prohibition of all but five GO uses: 1) religious assembly, 2) group homes, 3) residential treatment, 4) off site parking and 5) guidance services. Subject to a 22' setback from the eastern curb of Marathon (westerly), dedicated to the city as right of way. (all previously agreed to landscaping, wall, etc. remains, with the additional setback of the wall location). Subject to a rollback provision, to be initiated by the city if the parking use should ever cease, from office zoning to SF-3. Staff is directed to initiate these processes, immediately and concurrently, which this council action incorporates and is contingent upon (which the land Development Code does not allow us to do

within the parameters of this zoning procedure), 1) initiate investigation of alley vacation. If such vacation is possible logistically and mechanically, and negates the "off site" designation to allow "on site" an immediate roll back from GO-MU-CO to NO (or "LO", whichever is applicable) MU-CO will proceed. 2) Initiation of a variance request on the north property line, from 25' to 5'. (see property owner's letter of agreement) 3) Initiate zoning of 22" R.O.W. to "P" (public) as dedicated parkland. (applicant agrees to maintain), on Councilmember Goodman's motion, Mayor Todd's second, 7-0 vote.

21. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Rialto Boulevard, Case No. C14-94-0113, from "CS", Commercial Services to "MF-2", Multifamily Residence (low density) and "RR", Rural Residence for the 100-year floodplain along the south property line, F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust). First reading on November 17, 1994; Vote 4-1, Councilmember Goodman voting "No", Mayor Todd absent, and Councilmember Mitchell out of the room. Second reading on July 27, 1995; Vote 4-3, Nofziger, Goodman and Shea voting "No". (The previous conditional overlay to impose S.O.S. requirements was removed at second reading.)
Postponed to September 28, 1995
22. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5316 W. U.S. Hwy. 290, Case No. C14-95-0041, from "SF-2", Single Family Residence (standard lot) and "DR", Development Reserve to "IP-CO", Industrial Park-Conditional Overlay zoning, subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Boston Lane; (2) limit development to generate less than 2,000 vehicle trips per day (3) maximum height of 40 feet; and (4) prohibit the following uses - Automotive Rentals, Automotive Sales, Automotive Repair Services, Construction Sales and Service, Convenience Storage, Off-site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Restaurant (drive-in, fast food), Restaurant (limited), Restaurant (general), Service Station, Vehicle Storage, and Railroad Facilities; (5) Comprehensive Watershed Ordinance and 941205-A; (6) xeriscape landscaping; and (7) an Integrated Pest Management Program; and TEXAS COMMERCE NATIONAL BANK (Joe Griffith), by Bury & Pittman (Greg Strmiska). First reading on July 20, 1995; Vote 7-0. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Restrictive covenant incorporating conditions imposed by Council has been executed. Street deed has been executed.
Ordinance No. 950907-D approved
23. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3400 Robert F. Morrison Drive, Case No. C14-95-0031, from "I-RR", Interim Rural Residence to "Tract 1: LR-CO", Neighborhood Commercial-Conditional Overlay and "Tract 2: SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day INTERNATIONAL BANK OF COMMERCE (Peter Dwyer), by Bury & Pittman (Greg Strmiska). First reading on June 1, 1995; Vote 5-0, Shea and Mitchell off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. The applicant has recorded a private restrictive covenant which incorporates conditions upon the site as requested by the adjoining property owners.
Ordinance No. 950907-E approved
24. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code

rezoning property locally known as 12500 to 12700 N. F.M. 620, Case No. C14-94-0114, from "GO", General Office to "GR-CO", Community Commercial-Conditional Overlay, subject to the recommendations of the memo from; [BTransportation Review dated October 20, 1994; further subject to compliance with Section 13-7-21 of the Land Development Code relating to Critical Environmental Features; LAKELINE JOINT VENTURE (Walter A. Vacker), by Jones, Day, Reavis & Pogue (J. Bradley Greenblum). First reading on November 3, 1994; Vote 5-0, Mitchell and Shea out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Street deed has been executed. Updated Traffic Impact Analysis has been accepted. A Traffic Phasing Agreement has been executed.

