



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY  
JULY 17, 1997

1. Approval of Minutes for July 9 & 10, 1997.  
Approved on, Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

## CITIZENS COMMUNICATION: GENERAL

1. Ms. Cecilia Wood, to discuss homelessness.  
**Absent**
2. Mr. Marc Katz, to discuss parking signs.
3. Mr. Ray Ramirez, to discuss the budget - Parks and Recreation.  
**Absent**
4. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
5. Mr. F.C. Powell, to discuss environmental health & drug trafficking in East Austin.
6. Mr. John McMillan, to discuss building a municipal performing arts center.
7. Mr. Frank Cooksey, to discuss the Capital Area Homeless Alliance site selection criteria.  
**Absent**
8. Mr. Tom Regner, to discuss the Bike Helmet Law.  
**Absent**
9. Mr. Moses Saldana, to discuss the first anniversary of the renaming of Pan Am Rec. Center to Oswaldo "A.B." Cantu Rec. Center.
10. Ms. Sue Donahoe, to discuss Street Closure Task Force & Tourism.  
**Absent**

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZENS COMMUNICATION: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve an ordinance amending the City Code to re-establish the Inet Authority. (No fiscal impact.) [Recommended by Telecommunications Infrastructure]  
Ordinance No. 970717- approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Motion to reconsider on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Motion to approve adding section 2-4-523 (b)(3) on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

13. Approve a resolution authorizing execution of a contract with PROFESSIONAL COMPUTER SOFTWARE SERVICES, Boiling Springs, South Carolina, for the purchase, installation and configuration to upgrade the existing IBM minicomputer located at the Municipal Court, in the amount of \$158,044. (Funding was included in the 1996-97 Operating Budget of Municipal Court.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

**Approved**

14. Approve a resolution exempting the Ilcor Industrial Laminates Corporation, located at 1806 East 4th Street, from the East Austin Moratorium, Ordinance No. 970410-L. (Mayor Pro Tem Gus Garcia)

**Approved**

### Police

15. Approve a resolution authorizing execution of a contract with FATS, INC., Suwanee, Georgia, for the purchase of a firearms training simulator system to be used in the training of cadets and officers, in an amount not to exceed \$56,215. (Funding in the amount of \$45,000 was included in the 1996-97 operating budget of the Police Department. Funding in the amount of \$11,215 is available in the Federal Asset Forfeiture Fund of the Police Department.) Best proposal of two. No M/WBE Subcontracting opportunities were identified.

**Approved**

### Health and Human Services

16. Approve a resolution authorizing execution of an amendment to the contract with AIDS SERVICES OF AUSTIN for rental assistance/emergency assistance services to persons with HIV, in an amount not to exceed \$187,600, for a total contract amount of \$646,910. (Funding was included in the 1996-97 Special Revenue Fund for the Health and Human Services Department, Ryan White Title I Supplemental grant program.) [HIV Planning Council recommended allocation of funds for these services.]

**Approved**

### Financial and Administrative Services

17. Approve a resolution authorizing negotiation and execution of a one year contract with Systems and Computer Technology Corporation, Lexington, Kentucky, for maintenance and support of a Human Resources Management System which was previously purchased to replace the current payroll system and to automate information functions, in an amount not to exceed \$96,555 with four one year extension options in amounts not to exceed \$106,211; \$116,832; \$128,515; and \$141,367, respectively, for a total contract amount not to exceed \$589,480. (Funding was included in the 1996-97 operating budget of the Financial and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.  
**Approved**

#### Planning, Environmental and Conservation Services

18. Set a public hearing for an amendment to the Austin Metropolitan Area Transportation Plan (AMATP) to reclassify Burleson Road from FM 973 east to the Travis County line from a 2-lane minor arterial to a 4-lane major undivided arterial (MAU 4). (No fiscal impact. (Suggested date and time: August 14, 1997 at 6:00 p.m.)  
**Approved**
19. Set a public hearing for an amendment to the Austin Metropolitan Area Transportation Plan (AMATP) to delete South Lakeshore Boulevard between Pleasant Valley and Montopolis Drive. (No fiscal impact.) [Suggested date and time: August 14, 1997 at 6:30 p.m.]  
**Approved**

