



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 5, 2000**

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

The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 5, 2000 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Father Larry Mattingly, Cristo Rey Catholic Church

Mayor Watson called the meeting to order at 9:23 a.m.

1. Approval of minutes for regular meeting of September 28, 2000.
The minutes for regular meeting of September 28, 2000 were approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Thomas was absent.

Items 2 through 4 were briefings.

Items 5 through 13 were Executive Session items.

CONSENT AGENDA

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 Griffith's motion, Council Member Alvarez' second by a 6-0 vote. Council Member Thomas was absent.

Items 14 through 15 were pulled for discussion.

16. Approve a resolution authorizing execution of a construction contract with WURZEL CONSTRUCTION CORPORATION, Austin, Texas, for expansion of the general aviation apron and the construction of three T-Hangar buildings at the Austin-Bergstrom International Airport, in the amount of \$5,691,112.60, and a contingency fund in an amount not to exceed \$569,110, for a total contract amount not to exceed \$6,260,222.60. (Funding in the amount of \$6,260,222.60 is included in the Fiscal Year 2000-2001 Approved Capital Budget of the Department of Aviation.) 29.66% DBE subcontractor participation. Lowest of five bids received. (Recommended by Airport Advisory Board)
Resolution No. 001005-16 was approved.

Item 17 was pulled for discussion.

18. C14-99-2097 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located at Hergotz Lane, Linger Lane and Ed Bluestein Boulevard from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. First reading on June 1, 2000; Vote: 4-2, (Goodman and Griffith nay, Spelman off dais). Conditions met as follows: No conditions to be met. Property Owners: City of Austin, Capitol Aggregates Ltd., Arlene Bolm Fitzpatrick (Life Estate), Sam and Annie Brooks, James Brown, and Alan Moser. Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: Adam Smith, 499-2755. (continued from 9/7/00)
This item was postponed for one month at staff's recommendation.
19. C14-99-2143 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at Sunset Ridge Drive and Old Bee Caves Road from RR, Rural Residence District zoning to SF-2-CO, Single-Family Residence Standard Lot-Conditional Overlay Combining district zoning with conditions. First reading on April 20, 2000; Vote: 7-0. Conditions to be met: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Edward R. Rathgeber; Agent: Barry Campbell. City Staff: Katie Larsen, 499-3072.
Ordinance No. 001005-19 was approved.
20. C14-99-2144 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at Sunset Ridge Drive and Old Bee Caves Road from IP, Industrial Park district zoning, LR, Neighborhood Commercial district zoning and GR, Community Commercial district zoning to SF-2-CO, Single-Family Residence Standard Lot-Conditional Overlay Combining district zoning with conditions. Conditions to be met: Conditional overlay incorporates conditions imposed by Council at first reading. First reading on April 20, 2000; Vote 7-0. Applicant: Edward R. Rathgeber, Jr.; Agent: Barry Campbell. City Staff: Katie Larsen, 499-3072.
Ordinance No. 001005-20 was approved.
21. C14-00-2003 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7500 Old Bee Caves Road from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. First reading on April 20, 2000; Vote 7-0. Conditions to be met: Conditional overlay incorporates conditions imposed by Council at first reading. Property Owner: Robert & Beth DeVictoria; Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755.
Ordinance No. 001005-21 was approved.
22. C14-00-2077 - United Parcel Service - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9024 Tuscany Way from I-RR, Interim Rural Residence District zoning LI-CO, Limited Industrial Services-Conditional Overlay Combining District zoning with conditions. First reading on August 3, 2000; Vote 7-0. Conditions to be met: Conditional overlay incorporates conditions imposed by Council at first reading Applicant: United Parcel Service (Tamara Barker), Agent: LOC Consultants (Ash Perera). City Staff: Clark Patterson, 499-2464.
Ordinance No. 001005-22 was approved.
23. C14-00-2097-Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1623 Parmer Lane from DR, Development Reserve, zoning to GR-CO, Community Commercial Conditional Overlay Combining district zoning with conditions. First reading on August 24, 2000; Vote 7-0. Conditions to be met: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Our

Savior Lutheran Church (Barry Schwiesow); Agent: Consort Inc. (Steve King). City Staff: Tammie Williamson, 499-3056.

Ordinance No. 001005-23 was approved.

