



Austin City Council MINUTES

THURSDAY, MAY 6, 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.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held at 12:40 p.m.

The City Council announces 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 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.

101. Discuss *John Goode d/b/a Mr. Bones v. City of Austin and Fine Host Corp.*, Cause No. A 98CA144SS, United States District Court for Western District of Texas.
102. Discuss legal issues concerning Chapter 5-7 of the Austin City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program).
103. Discuss legal issues concerning proposed condemnation of the leasehold interests of Austin Airmotive Ltd. in two parcels of land at the Austin-Bergstrom International Airport.
104. Discuss legal issues relating to the ordinance proposed by the Real Estate Council of Austin and the SOS Alliance
105. Discuss legal issues concerning the rights of a developer to continue a development proposal after annexation without full compliance with city regulations.
106. Discuss legal issues concerning proposed legislation in the 76th Legislature.

107. Discuss *James Chrisman Phillips, et.al., v. City of Austin, Texas*, Cause No. 98-13949, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
108. Discuss *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and Improvement District No. 14 v. Texas Natural Resource Conservation Commission, et al.*, Cause No. 97-12332, Travis County District Court; and *Request of Travis County Water Control and Improvement District No. 14 for Cease and Desist Order against Village of Bee Cave, Texas and Lower Colorado River Authority*, filed in the Texas Natural Resource Conservation Commission (undocketed).
109. Discuss *ADS/AERO Austin, L.P. v. City of Austin*, Civil Action No. A 98CA610SS, United States District Court for the Western District of Texas.
110. Discuss *Hector Fabela v. City of Austin*, Cause No. 97-01805, Travis County District Court.

Real Property - Section 551.072

111. Discuss possible land acquisition for affordable housing.
112. Discuss negotiations regarding the relocations of the facility located at 411 W. Second Street.
113. Discuss real property acquisition for the Barton Springs Clean Drinking Water Project (May 2, 1998 Election, Proposition Two).

Executive Session ended at 1:41 p.m.

LIVE MUSIC: Paul Quinn

INVOCATION – Reverend Alice Underwood - Hyde Park United Methodist Church

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 2:22 P.M. ON THURSDAY, MAY 6, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order noting the presence of all Council Members.

1. Approval of Minutes for Regular Meeting of April 15, 1999
Approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Sylvia Washington – To open a Placement Home at 2916 Webberville Dr., Austin
3. John Dolley – Andrews Nuclear Waste Facility
4. Gus Pena – To Discuss City Issues and City Health Clinics - **Absent**

5. William Foreman, Jr. – “An Issue That Divides”
6. Alvin L. Youngblood – Speed Bumps, Rosewood Park and Entertainment Center
7. Richard Troxell – Homelessness in Austin
8. Richard Donely – Neighborhood
9. Charles T. Waits, Jr. – Perceptions about “Green Power”
10. Jennifer L. Gale – City of Austin Health Care - **Absent**
11. Jennifer Bowles – Day Labor Site Change

BRIEFING

12. Briefing on options and estimated timeline for completion of the land use study.
The item was postponed to May 13, 1999 at the City Manager’s request.

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 GARCIA’S MOTION, COUNCIL MEMBER LEWIS’ SECOND BY A 7-0 VOTE.

13. Approve a resolution authorizing execution of Change Order #7 to the construction contract with A.D.WILLIS CO., Austin, Texas, to convert the existing fixed speed fan control in the air handling system to a variable speed unit, as part of the re-roofing and cooling tower replacement at the John Henry Faulk Library, increasing the contract in the amount of \$13,293 for a total contract amount of \$512,555. (Funding in an amount of \$13,293 was included in the 1995-96 Amended Capital Budget of Austin Energy.) 0% MBE; 100% WBE Subcontracting participation.
Resolution No. 990506-13 was approved.
14. Ratify the execution of a contract with MOTOROLA COMMUNICATION AND ELECTRONICS, INC., Austin, Texas for the purchase of a Radio Network Controller for the Information Systems Office in an amount not to exceed \$96,361. (Funding was included in the 1998-99 Capital Budget of Telecommunications.) Sole Source.
Resolution No. 990506-14 was approved.
15. Ratify the execution of a contract with TIBURON, INC., San Francisco, California, for an upgrade to the Tiburon Computer Aided Dispatch software for the Information Systems Office of the Financial Services Department in an amount not to exceed \$250,000. (Funding was included in the 1998-99 Capital Budget of the Telecommunications.) Sole Source.
Resolution No. 990506-15 was approved.
16. Approve a resolution authorizing execution of a twelve-month supply contract with FANCI THAT, Austin, Texas, for the purchase of collared knit pullover and logo application services in an amount not to exceed \$52,755.60 with two twelve-month extension options in an amount not to exceed \$52,755.60 per extension for a total contract amount not to exceed \$158,266.80. (Funding in an amount of \$26,378 was included in the 1998-99 Approved Operating Budget for various City

departments. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five. No MBE/WBE subcontracting participation.

Resolution No. 990506-16 was approved.

17. Approve a resolution authorizing execution of a contract with NEFF RENTALS, Austin, Texas, for purchase of ten beavertail implement trailers in the amount of \$118,590. (Funding in an amount of \$94,872 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility Department. \$23,718 was included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.) Low bid of seven. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990506-17 was approved.

18. Approve a resolution authorizing execution of a twelve month supply agreement with FURROW BUILDING MATERIALS, Austin, Texas, for the purchase of lumber in an amount not to exceed \$39,037.63 with two twelve-month extension options in an amount not to exceed \$39,037.63 per extension for a total contract amount not to exceed \$117,112.89. (Funding in the amount of \$16,266 was included in the 1998-99 Approved Operating Budget for various City departments. Funding for the remaining seven months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE Subcontracting participation.

Resolution No. 990506-18 was approved.

Items 19 and 20 were pulled for discussion.

21. Approve an Ordinance authorizing first reading of an ordinance granting a non-exclusive municipal consent agreement to TELEPORT COMMUNICATIONS HOUSTON INC., to provide telecommunications services. (Facilities will be under construction and will not be operational in Fiscal Year 1998-99. Revenue may result from fees to be negotiated in subsequent years.) [Telecommunications Commission on 4/14/99]

This item was approved on first reading only.

Items 22 and 23 were pulled for discussion.

24. Approve first reading of an ordinance authorizing a seven-year license agreement with a three year renewal option with LEVEL 3 COMMUNICATIONS, L.L.C. for placement of underground fiber optic cable in public rights-of-way over a designated route of the City.

