



# Austin City Council MINUTES

APRIL 25, 1996

Mayor Pro Tem Garcia called the meeting to order, Mayor Todd, Councilmember Goodman temporarily absent, Councilmember Reynolds absent.

1. Approval of Minutes for Worksession of April 17, 1996 and Regular Meeting of April 18, 1996.  
Approved on, Councilmember Shea's motion, Councilmember Nofziger's second, 4-0 vote, Mayor Todd, Councilmembers Goodman temporarily absent Councilmember Reynolds absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss housing issues and increase in gang violence.
3. Mr. Paul Robbins, to speak about City issues.
4. Ms. Bertha Means, to discuss issues pertaining to ground transportation with particular reference to the taxicab franchises.
5. Mr. Kevin Anderson, to discuss personal opportunity and training as a physically challenged youth at ACTV.
6. Ms. Barbie Cantu, to discuss challenges and opportunities provided ADA related groups at ACTV.
7. Ms. Sheri Russell, to discuss energy conservation.
8. Mr. Tom Smith, to request public input on Austin's energy conservation program.
9. Mr. Peter Altman, to discuss energy conservation at the public utility.  
**Absent**
10. Ms. Gayle Borst, to discuss funding cuts on energy conservation.
11. Mr. Shaun Stenshol, to discuss conservation and efficiency at the electric utility and the installation and promotion of large renewable energy projects throughout Austin.

## ORDINANCES

12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North F.M. 620 and Broadmeade Avenue, Case No. C14-95-0163, from "SF-2", Single Family Residence (standard lot) & "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay for

Tract 1 and "RR", Rural Residence District for Tract 2 (floodplain). The provisions of the overlay are as follows: prohibit the following uses - Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Drop-Off Recycling Collection Facility, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Business or Trade Services, Hotel-Motel, and sale or rental of Adult-Oriented Products if such sale or rental accounts for 10% or more revenues of a specific business; JOE HAJAR. First reading on March 7, 1996; Vote 4-0, Mitchell, Nofziger & Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. (cont'd. from 03/21/96, 03/28/96 & 04/11/96)

**Ordinance No. 960425-SS approved with additional conditions of prohibited uses: Hotel/motel, theaters, business or trade schools as defined in Section 13-2-3 of the Land Development Code are permitted within the boundaries of the Conditional Overlay Combining District established by this ordinance: save and except that those trade schools which teach manual labor skills such as automotive and equipment services repair, air-conditioning and heating maintenance and repair, refrigeration maintenance repair, appliance repair, welding and any other industrial labor skills shall be prohibited within the Conditional Overlay Combining District.**

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North F. M. 620 and Broadmeade Avenue, Case No. C14-95-0164, from "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay zoning for Tract 2, with the provisions of the overlay as follows: (1) prohibit the following uses - Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Drop-Off Recycling Collection Facility, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Business or Trade School, Hotel-Motel, and sale or rental of Adult-Oriented Products if such sale or rental accounts for 10% or more revenues of a specific business; and (2) dedication of up to 35 feet of right-of-way from the existing centerline of Briar Hollow Drive; AND "CS-1-CO", Commercial Liquor Sales-Conditional Overlay, zoning for Tract 1 with the provisions of the overlay limiting: (1) uses permitted in GR zoning district; (2) one liquor store only; and (3) this liquor store will be limited to a maximum of 5,000 square feet; JOE HAJAR. First reading on March 7, 1996; Vote 4-0, Mitchell, Nofziger & Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. (cont'd. from 03/21/96, 03/28/96 & 04/11/96) (Related to Item 97)

**Ordinance No. 960425-TT approved with additional conditions of prohibited uses: Hotel/motel, theaters, business or trade schools as defined in Section 13-2-3 of the Land Development Code are permitted within the boundaries of the Conditional Overlay Combining District established by this ordinance: save and except that those trade schools which teach manual labor skills such as automotive and equipment services repair, air-conditioning and heating maintenance and repair, refrigeration maintenance repair, appliance repair, welding and any other industrial labor skills shall be prohibited within the Conditional Overlay Combining District.**