24. Approve a resolution declaring official intent to reimburse acquisition and construction costs to be paid out of the following funds: Water CIP Funds; 3760, 3780, 3790, 3810, 3820, 3830, 3850, 3860, 3880, 3890, 3900, 3910, 3950, 3960, 3970, 3980, 4200, 4210, 4220. Wastewater CIP Funds; 4320, 4330, 4340, 4350, 4360, 4390, 4400, 4410, 4430, 4440, 4530, 4540, 4550, 4560, 4570.
Resolution No. 001005-24 was approved.
 25. Approve a resolution declaring official intent to reimburse acquisition and construction costs to be paid out of the following electric utility CIP funds: 3150, 3170, 3180, 3230, 3240, 3250.
Resolution No. 001005-25 was approved.
 26. Approve amendments to the City of Austin's Investment Policy. (Approved by the Audit and Finance Committee)
Resolution No. 001005-26 was approved.
 27. Approve MBIA/Texas class as an authorized investment vehicle for the City of Austin as provided under the Texas Public Funds Investment Act. (Approved by the Audit and Finance Committee)
Resolution No. 001005-27 was approved.
- Item 28 was pulled for discussion.**
29. Approve a resolution authorizing execution of a twenty-four month Interlocal Agreement with Travis County for central booking and related jail services with three twelve-month renewals. (Funding in the amount of \$2.7 million is available in the Approved Police Operating Budget Fiscal Year 2001. Funding for the remaining twelve months of the original contract period and the renewals will be contingent upon available funding in future budgets.)
This item was postponed until October 26, 2000 at staff's recommendation.
 30. Amend Ordinance No. 000912-1, the 2000-2001 Fiscal Year Operating Budget, amending the General Fund by increasing budgeted expenditures in the Police Department by \$700,000 for a negotiated settlement of the 1999-2000 Central Booking facility Interlocal Agreement and increasing the transfer in from the Contingency Reserve by the same amount and amending the Contingency Reserve Fund by increasing the transfer out by \$700,000.
This item was postponed until October 26, 2000 at staff's recommendation.
 31. Approve an ordinance authorizing the issuance of a Street Event Permit for a fee paid event in the 400-500 block of West 17th Street to be held on November 4, 2000 for the Dog and Duck Pub's Austin Celtics Festival. (A portion of the gate receipts will be deposited in the Great Streets account for downtown beautification.)
Ordinance No. 001005-31 was approved.
 32. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following ten firms: RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH), Austin, Texas; FUGRO SOUTH, INC., Austin, Texas; RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, Texas; TRINITY ENGINEERING TESTING CORPORATION, Austin, Texas; JACK H. HOLT Ph.D. & ASSOCIATES, INC. (WBE/FR), Austin, Texas; HBC ENGINEERING, INC., Austin, Texas; PROFESSIONAL SERVICE INDUSTRIES, INC., Austin, Texas; GROUND TECHNOLOGY, INC. (WBE/FA), Houston, Texas; HVJ ASSOCIATES, INC., (MBE/MB), Austin, Texas; and ENGINEERING CONSULTING SERVICES, LTD., Austin, Texas, to provide construction materials engineering and testing services for City of Austin Capital Improvement Program projects for a period of two years, or until authorized funding is expended.

each agreement in an amount not to exceed \$2,900,000, with a combined amount of the ten agreements not to exceed \$2,900,000 (estimated approximately \$500,000 for each of the top three ranked firms and \$200,000 for each of the remaining seven firms). (Funding in the amount of \$2,900,000 is available in the Capital and/or Operating Budgets of the Department of Public Works and Transportation and various other departments for which services are required.) RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH): 78.10% MBE Prime, 3.7% MBE, 18.20% WBE subcontracting participation; FUGRO SOUTH, INC., 12.60% MBE, 18.20% WBE subcontracting participation; RABA-KISTNER-BRYTEST CONSULTANTS, INC., 8.7% MBE, 18.20% WBE subcontracting participation; TRINITY ENGINEERING TESTING CORPORATION, 8.7% MBE, 18.20% WBE subcontracting participation; JACK H. HOLT Ph.D. & ASSOCIATES, INC. (WBE/FR), 91.30% WBE Prime, 8.7% MBE, 0% WBE subcontracting participation; HBC ENGINEERING, INC., 8.7% MBE, 18.20% WBE subcontracting participation; PROFESSIONAL SERVICE INDUSTRIES, INC., 8.7% MBE, 18.20% WBE subcontracting participation; GROUND TECHNOLOGY, INC. (WBE/FA), 92.40% WBE Prime, 7.6% MBE, 0% WBE subcontracting participation; HVJ ASSOCIATES, INC., (MBE/MB), 91.30% MBE Prime, 7.6% MBE, 18.20% WBE subcontracting participation; and ENGINEERING CONSULTING SERVICES, LTD.: 7.6% MBE, 18.20% WBE subcontracting participation;

Resolution No. 001005-32 was approved.