Approved first reading only.

25. Approve first reading of an ordinance authorizing a license agreement with ENRON COMMUNICATIONS, INC., for placement of underground fiber optic cable in public rights-of-way. (\$64,448 Unanticipated Franchise Fee Revenue for the General Fund for 1998-99.)

Approved first reading only.

26. Approve a resolution authorizing execution of a twelve-month service agreement with EMR, Austin, Texas, for elevator maintenance services in the amount of \$49,416 with two twelve-month extension

options in amounts not to exceed \$49,416 per extension for a total contract amount not to exceed \$148,248. (Funding in the amount of \$22,176 is included in the Fiscal Year 1998-99 Approved Operating Budget for Building Services of the Financial and Administrative Services Department; \$5,700 for the Parks and Recreation Department; \$17,220 for the Water and Wastewater Department; and \$4,320 for the Austin Public Library.) Low bid of four. No MBE/WBE subcontracting participation.

Resolution No. 990506-26 was approved.

27. Approve an ordinance granting a seven-year franchise agreement with a five-year renewal option to Bluebonnet Electric Cooperative, Inc. (\$31,250 in unanticipated revenue for the 1998-99 General Fund) [Recommended by City Council Committee for Telecommunications on 4/27/99].

This item was approved on first reading only.

28. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget by recognizing an additional \$2,239,688 in beginning balance for the General Fund, and increasing the General Fund Contingency Reserve by \$2,239,688 as a result of the audited ending balance for 1997-98. (\$2,239,688 in additional ending balance from 1997-98)

Ordinance No. 990506-28 was approved.

29. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget amending the General Fund as follows:

- Increasing budgeted expenditures in the Development Review & Inspection Department by \$256,211;
- Increasing full time equivalents in the Development Review & Inspection Department by 11; and
- Decreasing the contingency reserve by \$256,211. Amending the Drainage Utility Fund (in the Watershed Protection Department) as follows:
 - Increasing full time equivalents in the Watershed Protection Department by 1.

(Related Items: General Fund Budget Amendment; Ordinance Amending by City Code Title 25) [Funding in an amount of \$256,211 is available in the 1998-99 General Fund Contingency Reserve.]

Ordinance No. 990506-29 was approved.

30. Approve a resolution authorizing confirmation of the reappointment of Dr. Judith Loreda to the Fire and Police Civil Service Commissions.

Resolution No. 990506-30 was approved.

31. Approve a resolution authorizing the negotiation and execution of a twelve month contract with SETON HEALTH PLAN, Austin, Texas, for the provision of health services to Texas Department of Health Medicaid recipients by the Austin/Travis County Health and Human Services Department for the period September 1, 1999 through August 31, 2000, with three twelve month extension options. (This contract will result in an undetermined amount of Medicaid revenue, with actual revenue depending upon the number of Medicaid clients selecting SETON HEALTH PLAN as their HMO and the City's Federally Qualified Health Center (FQHC) as their Primary Care Provider. A total of \$3,708,064 in Medicaid revenue is budgeted in the FQHC FY 1998-1999 operating budget. The Department anticipates a similar amount to be budgeted in the FQHC FY 1999-2000 operating budget.)

Resolution No. 990506-31 was approved.

32. Approve a resolution authorizing an Interlocal Cooperation Agreement with TRAVIS COUNTY to fund and administer a workforce development contract for the period of April 1, 1999, through September 30, 1999, at a cost to the City not to exceed \$336,017, with two twelve-month extension options at a maximum cost to the City of \$672,034 per extension. (Funding in the amount of \$336,017 was included in the Fiscal Year 1998-99 Operating Budget for the Health and Human Services Department, Social Services Fund. Funding for the two extension options is contingent on availability of funding in future budgets.)

Resolution No. 990506-32 was approved.

33. Approve the First Amendment to the Interlocal Cooperation Agreement between the City of Austin and Austin Independent School District for Community Education, effective from October 1, 1998 through September 30, 1999, for an amount not to exceed \$36,199. Total funding of the program under this Interlocal is \$1,095,750. (Funding in an amount of \$36,199 is available in the 1998-1999 Weed and Seed Grant received from the U.S. Department of Justice. Grant period is August 1, 1998 to July 31, 1999.)

Resolution No. 990506-33 was approved.

34. Approve an ordinance authorizing acceptance of an additional \$40,120 in grant funds from the TEXAS DEPARTMENT OF HEALTH HIV SURVEILLANCE grant program; amend Ordinance No. 980915-A, the 1998-99 Operating Budget; amend the Health and Human Services Department Special Revenue Fund by appropriating an additional \$40,120 in grant funds for a total current year grant appropriation of \$127,120; and authorize an additional grant funded full-time equivalent position (1.0 FTE) for a total of three grant funded positions (3.0 FTE). (Funding in an amount of \$40,120 is available from the HIV Surveillance grant. Grant period is January 1, 1999 to December 31, 1999. A grant match is not required.)

Ordinance No. 990506-34 was approved.

Item 35 was pulled for discussion.

36. Approve a resolution authorizing execution of a three-month contract with ENTERPRISE RENT-A-CAR, Austin, Texas, for the rental of eighteen fifteen-passenger vans, nine cargo vans and one full-size pickup truck for the Parks and Recreation Department summer programs in the amount of \$73,459.20. (Funding was included in the 1998-99 Operating Budget for Parks and Recreation. \$36,320.19 General Fund, \$20,459.25 Recreation Enterprise Fund and \$16,679.76 Summer Food Program Grant.) Low bid of two. No MBE/WBE subcontracting participation.

Resolution No. 990506-36 was approved.

37. Approve a resolution authorizing execution of Change Order #6 to the construction contract with SOUTHWEST CONSTRUCTORS, INC., Austin, Texas and the Austin Rosewood Community Development Corporation (ARCDC), to incorporate asphalt surface improvements as part of Central City Entertainment Center Bid Package 1, Site Work Project located at 1156 Hargrave Street, increasing the contract in the amount of \$28,432.70 for a total contract amount not to exceed \$1,110,864.03. (Funding in the amount of \$28,432.70 is included in the 1997-98 Capital Budget of

the Parks and Recreation Department.) 0% MBE; 88.66% WBE Subcontracting participation.
Resolution No. 990506-37 was approved.