Items 13 through 19 approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

#### Development Review & Inspection

20. C14-95-0007 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5101 to 5201 E. Oltorf Street, from "I-SF-2", Interim Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: New First City Texas (Mari Epperson). Agent: Armbrust Brown and Davis L.L.P. (Richard Suttle). City Staff: Greg Guernsey, 499-2387. (continued from 6/5/97, 6/26/97 & 7/10/97) **[Related to Item 21]**  
**Postponed one week to July 24, 1997, applicant's request**
21. C14-95-0008 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5000 to 5400 E. Oltorf Street, from "I-SF-2", Interim Single Family Residence (standard lot) to "RR-CO", Rural Residence-Conditional Overlay and "GO-CO", General Office-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: New First City Texas (Mari Epperson). Agent: Armbrust Brown and Davis L.L.P.

(Richard Suttle). City Staff: Greg Guernsey, 499-2387. (continued from 6/5/97, 6/26/97 & 7/10/97) [Related to Item 20]

**Postponed one week to July 24, 1997, applicant's request**

22. C14-97-0040 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 2500 to 2612 E. 6th Street; 2410 to 2412 Hidalgo Street; 2501 to 2611 Hidalgo Street; 2500 to 2612 Hidalgo Street; 2501 to 2613 Diaz Street; and 2500 to 2612 Diaz Street from "LI", Limited Industrial Services to "SF-3", Family Residence. First reading on June 26, 1997; Vote 7-0. Conditions met as follows: Ordinance has been prepared in accordance actions taken by Council at first reading. Applicant: City of Austin (Development Review and Inspection Department). City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 970717-A approved**

23. C14-96-0149 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 4712 Bolm Road, from "LI", Limited Industrial Services to "LO-CO", Limited Office-Conditional Overlay zoning with conditions. First reading on July 10, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin (Development Review and Inspection Department). City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 970717-b approved**

**Items 22 and 23 approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

24. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 15000 to 15016 North FM 620 Road, Case No. C14-97-0030, from "DR" Development Reserve to "CS-CO", Commercial Services-Conditional Overlay zoning with conditions. First reading on June 26, 1997; Vote 6-1, Goodman voting "No." Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: GDC Interests (Henry Dekeratry); Agent: IRM Architects (Hugo Bazan). City staff: David Wahlgren, 499-6455.

**Postponed to July 31, 1997**

25. Set a public hearing on an ordinance amending City Code Section 13-8-3, the Local Amendments to the 1994 Uniform Building Code, by adding a new chapter providing requirements for straw bale construction. (No fiscal impact.) [Suggested date and time: August 21, 1997 at 6:00 p.m.]

**Approved**

26. Set a public hearing to amend Chapter 13-2 of the City Code by: amending the definition of home occupation found in Section 13-2-1; and the limitations on home occupations found in Section 13-2-260. (No fiscal impact.) [Suggested date and time: August 21, 1997 at 6:30 p.m.]

**Approved**

**Items 25 and 26 approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second,**

7-0 vote.

### Aviation

27. Approve execution of a contract with J.C. EVANS INSTRUCTION COMPANY, Austin, Texas, for construction of the Terminal Access Road at Austin-Bergstrom International Airport, in the amount of \$9,875,220.09, plus a contingency fund of \$987,522, for a total amount not to exceed \$10,862,742.09. (Funding is included in the 1996-97 amended Capital Budget for Aviation.) Low bid of four. DBE Subcontractor Participation: 12.36% (11.22% MBE, 1.14% WBE). [To be reviewed by Airport Advisory Board on July 15, 1997] (Recommended by Airport Advisory Board. 6-0).