33. Approve a resolution authorizing execution of a construction contract with GARNEY COMPANY, INC., Kansas City, Mo., for the WRI Phase 1 Pipeline, in the amount of \$3,042,426, with a contingency fund for change orders in an amount not to exceed \$307,574 for a total contract amount not to exceed \$3,350,000. (Funding in the amount of \$3,350,000 is included in the 1999-2000 and 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) Lowest of seven bids received. .72% MBE, 2.65 % WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 001005-33 was approved.

34. Approve a resolution authorizing execution of Change Order No. 3 to a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin Texas, for installation of fill material and hauling of that material as a part of the streambank stabilization project in Shoal Creek at West Avenue, in an amount not to exceed \$112,668.12 for a total contract amount not to exceed \$941,382.74. (Funding in the amount of \$112,668.12 is available in the 2000-2001 Approved Capital Budget of the Watershed Protection Department) 2.5% MBE, 0% WBE subcontracting participation.

Resolution No. 001005-34 was approved.

35. Approve an Ordinance waiving fees for parking for the Armadillo Christmas Bazaar (Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)

Ordinance No. 001005-35 was approved.

36. Approve a resolution directing the City Manager to take steps to reduce emissions and increase fuel efficiency of the City's fleet vehicles. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez).

Resolution No. 001005-36 was approved.

37. Consider a resolution honoring the veterans of the State of Texas on Veterans Day, November 11, 2000, co-sponsoring the Annual Capitol-City Veterans Day Parade, and designating November 11, 2000 as "Veterans Day" in Austin, Texas. (Mayor Pro Tem Jackie Goodman, Council Member Daryl Slusher and Council Member Danny Thomas)

Resolution No. 001005-37 was approved.

38. Appoint members to a nominating committee for appointing a new City Auditor (Mayor Kirk Watson, Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)

Resolution No. 001005-38 was approved.

BRIEFINGS

2. Central Booking and Magistration.
The presentation was made by Marcia Conner, Assistant City Manager, Stanley Knee, Police Chief and Michael McDonald, Assistant Police Chief.
3. Traffic Management
The presentation was made by Marcia Conner, Assistant City Manager, Peter Rieck, and Gary Silagi, Public Works and Transportation Department, and Michael Parks, Financial Services Department .
4. Briefing on a proposed settlement agreement in *Circle C Land Corp. v. City of Austin*, Cause No. 97-13994, in the Travis County District Court, including terms and conditions relating to development of property owned by Stratus Properties in the Circle C Ranch, Lantana, and Barton Creek developments (This proposal concerns development regulations applicable in the Barton Springs Zone).
The presentation was made by Casey Dobson, outside consultant for the City of Austin and Les Tull, Supervising Engineer, Watershed Protection Department.

The motion to recess the Council meeting at 11:49 a.m. and go into Executive Session was approved on Council Member Wynn's motion, Council Member Alvarez' second by a 6-0 vote. Council Member Thomas was absent.

EXECUTIVE SESSION

The City Council went into Executive Session, 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

6. Discuss legal issues concerning a proposed development agreement with T.H.L. Ranch, Ltd., affecting approximately 4,200 acres in the Steiner Ranch development in Austin's extraterritorial jurisdiction north and east of Lake Austin and south of FM 620.
7. Discuss *City of Austin v. Lumbermen's Investment Corporation*, Cause Number 99-13013, pending in the Travis County District Court. (Sand Beach Reserve)
8. Discuss *Circle C Land Corp. v. City of Austin*, Cause No. 97-13994, in the Travis County District Court.
9. Discuss *Steve Pendergrass, et al. v. The City of Austin, Texas*, Cause No. 95-14283, in the Travis County District Court.
10. Discuss *Alissa M. Chambers v. Josie Valdez, et al.*, Cause No. 97-08030, in the Travis County District Court.
12. Discuss legal issues regarding enforcement of Chapter 15-12 of the City Code (street cuts).

Executive Session ended at 12:58 p.m.

Mayor Watson called the meeting back to order at 1:30 p.m.