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North F.M. 620 and Briar Hollow Drive, Case No. C14-95-0165, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay zoning, with the provisions of the overlay as follows: (1)

prohibit the following uses - Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Drop-Off Recycling Collection Facility, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Business or Trade School, Hotel-Motel, and sale or rental of Adult-Oriented Products if such sale or rental accounts for 10% or more revenues of a specific business; and (2) dedication of up to 35 feet of right-of-way from the existing centerline of Briar Hollow Drive; JOE HAJAR. First reading on March 7, 1996; Vote 4-0, Mitchell, Nofziger & Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. (cont'd. from 03/21/96, 03/28/96 & 04/11/96)

Ordinance No. 960426-UU approved, with additional conditions of prohibited uses: Business or trade schools as defined in Section 13-2-3 of the Land Development Code are permitted within the boundaries of the Conditional Overlay Combining District established by this ordinance: save and except that those trade schools which teach manual labor skills such as automotive and equipment services repair, air-conditioning and heating maintenance and repair, refrigeration maintenance repair, appliance repair, welding and any other industrial labor skills shall be prohibited within the Conditional Overlay Combining District, (2) restaurants (drive-in, fast food) as defined in Section 13-2-3, Land Development Code shall be prohibited within the boundaries of the Conditional Overlay Combining District established by this ordinance unless such restaurant provide seating facilities for on-site consumption of food and beverages.

Items 12 through 14 approved on, Councilmember Shea's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Reynolds absent.

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7400 Block South Congress Ave., Case No. C14-94-0097, from "DR", Development Reserve to "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay and RR, Rural Residence for area with 100-year floodplain, subject to the following conditions: (1) limit density to a maximum of 150 units; (2) provide a 50 foot undisturbed buffer along the west property line; (3) prohibit development within the floodplain; (4) prohibit access to Loganberry Lane; and (5) dedicate 90 feet of right-of-way from the centerline of Dittmar Road; PECAN GROVE J.V. II (John Foster), by JADCO (Joe DiQuinzio, Jr.). First reading on November 3, 1994; Vote 4-0-1, Goodman abstained, Mitchell and Shea out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Street right-of-way from the future centerline of Dittmar Road will be dedicated at the time of subdivision.

**Postponed to May 9, 1996**

16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7400 Block South Congress Ave., Case No. C14-94-0098, from "DR", Development Reserve to "SF-2", Single Family Residence (standard lot), zoning subject to Blackberry Drive being stubbed-out to the north of the tract when it is extended; PECAN GROVE J.V. II (John Foster), by JADCO (Joe DiQuinzio, Jr.).

First reading on November 3, 1994; Vote 4-0-1, Goodman abstained; Mitchell and Shea out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed

by Council.