Ordinance No. 950907-F approved

25. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12700 to 12900 N. F.M. 620, Case No. C14-94-0115, from "GO", General Office to "GR-CO", Community Commercial-Conditional Overlay, zoning subject to the recommendations of the memo from Transportation Review dated October 20, 1994; further subject to compliance with Section 13-7-21 of the Land Development Code relating to Critical Environmental Features; LAKELINE JOINT VENTURE (Walter A. Vacker), by Jones, Day, Reavis & Pogue (J. Bradley Greenblum). First reading on November 3, 1994; Vote 5-0, Mitchell and Shea out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Street deed has been executed. Updated Traffic Impact Analysis has been accepted. A Traffic Phasing Agreement has been executed.

Ordinance No. 950907-G approved

26. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by decreasing the General Fund Contingency Reserve by \$65,000 and increasing General Fund Transfers Out to the Support Services Fund by \$65,000; and by increasing the Support Service Fund Transfer In from the General Fund by \$65,000 and increasing the appropriation of the Financial Services Department by \$65,000 to hire a consultant to provide legal and engineering services for CableVision's franchise renewal.

Ordinance No. 950907-H approved

27. Approve re-naming Austin Nature Center to Austin Nature and Science Center. (Funding in the amount of \$3,000 for signs and plaques will be paid by the Natural Science Guild of Austin.) [Recommended by Parks Board]

Ordinance No. 950907-I approved

Items 24 through 27 approved, on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

28. Amend Section 8-16-4 of the Austin City Code regarding persons required to register as lobbyists. Recommended by Ethics Commission.
Councilmember Shea moved approval, Councilmember Nofziger seconded.

Approved Councilmember Reynolds' substitute motion to refer back to Ethics Commission for definition of lobbyist, to be the individual who has contact with council not the company and to register as an individual giving their name, firm and name of client, on Councilmember Reynolds motion, Mayor Todd's second, 7-0 vote.

29. Authorize acceptance of \$885,000 in grant renewal funds from the Office of the Governor, Automobile Theft Prevention Authority for the Comprehensive Auto Theft and Suppression Project; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating \$885,000 in grant funds for the Health and Human Services Department Special Revenue Fund; and authorize one (1) additional grant-funded Full-Time Equivalent (FTE) position.

Ordinance No. 950907-J approved

30. Amend Ordinance 940912-D, the 1994-95 operating budget, for the Federally Qualified Health Center (FQHC) Fund by increasing the budgeted beginning balance by \$336,145, increasing revenue by \$196,334, and increasing expense appropriations by \$156,947; resulting in a budgeted ending balance of \$309,548. (Recommended by the Federally Qualified Health Center Board)

Ordinance No. 950907-K approved

RESOLUTIONS

31. Approve supplemental amendment #1 with RMT/JONES AND NEUSE, INC., Austin, Texas, for design modification services to the Site Utility Engineer professional services agreement for the water and wastewater system and coordination of utilities (telephone, cable television, fuel, security, electricity and natural gas) at Austin-Bergstrom International Airport, in the amount of \$253,797, for a total not to exceed contract amount of \$598,797. (Funding was included in the 1994-95 Approved Capital budget of the Aviation Department.) 30% DBE participation: 20% MBE, 10% WBE. (Reviewed by the Airport Advisory Board)

Approved

Items 29 through 31 approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

32. Approve negotiation and execution of a contract with IBM CORPORATION, Austin, Texas, for the purchase and installation of a new disk drive subsystem to upgrade the IBM mainframe in the Austin Police Department, in an amount not to exceed \$248,690. (Funding is available in the 1994-95 operating budget of the Austin Police Department.) Best proposal of four (4). 0% MBE, 5.2% WBE Subcontractor participation.

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0-1 vote, Councilmember Reynolds abstaining.