**Approved**

28. Approve the execution of a contract with AUSTIN BRIDGE & ROAD, Austin, Texas, for construction of the North Access Road (eastern section of New Airport Drive) at Austin-Bergstrom International Airport, in the amount of \$851,149.95, plus a contingency fund of \$85,115, for a total amount not to exceed \$936,264.95. (Funding is included in the 1996-97 amended Capital Budget for Aviation.) Low bid of eight. DBE Subcontractor Participation: 44% (5% MBE, 39% WBE). [To be reviewed by Airport Advisory Board on July 15, 1997] (Recommended by Airport Advisory Board. 6-0).

**Approved**

Items 27 and 28 approved on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

### ITEMS FROM COUNCIL

29. Set public hearings to discuss repealing the Encampment Ordinance. (Suggested dates and times: July 31, 1997 at 7:00 p.m., and August 14, 1997 at 7:00 p.m.) [Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman]

**Approved with the inclusion of other homeless issues to be discussed on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

### 4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

30. C14-97-0035 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Monterey Oaks Boulevard and Brush Country Road from "RR", Rural Residence to "MF-2", Multifamily Residence (moderate density). Planning Commission Recommendation: To Grant "MF-2-CO", Multifamily Residence (moderate density)-Conditional Overlay zoning with conditions. Applicant: Williamson Creek Farm, LTD. (Jack Condon). Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Susan Villarreal, 499-6319.

**Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.**

**Motion to deny on, Councilmember Slusher's motion**

**Motion fails due to lack of second.**

Postponed two weeks to July 31, 1997 on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

31. SP-95-0485C - Public hearing to amend Chapter 13-2 of the Austin City Code by terminating the restrictive covenant of property locally known as 11000 North MoPac Expressway SB. The property is currently zoned "IP", Industrial Park. Planning Commission Recommendation: (to be heard on 7/8/97). Applicant: Stonelake Phase II West (Sarah Puckett); Agent: The Liverman Company (Robert J. Liverman). City Staff: David Lambert, 499-2830.A  
**Approved**

32. C14r-85-337 - Public hearing to amend Chapter 13-2 of the Austin City Code by amending the restrictive covenant for property locally known as 8,000 feet northeast of RM 620 and RM 2222. The property is currently zoned "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay zoning. Planning Commission Recommendation: To Approve the amendment to the restrictive covenant. Applicant: Fairfield Residential, Inc. (Glenn D. Jones); Agent: Land Strategies, Inc. (Paul Linehan). City Staff: Susan Villarreal, 499-6319.  
**Approved**

Items 31 and 32 approved on, Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

33. C14-97-0021 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as South Congress Avenue at Eberhart Lane from "SF-3", Family Residence to "MF-2", Multifamily Residence (low density). Planning Commission Recommendation: To Grant "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay zoning with conditions. Applicant: R.S. Shawell & Alfred Constanzo; Agent: Crocker Consulting (Sarah Crocker). City Staff: Joe Arriaga, 499-2308.

**Approved on first reading only with amendment by Councilmember Goodman; limiting to 100 units on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.**

34. C14-97-0045 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9731 North IH 35 Service Road NB from "SF-2", Single Family Residence (standard lot) to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay zoning with conditions. Applicant: Estate of Roy M. McNair (J.D. Baskin); Agent: Situs Planning & Design (John Warden). City Staff: Susan Villarreal, 499-6319.

**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

**Motion to prohibit access to Middle Fiskville and a friendly amendment by Councilmember Spelman to provide for access on Middle Fiskville Road with conditional use on, Councilmember Goodman's motion, Councilmember Lewis' second,**

**No vote taken**

**Motion to postpone to September 11, 1997 so applicant and neighborhood can come to an**

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

35. C14-97-0037 - Public hearing and approval of an amendment to Chapter 13-2 of the Austin City Code by zoning property locally known as 8700 to 8900 Cameron Road (odd #'s); 8800 to 8914 Pleasant Lane (even #'s) and 8737 Cross Park Drive from "SF-3" Single Family Residence to "CS", General Commercial Services. Planning Commission Recommendation: To grant "CS" General Commercial Services zoning. Applicant: DJW Investments (Evan Williams); Agent: Holt Planners (David B. Holt). City staff: Antonio Gonzalez, 499-2243. (Related to Item 36)  
Ordinance No. 970717-C approved