**Postponed to May 9, 1996**

17. Approve second reading of an ordinance granting a franchise agreement between the City of Austin and GST Lightwave, Inc., to provide telecommunication services. (Unanticipated revenue FY 1995-96 \$8,750.) (Recommended by Austin Telecommunications Commission)  
**Approved second reading only**
18. Amend Ordinance No. 950911-A, the 1995-96 Operating budget, by increasing the appropriation for the Convention Center operating reserve fund by \$825,000 and reducing the ending balance by \$825,000. **(Related to item 111)**  
**Ordinance No. 960425-A, approved**
19. Amend Ordinance No. 950911-A, the 1995-96 Operating budget for the Austin Convention and Visitors Bureau, by increasing the beginning fund balance by \$256,037, increasing the appropriations by \$351,891 and reducing the unreserved ending balance by \$95,854.  
**Ordinance No. 960425-B, approved**
20. Amend Ordinance No. 950911-B, the 1995-96 Electric Utility Department Capital budget by appropriating \$8,700,000 to the Electric Transmission/Substation parent account. (Improvements will be funded by Commercial Paper.)  
**Ordinance No. 960425-C, approved**
21. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Golf Surcharge Fund, by increasing transfers to the Capital budget by \$200,000. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Golf Enterprise Fund of the Parks and Recreation Department, by increasing transfers in from the Golf Surcharge Fund and appropriating \$200,000 for settlement of the construction contract dispute relating to Roy Kizer Golf Course. **(Related to Item 55)**  
**Ordinance No. 960425-D, approved**
22. Authorize acceptance of \$21,116 from the State of Texas Comptroller of Public Accounts, Law Enforcement Officer Standards and Education (LEOSE) account for police officer training; amend Ordinance No. 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$21,116 to the Police Department Special Revenue Fund.  
**Ordinance No. 960425-E, approved**
23. Authorize acceptance of \$18,932 from Travis County for the Senior Support Services Program; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$18,932 to the Parks and Recreation Department, for a total revised appropriation of \$610,932; and authorize the City Manager to amend the Interlocal Agreement with Travis County for the provision of meal services to eligible participants.  
**Ordinance No. 960425-F, approved**
24. Amend Chapter 8-11, Parades, of the Code of the City of Austin, 1992, as amended, by changing the time period for parade permit application and by amending the provisions

regarding payment of costs of policing parades. (Overtime expenses in the amount of \$2,000 will be reimbursed by parade sponsors.)

**Ordinance No. 960425-G, approved**

25. Authorize acceptance of \$198,000 in U.S. Department of Energy funds to be used in a project to install 96 kilowatts of solar photovoltaic (PV) systems on local homes and businesses; Amend Ordinance 950911-B, the 1995-96 Capital budget of the Electric Utility Department, by increasing appropriation for the PV systems project by \$198,000.

**Ordinance No. 960425-H, approved**

26. Amend Chapter 9-2 of the Austin City Code, 1992 exempting Proposition 10 (Balcones Canyonlands Preserve) and Proposition 11 (Barton Creek Wilderness Park) of the 1992 bond election from the Art in Public Places Program (AIPP).

**Ordinance No. 960425-I, approved**

27. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Financial Services Department by transferring \$35,000 from the Contingency Project to the Parks and Recreation Department Capital budget. Amend the 1995-96 Capital budget of the Parks and Recreation Department by increasing transfers in by \$35,000 and appropriating a project for repairs to the water treatment plant at Emma Long Metropolitan Park. (To be reviewed by the Planning Commission April 23, 1996).

**Ordinance No. 960425-J, approved**

28. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Parks and Recreation Department Special Revenue Fund by appropriating \$100,000 to the Cemetery Fund to meet contractual expenses associated with hauling of rock and spoil piles generated by the City of Austin from Austin Memorial Park Cemetery to an approved disposal site.

**Ordinance No. 960425-K, approved**

29. Amend Ordinance 950911-A, the 1995-96 Operating budget, by transferring \$45,650 from the General Fund Contingency Reserve and increasing the appropriation of the Parks and Recreation Department by \$45,650 to fund an oak wilt evaluation, survey and suppression program for City of Austin parks and greenbelts.

**Ordinance No. 960425-L, approved**

30. Amend Ordinance 950911-B, the 1995-96 Capital budget for the Parks and Recreation Department, by appropriating \$197,809 in fees collected through the Parkland Dedication Ordinance for parkland acquisition and amenities in existing parks. (To be reviewed by Planning Commission April 23, 1996) Recommended by the Parks Board

**Ordinance No. 960425-M, approved**

31. Amend Ordinance 950911-B, the 1995-96 Capital budget for the Parks and Recreation Department, by appropriating \$700,000 in fees collected through the Parkland Dedication Ordinance, for the purpose of providing matching funds for an Intermodal Surface Transportation Efficiency Act (ISTEA) grant application. (To be reviewed by Planning Commission April 23, 1996) (Related to Item 66)

**Ordinance No. 960425-N, approved**

32. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Drainage Utility by: 1) increasing transfers in the Capital budget by \$113,532 from the Urban Structural Control Fund; and 2) increasing the appropriation of the 38th Street Water Quality Pond Project by \$113,532, for a total appropriation of \$584,181. (Recommended by Environmental Board) (Related to Item 50)  
Ordinance No. 960425-O approved

Items 17 through 32 approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.