33. Approve negotiation and execution of a contract with REMOTE OPERATING SYSTEMS, San Antonio, Texas, for the purchase and installation of a Pilot Lift Station Telemetry System (to monitor and control lift stations and wetwells in the sewage collection lines) for the Water and Wastewater Department, in an amount not to exceed \$250,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

34. Authorize application for and acceptance of a \$145,000 matching grant from the Texas Water Development Board (TWDB), to fund participation in and completion of Phase II in the Trans-Texas Water Program. (City matching requirement consists of \$25,000 in-kind services from City staff and

\$120,000 from previously approved Texas Water Development Board loan.) [Recommended by Water and Wastewater Commission] **(Related to Item 35)**

Approved

35. Approve the assignment and amendment of the current Intergovernmental Agreement with the Lavaca-Navidad River Authority to the Brazos River Authority. (\$25,000 in-kind services are pledged to a matching grant. All other funds are grant and loan funds from the Texas Water Development Board, payable to the Brazos River Authority.) [Recommended by the Water and Wastewater Commission] **(Related to Item 34)**

Approved

36. Ratify application for and acceptance of \$100,000 in grant funds from the Office of the Governor, Criminal Justice Division, Title V Delinquency Prevention Fund to support neighborhood level delinquency prevention planning and service coordination. (City's match is \$100,000 - funding is available in the 1994-95 and proposed 1995-96 operating budgets of the Health and Human Services Department.)

Approved

37. Approve execution of a twelve (12) month supply agreement with GILBERT BUSINESS FORMS, INC., (MBE/MH), Austin, Texas, for the production and management of medical and administrative forms for the Health and Human Services Department, in an amount not to exceed \$68,696.70 with two (2) twelve (12) month extension options in an amount not to exceed \$68,696.70 per extension option with a maximum inventory buy-out option of \$16,574.18, for a total amount not to exceed \$222,664.28. (Funding in the amount of \$4,293.55 is available in the 1994-95 operating budget of the Health and Human Services Department; \$1,431.18 is available in the 1994-95 operating budget of the Federally Qualified Health Center Fund; funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.

Approved

38. Approve execution of a twelve (12) month supply agreement with AMERICAN HEALTH SUPPLIES, INC., (MBE/MB), Austin, Texas, to provide disposable medical supplies for the Health and Human Services Department, in an amount not to exceed \$90,000 with two (2) twelve (12) month extension options in an amount not to exceed \$90,000 per extension, for a total amount not to exceed \$270,000. (Funding in the amount of \$7,500 is available in the 1994-95 operating budget of the Health and Human Services Department; funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

39. Approve execution of a twelve (12) month supply agreement with MILLER UNIFORMS AND EMBLEMS, INC., Austin, Texas, to provide uniforms for the Emergency Medical Services Department, in an estimated amount not to exceed \$102,397.50 with two (2) twelve (12) month extension options in an estimated amount not to exceed \$102,397.50 per extension, for a total estimated amount not to exceed \$307,192.50. (Funding in the amount of \$8,531 is available in the 1994-95 operating budget of the Emergency Medical Services Department; funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.)

Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

40. Approve execution of a twelve (12) month supply agreement with QA SYSTEMS (MBE/MH), Austin, Texas, for the purchase of drum cartridges for laser printers used in City departments, in an amount not to exceed \$47,610.16 with two (2) twelve (12) month extension options in an amount not to exceed \$47,610.16 per extension, for a total amount not to exceed \$142,830.48. (Funding in the amount of \$3,967.50 is available in the 1994-95 operating budget of the user departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

41. Approve the release of approximately 163 acres of the City of Austin's extra territorial jurisdiction (ETJ) to the City of Round Rock. (No fiscal impact.)

Approved

42. Set public hearings on the full purpose annexation of the following areas: Texas Oaks/Bilbrook, Cherry Creek, Park Ridge, Cullen Road, The Terrace, Ridgewood Road, and Loop 360/Barton Creek. (Suggested dates and times: September 28, 1995 and October 5, 1995 at 5:00 p.m. at City Council Chambers; October 2, 1995 at 6:30 p.m. in the Texas Oaks/Bilbrook area.)

Approved

Items 33 through 42 approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

ITEMS FROM COUNCIL

43. Approve a resolution directing the City Manager to conduct a review of the Taxicab Ordinance and its administration, and provide recommendations for revision to City Council, and to include \$40,000 as a minimal amount of funding in the FY 1995-96 budget for implementation/administration of the taxicab ordinance. (Councilmember Eric Mitchell)

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0-1 vote, Councilmember Shea abstaining.

