



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, SEPTEMBER 3, 1998

Mayor Watson called the meeting to order, Councilmember Griffith off the dais.

1. Approval of Minutes for Regular Meetings of August 26 & 27, 1998.
Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Griffith, Lewis and Spelman off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Leonard Lyons, to discuss the purchasing process.
3. Reverend J. Paul Montgomery, to present a poster (LBJ).
4. Kenneth Snyder
5. Mike Alexander, to discuss the Noise Ordinance.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

6. Approve a resolution authorizing negotiation and execution of a thirty-six month management agreement with THE MUSIC MANAGEMENT COMPANY, Austin, Texas, for the management and operation of the Austin Music Network, in an amount not to exceed \$800,000 with two thirty-six month extension options, for a total contract amount not to exceed \$800,000. (Funding in the amount of \$41,667 is available in the 1997-98 Operating budget of the Finance and Administrative Services Department. Remaining funds will be charged to the 1998-99 Operating budget of the Finance and Administrative Services Department.) Best proposal of four. No M/WBE Subcontracting opportunities were identified.

Approve staff recommendation on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second with the addition of direction to the City Manager to negotiate a contract along with Rick Melkur and his firm along the lines recommended by the Music Commission, Mayor Pro Tem Garcia accepted.

Councilmember Spelman also explained that this motion included direction to the City Manager in the negotiation of the contract, it would contain a provision for the City to be able to ascertain during periodic review whether the terms of the contract are being met and whether the party is meeting the needs of the public with recourse being cancellation and City Manager to figure out what that annual period, when it begins and ends; Mayor Pro Tem Garcia accepted.

Leaving original motion as presented by Mayor Pro Tem Garcia and making friendly amendment from Councilmember Spelman a substitute motion by Councilmember Goodman, Mayor Pro Tem Garcia seconded

Friendly amendment by Councilmember Goodman to add the addition that some kind of public accountability component is written and on going, direction given to City Manager to negotiate on certain percentage of Austin artist content in the commercials, and work with Time Warner to retain current tier; accepted by Mayor Pro Tem Garcia as seconder of the motion.

Friendly amendment by Councilmember Slusher to require a criteria for ethnic and music disparity of Austin's artists.

Friendly amendment accepted.

Mayor Watson stated that the motion for the amendment to the main motion is to approve staff recommendations put forth by the Austin Music Commission, the ascertainment provision, including the recourse discussion regarding cancellation, and the requirement of ethnic and musical diversity; also to consider public accountability component, it's ongoing and interactive either with us or the Commission; consider asking that a certain percentage of Austin artists be part of any commercials, meaning the music or the actors; and that lastly we renegotiate if at all possible with Time Warner for the retention of AMN's current place in the tier, by Councilmember Goodman, Mayor Pro Tem Garcia's second,

Friendly amendment by Councilmember Griffith to request that the City Manager give a short interim quarterly report on income and expenses and the status of the operations for one year beginning six months after startup.

Friendly amendment accepted by maker Councilmember Goodman and Mayor Pro Tem Garcia seconder.

Mayor Watson called for vote on substitute motion, 7-0 vote.

Mayor Watson called for vote on main motion, 6-1 vote, Councilmember Goodman voting "NO".

7. Approve a resolution authorizing execution of a contract with ANCHOR FENCE, New Braunfels, Texas, for the purchase and installation of a chain link fence at the Balcones Canyonlands Preserve, in an amount not to exceed \$97,762.70. (Funding was included in the 1997-98 Capital

budget of the Parks and Recreation Department.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

Postponed

8. Approve a resolution authorizing execution of a twelve month service agreement with EXECUTIVE SERVICE SYSTEMS, INC., Austin, Texas, for armed security guard services for Municipal Court, in an amount not to exceed \$187,815 with two twelve month extension options, in an amount not to exceed \$187,815 per extension, for a total contract amount not to exceed \$563,445. (Funding in the amount of \$15,651 was included in the 1997-98 Security Fund Budget for Municipal Court; funding for the final eleven months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

Postponed

2:00 P.M. TIME CERTAIN - BOND SALE (Items 9-11)

9. Approve an ordinance authorizing the issuance of \$13,430,000 City of Austin, Texas, Public Improvement Bonds, Series 1998, and all related documents and declaring an emergency. (\$763,633 estimated debt service requirement and \$350 annual administration fee for the paying agent/registrar for the proposed bond sale is provided in the 1998-99 proposed budget of the General Obligation Debt Service Fund.)

