



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, JULY 16, 1998

Mayor Watson called the meeting to order noting the temporary absence of Councilmembers Griffith, Slusher and Spelman.

1. Approval of Minutes for Regular Meetings of July 8 & 9, 1998.  
Approved on Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Spelman off the dais.

## CITIZEN COMMUNICATIONS: GENERAL

2. Gus Pena, to discuss the budget process, health clinic budget and the need for more staff.
3. Greg Ericson, to discuss open government.  
**Absent**
4. Dr. Amilcar Shabazz, to discuss the renaming of Rosewood Street to Dorothy Turner Boulevard.
5. John K. McMillan, to request that the City of Austin cosponsor the establishment of an All-Texas Rock garden and museum in town.
6. Michael Bonds, to discuss APD.
7. James Hitselbergen, to discuss police arrest policy.
8. Robert Howard, to discuss libertarian perspective on the Bond Election and Cinema West.
9. Alvin Youngblood, to discuss railroad crossings in East Austin.
10. Suzanne Mitchell, to discuss the Solar Explorer Program.

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZEN COMMUNICATIONS: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

### ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve a resolution authorizing negotiation and execution of a Managed Growth Agreement with St. Theresa's Catholic Church for development over a fifteen-year period under current regulations. (No fiscal impact.) [Recommended by Planning Commission]  
**Resolution No. 980716-11 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**
12. Authorize negotiation and execution of a lease not to exceed \$125,000 or purchase at appraised value not to exceed \$450,000 of the Cinema West Theater. (Councilmember Jackie Goodman)  
**Pulled off agenda**

### Parks and Recreation

13. Approve an ordinance authorizing the issuance of a free lifetime pass for Barton Springs Pool to Robert Eckhardt. (No fiscal impact.) [Recommended by Parks Board]  
**Ordinance No. 980716-A approved**

### Finance and Administrative Services

14. Approve a resolution authorizing execution of a twelve month supply agreement with CENTEX MATERIALS, Austin, Texas, for the purchase of premixed concrete to be used in various construction projects by the Parks and Recreation Department, in an amount not to exceed \$90,000 with the option to extend for two additional twelve month periods in an amount not to exceed \$90,000 per extension, for a total amount not to exceed \$270,000. (Funding in the amount of \$30,000 was included in the 1997-98 Operating budget of the Parks and Recreation Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 980716-14 approved**

**Items 13 and 14 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

### Watershed Protection

15. Approve a resolution authorizing negotiation of an Interlocal Agreement with LCRA providing for the project management of the Waller Creek Flood Control Bypass Tunnel. (No fiscal impact.) [Recommended with conditions by Environmental Board]

Resolution No. 980716-15 approved with a friendly amendment by Mayor Pro Tem Garcia to change #4 to read: Request for bids on construction contracts are subject to City of Austin Regulations including M/WBE goals, amendment accepted by maker, Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

16. Set a public hearing on a variance request by the Parks and Recreation Department to construct a parking lot for Red Bud Isle in the 25-year flood plain. (Suggested date and time: July 30, 1998 at 6:30 p.m.)

Resolution No. 980716-16 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

### Aviation

17. Approve a resolution adopting official intent relating to the ADS/Aero Austin LP project at Austin-Bergstrom International Airport in order to qualify expenditures for tax exemption.  
Postpone to August 6, 1998 on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

### Planning, Environmental and Conservation Services

18. Approve a resolution authorizing negotiation and execution of a twelve month Interlocal Agreement with the UNIVERSITY OF TEXAS SCHOOL OF ARCHITECTURE AND PLANNING for technical and logistical support to conduct a Regional Sustainable Community Indicators project, in an amount not to exceed \$10,000 with the option to extend for two additional twelve month periods in an amount not to exceed \$10,000 for each extension, for a total contract amount not to exceed \$30,000. (Funding was included in the 1997-98 Operating budget of the Planning, Environmental and Conservation Services Department's Sustainable Communities Initiative. Funding for the extension options is contingent upon available funding in future budgets.)  
Resolution No. 980716-18 approved