36. C14-97-0038 - Public hearing and approval of an amendment to Chapter 13-2 of the Austin City Code by zoning property locally known as 8607 to 8621 Cameron Road (odd #'s); 8607 to 8621 Future Drive; and 8736 Cross Park Drive, from "SF-2", Single Family Residence (standard lot) to "CS", General Commercial Services. Planning Commission Recommendation: To grant "CS" General Commercial Services zoning. Applicant: DJW Investments (Evan Williams); Agent: Hold Planners (David B. Holt). City Staff: Antonio Gonzalez, 499-2243. (Related to Item 35)  
Ordinance No. 970717-D approved

Items 35 and 36 approved on, Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

37. C14-97-0047 - Public hearing and approval of an amendment to Chapter 13-2 of the Austin City Code by zoning property locally known as 2100-2200 Block of S. Pleasant Valley Road from "MF-4-CO", Multifamily Residence (moderate-high density)-Conditional Overlay (overlay limited site to MF-3 development standards) to "GR" Community Commercial. Planning Commission Recommendation: To grant "GR-CO" Community Commercial-Conditional Overlay zoning with conditions. Applicant: Assured Group (Don Valk); Agent: Mike Killebrew. City staff: David Wahlgren, 499-6455.  
Postponed indefinitely not to exceed two months.

## PUBLIC HEARINGS

38. 6:00- P.M. - Public hearing on proposed amendments to Title XIII (Land Development Code) of the Austin City Code to: 1) add a new Chapter 13-9 relating to a Traditional Neighborhood Zoning District; 2) amend Section 13-2-21 to add a Traditional Neighborhood Zoning District as a Special Purpose Base District; 3) amend Chapter 13-2 to add a new Section 13-2-95 relating to a Traditional Neighborhood Zoning District; 4) amend Section 13-2-731 relating to applicability of compatibility standards and; 5) amend Chapter 13-2, Article VII to regulate a Traditional Neighborhood Sign District. (No fiscal impact.)  
Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Lewis' second, 6-0 vote, Mayor Pro Tem Garcia off the dais.
39. 6:30 - P.M. - Public hearing on proposed amendments to Title XIII (Land Development

Code) of the Austin City Code of 1992 by adding a new Section 13-2-90, creating an "EA" East Austin Overlay Combining District; adding a new Section 13-2-191, relating to the regulation of uses within the "EA" East Austin Overlay Combining District; and adding a new Section 13-2-192 creating and regulating a commercial corridor for the area bounded by IH-35, Airport Boulevard and Town Lake.

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Griffith off the dais.

#### ACTION ON PUBLIC HEARINGS

40. Approve an ordinance approving the following amendments to Title XIII (Land Development Code) of the Austin City Code to: 1) add a new Chapter 13-9 relating to a Traditional Neighborhood Zoning District; 2) amend Section 13-2-21 to add a Traditional Neighborhood Zoning District as a Special Purpose Base District; 3) amend Chapter 13-2 to add a new Section 13-2-95 relating to a Traditional Neighborhood Zoning District; 4) amend Section 13-2-731 relating to applicability of compatibility standards and; 5) amend Chapter 13-2, Article VII to regulate a Traditional Sign District. (Reviewed by Urban Transportation Commission, Environmental Board, Parks Board, and Recommended by Planning Commission)  
Ordinance No. 970717-E approved on Councilmember Goodman's motion, Councilmember Lewis' second, 6-0 vote, Councilmember Griffith off the dais.

41. Approve an ordinance approving the following amendments to Title XIII (Land Development Code) of the Austin City Code of 1992 by adding a new Section 13-2-90, creating an "EA" East Austin Overlay Combining District; adding a new Section 13-2-191, relating to the regulation of uses within the "EA" East Austin Overlay Combining District; and adding a new Section 13-2-192 creating and regulating a commercial corridor for the area bounded by IH-35, Airport Boulevard and Town Lake. (Recommended by Planning Commission)  
Motion to approve by Mayor Pro Tem Garcia's, Councilmember Goodman's second,

Friendly amendment by Councilmember Goodman: to add to page 2 line 29, after laundry services "except where proposed use is 5,000 feet or less"; to add at line 37, "more restrictive zoning district, or laundry services with less than 5,000 square feet", on page 4 of 5, line 1 change 150 to 360, line 2, change 150 to 360, line 3, change 150 to 360, and on page 5 of 5 line 4, "this ordinance takes effect on July 18, 1997",

Maker accepts friendly amendment,

Substitute motion by Councilmember Spelman, Councilmember Lewis' second, to delete section 2-192 approved for emergency passage, 7-0 vote.