44. Approve a resolution directing the City Manager to allow the Texas Industries for the Blind and the Handicapped (and its subcontractors, Goodwill Temporary Services, Inc. and Peak Performers) to bid for temporary services for all City departments. (Mayor Pro-Tem Gus Garcia)

Approved

45. Direct the City Manager to take all actions required or necessary to propose amendments to the City Code, and any regulations and policies in connection therewith, to permit "Community Gardens" operated by governmental or non-profit entities to be established and maintained in an expedient and cost effective manner. (Mayor Pro Tem Gus Garcia)

Approved

Items 44 and 45 approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second,

7-0 vote.

46. Approve a resolution in support of a strong and effective Community Reinvestment Act. (Councilmembers Brigid Shea and Michael "Max" Nofziger)

Approved with friendly amendment by Councilmember Shea to direct staff to communicate with Texas Municipal League and other communities, other pertinent jurisdictions to consider similar action, on Councilmember Shea's motion, Councilmember Nofziger's second, 6-0 vote, Councilmember Reynolds off the dais.

47. Approve a resolution authorizing a Community Development Block Grant (CDBG) Housing Implementation Program (HIP) loan for \$100,037 to Helping Our Brothers Out (HOBO) for the acquisition and rehabilitation of eight (8) duplex properties located in the St. John's neighborhood. (Councilmembers Brigid Shea and Jackie Goodman)

Councilmember Shea moved approval, Councilmember Goodman seconded.

Substitute motion to deny, on Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 4-3 vote, Mayor Todd, and Councilmembers Nofziger and Shea voting "NO".

48. Approve a resolution directing the City Manager or his designee, to encourage additional enforcement by the Austin Police Department of the State Law regarding excessive fumes or smoke and to integrate into the cadet and in-service curriculum of the APD, the training necessary to read the opacity of emissions. (Councilmembers Michael "Max" Nofziger and Jackie Goodman)

Approved

49. Approve a resolution encouraging the government of Chile to accept the invitation to joint NAFTA extended to them by the U.S. government. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)

Approved

50. Set a public hearing on discontinuance of Lot 1 of the Adey Subdivision Section One. (Suggested date and time: September 28, 1995 at 4:30 p.m.) [Mayor Bruce Todd and Mayor Pro Tem Gus Garcia]

Approved

Items 48 through 50 approved on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

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

51. C14-95-0090 - CHARLIE GOODNIGHT, by Michael Foster, 5638 West US Hwy. 290. From DR to GR. Planning Commission Recommendation: To grant GR.

Approve first reading only, GR-CO zoning; 1st reading; subject to a maximum height of 28 feet, limiting development intensity to a level that will generate less than 2,000 vehicle trips per day, and prohibiting the following uses: automotive rentals; automotive repair; automotive sales; automotive washing (all types); business or trade school; business support services; commercial off-street parking; communication services; drop-off recycling collection facility; financial services; exterminating services; funeral services; hotel-motel; indoor entertainment; indoor sports and

recreation; off-site accessory parking; outdoor sports and recreation (conditional); pawn shop; pet services; research services; restaurant (drive-in/fast food, limited, and general); service station; theater; club or lodge (conditional); communication services facilities; college or university; community recreation (private and public); counseling services; day care services (limited, general, and commercial); hospital services (limited and general [conditional]); local utility facilities; public primary and secondary educational facilities; private primary and secondary educational facilities; and safety services. the following uses would be allowed: administrative and business office; arts and craft studio; consumer repair services; general retail sales; medical offices; personal improvement services; personal services; professional offices; software development; cultural services; family homes and civic uses; group homes; guidance service; and religious assembly. note: the applicant and the neighborhood will be entering into a private restrictive covenant with additional restrictions such as hours of operation for certain uses and to prohibit certain uses that the city cannot prohibit. (7-0)

52. C14-95-0036 - JOHN P. NIEMAN, by Site Specifics (Bobbie Jo Cornelius), 12900 N. U.S. Hwy. 183. From DR & GR to CS. Planning Commission Recommendation: To Grant GR, Community Commercial zoning for that portion of the site zoned DR, Development Reserve and maintain the existing GR zoning for the remainder of the tract, subject to the recommendations contained within the Transportation Review Section memorandum dated July 18, 1995.