### Law

19. Approve a resolution authorizing additional funds to GEORGE, DONALDSON & FORD for legal services in AT&T Communications of the Southwest v. City of Austin, in the amount of \$40,000, for a total amount not to exceed \$70,000. (Funding is available in the 1997-98 Operating Budget for the Telecommunications and Regulatory Affairs.)  
Resolution No. 980716-19 approved

### Police

20. Approve a resolution authorizing negotiation and execution of an agreement with Austin Free Net to enhance community policing efforts through access to computer technology in six neighborhood facilities, utilizing federal grant funding, in an amount not to exceed \$81,000. (Funding is available

from the U.S. Department of Justice, Office of Community Policing Services (COPS) as part of a \$1.0 million grant award received by the City.)

**Resolution No. 980716-20 approved**

21. Amend Ordinance 980212-J, by establishing the classifications and positions in the classified service of the Police Department; eliminating and creating certain classified positions.  
**Ordinance No. 980716-B approved**

**Items 18 through 21 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

### Public Works

22. Approve a resolution authorizing negotiation and execution of a license agreement with the CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, for use of CMTA property located on East 5<sup>th</sup> Street between Onion and Comal Streets for the construction and maintenance of the Plaza Saltillo improvements project, in an annual amount equal to 12% of the appraised value of the property not to exceed \$26,160 in the first year, subject to an adjustment every five years after the first year, in an amount not to exceed 12% of the appraised value of the property. (Funding is available in the 1997-98 Operating Budget of the Parks and Recreation Department.)  
**Resolution No. 980716-22 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 5-0-2 vote, Councilmembers Griffith and Slusher "ABSTAINING".**
23. Amend Ordinance No. 970915-A, the 1997-98 Capital Budget for the Department of Public Works and Transportation by creating a new account named Plaza Saltillo Improvements and appropriating \$1,000,000 for construction. (Funding is available in the 1997-98 CIP Contingency Fund.)  
**Ordinance No. 980716-C approved**

### Information Systems

24. Amend Ordinance No. 970917-A, the 1997-98 Operating Budget, by reducing the General Fund Contingency Reserve by \$400,000 and increasing the General Fund Transfers Out to the Capital Budget by \$400,000; Amend Ordinance No. 970915-A, by amending the 1997-98 Capital Budget of the Financial Services Department, increasing Transfers In from the General Fund and appropriating \$400,000 to the Year 2000 project.  
**Ordinance No. 980716-D approved**

### Development Review and Inspection

25. Approve a resolution to issue a Request for Proposals (RFP) with an incentive package to promote development of a Traditional Neighborhood District within a specified area of east Austin. (No fiscal impact.)

**Resolution No. 980716-25 approved**

26. C14-98-0019 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 8005 Georgian Drive from "MF-3", Multi Family Residence (Medium Density) to " GR-MU-CO", Community Commercial-Mixed Use-Conditional Overlay. First reading on June 11, 1998; Vote 6-0, Mayor Watson off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: Georgian Investments (Zahir Walji). Agent: Armburst, Brown & Davis (Jeb Brown). City Staff: Don Perryman, 499-2786.

**Ordinance No. 980716-E approved**

27. C14-98-0005 - Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 2305 Rio Grande Street from "MF-4", Multi-Family Residence (Moderate-High Density) to "GR-MU-CO", General Office-Mixed Use-Conditional Overlay District zoning with conditions. First reading on May 14, 1998; Vote 5-0, Spelman and Garcia off the dais. Applicant: 2305 Rio Grande Joint Venture (Bill Roland, Manager); Agent: Bill Roland. City Staff: Don Perryman, 499-2786.