Motion by Councilmember Spelman, to insert hardship provision, Councilmember Lewis' second,

Motion withdrawn

Motion by Councilmember Spelman, to request Planning Commission recommendation on



hardship provision, Councilmember Lewis' second,

Motion withdrawn

Ordinance No. 970717-F approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 11:00 a.m. to 1:15 p.m. on items 51, 52, 53 and 54.

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.

Private Consultation with Attorney - Section 551.071

42. Discuss Cause No. 97-05393; IBC Partners, Ltd., A Texas Limited Partnership, And Foster Family Land, Ltd., A Texas Limited Partnership vs. The City of Austin, et al., Travis County District Court.
43. Discuss Pelzel & Associates, Inc. v. The City of Austin, Cause No. 93-14549, Travis County District Court.
44. Discuss Debbie Galloway as next friend of Rollins, a Minor v. City of Austin, et al, No. 96-CA-833SS, United States District Court for the Western District of Texas.
45. Discuss Zilker Eagle Inc. v. City of Austin et al, No. 96-CA-613JN, United States District Court for the Western District of Texas.
46. Discuss Austinites for a Little Less Corruption! aka No More Corruption!, Brent White, Linda Curtis, Kirck Mitchell, Susan Maldonado, Randall Dugger, Cecilia Ann Richards, and Brian Rodgers v. City of Austin, Texas, and Elden Aldridge, Clerk of the City of Austin, No. 97-CA-120SS, United States District Court for the Western District of Texas.
47. Discuss legal issues and requirements relating to annexation of territory.
48. Discuss legal issues and requirements relating to Sections 481.141 through 481.143 of the Texas Government Code (S.B. 1704).
49. Discuss Travis County Landfill Company v. City of Austin; CA No. 97-07362, Travis County District Court.

ACTION ON EXECUTIVE SESSION ITEMS

50. Approve submission of Pelzel & Associates, Inc. v. The City of Austin, Cause No. 93-14549,

Travis County District Court, to binding arbitration.

**Approved**

51. Approve amendment to professional service agreement with Dr. James T. O'Connor, P.E., Ph. D. for consulting services in Pelzel & Associates, Inc. v. The City of Austin, Cause No. 93-14549, Travis County District Court.

**Approved in an amount not to exceed \$68,000.**

52. Approve an amendment to the professional service agreement with GEORGE, DONALDSON & FORD, L.P., for legal services in Austinites for a Little Less Corruption! aka No More Corruption!, Brent White, Linda Curtis, Kirk Mitchell, Susan Maldonado, Randall Dugger, Cecilia Ann Richards and Brian Rodgers v. City of Austin, Texas and Elden Aldridge, Clerk of the City of Austin, No. 97-CA-120SS, United States District Court for the Western District of Texas, in the amount of \$17,000, for a total contract amount of \$55,000. (Funding is available in the 1996-97 Operating Budget of the Law Department.)

**Approved a total contract amount of \$17,000 for a total contract amount of \$55,000.**

#### ADDENDUM

JULY 17, 1997

#### EXECUTIVE SESSION

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.

#### ACTION ON EXECUTIVE SESSION ITEMS

53. Approve settlement in Debbie Galloway as next friend of Tyrone Rollins, a minor v. City of Austin, et al. No. 96-CA-833SS, United States District Court for the Western District of Texas.  
**Approved in an amount not to exceed \$55,000**

Items 50 through 53 approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ADJOURNED at 11:00

Approved on this the 24<sup>th</sup> day of July, 1997 on, Councilmember Goodman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia absent.