



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, JUNE 3, 1999

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 2:10 P.M. ON THURSDAY, JUNE 3, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:20 p.m.

The City Council announced it would 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

109. Discuss legal issues concerning legislation in the 76th Legislature.

Executive Session item 110 was pulled for discussion in.

111. Discuss *Circle C Land Corp. v. City of Austin*, Cause No. 97-13994, in the Travis County District Court.
112. Discuss legal issues regarding nuisance abatement actions. (Section 125.021, Texas Civil Practice & Remedies Code)
113. Discuss *Webb Troup Enterprises, Inc. v. City of Austin*, Cause No. 99-05274, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

114. Discuss *City of Austin v. Shell Oil Company*, et al, Cause No. 95-14708, in the Travis County District Court.
115. Discuss *Lindsey "Joe" Putman v. City of Austin, Texas and Bruce Mills*, Cause No. 97-14257, in the Travis County District Court.
116. Discuss *Captain Lindsay "Joe" Putman v. City of Austin, Texas and the Police Civil Service Commission of the City of Austin, Texas*, Cause No. 97-12018, in the Travis County District Court.

Executive Session items 117 through 118 were pulled for discussion.

ADDENDUM

EXECUTIVE SESSION

Real Property – Section 551.072

11. (b) Discuss real property acquisition of the Greenways and Destination Parks for Proposition 2 of the November 1998 bond election.
127. Discuss real property acquisition of the Greenways and Destination Parks for Proposition 2 of the November 1998 bond election.
128. Discuss legal issues concerning City of Austin water rights.

Executive Session ended at 1:45 p.m.

Mayor Watson called the meeting to order.

1. Approval of Minutes for Regular Meetings of May 12, May 19, and May 20, 1999.
The minutes were approved on Council Member Garcia's motion, Council Member Griffith's second by a 6-0 vote. Council Member Spelman was off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Jimmy Castro – Children's Miracle Network Telethon
3. Gus Pena – Discuss Health Clinics and City Budget - **Absent**
4. Russell P. Allen – Methadone Clinic at 2824 S. Congress Ave.
5. Amy Young – Location of Methadone Clinic at 2824 S. Congress Ave. - **Absent**
6. Paul Robbins –
7. Kelley Smoot – Threats to Public Health and Public Safety
8. Suzanne Bell – Environmental Health Code Enforcement (or lack thereof) - **Absent**
9. Eileen Rovira – Communications Gap Between City and Citizens Causing Loss of Confidence
10. Cliff Martinez – Public Safety in South Austin
11. (a) Richard Troxell – Homeless Issues in Austin

CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, COUNCIL MEMBER GARCIA'S SECOND BY A 7-0 VOTE.

Item 11(b) was part of the Executive Session.

Item 12(a) was pulled for discussion.

Item 12(b) was on the addendum and part of Executive Session.

15. A resolution to direct the City Manager to facilitate the development of a preferred-rate mortgage program for police officers who purchase homes within the full-purpose jurisdiction of the city. (Mayor Pro-Tem Jackie Goodman, Council Members Bill Spelman and Willie Lewis)
This item was postponed indefinitely.

Land Acquisition - Public Works/Water and Wastewater/Watershed Protection

A. Eminent Domain

16. Approve a resolution authorizing the filing of eminent domain proceedings to acquire 10.616 acres of Right of Way in fee simple and a Temporary Construction Easement containing 2.23 acres, being a portion of the S.F. Slaughter Survey No. 1, Abstract 20 in the City of Austin, Travis County, Texas, owned by Edwin Tabb Harrell for the South First Street Extension Project. (Funding in an amount of \$122,666 was included in the 1998-1999 Amended Capital Budget of the Public Works Department.)
Resolution No. 980603-16 was approved.
17. Approve a resolution authorizing the filing of eminent domain proceedings to acquire 43,495 square foot Right of Way in fee simple, being a portion of the S.F. Slaughter Survey No. 1, Abstract 20 in the City of Austin, Travis County, Texas, owned by Donald L. and Kay West for the South First Street Extension Project. (Funding in an amount of \$86,990 was included in the 1998-1999 Amended Capital Budget of the Public Works Department.)
Resolution No. 980603-17 was approved.
18. Approve a resolution authorizing the filing of eminent domain proceedings to acquire 3.604 acres of Right of Way in fee simple and a Temporary Construction Easement containing 10,025 square feet, being a portion of the S.F. Slaughter Survey No. 1, Abstract 20 in the City of Austin, Travis County, Texas, owned by the Riddell Family Limited Partnership for the South First Street Extension Project. (Funding in an amount of \$299,066 was included in the 1998-1999 Amended Capital Budget of the Public Works Department.)
Resolution No. 980603-18 was approved.

19. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 5,848 square foot Wastewater Line Easement and a Temporary Work Space Easement containing 14,144 square feet, being a portion of S.F. Slaughter League in the City of Austin, Travis County, Texas, owned by Adrienne Arnold for the South I.H. 35 Annexation Project. (Funding in an amount of \$2,100 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Department.)
Resolution No. 980603-19 was approved.
20. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 5,167 square foot Wastewater Line Easement and a 20,863 square foot Temporary Work Space Easement situated in the Cunningham Survey No. 68, being a portion of Lot 5A, Block A, Amended Plat of Lots 1 and 5, Block A, Cinemark Subdivision, in the City of Austin, Travis County, Texas, owned by Pricino VIII, L.P. for the North I.H. 35 Annexation Project (Funding in an amount of \$20,269 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Department.)
Resolution No. 980603-20 was approved.
21. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 1,779 square foot Wastewater Line Easement and a 253 square foot Temporary Work Space Easement, being a portion of The Elisha Allen Survey No. 2, Lot A, Knowles Subdivision, in the City of Austin, Williamson County, Texas, owned by Ben McDavid for the Pond Springs Annexation Project. (Funding in an amount of \$11,106 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Department.)
Resolution No. 980603-21 was approved.
22. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 11,675 square foot Wastewater Line Easement and two temporary construction easements containing 11,676 square feet and 3,537 square feet, being a portion of Tract 1, Balcones Village Section Twelve-A, a subdivision in the City of Austin, Williamson County, Texas, owned by Synergy Center Ltd., A Texas Limited Partnership for the Balcones Village Annexation Project. (Funding in an amount of \$62,000.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)
Resolution No. 980603-22 was approved.
23. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 90 square feet of land, situated in the Theodore Bissell Survey No. 18, being part of Lot 13, Block J of Tanglewood Forest Section Eight in the City of Austin, Travis County, Texas, owned by Hoffman Construction for the Womack Road Lift Station Release Project. (Funding in an amount of \$56.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)
Resolution No. 980603-23 was approved.
24. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 2,697 square foot Wastewater Line Easement, a 21,063 square foot Wastewater Line Easement, a Temporary Construction Easement containing 11,636 square feet, a Temporary Construction Easement containing 2,000 square feet, a Temporary Ingress and Egress (Access) Easement containing 41,265 square feet, and a Temporary Construction Easement containing 36,276 square feet, being a

portion of the S.F. Slaughter League in the City of Austin, Travis County, Texas, owned by Edwin Tabb Harrell for the South I H 35 Annexation Project. (Funding in an amount of \$52,000.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 980603-24 was approved.

25. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 2,904 square foot Wastewater Line Easement, being a portion of The Henry Rhodes Survey, Abstract No. 522, Henrich Subdivision, in the City of Austin, Williamson County, Texas, owned by Maverick Drilling Company for the Pond Springs Annexation Project. (Funding in an amount of \$4,719.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 980603-25 was approved.

26. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 3,506 square foot Wastewater Line Easement and a 4,710 square foot Temporary Construction Easement, being a portion of The Elisha Allen Survey No. 2, in Williamson County, Texas, owned by W. H. McCarty for the Pond Springs Annexation Project. (Funding in an amount of \$10,864.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 980603-26 was approved.

27. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 10,225 square foot Wastewater Line Easement and a 14,732 square foot Temporary Construction Easement, being a portion of The Elisha Allen Survey No. 2, in Williamson County, Texas, owned by McCarty Corporation and Texas Capital Contractors for the Pond Springs Annexation Project. (Funding in an amount of \$25,464.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 980603-27 was approved.

28. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 16,402 square foot Wastewater Line Easement, a Temporary Construction Easement containing 18,261 square feet, a Temporary Construction Easement containing 19,708 square feet, a Temporary Construction Easement containing 50,064 square feet, and a Temporary Construction Easement containing 4,591 square feet, being a portion of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, owned by Riddell Family Limited Partnership for the South I H 35 Annexation Project. (Funding in an amount of \$43,000.00 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 980603-28 was approved.

B. Acquisition

29. Approve a resolution authorizing fee simple acquisition of 3.182 acres out of the S.F. Slaughter Survey No.1, Abstract #20, Travis County, Texas, from SLAUGHTER FIRST LTD. for the extension of South First Street, in the amount of \$318,796. (Funding was included in the 1998-99 Amended Capital Budget of the Department of Public Works & Transportation.)
Resolution No. 980603-29 was approved.
30. Approve a resolution authorizing fee simple acquisition of approximately 1.2014 acres of land out of the S.F. Slaughter Survey No. 1, Abstract 20, Travis County, Texas from RIDDELL FAMILY LTD. PARTNERSHIP, for the South First Street Extension Project in an amount not to exceed \$130,825.20. (Funding was included in the 1998-99 Amended Capital Budget of the Public Works and Transportation Department.)
Resolution No. 980603-30 was approved.
31. Approve a resolution authorizing fee simple acquisition of Lot 7, Block D, Onion Creek Forest, Section 2, locally known as 6808 Thatch Lane, Austin, Texas, from MARY FRANCES PIERCE for the Onion Creek Flood Control Project, in the amount of \$54,500 plus \$12,604 in relocation benefits, for a total amount not to exceed \$67,104. (Funding in an amount of \$67,104 is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-31 was approved.
32. Approve a resolution authorizing fee simple acquisition of Lot 8, Block F, Onion Creek Forest, Section 1, locally known as 6828 Onion Creek Drive, Austin, Texas, from JOHN AND JUANITA RODRIGUEZ for the Onion Creek Flood Control Project, in the amount of \$31,000 plus \$3,900 in relocation benefits, for a total amount not to exceed \$34,900. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-32 was approved.
33. Approve a resolution authorizing fee simple acquisition of Lot 17, Block K, Onion Creek Forest, Section 2, locally known as 5708 Vine Hill Drive, Austin, Texas, from TERRY WILMOT for the Onion Creek Flood Control Project, in the amount of \$17,100 plus \$12,850 in relocation benefits, for a total amount not to exceed \$29,950. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-33 was approved.
34. Approve a resolution authorizing fee simple acquisition of Lot 6, Block F, Onion Creek Forest, Section 1, locally known as 5605 Little Cypress Lane, Austin, Texas, from LORENZO FORTUNATO for the Onion Creek Flood Control Project, in the amount of \$18,000 plus \$8,950 in relocation benefits, for a total amount not to exceed \$26,950. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-34 was approved.
35. Approve a resolution authorizing fee simple acquisition of Lot 2, Block E, Onion Creek Forest, Section 1, locally known as 6816 Onion Creek, Drive, Austin, Texas, from MARIA LISCANO for the Onion Creek Flood Control Project, in the amount of \$33,000 plus \$14,040 in relocation benefits, for

a total amount not to exceed \$47,040. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-35 was approved.

36. Approve a resolution authorizing fee simple acquisition of Lot 12, Block B, Onion Creek Forest, Section 1, locally known as 6723 Shady Cedar Drive, Austin, Texas, from FRAN PIERCE AND SHIRLEY PERRY for the Onion Creek Flood Control Project, in the amount of \$37,000 plus \$17,720 in relocation benefits, for a total amount not to exceed \$54,720. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-36 was approved.

37. Approve a resolution authorizing fee simple acquisition of Lot 15, Block N, Onion Creek Forest, Section 2, locally known as 7002 Onion Creek Drive, Austin, Texas, from CELESTINO AND ENEDINA ESCAMILLA for the Onion Creek Flood Control Project, in the amount of \$42,000 plus \$15,120 in relocation benefits, for a total amount not to exceed \$57,120. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-37 was approved.

38. Approve a resolution authorizing fee simple acquisition of Lot 6, Block B, Onion Creek Forest, Section 1, locally known as 6711 Shady Cedar Drive, Austin, Texas, from REFUGIO GONZALES for the Onion Creek Flood Control Project, in the amount of \$30,500 plus \$17,460 in relocation benefits, for a total amount not to exceed \$47,960. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-38 was approved.

39. Approve a resolution authorizing fee simple acquisition of Lot 19, Block F, Onion Creek Forest, Section 2, locally known as 5500 Thornhill Drive, Austin, Texas, from ANTONIO AND GENOVEVE PEREZ for the Onion Creek Flood Control Project, in the amount of \$47,000 plus \$13,480 in relocation benefits, for a total amount not to exceed \$60,480. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-39 was approved.

40. Approve a resolution authorizing fee simple acquisition of Lot 5, Block D, Onion Creek Forest, Section 1, locally known as 6802 Thatch Lane, Austin, Texas, from VIRGINIA LEDBETTER for the Onion Creek Flood Control Project, in the amount of \$55,400 plus \$16,600 in relocation benefits, for a total amount not to exceed \$72,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-40 was approved.

41. Approve a resolution authorizing fee simple acquisition of Lot 3, Block B, Onion Creek Forest, Section 1, locally known as 6705 Shady Cedar Drive, Austin, Texas, from RICHARD AND LORRAINE JOY for the Onion Creek Flood Control Project, in the amount of \$42,000 plus \$15,120 in relocation benefits, for a total amount not to exceed \$57,120. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 980603-41 was approved.