38. Approve a resolution authorizing execution of Change Order #6 to the construction contract with DESCON CONSTRUCTION, INC., San Antonio, Texas and Austin Rosewood Community Development Corporation, for additional security and construction related items, increasing the contract in the amount of \$12,678.68, for a total contract amount not to exceed \$4,996,543.66. (Funding in the amount of \$12,678.68 is included in the 1997-98 Amended Capital Budget of the Parks & Recreation Department.) 2.71% MBE; 5.10% WBE Subcontracting participation.
Resolution No. 990506-38 was approved.

39. Approve an ordinance waiving certain fees associated with the street closures and use of Republic Park, for the first two years of the License Agreement (the "Agreement") with the Austin Museum of Art Guild, Inc. (\$18,450 in permit fees and revenue will be waived by this action. Street closures and fee waivers were not included in the budgeted revenue.
Ordinance No. 990506-39 was approved.

40. Approve a resolution authorizing negotiation and execution of a ten-year License Agreement (the "Agreement") for reservation and use of Republic Park and closure of streets with the Austin Museum of Art Guild, Inc., a Texas non-profit corporation to hold their annual Arts Festival, currently known as "Fiesta". (No fiscal impact to negotiate and execute this agreement, however, waiving these fees would have an impact of \$18,450 in permit fees and revenue. Street closure and fee waivers were not included in the budgeted revenue.)
Resolution No. 990506-40 was approved.

41. Approve a resolution authorizing execution of a twelve month supply agreement with DISPLAY TECHNOLOGIES, Downey, California, for purchase of pedestrian signal heads in an amount not to exceed \$54,075 with two twelve-month extension options in an amount not to exceed \$54,075 per extension, for a total amount not to exceed \$162,225. (Funding in an amount of \$22,531 was included in the 1998-99 Amended Capital and Operating Budget for the Department of Public Works and Transportation. Public Works will be charged appropriately as it withdraws from the inventory account. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five. No MBE/WBE subcontracting participation.
Resolution No. 990506-41 was approved.

42. Approve a resolution authorizing payment in the amount of \$186,500 to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of right-of-way acquisition for the U. S. 290/SH 71 Project, in accordance with the June 27, 1986 Contractual Agreement for Right-of-Way Procurement. (Funding in an amount of \$186,500 is available in the 1991-92 Amended Capital Budget of the Department of Public Works & Transportation.)
Resolution No. 990506-42 was approved.

43. Approve a resolution authorizing execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the relocation of existing water and wastewater facilities

as part of the U.S. 290/S.H. 71 (Ben White Boulevard) improvements from Payload Pass to Industrial Boulevard, in the amount of \$2,358,787. (Funding in an amount of \$1,661,616 is available in the 1998-99 Amended Capital Budget of the Water & Wastewater Utility; \$658,685 is available in the 1997-98 Amended Capital Budget of the Water & Wastewater Utility; \$38,486 is available in the 1998-99 Amended Capital budget of the Department of Public Works & Transportation.)
[Recommended by Water and Wastewater Commission]

Resolution No. 990506-43 was approved.

44. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple acquisition of a 0.53 of an acre portion of a called 23,888 acre tract of land described in a deed to Windcrest/Parkside, Ltd. as recorded in Volume 12239, Page 3 of the Real Property Records in Travis County, Texas, owned by Windcrest/Parkside Ltd. (Funding in an amount of \$1,325 was included in the 1996-1997 Amended Capital budget of the Public Works and Transportation Department.)

Resolution No. 990506-44 was approved.

45. Amend Chapter 16-2 of the Austin City Code of 1992, as amended, to change the designated authority for the Disabled Parking Enforcement Volunteers from the Director of the Department of Public Works and Transportation to the Chief of Police. (There is no cost associated with this change.)

Ordinance No. 990506-45 was approved.

46. Approve a resolution authorizing the application for and acceptance of \$422,723 in the sixth year grant funding from the Texas Department of Transportation, Texas Automobile Theft Authority, to continue the Auto Theft Interdiction Project in the Austin's Police Department. (Grant funding in an amount of \$422,723 is available form the Texas Department of Transportation, Texas Automobile Theft Authority, for the grant period of September 1, 1999 – August 31, 2000. A cash or in-kind match is not required.)

Resolution No. 990506-46 was approved.

47. Approve a resolution authorizing an amendment to the Tax Abatement Agreement with the LBJ Brown Building, L.P., (formerly the Canile Company, L.L.C.), for the Brown Building project. (The current assessed value of the parking garage is \$2.3 million. Therefore, based on the City's current tax rate, the City would receive approximately \$4,731 in additional revenue annually.)

Resolution No. 990506-47 was approved.

48. Approve first reading of an ordinance to annex, for the limited purposes (planning, zoning, health and safety), the approximately 588 acre Balfour tract located on the north side of Bee Cave Road approximately .5 miles west of the intersection of Bee Cave Road and Senna Hills Drive. (The limited purpose annexation of undeveloped land has no fiscal impact.)

Approved first reading only.

Item 49 was pulled for discussion.

50. Approve a resolution authorizing negotiation and execution of a contract with GREGORY C. RIGAMER AND ASSOCIATES, INC, Metairie La, to purchase a Property Revenue Information Management System (PRIMS) in an amount not to exceed \$260,456 with options to purchase maintenance for five additional years for \$39,068.40 per year for a total contract amount not to exceed \$455,798. (Funding in an amount of \$260,456 was included in the FY98-99 Capital Budget of the Department of Aviation (DOA). Funding for the maintenance options is contingent upon available funding being available in future budgets.) Best of five proposals received. No MBE/WBE Subcontracting participation. "Recommended by Airport Advisory Board."
Resolution No. 990506-50 was approved.

51. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the UNIVERSITY OF TEXAS AT AUSTIN to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit No. TXS00401. (No fiscal impact.)
Resolution No. 990506-51 was approved on Council Member Slusher's motion, Council Member Garcia's second by a 6-0-1 vote. Council Member Spelman abstained.

Item 52 was pulled for discussion.

53. Approve a resolution authorizing the execution of a contract with SCARAB MANUFACTURING AND LEASING, INC., White Deer, Texas, for the purchase of a composting machine in the amount of \$210,997. (Funding is included in the Fiscal Year 1998-99 Approved Operating Budget for the Water and Wastewater Utility.) Low bid of three. No MBE/WBE Subcontracting participation. [Recommended by Water and Wastewater Commission]
Resolution No. 990506-53 was approved.

54. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in a single-story, 1,500 square foot warehouse, situated on Lot 42, King's Village Subdivision in Travis County, Texas, owned by A Greater Austin Development Company, Inc. for the Howard Lane Pump Station Project. (Funding in an amount of \$105,000 was included in the 1997-1998 Amended Capital Budget of the Water and Wastewater Department.)
Resolution No. 990506-54 was approved.

55. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 2,226 square food permanent Wastewater Easement and 557 square foot. Temporary Work Space Easement, situated on Tract 2, Balcones Village Section 12-A, more commonly known as the Galleria Oaks Shopping Center in the City of Austin, Williamson County, Texas, owned by Galleria Associates for the widening of U.S. 183. (Funding in an amount of \$6,350 was included in the 1995-96 Capital Budget of the Water and Wastewater for the widening of U.S. 183.)
Resolution No. 990506-55 was approved.

56. Approve a resolution authorizing ratification of an amendment to a contract with WESTIN ENGINEERING, INC., Austin, Texas, for consulting services for Year 2000 Compliance Testing Review for the Water and Wastewater Department by increasing the contract in an amount not to exceed \$99,512 with the total contract amount not to exceed \$257,261. (Funding will be included in

the 1998-99 Amended Operating Budget of the Water and Wastewater Department.) No MBE/WBE Subcontracting opportunities were identified.

Resolution No. 990506-56 was approved.

57. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 2,411 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by F.P. Retail, Ltd., A Texas Limited Partnership for the Four Points Annexed Project. (Funding in an amount of \$5,937 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 990506-57 was approved.

58. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 9,225 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by David Cooke, Trustee for the Cooke Family Trust for the Four Points Annexed Project. (Funding in an amount of \$9,963 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 990506-58 was approved.

Item 59 pulled for discussion.

60. Set public hearings to receive citizen comments on proposed amendments to the City's 1998-99 Community Development Program and federal Annual Consolidated Plan to reprogram \$1,762,894 in CDBG funds and pre-award \$2,600,000 from anticipated future CDBG allocations. [CDBG funds in the amount of \$1,762,894 are available from the allocation of current and prior years fund. \$1,100,000 will be made available in the Fiscal Year 2000/2000 Consolidated Plan allocation for CDBG funds. \$1,500,000 will be made available in the Fiscal Year 2000/2001 CDBG allocation.) (Suggested dates: May 13, 1999 and May 20, 1999 at 6:00 p.m.)

Resolution No. 990506-60 was approved.

61. C14-98-0080 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 504 West Oltorf Street from "LO", Limited Office district, to "LR-CO", Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. First reading on September 3, 1998; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: TU MUSICA (Rene Yeo); Agent: Roel Bazan, AIA. City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990506-61 was approved.

62. C14-98-0084- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 South 5th Street, from "SF-3", Family Residence district to "MF-1-CO", Multi-Family Residence (Low Density)-Conditional Overlay district zoning with conditions. First reading on September 3, 1998; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: The Salvation Army (Major Robert Taylor) Agent: LZT Architects, Inc. (Herman Thun). City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990506-62 was approved.

63. C14-98-0147 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8721 and 8609 South First Street from "DR", Development Reserve district to "LR-CO", Neighborhood Commercial-Conditional Overlay Combining district zoning for Tract 1 and "IP-CO", Industrial Park-Conditional Overlay Combining district zoning for Tract 2, with conditions. First reading on March 11, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: KAY CARTER; Agent: Richard Crank. City Staff: Debra Williams, 499-2987.
This item was postponed to May 13, 1999.
64. C14-98-0157 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 12103 Jekel Circle from "SF-3" Family Residence, to "CS-CO", General Commercial Services-Conditional Overlay Combining district zoning with conditions. First reading on January 7, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Stephen and Tressie Dillinger, Agent: Jim Bennett, City Staff: David Wahlgren, 499-6455.
Ordinance No. 990506-64 was approved.
65. C14-98-0224 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7101 Bluff Springs Road and 1901 Blue Meadow Drive from "I-RR", Interim-Rural Residence district and "I-SF-3", Interim-Family Residence district to "SF-4A-CO" Single Family Residence (Small Lot)-Conditional Overlay Combining District zoning for Tract 1 and "LR-CO", Neighborhood Commercial district zoning on Tract 2, with conditions. First reading on April 15, 1999; Vote 5-0, Goodman and Slusher off the dais. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: J-Rock Partners LLP (Curt Stefka); Agent: Lopez-Phelps, Vaughn & Associates, Inc. (Amelia Lopez-Phelps). City Staff: Joe Arriaga, 499-2308.
Ordinance No. 990506-65 was approved.
66. C14-98-0231- Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 8990 Research Blvd. From "LI", Limited Industrial zoning district to "CS-1-CO", Commercial-Liquor Sales-Conditional Overlay Combining district zoning with conditions. First reading: February 25, 1999; Vote: (7-0). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: LLC (David Petrick); Agent: Powers Engineering Group, Inc. (Forrest Powers). City Staff: Ellen Meadows, 499-2339.
Ordinance No. 990506-66 was approved.
67. C14-98-0232- Approved second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 6901 North FM 620 Road from "I-SF-2", Interim Single-Family Residence district to "GR-MU-CO", Community Commercial-Mixed Use Combining-Conditional Overlay Combining district zoning with conditions. First reading: March 4, 1999; Vote: (6-1). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Donnie Ray Cowan; Agent: Robert E. Crain. City Staff: Ellen Meadows, 499-2339.
This item was postponed to May 20, 1999 at the request of the applicant.

68. C14-98-0237 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 400 feet south of the intersection of Lyndhurst Street and FM 620 from “I-RR” Interim Rural Residential to “MF-3-CO” Multi Family Residence-Conditional Overlay 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 5-6-99)

This item was postponed to May 13, 1999 by staff to address questions related to parkland dedication requirements.

69. C14-98-0267 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 9725 Anderson Mill Road, from “I-RR”, Interim Rural Residence district to “LR-CO”, Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. First reading on April 1, 1999 Vote 6-0, Griffith off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Gourmet Guys & Gals Catering (Robert Norzick); Armbrust, Brown, & Davis (Gregg C. Krumme). City Staff: Clark Patterson, 499-2464.

Ordinance No. 990506-69 was approved.

70. C14-98-0273 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 13300 Pond Springs Road, from “I-RR”, Interim Rural Residence district to “LR-CO”, Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. First reading on March 25, 1999 Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Pond Springs Church of Christ; Agent: Kirk Swinney. City Staff: Clark Patterson, 499-2464.