33. Amend Ordinance 950911-B, the Capital budget of the Financial Services Department, by transferring \$537,800 from the Contingency Project to the Public Works and Transportation Department Capital Budget. Amend the 1995-96 Capital budget of the Public Works and Transportation Department by increasing the transfers in by \$537,800 to the ADA Curb Ramp Improvement Project to continue operations through 1995-96.  
Postponed to May 9, 1996

34. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Recreation Programs Enterprise Fund of the Parks and Recreation Department, by increasing expenditures by \$144,042 and revenue by \$144,042 resulting from increased participation in recreation programs and operation of the nature store at the Barton Springs Bathhouse.  
Ordinance No. 960425-P, approved on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Reynolds absent.

35. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Drainage Utility Fund, by increasing appropriations \$48,512 and reducing the ending balance by the same amount to fund a proposed Interlocal Agreement with the City of Austin, the U.S. Fish and Wildlife Service, and the Texas Department of Parks and Wildlife to conduct water quality and biological monitoring studies in the Bull Creek Watershed. (Related to item 51)  
Ordinance No. 960425-Q, approved

36. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Parks and Recreation Department, by decreasing revenue by \$191,915, decreasing expenditures by \$193,732 and eliminating 16.0 Full Time Equivalents (FTEs).  
Ordinance No. 960425-R, approved

37. Amend Ordinance 950911-A, the 1995-96 Operating budget, by transferring \$40,000 from the General Fund Contingency Reserve to the 1995-96 operating budget of the Environmental and Conservation Services Department to fund a voluntary Stage I Vapor Recovery Program. (Recommended by Environmental Board) (Related to Item 52)  
Ordinance No. 960425-S, approved

38. Amend Ordinance 950911-B, the 1995-96 Capital Budget of the Financial Services, by transferring \$3,938,538 from the Capital Reserve project to the Fire Department Capital budget. Amend the 1995-96 Capital budget to the Fire Department by increasing transfers

in by \$3,938,538 and appropriate a Hwy 620/Hwy 183 Fire/ EMS station for \$3,938,538.  
**Ordinance No. 960425-T, approved**

39. Amend Ordinance 950911-A, the 1995-96 Operating budget, by transferring \$36,000 from the General Fund Contingency Reserve and increasing the appropriation for the Police Department by \$36,000 for hardware and software upgrades to improve the performance of the City's mobile data terminal (MDT) network used by the Police, Fire and EMS.  
**Ordinance No. 960425-U, approved**

40. Amend Ordinance 950911-A, the 1995-96 Operating budget, by transferring \$808,000 from the General Fund Contingency Reserve and increasing the appropriation for the Police Department by \$808,000 to account for higher terminal pay expenditures associated with the higher number of early retirements of police officers, and overtime costs related to protection of VIPs during visits to Austin.  
**Ordinance No. 960425-V, approved**

**Items 35 through 40 approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

41. Amend Ordinance 950911-A, the 1995-96 Operating budget, by transferring \$114,256 from the General Fund Contingency Reserve to increase the appropriation of the Law Department by \$114,256 to fund reimbursement of Professional Sports, Inc. (the Phoenix Firebirds), pursuant to the Memorandum of Understanding, for actual costs incurred for funding the Escrow Agreement for the expenses of the Austin Sports Development Authority, Inc.  
**Ordinance No. 960425-WW, approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 5-1 vote, Councilmember Shea voting "NO", Councilmember Reynolds absent.**

42. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Health and Human Services Department Disproportionate Share Fund, by increasing expenditures by \$724,958 and by increasing expense reimbursements by \$93,750 for the procurement of an Integrated Client Management System serving the Primary Care Clinics, Communicable Disease Clinics, and Medical Assistance Program.  
**Ordinance No. 960425-W, approved**

43. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Health and Human Services Department, by reducing the appropriation in the Integrated Client Management System Information Systems Project by \$585,000 from \$1,260,000 to \$675,000.  
**Ordinance No. 960425-X, approved**

**Items 42 and 43 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

44. Amend Ordinance 950911-A, the 1995-96 Operating budget of the Airport Fund, by increasing the beginning balance by \$1,899,335 to reflect the audited balance of \$3,185,949. Appropriate \$703,874 in the additional expenditures in the Airport Fund for the following activities: 1) \$280,304 to fund activities related to the Small Contractors Assistance Group and add two Full-Time Equivalents (FTE) positions, 2) \$343,570 to fund

the activities of the Airport Public Safety Division for increased security and 3) \$80,000 to fund activities of the Airport Rescue and Firefighting Section of the Public Safety Division and 4) increase the ending balance of the Airport Fund by \$1,195,541 to \$2,521,764. (Reviewed by Airport Advisory Board)

**Postponed to May 9, 1996**

45. Amend Ordinance 950911-A, the 1995-96 Operating budget by transferring \$302,000 from the General Fund Contingency Reserve and increasing the appropriation for the Development Services Department by the same amount to fund computer system replacement, computer software, and cellular phones and service.  
**Ordinance No. 960425-Y, approved**
46. Amend ordinance 950911-A, the 1995-96 Operating Budget, by transferring \$54,167 from the General Fund Contingency Reserve to increase the appropriation of the Emergency Medical Services Department by \$54,167 to fund provision of emergency medical services for areas within the corporate limits of the City through an Interlocal Agreement with Williamson County Emergency Medical Services.  
**Ordinance No. 960425-Z, approved**
47. Amend ordinance 950911-A, the 1995-96 Operating Budget by transferring \$48,000 from the General Fund Contingency Reserve and increasing the appropriation for the Library department to fund equipment costs associated with acceptance of a Texas State Library Grant to Austin Free-Net to provide public access Internet computer workstations.  
**Ordinance No. 960425-AA, approved**
48. Amend ordinance 950911-A, the 1995-96 Operating Budget by transferring \$50,000 from the General Fund Contingency Reserve and increasing the appropriation for the Library Department by the same amount to fund temporary positions at branch libraries.  
**Ordinance No. 960425-BB, approved**
49. Amend ordinance 950911-A, the operating budget, by transferring \$80,000 from General Fund Contingency Reserve to increase the appropriation of the Law Department by \$80,000 to provide funding for legal services related to the "Meet and Confer" negotiations with representatives of Firefighters and Police Officers.  
**Ordinance No. 960425-CC, approved**

## RESOLUTIONS

50. Authorize negotiation and execution of a second supplemental agreement among the City of Austin, West 38th Street, Ltd. and the State of Texas to increase the cost for the design and construction of a regional stormwater quality control facility on the Hemphill Branch of Waller Creek by \$113,532.00, for a total contract amount of \$584,181. (Funding was included in the 1995-96 Amended Capital budget of the Drainage Utility Department.) (Recommended by Environmental Board) **(Related to Item 32)**  
**Approved**