Approve first reading only

Items 51 through 52 approved, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 7-0 vote.

53. C14-95-0073 - MICHAEL JOSEPH, 9218 1/2 E. U.S. Hwy. 290. From DR to LO & RR. Planning Commission Recommendation: To Grant LO, Limited Office for area west of Buttercup Creek and SF-1, Single Family Residence (large lot) for area east of Buttercup Creek, subject to a restrictive covenant to be executed prior to third reading which prohibits access across Buttercup Creek, require a 25 foot buffer from the northwest property line, and prohibit disturbance of vegetation within 100-year floodplain. The applicant and the adjacent neighborhood have agreed to a private restrictive covenant that will be executed prior to third reading.

Postponed to September 28, 1995, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

54. C814-74-013.01 - LAKEWOOD PUD SECTION 5-B, by Resolution, Inc. (Lauretta Dowd), Lakewood Drive and Waldon Drive. PUD Site Plan Amendment. Planning Commission Recommendation: To approve the revised land plan, subject to compliance with ordinance requirements.

Ordinance No. 950907-L approved, on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

55. C14-95-0039 - LARRY & ROBIN YOUNT, by Graves, Dougherty, Hearon & Moody (Rick Triplett), 1412 to 1506 Grave Boulevard (approximately). From MF-2 to LO-MU. Planning Commission

Recommendation: To Grant LO-MU-CO, Limited Office-Mixed Use overlay to limit density to a level that will generate less than 2,000 vehicle trips-per-day.

Ordinance No. 950907-M approved, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0-1 vote, Councilmember Shea voting abstaining.

56. C14-95-0100 - MALCOLM R. & CAROLYN BUCKNALL, 808 West Avenue. From MF-4-H to DMU-H. Planning Commission Recommendation: To Grant DMU-H-CO, Downtown Mixed Use Combining District-Historic-Conditional Overlay, zoning subject to limit development to generate less than 2,000 vehicle trips per day.

Ordinance No. 950907-N approved, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-1 vote, Councilmember Shea voting "NO".

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

57. 5:00 P.M. - Public hearing and approval of an amendment to Title XIII (Land Development Code) of the Austin City Code of 1992 by: (1) amending Section 13-2-221 to add Single-Family Residential and Duplex as permitted uses in the Central Business District, and Downtown Mixed Use, zoning districts; (2) amending Section 13-2-303 to add one accessory dwelling unit to commercial uses when occupied by persons engaged in the principal use and the dwelling area is not more than 50% of the building (s); (3) amending Section 13-2-731 (a)(1)(A) to waive compatibility standards for accessory dwelling units; and (4) amending Section 13-5-6 (C) to clarify there are no parking requirements for accessory uses. (Recommended by Planning Commission)

Ordinance No. 950907-P approved with amendment by Councilmember Nofziger to approve the Planning Commission recommendation: Part 2 is 2(6), and that is to read "one dwelling unit," to omit the word "accessory", so "one dwelling unit occupying not more than 50% of the building structure". "Occupants need not be engaged in the principal use." That means essentially that folks other than those associated with the business may live there. Part 3(a1)(A), to read "used for any use permitted in an SF-5 or more restrictive district unless such use is a dwelling as permitted in Section 13-2-303", on Councilmember Nofziger's motion Mayor Pro Tem Garcia's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date.

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

58. Discuss possible litigation against Time-Warner Entertainment Center.

Staff Briefing - Section 551.075

59. Staff briefing on implementation of S.B. 863.

60. Staff briefing on the Federally Qualified Health Center.

Advice of Counsel - Section 551.072

61. Advice concerning proposed transfer of City owned property at E. 14th and Waller Streets.

62. APPOINTMENTS

BUILDING STANDARDS COMMISSION - ETHLEYN BEEBE, DAVID BROWN, JOSEPH J. LUKE
ROBERT MUELLER MUNICIPAL AIRPORT REDEVELOPMENT TASK FORCE - JERRY
CONVERSE, JOHN ROSATO, NANCY MOLLEDA, PHYLLIS WAELDER

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.

ADJOURNED at 7:00 p.m., on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Approved on this the 14th day of September, 1995, on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Mayor Todd and Councilmember Shea absent.