42. Approve a resolution authorizing fee simple acquisition of Lot 5, Block F, Onion Creek Forest, Section 1, locally known as 5603 Little Cypress Lane, Austin, Texas, from HAYS HAFFELDER for the Onion Creek Flood Control Project, in the amount of \$33,000 plus \$14,040 in relocation benefits, for a total amount not to exceed \$47,040. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 980603-42 was approved.
43. Approve a resolution authorizing fee simple acquisition of Lot 7, Block F, Onion Creek Forest, Section 1, locally known as 5607 Little Cypress Lane, Austin, Texas, from ROBERT AND MONICA GAULT for the Onion Creek Flood Control Project, in the amount of \$40,000 plus \$20,480 in relocation benefits, for a total amount not to exceed \$60,480. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-43 was approved.
44. Approve a resolution authorizing fee simple acquisition of Lot 3, Block F, Onion Creek Forest, Section 1, locally known as 5505 Little Cypress Lane, Austin, Texas, from WILLIAM RONALD NEAL, MARILYN NEAL AND DESSIE IRENE DAVIS for the Onion Creek Flood Control Project, in the amount of \$50,000 plus \$10,480 in relocation benefits, for a total amount not to exceed \$60,480. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-44 was approved.
45. Approve a resolution authorizing fee simple acquisition of Lot 3, Block E, Onion Creek Forest, Section 1, locally known as 6818 Onion Creek Drive, Austin, Texas, from JOSE AND JUANA CHAVEZ for the Onion Creek Flood Control Project, in the amount of \$30,000 plus \$17,040 in relocation benefits, for a total amount not to exceed \$47,040. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 980603-45 was approved.
46. Approve a resolution authorizing the acquisition of three permanent wastewater line easements: .046 acre, .057 acre, and .104 acre tracts, and nine temporary construction easements: .142 acre, .333 acre, .262 acre, .057 acre, .050 acre, .053 acre, .032acre, .119 acre, and .125 acre tracts, around and through the Balcones Country Club Golf Course, out of the James C. Irvine Survey No. 122, in Travis County Texas, from the BALCONES COUNTRY CLUB MEMBERSHIP ASSOCIATION, INC. for the construction of wastewater improvements as part of annexation improvements at Balcones Village, in the amount of \$120,387. (Funding is available in the 1998-99 Capital Budget of the Water & Wastewater Department.)
Resolution No. 980603-46 was approved.

Items 47 through 49 were pulled for discussion at 3:00 p.m.

Item 50 was pulled for discussion.

51. Approve supplemental amendment 5 to Professional Service Agreement Project M7020S with

JOINT VENTURE, ROLLINS HUDIG HALL OF TEXAS, INC., and Bonding & Technical Services, Inc., P.O. Box 17786, Austin, Texas 78760 to increase funding for the current contract year to provide technical business assistance, bonding, financing, and training services to small contractors and construction suppliers for City of Austin projects, in an amount not to exceed \$682,659.92, for a total last year funding of \$1,369,999.92, and a total contract amount of \$5,239,615.92. (Funding in an amount of \$27,897 was included in the 1998-99 Amended Capital Budget of the Austin Convention Center Department; \$9,900 was included in the 1997-98 Amended Capital Budget of the Watershed Protection Utility; \$182,890 was included in the 1998-99 Amended Capital Budget of the Finance and Administrative Services Department; \$124,104 was included in the 1995-96 Amended Capital Budget of the Water Utility and \$124,104 was included in the 1998-99 Amended Capital Budget of the Wastewater Utility. \$106,882.46 is available in the 1998-99 Operating Budgets of various City Departments (\$95,331 from Austin Energy; \$2,398.96 from the Golf Enterprise Fund; and \$9,152.50 from Solid Waste Services. Funding for the remaining \$106,882.46 is contingent upon available funding in future operating budgets.) (Related to Item #52).

Resolution No. 990603-51 was approved.

52. Amend Ordinance 980915-B, the 1998-99 Capital Budget for the Finance and Administrative Services Department by transferring and appropriating \$274,358 from the 1999 CIP Contingency Account and creating a new project known as "Bonding and Technical Services." (Funding is available in the 1999 CIP Contingency project account.) [To be reviewed by Planning Commission 5/25/99] (Related to Item #51).

Ordinance No. 990603-52 was approved.

53. Amend Ordinance 980915-A, the 1998-99 Operating Budget and amend the Health and Human Services Department's Special Revenue Fund by authorizing a grant funded full time equivalent position (1 FTE) Assistant Planning Council Coordinator to support the Austin Area Comprehensive HIV Planning Council for a total of fourteen point five grant funded positions (14.5 FTEs). (Funding in the amount of \$37,620 is available from the Ryan White Title I HIV Emergency Care grant.) [Austin Area Comprehensive HIV Planning Council]

Ordinance No. 990603-53 was approved.

54. Approve a resolution authorizing application for a Safe Start Initiative Grant in the amount of \$250,000 for Phase I (one year); \$1,090,000 for Phase II (eighteen months); and \$670,000 for each of three years in Phase III for a total grant award of \$3,350,000; two positions (FTEs) are to be included in the application; one HHS Program Coordinator and one Administrative Associate. (Funding is available from the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. The initial grant period will be from October 1, 1999 to September 30, 2000, with one eighteen-month extension options and three twelve-month extension options. No City match is required.)

Resolution No. 990603-54 was approved.

Items 55 through 57 were pulled for discussion.

58. Amend Ordinance No. 980915-B, the 1998-99 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$269,711 and creating a new water project known as "Pulte Water Reimbursement" and a new wastewater project known as "Pulte Wastewater Reimbursement" and appropriating \$170,654 to the Watershed Protection Department's "Drainage Developer Reimbursements in Annexed Areas" project account. (Funding in an amount of \$153,699 for Water Utility and \$116,012 for Wastewater Utility to be funded by the issuance of commercial paper. (Funding in an amount of \$170,654 for Watershed Protection to be funded by Municipal Utility District (MUD) cash balances.) [Recommended by Water and Wastewater Commission- 6/2/99 and Planning Commission Subcommittee-5/24/99 and Environmental Board Review-6/2/99]
Ordinance No. 990603-58 was approved.
59. Approve a resolution declaring official intent to reimburse acquisition and construction costs in the amount of \$269,711 for developer reimbursements related to 1997 municipal utility district annexation. (Funding in an amount of \$153,699 for the Water Utility and \$116,012 for the Wastewater Utility to be funded by the issuance of commercial paper.) [Recommended by Water and Wastewater Commission-6/2/99]
Resolution No. 990603-59 was approved.
60. Set a public hearing to amend Chapter 25-9 of the City Code adding a new Section 25-9-63 providing that the City will install service connections for resubdivisions of residential tracts into four or fewer SF-1, SF-2 and SF-3 lots located within an urban watershed. (Suggested date: July 1, 1999 at 6:00 P.M.)
Resolution No. 990603-60 was approved.
61. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the Barton Springs/Edwards Aquifer Conservation District to jointly conduct studies in the Barton Springs segment of the Edwards Aquifer to determine flow relationships between surface creeks and Barton Springs, measure flow losses in surface creeks, and collect water quality samples. (In-kind services of staff support from the Watershed Protection Department.)
Resolution No. 990603-61 was approved.
62. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. ONE of Williamson and Milam Counties to assist in funding a dam safety study of forty-six flood-control structures within the Water Control and Improvement District's jurisdiction, in an amount not exceed \$21,666.66. (Funding is available in the 1996-97 Amended Capital Budget of the Watershed Protection Department.) [To be reviewed by Environmental Board]
Resolution No. 990603-62 was approved.
63. C14-98-0045 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4306 Medical Parkway from "SF-3", Family Residence district to "LO", Limited Office district zoning with conditions. First reading: June 25, 1998; Vote: 6-0 (Spelman absent). Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Drs. Robert D. Horne & Robert N. Ochua; Agent: Faust Group (Bill Faust). City staff: Antonio Gonzalez, 499-2243.

Ordinance No. 990603-63 was approved.

64. C14-98-0227 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3020 West Slaughter Lane from “RR”, Rural Residence district to “LR-CO” Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. First reading: April 15, 1999; Vote: 5-0 (Griffith and Goodman off dais). Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hays City Corporation; Agent: Crocker Consulting (Sarah Crocker). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990603-64 was approved.