CITIZEN COMMUNICATIONS

39. Jenniffer Muhammad – Restoration of Family – The Million Family March - **ABSENT**
40. Rolando Pina – The Billion Bubba March; Be there Bubba/Bubbette! Get out the Vote. March to Broken Spoke, Saturday, October 14, 2000, 3 p.m.
41. Gus Pena – Discuss City issues and the budget. Discuss low income affordable housing and the need for transitional housing assistance. - **ABSENT**
42. Jennifer L. Gale – Why are we voting on Light-Rail without a plan? - **ABSENT**

DISCUSSION ITEMS

15. Consider settlement proposal in *Steve Pendergrass, et al. V. The City of Austin, Texas*, Cause No. 95-14283, in the Travis County District Court.
Resolution No. 001005-15 was approved awarding \$106,600.65 to the plaintiff and \$18,015.00 for attorney fees on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Thomas was absent.

BRIEFING CONTINUED

5. Briefing on a proposed settlement agreement in *City of Austin v. Lumbermen's Investment Corporation*, Cause Number 99-13013, pending in the Travis County District Court. (Sand Beach Reserve)
The presentation was made by Casey Dobson, outside consultant; Bill Ball, representing LBJ Holding Company; Madison Smith, representing Overton Partners; and Jay Hailey, representing Lumberman Investment Corporation.

DISCUSSION ITEMS CONTINUED

28. Approve a resolution expressing City Council's support for Block 42 Congress Partners, Ltd.'s proposed project located generally in the 400 Block of Congress and authorizing the City Manager to negotiate and execute all necessary agreements and contracts to implement the term sheet and process all actions requiring approval by the City Council or other boards and commissions, as appropriate, in an expeditious manner assuring proper notice and publication. (Funding in the amount of \$740,000 was included in the 1999-2000 Approved Operating Budget of the General Fund.)
Resolution No. 001005-28 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 5-0 vote. Council Member Wynn recused himself and was off the dais. Council Member Thomas was absent.
17. C14-99-0069 – Mirabacu/200 South Congress – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 200-210 South Congress, from LI, Limited Industrial Service district zoning to LI-PDA, Limited Industrial Service-Planned Development Area Combining district zoning with conditions. First reading on September 30, 1999; Vote: 5-2, Slusher and Griffith-nay. Second reading on August 17, 1999; Vote: 5-2, Slusher and Griffith-nay. Applicant: Hixo, Inc. (Michael Hicks, President); Agent: Crocker Consultants (Sarah Crocker). City Staff: Adam Smith, 499-2755.
This motion to postponed this item until October at 3:30 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was absent.

The motion to recess the meeting at 2:49 p.m. was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote.

The Mayor called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:38 p.m.

BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

A Board meeting of the Austin Housing Finance Corporation (AHFC) was convened. Items 43-51 were the AHFC items considered by the Austin Housing Finance Corporation's Board of Directors.

43. Approval of minutes for Austin Housing Finance Corporation regular meeting of September 7, 2000.
The minutes for the regular meeting of September 7, 2000 were approved on Vice President Goodman's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
44. Approve an inducement resolution for a multifamily housing project known as Blunn Creek Apartments, to be owned by a to be formed Limited partnership to be located at 607 Woodward Street for bond financing in an amount not to exceed \$15,000,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-44 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
45. Approve an inducement resolution for a multifamily housing project known as Crescent Village, to be owned by Crescent Village, Ltd. located at 7003 East Riverside Dr. for bond financing in an amount not to exceed \$6,000,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-45 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
46. Approve an inducement resolution for a multifamily housing project known as Destiny Place Apartments, to be owned by Destiny Place, Ltd. located at North Side of the 4900 block of Ben White Blvd. or bond financing in an amount not to exceed \$10,000,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-46 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
47. Approve an inducement resolution for a multifamily housing project known as Parker Lane Apartments, to be owned by Parker Lane AH 2001, Ltd. to be located at 1900-2012 Woodward Street for bond financing in an amount not to exceed \$4,353,764 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-47 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
48. Approve an inducement resolution for a multifamily housing project known as Pioneer Villas, to be owned by Pioneer Villas, Ltd. located at the corner of Samsung Boulevard and Braker Lane for

bond financing in an amount not to exceed \$15,000,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)

Resolution No. 001005-48 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.