Ordinance No. 990506-70 was approved.

Item 71 was pulled for discussion.

72. Set a public hearing to consider an ordinance amending the Title 25 of the City Code relating to use and site development regulations applicable to development in the East Austin Overlay Combining District. (Suggested Date and Time: May 13, 1999 at 6:00 p.m.)

Resolution No. 990506-72 was approved.

Items 73-76 were pulled for discussion.

77. Approve a resolution replacing and adding members to the Self-Sufficiency and Responsibility Stakeholders Committee convened by the Mayor to provide guidance regarding the proposed Shelter, Resource Center and Clinic for the Homeless.

(Mayor Kirk Watson)

Resolution No. 990506-77 was approved.

76. Amend an ordinance regarding the requirements to employ peace officers for street closures.
(Mayor Kirk Watson Mayor Pro Tem Jackie Goodman, Council Member William Spelman)

This item was pulled from the agenda.

DISCUSSION ITEMS

19. Approve a resolution authorizing execution of a contract amendment with THE HARTFORD INSURANCE COMPANY, Houston, Texas, to provide a premium increase of \$138,000 for the four year contract for a revised total contract amount of \$186,000 for builders' risk coverage; and with ST. PAUL INSURANCE COMPANY, Arlington Texas, to provide a premium increase of \$606,810 for the first renewal extension, and \$1,264,345 for each of the second and third renewal options for a revised total contract amount not to exceed \$5,233,604 for workers' compensation/general liability coverage for an additional \$150 Million in construction projects to be included within the Rolling Owner Controlled Insurance Program (ROCIP). (Funding is included in the various Capital Budgets of Water & Wastewater, Watershed Management, Electric Utility Department, Parks and Recreation Department, and Department of Public Works and Transportation. Funding for the extension options will be contingent upon available funding of future CIP budgets.)
Resolution No. 990506-19 was approved on Council Member Garcia's motion, Council Member Lewis' second by a 6-0 vote. Council Member Spelman was off the dais.
20. Approve a resolution authorizing execution of a contract amendment No. 2 with THE HOBBS GROUP, INC., Austin, Texas, to provide administrative services for an additional \$150 Million in construction projects to be included within the Rolling Owner Controlled Insurance program (ROCIP). An increase in the amount of \$70,920 for the first renewal option and \$425,460 for the second, third, and fourth renewal options for a revised total of \$305,769 for the first option, \$660,021 for the second option, \$613,753 for the third option, and \$545,530 for the fourth option. Total revised contract amount of \$2,346,156. (Funding in the amount of \$70,920 is included in the various Capital Budgets of Water & Wastewater, Watershed Management, Electric Utility Department, Parks and Recreation Department, and Department of Public Works and Transportation. Funding for the extension options will be contingent upon available funding of future CIP budgets.)
Resolution No. 990506-20 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.
74. Direct the City Manager to complete negotiations with West Lake Hills for wholesale wastewater service based on conditions stipulated in the Resolution. (Council Members William Spelman, Beverly Griffith, and Mayor Pro-Tem Jackie Goodman)
Resolution No. 990506-74 was approved with an amendment by Council Member Spelman that in exceptional circumstances, the City of West Lake Hills may extend service to residential lots of greater than three quarter acre with the permission of the Director of the City of Austin Water and Wastewater Department on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote.
73. Approve an ordinance for the issuance of a permit to the Lance Armstrong Foundation for Cancer for an event which will extend beyond 8:00 p.m. and for closure of the following streets: E. 6th Street (from Brazos to Neches) and Neches Street (from 5th to 7th) and East 7th Street (from Brazos to Neches) and Trinity (from 5th to 7th) and San Jacinto (from 5th St. to 7th St.) on May 28, 1999,

under the provisions of Section 15-11-3 (B) and (C) of the City Code and waive certain fees associated with the street closure. (Council Member Daryl Slusher)

Ordinance No. 990506-73 was approved on Council Member Garcia's motion, Council Members Slusher's second by a 6-0-1 vote. Mayor Watson abstained.

22. Approve a resolution authorizing a five-year license agreement with four five-year renewal options with TEXAS CELLULAR TELEPHONE COMPANY, L.P., dba AT&T WIRELESS SERVICES for placement of telecommunications equipment on the median at 11600 Metric Boulevard (\$2,000 General Fund Revenue for 1998-99)
Resolution No. 990506-22 was approved on Council Member Lewis' motion, Council Members Garcia's second by a 7-0 vote.
23. Approve a resolution authorizing a five-year license agreement with four five-year renewal options with TEXAS CELLULAR TELEPHONE COMPANY, L.P., dba AT&T WIRELESS SERVICES, for placement of telecommunications equipment. (\$9,800 Revenue in Fiscal Year 1998-99)
Resolution No. 990506-23 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.
35. Approve a resolution authorizing to canvass results of City General Municipal Election of May 1, 1999.
Resolution No. 990506-35 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.
114. Approve an amendment to the contract with Jenkins and Gilchrest for legal services in *Hector Fabela v. City of Austin*, Cause No. 97-01805, Travis County District Court, to authorize payment of additional attorney fees and litigation expenses by up to \$46,000, for a total contract amount not to exceed \$85,000.
Resolution No. 990506-114 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Slusher was off the dais.
115. Amend Ordinance No. 980915-A, amending the 1998-99 Operating Budget for the Austin Convention Center Department, by appropriating \$175,000 for payment of legal services in *John Goode d/b/a Mr. Bones v. City of Austin and Fine Host Corp.*, Cause No. 98CA144SS, United States District Court for Western District of Texas and decreasing the Convention Center Operating Fund unreserved ending balance by \$175,000.
Ordinance No. 990506-115 was approved on Council Member Garcia's motion, Council Member Griffith's second by a 6-0 vote. Council Member Slusher was off the dais.
116. Approve an amendment to the contract with Mayor, Day, Caldwell & Keeton, LLP, for legal services in *John Goode d/b/a Mr. Bones v. City of Austin and Fine Host Corp.*, Cause No. A 98CA144SS, United States District Court for Western District of Texas, to authorize payment of additional attorney fees and litigation expenses by up to \$175,000, for a total contract amount not to exceed \$195,000.

Resolution No. 990506-116 was approved on Council Member Garcia's motion, Council Member Griffith's second by a 6-0 vote. Council Member Slusher was off the dais.