65. C14-98-0232 – Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 6901 North FM 620 Road from “I-SF-2”, Interim Single Family Residence (standard lot) district to “GR-MU-CO”, Community Commercial–Mixed Use-Conditional Overlay Combining district zoning with conditions. First reading: March 4, 1999; Vote 6-1 (Slusher nay). Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading Applicant: Donnie Ray Cowan. Agent: Robert E. Crain. City Staff: Ellen Meadows, 499-2339.

Ordinance No. 990603-65 was approved with a vote of 6-1 Council Member Slusher voting no.

Items 66 through 67 were pulled for discussion at 3:00 p.m.

68. C14-98-0253 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10701 – 10727 Lakeline Mall Drive from MF-3, Multi-Family Residence (medium density) to “GR” Community Commercial district zoning. First reading on May 13, 1999; Vote 7-0. Conditions met as follows: No conditions were imposed on first ordinance reading. Applicant: 620/183 Partnership et. al. (Fred Thomas); Agent: Minter, Joseph & Thornhill (Michelle C. Haussmann). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990603-68 was approved.

69. C14-98-0254 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700 – 10724 Lakeline Mall Drive from “MF-6”, Multi-Family Residence (highest density) to “GR” Community Commercial district zoning. First reading on May 13, 1999; Vote 7-0. Conditions met as follows: No conditions were imposed on first ordinance reading. Applicant: 620/183 Partnership et. al. (Fred Thomas); Agent: Minter, Joseph & Thornhill (Michelle C. Haussmann). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990603-69 was approved.

70. C14H-99-0001 – approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 San Antonio Street from “GO”, General Office district to “GO-H”, General office-Historic district zoning. First reading: May 13, 1999; Vote: 6-0-1 (Goodman abstained). Conditions met as follows: No conditions were imposed on first ordinance reading. Applicant: city of Austin; Agent: Development Review and inspection Department; city

Staff: Barbara Stocklin, 499-2414. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to July 1, 1999 as requested by the owner. This was the owner's first request.

71. C14-99-0024 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2618 Kramer Lane from “MI”, Major Industry district to “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. First reading: May 20, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Hardage Hotels IV, LLC; Agent: Bury & Pittman (James B. Knight). City Staff: Antonio Gonzalez, 499-2243.
Ordinance No. 990603-71 was approved.
73. Consider a resolution to authorize negotiation and execution of a managed growth agreement with Pohl, Brown and Associates regarding 503.30 acres of land, commonly known as the Pac Ten property and generally located near the intersection of RM 620 and U.S. Highway 183 for a development over a 10 year period under current regulations.
This item was postponed to July 22, 1999 as requested by the applicant. This was the applicant's second request.
74. Set a public hearing on a request to consider a waiver from the minimum separation distance requirement of City Code Section 8-3-4, between a proposed general restaurant (U.R. Cooks Steakhouse) located at 5501 U.S. Highway 290 West, which intends to sell alcoholic beverages and a public school (Clint Small, Jr. Middle School). Case No.: SP-99-0185 (AW). Applicant: Monterrey Oaks/290 Joint Venture (Louis R. Williams); Agent: Jackson Walker, L.L.P. (Jack Martin, III); City Staff: Connie Buckner, 499-2206. (Suggested date and time: July 1, 1999 at 6:00 p.m.)
Resolution No. 990603-74 was approved.
75. Approve a resolution authorizing negotiation and execution of a professional service agreement with WILBUR SMITH ASSOCIATES, Houston, Texas, to develop a comprehensive study and parking management plan for the Austin Downtown Area, in an amount not to exceed \$100,000. (Funding in an amount of \$22,000 was included in the 1998-99 Amended Capital Budget of Public Works and Transportation Department; \$78,000 is available in the 1998-99 Operation Budget of the Planning, Environmental and Conservation Services Department.) 8.6% MBE; 18.20% WBE Subcontracting participation.
Resolution No. 990603-75 was approved.

Item 76 was pulled for discussion.

77. Approve a resolution authorizing the application for \$179,966 in federal funding from the U.S. Department of Justice, National Institute of Justice, Safe School Technologies Program to fund crime analysis on issues related to children and youth in partnership with the Austin Independent School District (AISD) police. (Grant funding in the amount of \$179,966 is available from the U.S. Department of Justice, National Institute of Justice for a two-year grant period from January 1, 2000 through December 31, 2001. A cash or in-kind match is not required.)

Resolution No. 990603-77 was approved.

78. Amend ordinance 970109-D, creating the HIV Planning Council, to establish term limits and to amend the ordinance provisions regarding appointment of its advisory committees. (Mayor Kirk Watson)

Ordinance No. 990603-78 was approved.

79. Approve a resolution directing the City Manager to convene a stakeholder group to convene for a period of 90 to 120 days at some time during the next nine months to meet and develop recommendations for Republic Square Park, including recommendations on short-term plans that would improve the design of Republic Square Park, and to meet and develop long-range recommendations that would link Republic Square Park with Plaza Saltillo along the 5th street corridor. (Mayor Kirk Watson and Council Member Gus Garcia)

Resolution No. 990603-79 was approved.

Item 80 was pulled for discussion at 3:00 p.m.

Item 81 was pulled for discussion.

82. Consider a resolution directing the City Manager to draft & process amendments to Title 25 of the City Code relating to use regulations in the East Austin Overlay District and the criteria used for the conditional use permit process. (Council Member Gus Garcia)

Resolution No. 990603-82 was approved.

Items 83 and 84 were pulled for discussion at 6:30 p.m.

Items 85-103 were Zoning Items.

Items 104-108 were Public Hearings.

Items 109-124 were part of the Executive Session.

APPOINTMENTS

125. Board of ARTS Center Stage
David K.G. Chan
Hector Galan
Ana M. "Cha" Guzman, Ed.D.
Roen Salinas

Consensus
Consensus
Consensus
Consensus

Board of Adjustment
Larry Eugene Meadows
(Alternate member)

Consensus

Bond Oversight Committee

Joyce Conner
(Environmental Board Representative)

Consensus

Brackenridge Hospital Oversight Council
Margaret Uriegas

Consensus

Community Development Commission
Margarita S. Flores
(Montopolis Neighborhood Representative)

Consensus

Green Building Task Force
William W. Ball

Consensus

Historic Landmark Commission
Eva J. Lindsey

Consensus

Medical Assistance Program Advisory Board
Carolyn Cross
(MAP User)

Consensus

The Police Oversight Focus Group was voted on separately later in the meeting.

126. Direct the City Manager to initiate an amendment to the Land Development Code for the preservation of landmark edifices that do not currently technically conform to historic designation criteria. (Mayor Pro-Tem Jackie Goodman)
This item was postponed to July 1, 1999.

DISCUSSION AGENDA

47. Approve an ordinance amending the City's financial policies regarding the calculation of the transfers from the utilities to the General Fund. (Related to Items #48 and 49)

Ordinance No. 990603-47 was approved on Council Member Garcia's motion, Council Member

Lewis' second by a 7-0 vote.

48. Amend Ordinance 980915-A, amending the 1998-99 Operating Budget of the Electric Utility Department, by increasing the transfer to the General Fund by \$2,695,860 and reducing the 1998-99 Ending Fund Balance by \$2,695,860; amend the 1998-99 General Fund Operating Budget by increasing the transfer from Electric Utility to the General Fund by \$2,695,860 and increasing the 1998-99 Ending Balance by \$2,695,860. (\$2,695,860 from Electric Utility Department) (Related to Items #47 and 49)

Ordinance No. 990603-48 was approved on Council Member Garcia's motion, Council Member

Slusher's second by a 7-0 vote.