51. Approve negotiation and execution of an Interlocal Agreement with the City of Austin, the Texas Parks and Wildlife Department, and the U.S. Fish and Wildlife Service to conduct water quality and biological monitoring studies in the Bull Creek Watershed in an amount not to exceed \$28,000. (Funding is available in the 1995-96 Amended operating budget of the Drainage Utility.) **(Related to Item 35)**  
**Approved**
52. Approve negotiation and execution of an Interlocal Agreement between the City of Austin and Austin Transportation Study to implement a Stage I Vapor Recovery Program. (Funding is available in the 1995-96 Amended operating budget of the Environmental and Conservation Services department.) (Recommended by Environmental Board) **(Related to item 37)**  
**Approved**
53. Approve a resolution recognizing the Austin Professional Fire Fighters as the sole and exclusive bargaining agent for the purposes of Subchapter I of Chapter 143 of the Texas Local Government Code for all civil service employees of the Austin Fire Department other than the Fire Chief and the Assistant Fire Chiefs.  
**Approved**
54. Approve negotiation and execution of a one year service agreement with DAUGHTERS OF CHARITY NATIONAL HEALTH SYSTEMS, Grand Prairie, Texas, for automated information systems services, in an amount not to exceed \$610,600 with eight one year extension options in an amount not to exceed \$179,400 per extension, for a total amount not to exceed \$2,045,800. (Funding in the amount of \$487,000 is available in the 1995-96 Disproportionate Share Fund of the Health and Human Service Department, \$18,600 is available in the 1995-96 operating budget of the FQHC fund. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.)  
**Approved**
55. Approve Change Order #7 to GOLF WORKS, INC., Austin, Texas, in a settlement of the construction contract dispute relating to the pond liner repair at the Roy Kizer (formerly Spikerush) Golf Course, in the amount of \$200,000, for a total contract amount of \$3,549,374.45. (Funding is available in the 1995-96 Amended Capital budget of the Golf Enterprise Fund of the Parks and Recreation Department.)**(Related to item 21.)**  
**Approved**
56. Approve Change Order #1 to the contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for vegetation control in creeks and detention/sedimentation ponds, and hauling excessive vegetation and debris from work performed, in the amount of \$51,731.61, for a total contract amount of \$768,131.61. (Funding is available in the 1995-96 Drainage Utility operating budget.)  
**Approved**
57. Approve a twelve month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for median and triangle mowing for the north side of the city, in the amount of \$41,568.80 with the option to extend for two additional twelve

month periods in the amount of \$41,568.80, for a total amount of \$124,706.40. (Funding in the amount of \$25,980.50 is available in the 1995-96 operating budget of the Parks and Recreation Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.)

**Approved**

58. Authorize execution of a Interlocal Agreement between the City of Austin and Travis County to provide \$7,000 in funding for the continued operation of the Travis County Community Justice Council. (Funding is available in the 1995-96 Police Federal Asset Forfeiture Fund.)

**Approved**

59. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC) for the purchase of one portable wood grinder used to grind tree trimmings and yard waste, in an amount not to exceed \$234,750. (Funding in the amount of \$7,696 is available in the 1995-96 operating budget of the Solid Waste Services Department. \$152,054 was included in the 1995-96 Capital budget of the Solid Waste Services Department. \$75,000 was included in the 1995-96 Capital budget of the Electric Utility Department.)

**Approved**

60. Approve a construction contract award to EMR CONSTRUCTION, INC., (MBE/FA), Austin, Texas, for construction of accessibility improvements at the Zilker Clubhouse, in the amount of \$210,000. (Funding in the amount of \$205,000 was included in the 1994-95 Amended Capital budget of the Parks and Recreation Department; \$5,000 is available in the 1995-96 operating budget of the Parks and Recreation Department.) Low bid of six. Prime WBE participation 91.36%. 0% MBE, 8.64% WBE Subcontractor participation.

**Approved**

61. Approve execution of a twelve month supply agreement with ALAMO IRON WORKS, San Antonio, Texas, for the purchase of work gloves used by City departments, in an amount not to exceed \$120,132.08 with the option to extend for two additional twelve month extension options in an amount not to exceed \$120,132.08 per extension, for a total contract amount not to exceed \$360,396.24. (Funding in the amount of \$50,055 is available in the 1995-96 operating budget of the user departments. Funding for the remaining seven months and the extension options is contingent upon available funding in future budgets.) Low responsive bid of fifteen. No M/WBE Subcontracting opportunities were identified.