119. Consider a settlement proposal in *James Chrisman Phillips, et.al., v. City of Austin*, Cause No. 98-13949, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

Resolution No. 990506-119 was approved on Council Member Garcia's motion, Council Member Griffith's second by 6-0 vote. Mayor Pro Tem Goodman was off the dais.

117. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the leasehold interests of Austin Airmotive Ltd. in two parcels of land at the Austin-Bergstrom International Airport, consisting of 281,245 square feet and 74,194 square feet of land, respectively, situated in the Santiago De Valle Grant, Abstract No. 24 in the City of Austin, Travis County, Texas.

Resolution No. 990506-117 was approved on Council Member Garcia's motion, Council Member Spelman's second by 6-0 vote. Mayor Pro Tem Goodman was off the dais.

121. Consider a settlement proposal in *ADS/AERO Austin, L.P. v. City of Austin*, Civil Action No. A 98CA610SS, United States District Court for the Western District of Texas.

Resolution No. 990506-121 was approved on Council Member Garcia's motion, Council Member Griffith's second by 7-0 vote.

75. Approve an ordinance creating a Police Oversight Focus Group. (Council Members William Spelman, Willie Lewis, and Mayor Pro-Tem Jackie Goodman)

This item was postponed to May 20, 1999 on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

124. Police Oversight Focus Group Appointments

This item was postponed to May 20, 1999 on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

52. Approve a resolution authorizing negotiation and execution of an amendment to the Professional Services Agreement with MALCOLM PIRNIE, INC., Austin, Texas, for program management consultant services for the water and wastewater service to annexed areas, in the amount of \$3,900,000 for a total agreement amount not to exceed \$6,500,000. (Funding in an amount of \$865,919.98 was included in the 1995-96; \$1,084,080.02 was included in the 1997-98; and \$1,950,000 was included in the 1998-99 Amended Capital Budgets of the Water & Wastewater Utility.) 26.1% MBE; 35.5% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990506-52 was approved on Council Member Slusher's motion, Council Member Garcia's second by 6-0 vote. Council Member Lewis was off the dais.

Executive Session was held at 5:09 p.m.

Executive Session ended at 6:09 p.m.

97. 6:00 P.M. Conduct a public hearing on an ordinance to establish certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.

This item was postponed to May 13, 1999.

99. Consider an ordinance amending Title 25 of the city Code by establishing certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.

This item was postponed to May 13, 1999.

120. Consider settlement proposal in *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and Improvement District No. 14 v. Texas Natural Resource Conservation Commission, et al.*, Cause No. 97-12332, Travis County District Court; and *Request of Travis County Water Control and Improvement District No. 14 for Cease and Desist Order against Village of Bee Cave, Texas and Lower Colorado River Authority*, filed in the Texas Natural Resource Conservation Commission (undocketed).

This item was postponed to May 13, 1999 on Council Member Slusher's motion, Council Member Garcia's second by 4-0 vote. Mayor Watson and Council Members Griffith and Spelman were off the dais.

71. To consider an ordinance establishing development regulations for the project known as Davenport Ranch Village Retail Center (Phase II), generally located near the intersection of Westlake Drive and Capital Texas Highway North.

Duplicate of item # 118. See below for action taken.

118. Consider an ordinance relating to regulations applicable to a development known as the Davenport Village Retail Center generally located at the intersection of Westlake Drive and Loop 360, Austin, Travis County, Texas and declaring an emergency.

Ordinance No. 990506-118 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 6-1 vote. Council Member Slusher voted no.

CONSENT ITEMS FOR ZONING

ALL OF THE FOLLOWING ITEMS WERE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER'S SPELMAN'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 6-0 VOTE. MAYOR WATSON WAS OFF THE DAIS.

78. C14-98-0192 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 1008 East 53rd Street from “SF-3”, Family Residence district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “LR-MU-CO”, Neighborhood Commercial-Mixed Use- Conditional Overlay Combining district with conditions. Applicant and

Agent: Alexandra Renwick; City Staff: Ellen Meadows, 499-2339. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to July 1, 1999 at the request of the neighborhood.

79. C14-98-0204 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1112-1120 East 12th Street from “CS”, General Commercial Services to “CS-MU”, General Commercial Services-Mixed Use Combining district. Planning Commission Recommendation: To Grant “CS-MU-CO”, General Commercial Services-Mixed Use-Conditional Overlay Combining district with Conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Agent: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319.

This item was postponed to May 20, 1999 at the request of Council Member Lewis.

80. C14-98-0205 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1160-1168 Navasota Street from “CS”, General Commercial Services to “SF-3”, Family Residence district. Planning Commission Recommendation: To Grant “SF-3-CO”, Family Residence-Conditional Overlay Combining district zoning with conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Applicant: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319.

This item was postponed to May 20, 1999 at the request of Council Member Lewis.

81. C14-98-0206 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1190-1192 Navasota Street from “SF-3”, Family Residence district to “SF-6”, Townhouse and Condominium Residence district. Planning Commission Recommendation: To Grant “SF-6-CO”, Townhouse and Condominium Residence-Conditional Overlay Combining district zoning with conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Agent: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319.

This item was postponed to May 20, 1999 at the request of Council Member Lewis.

82. C14-98-0209 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 Woodward Street from “LI”, Limited Industrial Service to “LI-PDA”, Limited Industrial Service-Planned Development Area combining district. Planning Commission Recommendation: To Grant “LI-PDA”, Limited Industrial Service-Planned Development Area Combining district zoning for Tract 1. Applicant: Sachem, Inc. (Ben Turner); Agent: Consort, Inc. (Ben Turner). City Staff: Susan Villarreal, 499-6319.

Approved first reading only with LI-PDA for tract 1, tracts 2 and 3 were deleted from this case as recommended by Planning Commission; apply conditions that are only applicable to tract 1.

Items 83 and 84 were pulled for discussion.

85. C14-98-0245 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 3014 Aftonshire Way from “I-RR”, Interim-Rural Residence district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “LO-CO”, Limited Office-Conditional Overlay district zoning with conditions. Applicant: Dennis Artale. City Staff: Joe Arriaga, 499-2308.

This item was postponed to May 13, 1999 by applicant to consider whether the case should be postponed to July 1, 1999 or later due to a busy Council schedule.

Item 86 was pulled for discussion.

87. C14-99-0003 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2121 South I-35 from “LR”, Neighborhood Commercial district to “GR-CO”, Community Commercial-Conditional Overlay district. Planning Commission Recommendation: To Grant “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: David R. Belle-Isle; Agent: Richard H. Crank, ASLA. City Staff: Susan Villarreal, 499-6319.