80. Authorize the negotiation and execution of a contract to acquire the land and improvements currently occupied by Mexic-Arte Museum located at 419 Congress Avenue in an amount not to exceed \$2,000,000. (Council Member Gus Garcia and Mayor Kirk Watson)
Ordinance No. 990603-80 was approved with a friendly amendment by Council Member Garcia to delete from the ordinance the words "and execution", page two line 2 delete "in an amount not to exceed \$2,000,000". There was a friendly amendment by Council Member Spelman to add to the ordinance; "Be it further resolved: that the City Council authorizes the City Manager to identify and analyze alternative options for providing Mexic-Arte with a permanent home, including; 1) other locations in the central business district and 2) a new building at the current location. The amended resolution passed on Council Member Garcia's motion, Mayor Watson's second by a 7-0 vote.
49. Amend Ordinance 980915-A, the 1998-99 General Fund Operating Budget, by appropriating \$2,000,000 for the purchase of a building to be leased to the Mexic-Arte Museum and decreasing the 1998-99 General Fund Ending Balance by \$2,000,000. (\$2,000,000 from the 1998-99 General Fund Ending Fund Balance) (Related to Items #47 and 48)
This item was postponed to July 1, 1999 on Council Member Garcia's motion, Mayor Watson's second by a 7-0 vote.
118. Approve execution of an amendment to the professional services contract with Vinson & Elkins, L.L.P., to increase the amount of attorney fees by up to \$55,000, for a total contract amount not to exceed \$80,000 for legal services in City of Austin v. Austin Airmotive, Ltd. Et al Cause No. 2281, in the Probate Court No. One, Travis County Texas Approve.
Resolution No. 990603-118 was approved on Council Member Goodman's motion, Council member Griffith's second by a 6-0 vote. Council Member Spelman was off the dais.
121. Consider settlement proposal in City of Austin v. Shell Oil Company, et al, Cause No. 95-14708, in the Travis County District Court.
Resolution No. 990603-121 was approved on Council Member Lewis' motion, Mayor Watson's second by a 5-0 vote. Council Members Garcia and Spelman were off the dais.
122. Consider settlement proposal in Putman Lindsey "Joe" v. City of Austin, Texas and Bruce Mills, Cause No. 97-14257, 353rd Judicial District Court of Travis County.
Resolution No. 990603-122 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 5-0 vote. Council Members Garcia and Spelman were off the dais.
123. Consider settlement proposal in Captail Lindsay Joe Putman v. City of Austin, Texas and the Police Civil Service Commission of the City of Austin, Texas, Cause No., 97-12018, in the Travis Country District Court of Texas.
No action was taken on this item.
57. Adopt Ordinance authorizing negotiation and execution of a cost reimbursement agreement with Texas Department of Transportation ("TxDOT") providing terms and conditions for construction of a 24-inch water main and appurtenances to provide water service within and near the proposed Texas

Department of Transportation "Cedar Park Campus" with City cost reimbursement in an amount not to exceed \$525,000; waiving the requirements of Section 25-9-39, City Code, relating to the posting of fiscal security for construction of the 24-inch water line; waiving construction inspection fees for the 24-inch water line project in an amount not to exceed \$28,875; waiving the requirements of 25-9-93 requiring the payment of tap and connection fees as a condition for approval of a water tap permit for the TxDOT Cedar Park Campus; waiving water tap and connection fees for the TxDOT Cedar Park Campus in an amount not to exceed \$11,659. [Cost reimbursement in an amount not to exceed \$525,000 is subject to funding approval in future budgets of the Water and Wastewater Utility's Capital Improvement Project Funds in Fiscal Year 2000-2001. TxDOT has also requested water of tap and connection fees in an amount not to exceed \$11,659 and construction inspection fees in an amount not to exceed \$28,875.) Recommended by Water and Wastewater Commission.] **Ordinance No. 990603-57 approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Garcia and Spelman were off the dais.**

66. C14-98-0237 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 400 feet south of the intersection of Lyndhurst Street and FM 620 from "I-RR", Interim Rural Residence district to "MF-3-CO", Multi-Family Residence-Conditional Overlay Combining district zoning with conditions. First reading on February 25, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Jim Melton; Agent: Carl Conley. City Staff: David Wahlgren, 499-6455. (Continued from 4-15-99, 5-6-99 and 5-13-99)

Ordinance No. 990603-66 was approved with a friendly amendment by Mayor Pro Tem Goodman that since the property is in the county and not incorporated at the time of the subdivision and the City does not have laws in place to allow the City to require park land dedication as a condition of zoning it is not legal to include this condition. The amended ordinance was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 6-0 vote. Council Member Spelman was off the dais.

76. Approve resolution authorizing negotiation and execution of agreements with Austin Aero FBO, Limited and Biba Aero, Ltd. to facilitate the development of additional aircraft storage facilities to serve the general aviation community at the Austin-Bergstrom International Airport.
Resolution No. 990603-76 was approved on Council Member Lewis' vote, Council Member Griffith's second on a 7-0 vote.

ALL OF THE FOLLOWING ZONING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE PUBLIC HEARINGS WERE CLOSED AND ACTION WAS APPROVED ON THE CONSENT ITEMS ON COUNCIL MEMBER SPELMAN'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 7-0 VOTE.

CONSENT ZONING ITEMS

Item 85 was pulled for discussion.

86. C14-98-0156 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as Johnny Morris Road and Loyola Lane from "LI-CO", Limited Industrial Service-

Conditional Overlay district, "W/LO-CO", Warehouse/Limited Office-Conditional Overlay district and "SF-3", Family Residence district to "MH", Mobile Home Residence district. Planning Commission Recommendation: To Grant "MH", Mobile Home Residence district zoning. Applicant: Drs. Carey & Georgia Leggett (Georgia Leggett) and Armstrong Printing (Douglas Armstrong); Agent: Republic Commercial Properties (Doug Hodge). City Staff: Susan Villarreal, 499-6319. (Continued from 3/11/99 and 4/8/99)

This item was postponed to July 1, 1999 as requested by City staff.

87. C14-98-0248 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 11300-11314 Pecan Park Boulevard from "MF-3", Multifamily Residence (Medium Density) district to "GR", Community Commercial district. Planning Commission Recommendation: To Grant "GR", Community Commercial district zoning. Applicant: TS-SD II, LTD (Gary Brown); Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455. (Continued from 5/13/99 and 5/20/99)

This item was postponed to July 22, 1999 at the request of the applicant. This was the applicant's third request.

Item 88 was pulled for discussion.

89. C14-98-0251 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 13608-13640 FM 620 Rd. North (Lake Creek) from "I-RR", Interim Rural Residence, "SF-2", Single-Family Residence (Standard Lot) to "MF-3" Multifamily Residence (Medium Density) district. Planning Commission Recommendation: To Grant "MF-3", Multifamily Residence (Medium Density) district zoning with conditions. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith; Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455. (Continued from 5/13/99 and 5/20/99)

This item was postponed to July 22, 1999 as requested by the applicant. This was the applicant's third request.