Ordinance No. 980903-E approved

10. Approve an ordinance authorizing the issuance of \$22,770,000 City of Austin, Texas, Certificates of Obligation, Series 1998, and all related documents and declaring an emergency. (\$1,868,230 debt service requirement and \$350 annual administration fee for the paying agent/registrar for the proposed certificate of obligation sale is provided in the 1998-99 proposed budget of the General Obligation Debt Service Fund.)

Ordinance No. 980903-F approved

11. Approve an ordinance authorizing the issuance of \$14,975,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1998, and all related documents and declaring an emergency. (\$1,192,275 debt service requirement and \$350 annual administration fee for the paying agent/registrar for the proposed contractual obligation sale is provided in the 1998-99 proposed budget of the General Obligation Debt Service Fund.)

Ordinance No. 980903-G approved

Items 9 through 11 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Griffith off the dais.

12. Approve a resolution authorizing execution of a twelve month supply agreement with LINEAR DYNAMICS, INC., Parsippany, New Jersey, for the purchase of thermoplastic white and yellow marking material for pavement marking used by the Public Works and Transportation Department, in an amount not to exceed \$611,670 with two twelve month extension options in an amount not to exceed \$611,670 per extension, for a total contract amount not to exceed \$1,835,010. (Funding in the amount of \$50,973 was included in the 1997-98 Amended Operating budget of the Public Works and Transportation Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified.
Resolution No. 980903-12 approved
13. Approve a resolution expressing the City of Austin's intent to reimburse eligible costs associated with improvements to the City of Austin telecommunications network and Phase IIIB of the Greater Austin Area Telecommunications Network (GAATAN), in the amount of \$1,520,000. (Funding provided through the issuance of contractual obligations to be sold in September, 1998.) **[Related to Item 14]**
Resolution No. 980903-13 approved
14. Approve a resolution authorizing execution of a twelve month contract with SABREDATA, INC., Austin, Texas, for the purchase of electronic equipment configurations (routers, cables, connectors, port modules, jumpers, and routing software) to connect to the Greater Austin Telecommunications Network (GAATAN), in an amount not to exceed \$350,000 with four twelve month extension options in an amount not to exceed \$350,000 per extension, for a total contract amount of \$1,750,000. (Funding was included in the 1997-98 Amended Telecommunications Capital budget.) Low bid of three. No M/WBE Subcontracting opportunities were identified. **[Related to Item 13]**
Resolution No. 980903-14 approved
15. Approve a resolution authorizing execution of a contract with LUCENT TECHNOLOGIES, INC., Austin, Texas, for the purchase and installation of a software upgrade for the City's voice mail system and a upgrade to all connectivity to the GAATAN SONET network to ensure survivability of switching services in the event of a fiber cut, in the amount of \$266,483.99. (Funding in the amount of \$185,620.99 was included in the 1997-98 Operating budget of the Information Systems Office; \$80,863 was included in the 1997-98 Amended Telecommunications Capital budget.) Sole source. No M/WBE Subcontracting opportunities were identified.
Resolution No. 980903-15 approved
16. Approve a resolution authorizing execution of a twelve month service agreement with CAPITAL AREA TRAINING FOUNDATION, Austin, Texas, for Telecommunity Partnership services to help citizens benefit from telecommunications technology, in an amount not to exceed \$200,000 with two twelve month extension options in an amount not to exceed \$200,000 per extension, for a total contract amount not to exceed \$600,000. (Funding was included in the 1997-98 Telecommunity Fund of the Telecommunications and Regulatory Affairs Division of the Finance and Administrative Services Department. Future funding is contingent upon private donations.) Best proposal of four. No M/WBE Subcontracting opportunities were identified. **[Recommended by Telecommunications Commission]**
Resolution No. 980903-16 approved

17. Amend Ordinance No. 970917-A, the 1997-98 Operating Budget, by transferring appropriations in the amount of \$265,000 from the Health and Human Services Department to the Parks and Recreation Department for a contract with the American Institute for Learning for environmental services. **(Related to Item 18)**
Ordinance No. 980903-A approved
18. Approve a resolution authorizing negotiation and execution of a six-month contract with1 American Institute for Learning to provide environmental services to the Parks and Recreation and Housing and Neighborhood Services Departments, in an amount not to exceed \$265,000. (Funding was included in the 1997-98 Operating Budget of the Parks and Recreation Department.) **[Related to Item 17]**
Resolution No. 980903-18 approved