Approved first reading only.

Item 88 was pulled for discussion.

89. C14-99-0025 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000 Waterford Centre Boulevard from “LI-PDA”, Limited Industrial Service-Planned Development Area district to “LI”, Limited Industrial Service district. Planning Commission Recommendation: To Grant “LI-CO”, Limited Industrial Service – conditional overlay combining district zoning with conditions. Applicant: Sage-Waterford, Ltd. (Peter A. Lamy); Agent: Prime Strategies, Inc. (Ralph E. Reed). City Staff: Antonio Gonzalez, 499-2243.

Ordinance No. 990506-89 was approved.

Item 90 was pulled for discussion.

91. C14-99-0031 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1704 Century Street from “SF-2”, Single-Family Residence (Standard Lot) district to “LI”, Limited Industrial Service district. Planning Commission Recommendation: To Grant “LI-CO”, Limited Industrial Service-Conditional Overlay Combining district zoning with conditions. Applicant: Aus-Tex Plumbing-Heating (Robert Mabry); Agent: Holford Group (Theresa Canchola). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990506-91 was approved.

92. C14-99-0032 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7707 Peaceful Hill Lane from “DR”, Development Reserve district to “SF-3”, Family Residence district. Planning Commission Recommendation: To Grant “SF-3”, Family Residence district. Applicant: Carl L. Self, III; Agent: Kurt Prunty. City Staff: Debra Williams, 499-2987.

Ordinance No. 990506-92 was approved.

94. C14-99-0040 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 11602 Jollyville Road from “SF-2”, Single-Family Residence (Standard Lot) district to “GO”, General Office District. Planning Commission Recommendation: To Grant “LO”, Limited Office district zoning. Applicant: Dura-Kate, Inc. (Richard L. Gorbell); Agent: Lock Liddell & Sapp (Henry H. Gilmore). City Staff: Clark Patterson, 499-2464.

Ordinance No. 990506-94 was approved.

95. C14-99-0042 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 9400 Neenah Avenue from “SF-2”, Single-Family Residence (Standard Lot) district to “GO”, General Office district. Planning Commission Recommendation: To Grant “GO-CO”, General Office-Conditional Overlay Combining district zoning with conditions. Applicant: Davis Springs Properties, Ltd. (Fred G. Eppright); Agent: QMET Architects (Gordon Bohmfalk). City Staff: David Wahlgren, 499-6455.
Ordinance No. 990506-95 was approved.
96. C14-99-0045 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 16415 North I-35 Northbound from “SF-2”, Single-Family Residence (Standard Lot) district to “CS”, General Commercial Services district. Planning Commission Recommendation: To Grant “CS-CO”, General Commercial Services-Conditional Overlay Combining district zoning with conditions. Applicant: Security Land Investment Venture (Waymon Levell); Agent: Austin Civil Engineering (Gary Caywood). City Staff: David Wahlgren, 499-6455.
Ordinance No. 990506-96 was approved.

DISCUSSION ZONING ITEMS

83. C14-98-0226 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 8908 Cullen Lane from “I-RR” Interim-Rural Residence to “CS”, General Commercial Services district. Planning Commission Recommendation: To Grant “LO-CO”, Limited Office-Conditional Overlay Combining district zoning with conditions. Applicant: Mountique, Inc. (James M. McKinney); Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.
The public hearing was closed on Council Member Lewis’ motion, Council Member Garcia’s second by a 6-0 vote. Mayor Watson was off the dais.

Approved first reading only with the following: LO-CO for tract 1, which is 40 feet from the rear of the tracts; CS-CO for tract 2, which is the remainder of the site. All conditions of prohibiting uses per letters from the neighborhood association. The applicant will not object to a city initiated case to W-LO (within 90 days) in the event this district is amended to allow construction sales and services as a permitted use. The neighborhood association letters contained the following conditions and prohibitions: 1) that a minimum of a 6 foot high “Grade A” cedar privacy fence or stone retaining wall be erected along the rear property lines; 2) that any exterior lighting be shielded away from the adjoining residential uses as required by the Land Development Code; 3) that a 40 foot landscape buffer with no storage allowed within buffer, be provided for along the rear property for any new development from Slaughter Lane to the property owned by Mr. Barry a. Presley, then a 30 foot buffer from there to Ralph Ablanado Drive; 4) that the height of buildings be limited to 30 feet; 5) all trash dumpsters be located on Cullen Lane side of buildings; 6) that the following uses be prohibited: medical offices, adult-oriented businesses, automotive washing, bulk laundry, campground, sound recording studio, commercial blood plasma centers, drop off recycling centers, funeral services, cemetery or crematorium, hotel-motel, indoor entertainment, kennels, outdoor entertainment, pawn shops, service station, theater, vehicle storage, veterinary services, custom manufacturing, community recreation-private and public, congregate living, counseling services, group homes class I (general), group homes class II,

guidance services (general), residential treatment, telecommunication towers, transitional housing, transition terminals, automotive and equipment sales, automotive rentals or repairs (except for existing business), cocktail lounge, commercial off-street parking, off-site accessory parking, equipment repair services and sales, no business operating large equipment open prior to 7:00 a.m. or past 9:00 p.m., liquor sales, restaurant (drive-in, fast food), restaurant (general or limited), scrap and salvage services, self storage facility, free clinic; as part of this case, Council directed staff to initiate an amendment to the W-LO zoning district in order to allow additional uses, such as construction sales and services, far, other site development standards and uses that make this district undesirable on Council Member Lewis' motion, Council Member Garcia's second by a by a 6-0 vote. Mayor Watson was off the dais.

84. C14-98-0236 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 11303 FM 2222 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 Combining district zoning with conditions. Applicant: Robert S. Ingram; Agent: Ray Wilkerson Companies, Inc. City Staff: Ellen Meadows, 499-2339. The public hearing was closed on Council Member Spelman’s motion, Council Member Slusher’s second by a 6-0 vote. Mayor Watson was off the dais.

The first reading was approved with LI-CO as recommended by Planning commission with a provision to rollback the LI-CO zoning to GR if the current uses cease for more than 90 days on Council Member Lewis’ motion, Council Member Spelman’s second by a 6-0 vote. Mayor Watson was off the dais.