**Approved second reading only**

**ITEMS FROM COUNCIL**

28. Direct the City Manager to study the feasibility of amending the City Code to prohibit the location of adult oriented businesses adjacent to commercially owned playgrounds. (Councilmembers Jackie Goodman and Daryl Slusher)

**Approved**

29. Approve an Ordinance prohibiting acceptance of applications for permits or the issuance of permits, for the replacement of off-premise nonconforming signs under City Code Section 13-2-854(b)(4) within the City of Austin's planning jurisdiction for a period of six months; and declaring an emergency. (Mayor Pro Tem Gus Garcia, Councilmembers Jackie Goodman and Willie Lewis)

**Ordinance No. 980716-F approved**

**Items 22 through 29 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

30. Direct the City Manager to work with Lamar/Sixth Austin, Inc. to develop a modified fee structure and an infrastructure package for the three block, downtown, retail project known as "The Austin Marketplace." (Mayor Kirk Watson, Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)

**Approved with amendment by Mayor Pro Tem Garcia to hold a two-hour special called meeting on August 4, 1998, amendment accepted by seconder Councilmember Goodman, 7-0 vote.**

31. Approve a resolution extending the deadline for plans, reports and recommendations from the Homeless Initiatives Committees to August 20, 1998. (Mayor Kirk Watson)  
Resolution No. 980716-31 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

Recessed Council Meeting for AHFC meeting at 4:30 p.m.

### 3:30 P.M. – BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

President Watson called the meeting to order at 4:26 p.m., noting the presence of all Boardmembers.

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 32-34 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

32. Approve a resolution authorizing the appointment of Joe Canales to the office of Secretary of the Austin Housing Finance Corporation for a term to expire on June 15, 1999 and authorize him to carry out the duties assigned by the Board of Directors in accordance with the By-laws of the Corporation. (No fiscal impact.)  
Resolution No. 980716-32 approved on Boardmember Spelman's motion, Boardmember Slusher's second, 7-0 vote.
33. Approve a resolution authorizing negotiation and execution of a loan with the East Austin Economic Development Corporation (EAEDC) to fund pre-development costs for a 60-unit (one bedroom) elderly housing complex to be located on approximately 2.757 acres located on Techni-Center Drive, approximately 1200 feet west of the intersection of Techni-Center Drive and Highway 183/Ed Bluestein Boulevard, City of Austin, County of Travis, in an amount not to exceed \$44,000. (Funding is available in the amended Austin Housing Finance Corporation 1997-98 budget.)  
Pulled from the agenda
34. Approve a resolution authorizing negotiation and execution of a contract with the Guadalupe Neighborhood Development Corporation (GNDC) for the development of affordable housing for low and moderate income families at eight sites in the Guadalupe neighborhood, in an amount not to exceed \$235,528. (Funding is available in the amended 1997-98 Austin Housing Finance Corporation budget.)  
Postponed for one week on Boardmember Lewis' motion, Boardmember Goodman's second, 6-0 vote, Boardmember Slusher off the dais.

Adjourned AHFC meeting at 4:40 p.m.

Housing

35. Set a public hearing on proposed modifications and amendments to the Brackenridge Urban Renewal Plan TEX. R-94, in accordance with Chapter 374.014 (e) of the Texas Local Government Code. [Suggested date and time: August 20, 1998 at 6:30 p.m.] (No fiscal impact.) [Recommended by Urban Renewal Board]  
**Approved on Councilmember Goodman's motion, Councilmember Spelman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.**

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

36. C14-98-0015 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7112 Ed Bluestein Blvd., from "GR", Community Commercial, to "CS-1", Commercial Services-Liquor Sales District zoning. Planning Commission Recommendation: To Grant "CS-1", Commercial-Liquor Sales District zoning. Applicant: Keystone Austin Property Holding Corp. (Mr. John Saad); Agent: Austin Permit Service, Inc. (Melissa Whaley). City Staff: Ivan Naranjo, 499-2724. **(Related to Item 37)**  
**Ordinance No. 980716-G approved**
37. C14-98-0062 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7112 Ed Bluestein Blvd. from "CS-1", Commercial-Liquor Sales to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR", Community Commercial District zoning. Applicant: Keystone - Austin Property Holding Corp. (Wes Babb); Agent: Austin Permit Services. City Staff: Ivan Naranjo, 499-2724. **(Related to Item 36)**  
**Approved first reading only**
38. C14-98-0061 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8024 N. I-35 SB Service Road from "LO", Limited Office to "CS", General Commercial Services-Conditional Overlay District zoning with conditions. Applicant: Austin Lodging Group (Praven Bhakta); Agent: George Watson Architect (George Watson). City Staff: Antonio Gonzalez, 499-2243.  
**Ordinance No. 980716-H approved**
39. C14-98-0066 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 505 Powell Street from "MF-4", Multi-Family Residence, (Moderate-High Density) to "GO", General Office. Planning Commission Recommendation: to grant "GO", General Office district zoning. Applicant: Michael Ribe; Agent: Jim Bennett. City Staff: Antonio Gonzalez, 499-2243  
**Ordinance No. 980716-I approved**