Water and Wastewater

19. Approve a resolution authorizing execution of a construction contract with 1904 CORPORATION, San Antonio, Texas, to reroof the Walnut Creek Wastewater Treatment Plant Operations Building, located at 7113 FM 969, in the amount of \$167,520.70. (Funding is included in the 1995-96 Amended Capital budget of the Water and Wastewater Utility.) Low bid of seven. 23.24% MBE, 8.81% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]
Resolution No. 980903-19 approved
20. Approve a resolution authorizing execution of a construction contract with CHEROKEE CONSTRUCTION, INC., (MBE/MN), Austin, Texas, for water line construction on the Anderson Mill Transmission Main, Phases IIA and IV, in the amount of \$1,874,065. (Funding was included in the 1991-92 Amended Capital budget of the Water and Wastewater Utility.) Low bid of six. 80.60% MBE Prime participation. 0% MBE, 14.21% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]
Resolution No. 980903-20 approved
21. Approve a resolution authorizing execution of a construction contract with KEYSTONE CONSTRUCTION, Austin, Texas, for the installation of water/wastewater lines to the Tanglewild Valley View area annexed in December 1994, in the amount of \$795,967.80 (Funding is available in the 1991-92 and 1997-98 Amended Capital budgets of the Water and Wastewater Utility.) Low bid of five. 23.9% MBE, 8.7% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]
Resolution No. 980903-21 approved
22. Approve a resolution authorizing the issuance of Unlimited Tax and Revenue Bond Series 1998 by River Place Municipal Utility District, in an amount not to exceed \$2,700,000; approving a substantial draft of the Bond Order and the Preliminary Official Statement. (No fiscal impact. The City is not obligated for payment on District bonds unless District is annexed and dissolved.) [Recommended by Water and Wastewater Commission]
Resolution No. 980903-22 approved

Watershed Protection

23. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with THE UNIVERSITY OF TEXAS AT AUSTIN'S CENTER FOR RESEARCH IN WATER RESOURCES, to evaluate data collected in the report entitled "Characterization of Stormwater Pollution for the Austin, Texas Area" prepared by the City's Stormwater Monitoring Program, for an eighteen month period, with the option to extend for an additional six month period, in the amount of \$100,000. (Funding is available in the 1997-98 Operating Budget of the Watershed Protection Department.) [Recommended by Environmental Board]
Resolution No. 980903-23 approved

24. Approve a resolution authorizing execution of a twelve month supply agreement with MUNICIPAL PIPE AND FABRICATING COMPANY, Austin, Texas, for the purchase of high density polyethylene pipe and fixtures used in drainage systems, in an amount not to exceed \$86,670 with two twelve month extension options in an amount not to exceed \$86,670 per extension, for a total contract amount not to exceed \$260,010. (Funding in the amount of \$7,223 was included in the 1997-98 Operating budget of the Watershed Protection Department. Funding for the remaining eleven months 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. 980903-24 approved

Items 12 through 24 approved on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

25. Approve an ordinance that establishes specific criteria, procedures and regulations for development of the St. Gabriel's Catholic School, to adopt an agreement with the Diocese of Austin, Texas and the Southwest Austin Catholic School, Inc., to require compliance with all City of Austin regulations, and to waive the filing and approval of a site plan for construction of Phase I of the project.
Ordinance No. 980903-I approved on Councilmember Spelman's motion, Councilmember Lewis' second, 6-0 vote, Councilmember Slusher off the dais.

Development Review and Inspection

26. C14-98-0068 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5707 River Place Boulevard, from "DR", Development Reserve district, to "SF-I-CO", Single-Family Residence (Large Lot)-Conditional Overlay district. First reading on August 6, 1998; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed at first ordinance reading. Applicant: Rio Dinero Ltd.; Agent: Blake Magee Company (Blake Magee). City Staff: Antonio Gonzalez, 499-2243.
Ordinance No. 980903-B approved on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

Planning, Environmental and Conservation Services

27. Approve an ordinance ordering an election to be held on November 3, 1998, on a proposition to dissolve Austin Municipal Utility Districts Nos. 1, 2 and 3.
Ordinance No. 980903-H approved
28. Approve a resolution authorizing execution of an agreement with Applied Materials, Inc., and Austin HB Residential Properties, Ltd., concerning the Harris Branch Development Area.
Resolution No. 980903-28 approved

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

EMS

29. Approve a resolution authorizing Amendment #5 to the Interlocal Agreement with Travis County for the provision of emergency medical service. (Revenue estimate for 1997-98 is \$1,400,000.)
Resolution No. 980903-29 approved on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