88. C14-99-0013 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2211 West Parmer Lane from “LR”, Neighborhood Commercial district to “GR”, Community Commercial district. Planning Commission Recommendation: To Deny “GR”, Community Commercial district zoning. Applicant: Xia Huynh & Phuong Luu. City Staff: Antonio Gonzalez, 499-2243. This item was postponed to July 1, 1999 on Council Member Slusher’s motion, Council Member Lewis’ second by a 5-0 vote. Mayor Watson and Council Member Spelman were off the dais.

86. C14-98-0247 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as Manchaca Road and Dittmar Road from “DR”, Development Reserve district to “SF-2”, Single Family Residence district. Planning Commission Recommendation: To Grant “SF-2-CO”, Single-Family Residence (Standard Lot)-Conditional Overlay district zoning with conditions. Owner: Patricia Fay Tinnin & Mary Jane Ramsey; Agent: Kurkjian Engineering Corporation (Garabed A. Harutunian). City Staff: Joe Arriaga, 499-2308. (continued from 4-15-99) The public hearing was closed on Council Member Garcia’s motion, Council Member Spelman’s second by a 6-0 vote. Mayor Watson was off the dais.

The motion to rescind the previous action to allow rebuttal by the developer was approved on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was off the dais.

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

The first reading of the Planning Commission's recommendation was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Mayor Watson was off the dais.

DISCUSSION ITEMS CONTINUED

49. Approve a resolution authorizing the negotiation and execution of a revenue-generating agreement with LOVE SHINES, INC. (DBE/MA), Grand Prairie, Texas, to operate and manage a boot and shoeshine concession in the Austin-Bergstrom International Airport (ABIA) Terminal Complex. (The concession will commence operations in May 1999. The estimated revenue for Fiscal Year 1998-99 (May-September 1999) to the Department of Aviation (DOA) is \$2,597. This revenue is not included in the DOA's Amended Fiscal Year 1998-99 budget. Revenue over the life of the initial five-year term of the agreement is estimated at \$39,760 to the DOA.) [Airport Advisory Board – April 13, 1999] "Recommended by Airport Advisory Board."

Resolution No. 990506-49 was approved on Council Member Slusher's motion, Council Member Garcia's second by 6-0 vote. Mayor Watson was off the dais.

59. Approve a resolution authorizing execution of a twelve month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, Texas, to provide sorting services of recycled materials at the Todd Lane Transfer Station in an amount not to exceed \$405,600. (Funding in an amount of \$240,000 is available in the 1998-99 Operating Budget of the Solid Waste Services Department. Funding for the remaining seven months of the contract period is contingent upon available funding in future budgets.

Resolution No. 990506-59 was approved on Council Member Slusher's motion, Council Member Garcia's second by 6-0 vote. Mayor Watson was off the dais.

90. C14-99-0028 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1616 East Oltorf Street from "LR", Neighborhood Commercial district to "GR", Community Commercial district. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: Louis Lecocke; Agent: Jim Bennett. City Staff: Susan Villarreal, 499-6319.

Approved first reading only with the following changes GR-CO zoning prohibiting all the GR uses except restaurant (general) and permitting all LR uses; limit vehicle trips to no more than 2,000 trips per day on Council Member Slusher's motion, Council Member Spelman's second by 6-0 vote. Mayor Watson was off the dais.

93. C14-99-0033 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 West Gate Blvd. from “SF-3”, Family Residence district to “SF-6”, Townhouse and Condominium Residence district. Planning Commission Recommendation: To Grant “SF-6”, Townhouse and Condominium Residence district zoning for Tract 1, and “RR”, Rural Residence district zoning for Tract 2 with conditions. Applicant: Caltex Holdings (Kurt Prunty). 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. Mayor Watson was off the dais.

The first reading of the Planning Commission’s recommendation for FS6 on Tract 1 and RR for Tract 2 was approved on Council Member Garcia’s motion, Council Member Griffith’s second on a 6-0 vote. Mayor Watson was off the dais.

ADDENDUM

PUBLIC HEARINGS

123. 6:00 P.M. Conduct a public hearing to consider an ordinance amending Title 25 of the City Code to establish regulations relating to bed and breakfast establishment. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.

The public hearing was closed on Council Member Garcia’s motion, Council Member Lewis’ second by a 6-0 vote. Mayor Watson was off the dais.

ACTION ON PUBLIC HEARINGS

124. Approve an ordinance amending Title 25 of the City Code to establish regulations relating to bed and breakfast establishment. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.

The first reading of the ordinance, with the amendments proposed in Mr. Kauser’s and Ms. Dixon’s letters, was approved on Council Spelman’s motion, Council Member Garcia’s second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Motion to suspend the rules and allow the meeting to go past 10 p.m. was approved on Council Member Spelman’s motion, Council Member Garcia’s second on a 7-0 vote.

98. Public hearing on an appeal of the Sign Review Board’s Decision to deny a variance request to install a freestanding sign exceeding: 1) the maximum allocable sign area requirement of Section 25-10-123 from 177.52 square feet to 360 square feet; and 2) the maximum allowable sign height requirement of Section 25-10-123 from 35 feet to 60 feet in height, in a “CS” General Commercial Services district (Expressway Corridor sign district) for Austin Eye Clinic located at 1015 East 40th Street. Case No.: C16-98-036. Applicant: Michael Wong. City Staff: Connie Buckner, 499-2206.

The public hearing was closed on Council Member Griffith’s motion, Council Member Garcia’s second by a 7-0 vote.

ACTION ON PUBLIC HEARINGS

100. Consider a resolution regarding an appeal of the Sign Review Board's Decision to deny a variance request to install a freestanding sign exceeding: 1) the maximum allocable sign area requirement of Section 25-10-123 from 177.52 square feet to 360 square feet; and 2) the maximum allowable sign height requirement of Section 25-10-123 from 35 feet to 60 feet in height, in a "CS" General Commercial Services district (Expressway Corridor sign district) for Austin Eye Clinic located at 1015 East 40th Street. Case No.: C16-98-036. Applicant: Michael Wong. City Staff: Connie Buckner, 499-2206.

The motion to grant the variance failed on Council Member Lewis' motion, Mayor Pro Tem Goodman's second on a 1-6 vote. Council Member Lewis voted in favor and all other Council voted against it.

The motion to deny the variance failed on Council Member Spelman's motion, Council Member's Griffith second on a 6-1 vote. Council Member Lewis voted no.

ADJOURNED at 11:21 p.m. on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

Approved on this the 13th day of May, 1999 on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.