**Items 36 through 39 approved on Councilmember Spelman's motion, Councilmember Goodman's second, 6-0 vote, Mayor Watson off the dais.**

## PUBLIC HEARINGS

40. 6:00 P.M. - Public hearing on an appeal by Mr. Brad Greenblum on behalf of GMRI, Inc., (Red Lobster Restaurant) of Sign Review Board's decision to deny a sign variance request for the property located at 109 West Anderson Lane.

**Motion to close public hearing by Councilmember Lewis, Councilmember Slusher's second, 7-0 vote.**

**Motion to reopen public hearing by Councilmember Slusher, Councilmember Lewis' second, 7-0 vote.**

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

## ACTION ON PUBLIC HEARINGS

41. Act on an appeal by Mr. Brad Greenblum on behalf of GMRI, Inc. (Red Lobster Restaurant) of Sign Review Board's decision to deny a sign variance request for the property located at 109 West Anderson Lane.

**Motion to deny appeal by Mayor Pro Tem Garcia, Councilmember Slusher's second, 5-2 vote, Mayor Watson and Councilmember Lewis voting "NO".**

## EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:00 p.m. to 1:30 p.m.

Executive session held at 5:20 p.m. to 6:55 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

## Real Property – Section 551.072

42. Discuss acquisition of property for expansion of the Convention Center.

## Private Consultation with Attorney - 551.071

43. Discuss Ira and Charmaine Bedford, et al. v. The City of Austin, et al., Cause No. A-97-CV-094-SS, United States District Court for Western District of Texas.



## ACTION ON THE FOLLOWING

44. Authorize fee simple acquisition of 9,582 square feet of land and improvements legally described as Lot 2, The Railyard; Austin, Travis County, Texas, locally known as 519 East 4th Street from SW States Management & Louis Shanks of Texas, Inc., for the expansion of the Convention Center.

**No action taken**

45. Authorize the filing of eminent domain proceedings in the event negotiations are unsuccessful for the fee simple acquisition of 9,582 square feet of land and improvements legally described as Lot 2, The Railyard, Austin, Travis County, Texas, locally known as 519 East 4th Street owned by SW States Management & Louis Shanks of Texas, Inc., for the expansion of the Convention Center.

**No action taken**

## 46. APPOINTMENTS

Mayor's Committee People w/Disabilities – JOHN CASTILLO (MAYOR KIRK WATSON), OLACHI N. EZEH (MAYOR KIRK WATSON), DARRELY SIPPIO (MAYOR KIRK WATSON)

Solid Waste Operations Task Force – J.D. PORTER (CONSENSUS-SOLID WASTE ADVISORY COMMISSION REP.)

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

## ADDENDUM

JULY 16, 1998

47. Report on EMS and funding issues.

Report given by Assistant City Manager Jim Smith, Sue Edwards and Dr. Ed Rock. No action taken.

ADJOURNED at 7:50 p.m. on Councilmember Lewis' motion, Councilmember Griffith's second, 7-0 vote.

Approved on this the 23<sup>rd</sup> day of July, 1998 on Councilmember Goodman's motion, Councilmember Spelman's second, 5-0 vote, Mayor Watson and Councilmember Griffith off the dais.