90. C14-98-0255 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 10101-10125 Lake Creek Parkway and 12905 to 13037 Hymeadow Drive from "SF-2", Single Family Residence (Standard Lot) district and "I-RR" Interim Rural Residence to "LO", Limited Office District. Planning Commission Recommendation: To Grant "LO", Limited Office district zoning with Conditions for Tract 1, and "NO-CO", Neighborhood Office-Conditional Overlay Combining district zoning with conditions for Tract 2 and "RR", Rural Residence district zoning for any area within the 100 year flood plain. Applicant: Christianna Ltd. (Gary Brown); Agents: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455. (Continued from 5/13/99 and 5/20/99)

This item was postponed to July 22, 1999 as requested by the applicant. This is the applicant's third request.

91. C14-92-0065 – Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as 5234 U. S. Hwy. 290 West. Planning Commission

Recommendation: To Grant the restrictive covenant amendment. Applicant: Arapaho & Plano Rds Business Park (Mark Goodrich); Agent: Mark Goodrich; City Staff: Susan Villarreal, 499-6319.

This restrictive covenant was approved.

92. C14-98-0265 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 611 to 719, 905 and 907 W. Howard Lane from “AV”, Aviation Services district and “CS” General Commercial Services district to “LI-PDA” Limited Industrial Services-Planned Development Area Combining district zoning. Planning Commission Recommendation: To grant “LI-PDA” Limited Industrial Services-Planned Development Area combining district zoning with conditions. Applicant: Centerline Properties; Agent: Richard Suttle. City Staff: David Wahlgren, 499-6455.

Ordinance No. 990603-92 was approved on emergency passage and was effective immediately. The fiscal posting for traffic improvements was deferred to the site plan stage i.e. before site plan release.

Items 93 and 94 were pulled for discussion.

95. C14-99-0037 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4900 Spicewood Springs Road from “LO-CO”, Limited Office-Conditional Overlay Combining district to “LO-CO”, Limited Office-Conditional Overlay Combining district in order to change the conditions of the overlay. Planning Commission Recommendation: To grant “LO-CO”, Limited Office-Conditional Overlay district zoning with conditions. Applicant: Terra Dynamics, Inc. (Dennis Bell); Agent: LOC Consultants (Sergio Lozano). City Staff: Cecilia Williams, 499-2251.

Ordinance No. 990603-95 was approved.

Item 96 was pulled for discussion.

97. C14-99-0044 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2435 Oak Crest Avenue from “SF-3”, Family Residence and “MF-2”, Multifamily Residence (Low Density) to “LO”, Limited Office. Planning Commission Recommendation: To Grant “LO-CO”, Limited Office-Conditional Overlay Combining district zoning with conditions. Applicant: Catholic Diocese of Austin on behalf of San Jose Church (Monsignor Donald Fruge); Agent: Minter, Joseph & Thornhill (John Joseph). City Staff: Susan Villarreal, 499-6319.

Council approved the Planning Commission’s recommendation on first reading.

98. C14-99-0047 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4230-4420 Ed Bluestein Blvd. from “IP”, Industrial Park district to “MF-2-CO”, Multifamily Residence (Low Density)-Conditional Overlay Combining district zoning with conditions. Planning Commission Recommendation: To grant “MF-2-CO”, Multifamily Residence (Low-Density)-Conditional Overlay Combining district zoning with conditions. Applicant: 183 Commercial Site Ltd. (David Saling); Agent: Brown, McCarroll & Oaks Hartline (Jerry Harris). City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990603-98 was approved.

99. C14-99-0048 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at the northwest intersection of West Howard Lane and McNeil-Merrilltown Road from “I-RR”, Interim-Rural Residence to “LI”, Limited Industrial Service district. Planning Commission Recommendation: To Grant “LI-CO”, Limited Industrial-Conditional Overlay Combining district zoning with conditions. Applicant: Hill Partners, Inc. (Richard Hill); Agent: The Faust Group (W.M. Faust). City Staff: David Wahlgren, 499-6455.
Council approved the Planning Commission’s recommendation on first reading.
100. C14-99-0050 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4109-4111 Todd Lane from “SF-2”, Single Family Residence (standard lot) to “LI”, Limited Industrial Service district. Planning Commission Recommendation: To Grant “LI-CO”, Limited Industrial Service-Conditional Overlay district zoning with conditions. Applicant: Oyster Investment Corp. (Stephen Oyster); Agent: Lopez-Phelps, Vaughan & Associates, Inc. (Amelia Lopez-Phelps). City Staff: Joe Arriaga, 499-2308.
Council approved the Planning Commission’s recommendation on first reading.
101. C14-99-0059 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 405 Denson Drive from “CS”, General Commercial Services, “MF-3”, Multifamily Residence (Medium Density) and “SF-3”, Family Residence district to “P”, Public district. Planning Commission Recommendation: To Grant “P”, Public district zoning. Applicant: City of Austin (Gary Kosut-Watershed Protection Utility); Agent: Raymond Chan & Associates (Tom Hegemier) City Staff: Cecilia Williams, 499-2251.
Ordinance No. 990603-101 was approved.
102. C14-99-0068 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1202 East 7th Street from “SF-3-CURE”, Family Residence-Central Urban Redevelopment Combining district to “SF-6-CURE”, Townhouse and Condominium Residence-Central Urban Redevelopment Combining district zoning. Planning Commission Recommendation: To grant “SF-6-CURE”, Townhouse and Condominium Residence-Central Urban Redevelopment Combining district zoning. Applicant: City of Austin, Development Review and Inspection Department. City Staff: Susan Villarreal, 499-6319.
Ordinance No. 990603-102 was approved.
103. C14R-85-360 – Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as Intersection of Lake Creek Parkway and Lake Stop Boulevard/Lakeline Mall Drive. Planning Commission Recommendation: To grant restrictive covenant amendment. Applicant: 620/183 Partnership et.al. (Fred Thomas); Agent: Minter, Joseph & Thornhill (Michele C. Haussmann). City Staff: David Wahlgren, 499-6455.
This restrictive covenant was approved.

DISCUSSION ZONING ITEMS

96. C14-99-0043 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 914-946 Parmer Lane & 12700-12812 Harrisglen Drive from “MF-2-CO”, Multifamily Residence (Low Density)-Conditional Overlay Combining district and “LR”, Neighborhood

Commercial districts to "SF-2", Single Family Residence (standard lot) and "MF-2", Multifamily Residence (Low Density) district. Planning Commission Recommendation: To Grant "MF-2-CO", Multifamily Residence (Low-Density)-Conditional Overlay Combining district zoning with conditions. Applicant: City of Austin, Development Review and Inspection Department. City Staff: Greg Guernsey, 499-2387.

This item was postponed to July 1, 1999 at the request of the neighborhood on Council Member Slusher's motion, Council Member Griffith's second on a 7-0 vote.

85. C14-98-0239 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 1200-1300 West Braker from "NO", Neighborhood Office, and "LR", Neighborhood Commercial to "GO", General Office district. Planning Commission Recommendation: To Grant "GO-CO", General Office-Conditional Overlay Combining district zoning with conditions. Applicant: Jerry L. Smith, Helen Gracy Smith, and Richard S. Gracy; Agent: Lopez-Phelps, Vaughn and Associates (Amelia Lopez-Phelps). City Staff: Antonio Gonzalez, 499-2243. (Continued from 4/1/99). Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to July 15, 1999 at the applicant's request. This is the applicant's second request. Postponement was approved with the conditions that the applicant cannot postpone again and that the applicant provides the neighborhood a copy of the proposed plan and uses with all changes by July 1, 1999. The approval was on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

93. C14-98-0270 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 9316 Chisolm Land and 1112 West Slaughter Lane from "DR", Development Reserve and "SF-2", Single Family Residence (standard lot) to "GR", Community Commercial district. Planning Commission Recommendation: To Grant "LO-CO", Limited Office-Conditional Overlay Combining district zoning and "LR-CO", Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: Guadalupe C. & Erminia R. Uresti; Agent: Graves, Dougherty, Hearon & Moody (James N. Johnson). City Staff: Joe Arriaga, 499-2308.