Public Works

30. Approve an ordinance amending the Austin City Code by modifying the Basic Traffic Ordinance, Section 15-4-4(D), Speed Limits, for the installation of a reduced speed school zone on Boulder Lane for the protection of students attending Canyon Creek Elementary School. (Funding in the amount of \$8,800 for school flashers and sign installation is available in the 1997-98 Child Safety Fund for the Department of Public Works and Transportation.)
Ordinance No. 980903-C approved on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

Recessed at 4:27 p.m. for the Board of Director's Meeting of the Austin Finance Corporation on Vice President Garcia's motion, Board Member Spelman's second, 7-0 vote.

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

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 31-32 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

31. Approve a resolution authorizing negotiation and execution of a contract with the American Institute for Learning (AIL) for the development of affordable housing for twenty low and moderate income families in the Springdale/Webberville targeted neighborhood, in an amount not to exceed \$430,000 (\$150,000 of this amount will be used as forgivable loans to purchasers of the affordable housing units). [Funding is available in the Amended 1997-98 AHFC Budget.]
Resolution No. 980903-31 approved on Vice President Garcia's motion, Board Member Goodman's second, 7-0 vote.
32. Approve a resolution to rescind the transfer of the Single Family Loan Program and corresponding amendment to the Austin Housing Finance Corporation (AHFC) 1997-98 budget adopted on March

11, 1998; and adjust the AHFC and Housing Assistance Fund 1997-98 operating budgets by decreasing the beginning balance of the AHFC budget by \$385,187 to \$1,356,897 and increasing the transfer from the Housing Assistance Fund to AHFC by \$385,187, for a total transfer of \$1,366,338 and amend the Housing Assistance Fund accordingly. (No fiscal impact.)

Resolution No. 980903-32 approved on Vice President Garcia's motion, Board Member Spelman's second, 7-0 vote.

Adjourned AHFC at 4:36 p.m. on Board Member Griffith's motion, Board Member Goodman's second, 7-0 vote.

ITEMS FROM COUNCIL

33. Approve a resolution to support a cooperative effort with the Austin Ice Bats to identify sites north of Town Lake and invite the Ice Bats to participate in the Smart Growth Matrix in an effort to provide incentives for positive development. (Mayor Kirk Watson, Councilmembers Jackie Goodman and Daryl Slusher)

Resolution No. 980903-33 approved on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

34. Approve an ordinance ordering an election on November 3, 1998, to authorize a venue project financed by a short-term motor vehicle rental tax and authorizing the lease of Palmer Auditorium for a performing arts center. (Mayor Kirk Watson, Mayor Pro Tem Gus Garcia and Councilmember Willie Lewis)

Ordinance No. 980903-J approved on Councilmember Goodman's motion, Councilmember Slusher's second, 7-0 vote.

35. Approve an Ordinance waiving Section 5-11-13(A) of the City Code and the Gate Receipts Payment of Ordinance No. 971016-1, for the temporary closure of a portion of Colorado Street, between 7th Street and 8th Street on October 14-15, 1998, for the Brown Building Gala Preview for the Benefit of the KLRU Endowment Fund. (Mayor Kirk Watson, Jackie Goodman and Mayor Pro Tem Gus Garcia)

Ordinance No. 980903-D approved

36. Approve a resolution authorizing the City Manager to initiate action to acquire the property bounded by the South Austin Multi-Purpose Center, 2611 Stacy Lane, and East Bouldin. (Councilmember Jackie Goodman)

Resolution No. 980903-36 approved

37. Approve a resolution directing the City Manager to work with Meals on Wheels to explore a partnership for attaining a larger facility for Meals on Wheels. (Councilmembers Daryl Slusher and Willie Lewis, and Mayor Pro Tem Gus Garcia)

Resolution No. 980903-37 approved

38. Approve a resolution directing the City Manager to study the feasibility of establishing a Senior Living Center at the city-owned Hargrave facility as requested by citizen petition. (Councilmembers Daryl Slusher and Willie Lewis, and Mayor Pro Tem Gus Garcia)

Resolution No. 980903-38 approved

Items 35 through 38 approved on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

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

39. C14-98-0028 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2515 Quarry Road from "SF-3", Family Residence to "SF-5", Urban Family Residence. Planning Commission Recommendation: To deny "SF-5", Urban Family Residence District zoning. Applicant: Steve Buerlein. City Staff: Don Perryman, 499-2786. (continued from 6/25/98, 7/23/98, 8/13/98 and 8/20/98) Note: A valid petition has been filed in opposition to this rezoning request.
Closed public hearing on Councilmember Goodman's motion, Councilmember Slusher's second, 7-0 vote.