**Approved**

62. Approve execution of a twelve month service agreement with HARMONY CONSTRUCTION (WBE/FR), Austin, Texas, to provide painting and related services for City facilities, in an amount not to exceed \$60,000 with two twelve month extension options in an amount not to exceed \$60,000 per extension, for a total amount of \$180,000. (Funding in the amount of \$25,000 is available in the 1995-96 operating budget of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining seven months and the extension options is contingent upon available funding in future budgets.) Low bid of six. Prime participation 100% WBE. No M/WBE Subcontracting opportunities were identified.

**Approved**

63. Approve execution of a twelve month service agreement with NATIONAL PRESORT SERVICES, INC., Dallas, Texas, for presorting bulk mail, in an amount not to exceed \$126,000 with two twelve month extension options in an amount not to exceed \$126,000 per extension, for a total amount not to exceed \$378,000. (Funding in the amount of \$52,500 is available in the 1995-96 operating budget of the Materials Management Postal Division, Finance and Administrative Services Department. Funding for the remaining seven months and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Approved**

64. Approve execution of three contracts: (1) with KUENSTLER MACHINERY, Manor, Texas, for the purchase of six tractor, loader, backhoes, in the amount of \$248,193; TEXANA MACHINERY CORPORATION, Manor, Texas, for the purchase of one tractor front loader, in the amount of \$80,968.25; VAQUERO EQUIPMENT, San Antonio, Texas, for the purchase of one tractor front loader, in the amount of \$97,742. (Funding in the amount \$47,674 is available in the 1995-96 operating budget of the Drainage Utility Fund, \$44,718 is available in the 1995-96 operating budget of the Aviation Department; \$97,742 is available in the 1995-96 operating budget of the Transportation Fund; \$161,321.25 is available in the 1995-96 operating budget of the Water and Wastewater Utility; \$75,448 was included in the 1995-96 Capital budget of the Wastewater Division of the Water and Wastewater Utility Department.) Low bids of seven meeting specifications. No M/WBE Subcontracting opportunities were identified.

**Approved**

**Items 45 through 64 approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

65. Approve negotiation and execution of an Interlocal Agreement with the Barton Springs/Edwards Aquifer Conservation District to conduct tracer studies in the Barton Springs segment of the Edwards Aquifer to demonstrate the flow relationships between Barton and Williamson Creeks and Barton Springs, in an amount not to exceed \$45,000. (Funding is available in the 1995-96 operating budget of the Environmental and Conservation Services fund.)

**Approved on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 4-1-1 vote, Councilmember Mitchell voting "NO", Councilmember Goodman abstaining, Councilmember Reynolds absent.**

66. Certify the availability of \$850,000 in matching funds for an Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Program project application being submitted by the City of Austin to the Austin Transportation Study and the Texas Department of Transportation. (Funding in the amount of \$700,000 was included in the 1995-96 Amended Capital budget of the Parks and Recreation Department; \$150,000 is available in the 1994-95 Approved Capital budget of the Environmental and Conservation Services Department.) **(Related to Item 31)**

**Approved**

67. Authorize the Mayor to accept the Balcones Canyonlands Conservation Plan(BCP) regional section 10(a) permit to be issued to City of Austin and Travis County (as co-permittees) by the U.S. Fish and Wildlife Service for incidental take of federally listed endangered black-capped vireo, golden cheeked warbler, and six karst invertebrates under section 10(a) (1) (B) of the Endangered Species Act. (Funding in the amount of \$2,243,507 is required over five years; \$492,00 from the General Fund, \$1,716,414 from the Drainage Utility Fund, \$35,093 from the Water and Wastewater Utility Fund.)