The public hearing was closed on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Griffith was off the dais.

Council approved the Planning Commission's recommendation on first reading only on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Griffith was off the dais.

PUBLIC HEARINGS

104. Conduct a public hearing to receive citizen comments on the City's 1999/2000 proposed Community Development Program and federal Annual Consolidated Plan. (Funding in the amount of \$12,297,000 is available from the four HUD entitlement grants: \$8,105,000 from CDBG; \$3,137,000 from HOME; \$288,000 from ESG; and \$767,000 from HOPWA. These funds will be included in the 1999/2000 Proposed Budgets for the Neighborhood Housing and Community Development Office (NHCD) and the Austin/Travis County Health and Human Services Department. In addition, the 1999/2000 Proposed Budget for NHCD will also include: \$420,000 of anticipated CDBG 1999/2000 program

income; \$25,472 of uncommitted CDBG funds from prior years; and \$265,825 of General Fund local match.)

The public hearing was closed on Council Member Garcia's motion, Council Member Lewis' second by a 4-0 vote. Mayor Pro Tem Goodman, Council Member Slusher and Spelman were off the dais.

A motion to reopen the public hearing was approved on Council Member Garcia's motion, Council Member Griffith's second by a 4-0 vote. Mayor Pro Tem Goodman, Council Members Slusher and Spelman were off the dais.

The public hearing was closed on Council Member Griffith's motion, Council Member Garcia's second by a 4-0 vote. Mayor Pro Tem Goodman, Council Members Slusher and Spelman were off the dais.

A motion to suspend the rules to allow for a staff presentation and to allow the two separate neighborhood groups 10 minutes of speaking time each was approved on Council Member Spelman's motion, Mayor Watson's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Garcia were off the dais. This motion related to items 12, 13, 83 and 84.

83. The City Council directs the City Manager to conduct a traffic study of the Ridgetop Neighborhood area, otherwise described as that area bounded by Airport Boulevard, IH-35, and a line that runs along the north curb of 56½ Street, and on the portions of those streets that bound that area, for the purpose of assessing the impact of the One-stop Day Labor facility proposed for the area. (Council Member Gus Garcia and Council Member William Spelman)

Resolution No. 990603-83 was approved on Council Member Garcia's motion, Mayor Pro Tem

Goodman's second by a 7-0 vote.

84. Approve a resolution directing the City Manager to take the steps necessary to create a non-profit corporation to operate the proposed One-Stop Day Labor Program facility. (Council Member Gus Garcia)

Resolution No. 990603-84 was approved on Council Member Garcia's motion, Mayor Pro Tem

Goodman's second by a 7-0 vote.

12. Approve negotiation and execution of an occupancy agreement with Austin Travis County MHMR to permit MHMR to relocate One-Stop Labor Center to the new location at 4916 North IH-35.

Due to the passage of item 84, it was not necessary for Council to take action on this item.

14. Approve an ordinance adding a new section 16-1-20 to the City Code regarding solicitations between occupants of motor vehicles and pedestrians and creating an offense for said solicitation. (Council Members Gus Garcia, Daryl Slusher and William Spelman)

Council Member Spelman's friendly amendment to make the effective date July 31, 1999 was accepted by the maker of the motion and Council Member Slusher. The first reading of this amended ordinance was approved on Council Member Garcia's motion, Council Member

Slusher's second by a 4-3 vote. Mayor Pro Tem Goodman, Council Members Griffith, and Lewis voted no.

13. Authorize negotiation and execution of a one year lease with four one year extension options with 4916 IH 35 PARTNERSHIP for approximately 5,300 square feet of space located at 4916 North IH 35 for use by the Health and Human Services Department, in an amount not to exceed \$105,600, with four twelve month extension options, in the amount of \$63,327 for the first extension option, \$66,176.76 for the second extension option, \$69,154.68 for the third extension option, and \$72,266.64 for the fourth extension option, for a total not to exceed \$376,525.08. (Funding in an amount of \$21,600 is available in the 1998-99 Amended Operating Budget of the Health and Human Services Department. Funding for the remaining fifty-six months of the lease term is contingent upon available funding in future budgets.)

The substitute motion by Mayor Pro Tem Goodman was to direct the City Manager to coordinate and provide for facilitation of a stakeholder process to determine the site or sites for one or more day labor centers. The stakeholder group shall include but not be limited to representatives of the following interests in its membership: 1) Day laborers and contractors who use day labor; 2) Neighbor and business associations where potential sites are situated; 3) the Austin Neighborhood Council; 4) Appropriate City staff; 5) Capital Metro and 6) The Austin Police Department. The City Manager shall hire a qualified team of mediators to facilitate all meetings of the stakeholder group. The stakeholders shall attempt to jointly identify a site for the Day Labor Center by July 15. This site must be capable of beginning operation by August 15, 1999, because the time frame has been finite. If the stakeholders cannot reach a majority consensus for selection of a Day Labor Center site by July 15th, they shall continue to undertake the responsibility of monitoring and evaluating the operations of the Day Labor Center at I-35 and 51st Street. After six months of operation, the stakeholders shall prepare a report to be presented to the City Council no later than nine months after operations have begun at the I-35-51st street site. The report shall include among its recommendations at least one preferred site that may either replace or eliminate the operation of the I-35\51st Street site. The motion was seconded by Council Member Griffith but failed on a 3-4 vote. Mayor Watson, Council Members Garcia, Slusher and Spelman voted no.

Motion by Council Member Lewis to declare Seaholm as the site for the One-Stop Labor Program failed due to the lack of a second.

Resolution No. 990603-13 was approved on Council Member Garcia's motion, Council Member Slusher second by a 4-3 vote. Mayor Pro Tem Goodman, Council Members Griffith and Lewis voted no.

67. C14-98-0247 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road & Dittmar Road from "DR", Development Reserve to "SF-2-CO", Single Family Residence (Standard Lot)-Conditional Overlay Combining district zoning with conditions. First reading: May 6, 1999; Vote: 6-0 (Watson off dais). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first

reading. Applicant: Patricia Fay Tinnin and Mary Jane Ramsey; Agent: Kurkjian Engineering Corp. (Garabed A. Hartunian). City Staff: Joe Arriaga, 499-2308

This item was postponed to July 15, 1999 on Council Member Garcia's motion, Council Member Slusher's second on a 7-0 vote.

71. C14-99-0033 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8401 West Gate Blvd. from “SF-3”, Family Residence district to “SF-6”, Townhouse & Condominium Residence district zoning for Tract 1, and “RR”, Rural Residence district zoning for Tract 2. First reading: May 6, 1999; Vote: 5-0 (Watson and Spelman off the dais). Conditions met as follows: No conditions were imposed by Council on first reading. Applicant: Caltex Holdings (Kurt Prunty). City staff: Joe Arriaga, 499-2308.
This item was postponed to July 15, 1999 on Council Member Garcia's motion, Council Member Slusher's second on a 7-0 vote.