Motion to approve by Councilmember Slusher, Councilmember Lewis' second, 5-2 vote, Councilmembers Goodman and Griffith voting "NO".

Denied request to grant SF-5 due to a 5-2 vote.

40. C14-98-0051 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 11558 Spicewood Parkway from "I-RR", Interim-Rural Residence district to "SF-6", Townhouse & Condominium district. Planning Commission Recommendation: To Grant "SF-6-CO", Townhouse & Condominium Residential-Conditional Overlay district zoning with conditions. Applicant: Churchill Development Corp. (A. J. Price); Agent: Garrett/Associates, Inc. (Michael Simmons-Smith). City Staff: David Wahlgren, 499-6455.
Approved Planning Commission recommendation first reading only on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

41. C14-98-0070 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 8127 Mesa Drive from "LR", Neighborhood Commercial district to "GR", Community Commercial district for Tract A, and from "GR", Community Commercial district to "LR", Neighborhood Commercial district for Tracts B and C. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions for Tract A, and "LR", Neighborhood Commercial District zoning for Tracts B and C. Applicant: Raw Hide Mesa Partners; Agent: Jim Bennett; City Staff: Antonio Gonzalez, 499-2243.
Close public hearing on Councilmember Griffith's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Lewis off the dais.

Ordinance No. 980903-K approved for Planning Commission recommendation. Applicant will write letter to the Balcones Civic Association agreeing to several items; staff should order a transcript of the City Council hearing on this case for future reference.

Motion to reconsider on Councilmember Goodman's motion, Councilmember Slusher's second, 7-0 vote.

Friendly amendment to agree on hours of not later than 11:00 p.m., no video games or pool tables

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

42. C14-98-0073 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 401 East Parmer Lane from "GR", Community Commercial district, "LI", Limited Industrial Services district and "GO", General Office district to "LI-PDA", Limited Industrial Services-Planned Development Area Combining District. Planning Commission Recommendation: To Grant "LI-PDA", Limited Industrial Services Combining District zoning with conditions. Applicant: Dell USA, L. P. (Kip Thompson); Agent: Armburst, Brown & Davis (Richard Suttle, Jr.). City Staff: David Wahlgren, 499-6455.

Approved Planning Commission recommendation subject to following modifications: The PDA document, pg. 4, should read: "No off-site traffic improvements shall be required in connection with any development unless otherwise required by restrictive covenant associated with cases C14-85-322 and C14-85-314", first reading only on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

43. C14-98-0075 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 6108 Bolm Road from "LI", Limited Industrial Services district to "W/LO", Warehouse Limited Office district. Planning Commission Recommendation: To Grant "W/LO", Warehouse/Limited Office district zoning. Applicant: G&M Texas, Inc. (Michael W. Girton); City Staff: Susan Villarreal, 499-6319. (continued from 8-13-98)

Close public hearing on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Lewis off the dais.

Motion to deny request on Mayor Pro Tem Garcia's motion, Councilmember Lewis' second,

Substitute motion to re-zone to LR, Neighborhood Retail on Councilmember Spelman's motion, Councilmember Griffith's second,

Friendly amendment for LR-MU, first reading only, neighborhood to identify uses to prohibit by second and third reading by Councilmember Spelman, Councilmember Griffith's second, 7-0 vote.

44. C14-98-0076 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 1205 Wells Branch Parkway from "I-RR", Interim-Rural Residence district to "LI", Limited Industrial Services district. Planning Commission Recommendation: To Grant "W/LO-CO", Warehouse/Limited Office-Conditional Overlay district zoning with conditions. Applicant: David Campbell; City Staff: David Wahlgren, 499-6455. (continued from 8-13-98)

Postponed to October 8, 1998 on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

45. C14-98-0080 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 504 West Oltorf from "LO", Limited Office district to "GR", Community Commercial district. Planning Commission Recommendation: To grant "LR-CO", Neighborhood Commercial-Conditional Overlay district zoning with conditions. Applicant: TU MUSICA (Rene Yeo); Agent: Roel Bazan, AIA. City Staff: Susan Villarreal, 499-6319.

Approved first reading only on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-0-1 vote, Councilmember Goodman "ABSTAINING".