49. Approve an inducement resolution for a multifamily housing project known as South Congress Apartments, to be owned by a to be formed Limited partnership located at 7400 Block of South Congress Avenue for bond financing in an amount not to exceed \$8,400,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-49 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
50. Approve an inducement resolution for a multifamily housing project known as Riverside Meadows Apartments, to be owned by Riverside Meadows, Ltd. located at Northeast Side of Riverside Dr. and Montopolis for bond financing in an amount not to exceed \$11,500,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-50 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.
51. Approve an inducement resolution for a multifamily housing project known as Southridge Apartments, to be owned by Arbor Trails Housing, Ltd. located at 3803 Southridge for bond financing in an amount not to exceed \$8,000,000 to be submitted through the Austin Housing Finance Corporation by October 20, 2000 for participation in the Texas Bond Review Board multifamily lottery for allocation of Private Activity Volume Cap authority. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)
Resolution No. 001005-51 was approved on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.

The AHFC Board Meeting was adjourned at 3:41 p.m. on Board Member Slusher's motion, Board Member Alvarez' second by a 4-0 vote. Board Members Griffith and Wynn were off the dais. Board Member Thomas was absent.

Mayor Watson called the Council Meeting back to order at 4:00 p.m.

ZONING CONSENT

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 Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 5-0 vote. Council Member Wynn was off the dais. Council Member Thomas was absent.

52. C14-85-288.8 RCT - Rialto Boulevard - Public hearing to amend Chapter 25-2 of the Austin City Code by terminating a restrictive covenant for property located at 7701-7799 Rialto Boulevard. Planning Commission Recommendation: To amend the existing restrictive covenant. Property

Owner/Applicant: Stratus Properties (Kenneth Blaker). Agent: Armbrust, Brown, and Davis (Richard Suttle, Jr.). City Staff: Adam Smith, 499-2755.

The termination of restrictive covenant was approved.

53. C14-99-2131 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 Red River Street from CS-1, Commercial-Liquor Sales district and MF-4, Multifamily Residence Moderate-High Density district zoning to CBD, Central Business District zoning. Planning Commission Recommendation: To grant CBD-CO, Central Business District-Conditional Overlay Combining District zoning with conditions. Applicant: Sutton Ice House (Mac Pike); Agent: Bury & Partners, Inc. (Greg Strimiska). City Staff: Clark Patterson, 499-2464.
The first reading of this ordinance was approved.
54. C14-00-2120 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8331 Tuscany Way from GR, Community Commercial District zoning to LI, Limited Industrial Service district zoning. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Service- Conditional Overlay Combining district zoning with conditions for Tract 1, and W/LO-CO, Warehouse/Limited Office-Conditional Overlay Combining district zoning with conditions for Tract 2. Applicant: Midtown 3100, & Donegal Development Corporation (Hunter Barrier); Agent: Armbrust Brown & David (Richard Suttle or Kristofer Kasper). City Staff: Clark Patterson, 499-2464.
This item was postponed until October 12, 2000 by request of the applicant.
55. C14-00-2150 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 305 East Yager Lane from GR, Community Commercial District zoning and GO, General Office district zoning to MF-3, Multifamily Residence Medium Density district zoning. Planning Commission Recommendation: To grant MF-3-CO, Multifamily Residence Medium Density-Conditional Overlay Combining district zoning with conditions. Applicant: Toomey & Associates (Michael Toomey, Trustee); Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Katie Larsen, 499-3072.
Ordinance No. 001005-55 was approved.
56. C14-00-2152 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 11512 North Lamar Blvd. from DR, Development Reserve district zoning to LO, Limited Office district zoning. Planning Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay Combining district zoning with conditions. Applicant: Wayne Harkins & Dean Greenwood; Agent: Holford Group (Theresa Canchola). City Staff: Clark Patterson, 499-2464.
Ordinance No. 001005-56 was approved.
57. C14H-00-0005 – Dessau Evangelical Lutheran Church – Public Hearing to amend Chapter 25-5 of the Austin City Code by rezoning property located at 13300 Dessau Road from DR, Development Reserve district, to DR-H, Development Reserve-Historic district zoning. Historic Landmark Commission: To grant DR-H, Development Reserve-Historic district zoning. Planning Commission Recommendation: To grant DR-H, Development Reserve-Historic district zoning. Applicant: City Historic Landmark Commission (City of Austin); Agent: Development Review and Inspection Department; Property Owner: Southwestern Texas Synod of the Evangelical Lutheran Church in America. City Staff: Barbara Stocklin, 499-2414.
Ordinance No. 001005-57 was approved.

The motion to recess the meeting at 4:09 p.m. was approved on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Council Member Thomas was absent.

Mayor Watson called the meeting back to order at 6:04 p.m.