DISCUSSION ZONING CONTINUED

88. C14-85-149.49 – Public hearing to amend Chapter 25-2 of the Austin City Code by amending restrictive covenant for property locally known as 12210 Tanglewild Drive. Planning Commission Recommendation: To grant approval of the restrictive covenant amendment. Applicant: Deborah Yates & Gilbert Martinez; Agent: Gilbert Martinez. City Staff: Antonio Gonzalez, 499-2243. (Continued from 5/20/99)

The public hearing was closed on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Griffith and Slusher were off the dais.

Ordinance 990603-88 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Slusher was off the dais.

106. Conduct a public hearing to amend Chapter 25-6 of the Austin City Code to modify off-street parking and loading requirements in the Central business District (CBD) AND Downtown Mixed Use (dmu) district.

The public hearing was closed on Council Member Slusher's motion, Council Member Lewis' second by a 7-0 vote.

108. Approve an amendment to Chapter 25-6 of the Austin City Code to modify off-street parking and loading requirements in the Central Business District (CBD) and Downtown Mixed Used (DMU) district. (Planning Commission recommended)

Ordinance No. 990603-108 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

120. Consider settlement proposal in Webb Troup Enterprises, Inc. v. City of Austin, Cause No. 99-05274, in the Travis County District court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

This item was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

94. C14-99-0001 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 44-48 Rainey Street from “LO”, Limited Office district to “DMU”, Downtown Mixed Use district. Planning Commission Recommendation: To Grant “DMU-CO”, Downtown Mixed Use-Conditional Overlay Combining district zoning with conditions. Applicant: TD-II, LLC (Gordon Dunway); Agent: Crocker Consultants (Sarah Crocker). City Staff: Ellen Meadows, 499-2339. Note: A valid petition has been filed in opposition to this rezoning request.
The public hearing was closed on Council Member Griffith’s motion, Council Member Garcia’s second by a 6-0 vote. Council Member Lewis was off the dais.

The first reading of the ordinance was approved on Council Member Garcia’s motion, Council Member Slusher’s second by a 7-0 vote.

81. Approve a resolution directing the City Manager to assist the Rainey Street Neighborhood with Master Planning. (Council Member Gus Garcia)
Resolution No. 990603-81 was approved on Council Member Garcia’s motion, Council Member Spelman second by a 7-0 vote.

A motion was made to suspend the rules to allow Council to meet after 10 p.m. on Mayor Pro Tem Goodman’s motion, Council Member Garcia’s second by a 6-0 vote. Council Member Slusher was off the dais.

105. Conduct a public hearing to amend the Austin City Code, Chapter 8-3, Alcohol Consumption and Section 10-1-19, Glass Containers, by extending two already designated areas and adding two new areas in which open or previously opened glass containers and the consumption of alcoholic beverages are prohibited.) [Funding in the amount of \$7000 represents the placement of 200 signs in the designated areas. Available savings in the fiscal year 1998-99 Operating Budget of the Austin Police Department will fund the signage cost.
The public hearing was closed on Council Member Lewis’ motion, Council Member Garcia’s second by a 7-0 vote.

107. Amend the Austin City Code, Chapter 8-3, Alcohol Consumption and Section 10-1-19, Glass Containers, by extending two already designated areas and adding two new areas in which open or previously opened glass containers and the consumption of alcoholic beverages are prohibited.) [Funding in the amount of \$7000 represents the placement of 200 signs in the designated areas. Available savings in the fiscal year 1998-99 Operating Budget of the Austin Police Department will fund the signage cost.
Ordinance 990603-107 was approved on Council Member Lewis’ motion, Council Member Garcia’s second on a 7-0 vote.

125. Appointment of the Police Oversight Focus Group –
Janet Blake
Roy Butler
Detective Craig Howard
Tom Kolker
Ann del Llano

Consensus
Consensus
Consensus
Consensus
Consensus

Robert Martinez	Consensus
Officer Lisa Morrill	Consensus
Parisrice Robinson	Consensus
Detective Mike Sheffield	Consensus
Michael Suspantic	Consensus

Appointments were approved on Council Member Lewis' motion, Council Member Spelman's motion by a 7-0 vote.

50. Amend Ordinance 980915-A, the 1998-99 Operating Budget, by appropriating \$85,500 from the General Fund Contingency Reserve and increasing the appropriation of East Side Story by \$85,500 to cover the cost of instructors for the 4th Annual East Side Story Math, Science and Technology Camp. (Funding is available from the General Fund Contingency Reserve.)
Ordinance No. 990603-50 was approved with the caveat that the City Manager will research the possibility of future funding for this program from the CAN program on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

55. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with the Joint Venture of BARNES ARCHITECTS INC., ALAN Y. TANIGUCHI ARCHITECT & ASSOCIATES INC., CENTERBROOK ARCHITECTS AND PLANNERS, Austin, Texas, for additional services associated with increasing the size of the building for the Town Lake Park Community Events Center, in an amount not to exceed \$850,000 for a total contract amount of \$4,250,000. (Funding in an amount of \$850,000 was included in the 1998-99 Amended Capital Budget for the Convention Center.) 11.1% MBE; 18.9% WBE Subcontracting participation.
This item was postponed to July 14, 1999 for a formal presentation on Council Member Spelman's motion, Council Member Lewis' second on a 7-0 vote.

56. Approve a resolution authorizing negotiation and execution of a sixty month lease of approximately 33,000 square feet of office/warehouse space located at 3510 E. Cesar Chavez Street from RICHARD B. HULL FAMILY LIMITED PARTNERSHIP, Austin, Texas, to be used for the Austin Convention Center Storage Facility, in an amount not to exceed \$594,000, with one sixty month extension option, in the amount of \$693,000, for a total amount not to exceed \$1,287,000. (Funding in an amount of \$34,650 is available in the 1998-99 Operating Budget of the Austin Convention Center Department. Funding for the remaining fifty-six and one-half months of the original contract period and extension options is contingent upon available funding in future budgets.)
This item was postponed to July 1, 1999 to allow time for the City Manager to explore other sites on Council Member Slusher's motion, Council Member Griffith's second on a 7-0 vote.

Executive session was held at 11:00 p.m.

110. Discuss *John Ross, et al. v. City of Austin*, Cause No. 95-12853, in the Travis County District Court.

Real Property – Section 551.072

117. Discuss real property acquisition for the Barton Springs Clean Drinking Water Project (May 2, 1998 Election, Proposition Two).

Executive Session ended at 11:25 p.m.

119. Approve a resolution authorizing the negotiation and execution of a contract to purchase land in fee and conservation easements on approximately 2,741 acres from the TEXAS NATURE CONSERVANCY for the May 2, 1998 Proposition 2 Barton Springs clean Drinking Water program, in the amount of \$17,926,000. (Funding is included in the 1997-98 Capital Budget of the Water and Wastewater Utility.)

Resolution No. 990603-119 was approved on Council Member Garcia's motion, Council Member Slusher's second on a 5-0 vote. Council Members Griffith and Lewis were off the dais.

Executive session was held at 11:30 p.m.

12. (b) Discuss legal issues concerning City of Austin water rights.

Executive Session ended at 12:30 a.m.

ADJOURNED at 12:30 a.m. on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

The minutes for the Regular Meeting of June 3, 1999 were approved on this the 1st day of July, 1999 on Council Member Garcia's motion, Council Member Lewis' second by a 6-0 vote. Council Member Spelman was absent.