46. C14-98-0082 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 12500 Tomanet Trail from "NO", Neighborhood Office district to "GR", Community Commercial district. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions. Applicant: Killough Investment Trust (Anita Worsham); Agent: Crocker Consulting (Sarah Crocker). City Staff: David Wahlgren, 499-6455.
Postponed to September 10, 1998 on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.
47. C14-98-0084 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 2900 South 5th Street from "SF-3", Family Residence district to "MF-1", Multi-Family Residence (Limited Density) district. Planning Commission Recommendation: To Grant "MF-1-CO", Multi-Family Residence-Conditional Overlay district zoning with conditions. Applicant: The Salvation Army (Major Robert Taylor); Agent: LZT Architects, Inc. (Herman Thun). City Staff: Susan Villarreal, 499-6319.
Approved first reading only on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-0-1 vote, Councilmember Goodman "ABSTAINING".

PUBLIC HEARINGS

48. 6:00 P.M. – Public hearing on the proposed 1998-99 tax revenue increase.
No speakers

Close public hearing on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 5-0 vote, Councilmembers Goodman and Spelman off the dais.
49. 6:30 P.M. – Public hearing on 1998-99 Operating Budget: Employee Compensation, Parks, Library, and Convention and Visitors Bureau.
136 speakers, cards on file in the Office of the City Clerk.

Close public hearing on Councilmember Spelman's motion, Councilmember Lewis' second, 6-0 vote, Mayor Pro Tem Garcia off the dais.
50. 7:00 P.M. - Public hearing on an appeal by Mr. Joe Quintero and Ms. Cathy Vasquez of the Planning Commission's decision to approve a Conditional Use Permit for the Arnold Oil Company located at 1645 East 6th Street. File #SPC-97-0441C. (Continued from August 6, 1998)
27 speakers, cards on file in the Office of the City Clerk.

Postponed to September 10, 1998 on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.
51. 7:30 P.M. – Public hearing on Town Lake Guiding Principles.
184 speakers, cards on file in the Office of the City Clerk.

Close Public hearing on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Reconsider closing public hearing on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Close public hearing on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

Motion to suspend rules to continue Council meeting past 10:00 p.m. by Councilmember Slusher, Councilmember Lewis' second, 7-0 vote.

ACTION ON PUBLIC HEARINGS

52. Approve a resolution calling a meeting on September 14, 1998 at 1:30 p.m., and on September 15 and 16, if necessary, to vote on the proposed tax rate.
Resolution No. 980903-52 approved with the following changes: September 14, 1998 @ 9:00 a.m.; September 15, 1998 @ 1:30 p.m. and September 16, 1998 @ 9:30 a.m. on Councilmember Lewis' motion, Councilmember Griffith's second, 4-0 vote, Mayor Pro Tem Garcia, Councilmembers Goodman and Spelman off the dais.
53. Approve/deny an appeal by Mr. Joe Quintero and Ms. Cathy Vasquez of the Planning Commission's decision to approve a Conditional Use Permit for the Arnold Oil Company located at 1645 East 6th Street. File #SPC-97-0441C. (Continued from August 6, 1998)
Postponed to September 10, 1998 on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

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

54. Discuss legal issues concerning Ordinance 970905-A (the "Interim Development" Ordinance).
55. Discuss Circle C Land Corp. v. City of Austin, CA No. 97-13994, Travis County District Court.
56. Discuss LS Ranch, Ltd., et al v. City of Austin, CA No. 97-1048, Travis County District Court.
57. Discuss Martha Cotera v. State of Texas, et al, and Civil Action No. A-98-CA-346JN, in the United States District Court for Western District of Texas, Austin Division.

58 APPOINTMENTS

Solid Waste Operations Task Force – 1 Solid Waste Industry Representative

ADDENDUM

September 3, 1998, Austin, Texas City Council Agenda

4:30 P.M.-ZONING HEARINGS AND APPROVAL OF ORDINANCES (continued)

59. SP-97-0486C-Public hearing to approve a site plan required by a restrictive covenant for property locally known as 6108 Bolm Road, Existing zoning "LI" Limited Industrial Services District. Planning commission Recommendation: To approve the site plan. Applicant: G&M Texas, Inc. (Michael W. Gorton): Agent: Insights Unlimited (David Weiss). [Related to Item 43]
Postponed until zoning determination on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

ADJOURNED at 11:25 p.m. on Councilmember Goodman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

Approved on this the 10th day of September, 1998 on Councilmember Griffith's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Spelman temporarily absent, Mayor Watson absent.