DISCUSSION ITEMS CONTINUED

58. Conduct a public hearing to receive public comment on proposed changes to the rate and fee structure for the Drainage Fee of the Watershed Protection Department as a result of an updated cost of service study for the fee; and direct staff to proceed with implementation of policy recommendations in the cost of service study. (Recommended by Environmental Board)
The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was absent.
59. Conduct a public hearing to approve an Access Use Agreement with the LOWER COLORADO RIVER AUTHORITY for construction of a 16-foot wide concrete driveway to allow maintenance access to parts of Tom Miller Dam through dedicated parkland known as the northern portion of Red Bud Island, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks and Recreation Board)
The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 6-0 vote. Council Member Thomas was absent.
64. Approve an Access Use Agreement with the LOWER COLORADO RIVER AUTHORITY for construction of a 16-foot wide concrete driveway to allow maintenance access to parts of Tom Miller Dam through dedicated parkland known as the northern portion of Red Bud Island, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.
Resolution No. 001005-64 was approved was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was absent.
60. Conduct a public hearing on an appeal of a Planning Commission's decision to approve a conditional use permit. The proposed site is located at 1420 Dominique Drive. The appeal is being made by Jerry Freese and Lin Blansit, Interested parties. File # SPC-00-2010A City staff: Christopher Johnson, 499-2769.
The application was withdrawn. No action was taken.
65. Consider a resolution regarding an appeal of a Planning Commission's decision to approve a conditional use permit. The proposed site is located at 1420 Dominique Drive. The appeal is being made by Jerry Freese and Lin Blansit, Interested parties. File # SPC-00-2010A City staff: Christopher Johnson, 499-2769.
The application was withdrawn. No action was taken.
61. Conduct a public hearing to waive the minimum separation distance requirement of Section 8-3-4, between a restaurant (general) which intends to sell alcoholic beverages at the property located at 8100 Brodie Lane, Suites 110 & 110A and a building used for religious assembly and a public school. File #SP-00-2348(AW). City Staff: Susan Walker, 499-2202.
The public hearing was closed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Thomas was absent.
66. Consider a resolution to waive the minimum separation distance requirement of Section 8-3-4, between a restaurant (general) which intends to sell alcoholic beverages at the property located at 8100 Brodie Lane, Suites 110 & 110A and a building used for religious assembly and a public school. File #SP-00-2348(AW). City Staff: Susan Walker, 499-2202.
Resolution No. 001005-66 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was absent.
62. Conduct public hearings for the full purpose annexation of the Eubank Acres Annexation Area (approximately 286 acres located in northern Travis County at the northeast intersection of Lamar Boulevard and Braker Lane.)

The public hearing was closed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Thomas was absent.

63. Conduct a public hearing for the full purpose annexation of following annexation areas:

Ivanhoe area (approximately 1010 acres located on the north side of FM 2222 at the intersection of FM 2222 and Bell Mountain Dr);

Cortana area (approximately 1765 acres located on the east side of River Place Blvd between River Place Municipal Utility District (MUD) and the Steiner Ranch development);

FM 2222 Frontage area (approximately 3 acres located on the west side of FM 2222 approximately .3 miles north of the intersection of F 2222 and River Place Blvd);

RiverPlace Blvd./FM 2222 Intersection area (approximately 7 acres located on the west side of FM 2222 at the intersection of River Place Blvd and FM 2222);

Grandview Section 14 area (approximately 72 acres located on the west side of FM 620 at the intersection of FM 620 and Boulder Ln);

Anderson Development Tract Area (approximately 120 acres located at the southeast corner of the intersection of Dessau Road and Parmer Lane);

Avery Ranch West (approximately 80 acres located approximately .3 miles west of the intersection of Parmer Lane and Avery Ranch Road); and

Hwy 71 ROW area (approximately 66 acres of SH 71 right-of-way located across from Austin-Bergstrom International Airport.)

The public hearing was closed on Council Member Slusher's motion, Council Member Alvarez' second by a 6-0 vote. Council Member Thomas was absent.

11. Discuss *Gordon Dunaway and Eli Garza v. City of Austin*, Cause No. 97-12434, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone).

No action was taken.

13. Discuss legal issues regarding labor negotiations with the Austin Police Association

No action was taken.

14. Consider a proposed development agreement with T.H.L. Ranch, Ltd., affecting approximately 4,200 acres in the Steiner Ranch development in Austin's extraterritorial jurisdiction north and east of Lake Austin and south of FM 620.

No action was taken.

The motion to adjourn the meeting at 7:30 p.m. was approved on Council Member Wynn's motion, Council Member Alvarez' second by a 6-0 vote.

The minutes for the regular meeting of October 5, 2000 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.