**Approved**

68. Adopt guidelines for the implementation of the "Meet and Confer" process.

**Approved**

**Items 66 through 68 approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

69. Approve a resolution authorizing revisions to the personnel policies.

**Postponed indefinitely**

#### ITEMS FROM COUNCIL

70. Set a public hearing regarding amendments to the Land Development Code to provide for successor departments to Planning and Development, and Environmental and Conservation Services; to establish an environmental review division; and to create an environmental officer. (Suggested date and time: May 16, 1996 at 5:30 PM) (Councilmember Brigid Shea and Councilmember Max Nofziger)

**Approved on, Councilmember Nofziger's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds absent.**

71. Amend ordinance 950911-A, the 1995-96 operating budget by transferring \$17,009 from the General Fund Contingency Reserve and increasing the appropriation of the Municipal Court by \$17,009 and authorize 1.5 Full Time Equivalents to conduct case research for the purpose of issuing more accurate sentences to repeat offenders. (Mayor Bruce Todd and Councilmember Ronney Reynolds)

**Ordinance No. 960426-DD, approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

72. Approve a resolution directing the City Manager to develop a plan for improving the conditions for bicycle and pedestrian traffic on the Lamar Street Bridge and for improving integration of all traffic with adjoining trails and streets, and present the plan to Council within 30 days. (Councilmember Max Nofziger and Mayor Pro Tem Gus Garcia)

Motion to approve on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second.

**Mayor Pro Tem Garcia then offered a friendly amendment to not add vehicular lanes provision but on the resolution going to the second sentence where it reads conceptual layout, then scratching the words until one word past the comma, that will improve pedestrian and bicycle traffic.**

Not acceptable to the seconder of the motion.

Second withdrawn.

Motion to approve on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 2-3 vote, Councilmembers Goodman, Nofziger and Shea voting "NO", Councilmember Mitchell off the dais, Councilmember Reynolds absent.

Motion fails.

Substitute motion by Councilmember Shea to approve item as is posted, but adding specific direction to staff and the consultants that they include in their options an examination of that contra-flow lanes as part of the series of things that are to be examined with regard to it, on, Councilmember Shea's motion, Councilmember Goodman's second, 3-2 vote, Mayor Todd and Mayor Pro Tem Garcia voting "NO", Councilmember Mitchell off the dais, Councilmember Reynolds absent.

Motion fails.

73. Amend ordinance 950911-A, the 1995-96 Operating Budget, by transferring approximately \$25,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Public Works and Transportation Department to fund a pedestrian coordinator, and authorize one additional full-time equivalent. (Councilmember Max Nofziger and Councilmember Brigid Shea)

Motion to approve on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Mayor Todd and Councilmember Mitchell voting "NO", Councilmember Reynolds absent.

74. Amend ordinance 950911-A, to fund the bicycle transit link program.

Motion to approve only on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Mayor Todd and Councilmember Mitchell voting "NO", Councilmember Reynolds absent.

75. Amend ordinance 950911-A, the 1995-96 operating budget by transferring \$41,745 from the General Fund Contingency Reserve Fund, and increasing the appropriation of the Health and Human Services department by the same amount for the Eastside Story, and authorizing an additional 2.0 full time equivalents for the Health and Human Services Department. (Councilmembers Eric Mitchell and Councilmember Ronney Reynolds)

Motion to approve first reading only on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 4-1 vote, Councilmember Nofziger voting "NO", Councilmember Shea off the dais, Councilmember Reynolds absent.

76. Amend ordinance 950911-A, the 1995-96 operating budget, by transferring approximately \$24,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount of the Library Department to fund an Edwards Aquifer library. (Councilmember Max Nofziger and Councilmember Brigid Shea)

Motion to approve on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second,

- 4-2 vote, Mayor Todd and Councilmember Mitchell voting "NO", Councilmember Reynolds absent.
77. Amend ordinance 950911-A, the 1995-96 Operating budget, by transferring approximately \$30,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Solid Waste Services Fund to fund the reformulated products program, and authorize one additional full time equivalent. (Councilmember Max Nofziger and Councilmember Brigid Shea)  
**Motion to approve on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Mayor Todd and Councilmember Mitchell voting "NO", Councilmember Reynolds absent.**
78. Amend Ordinance 950911-A, the operating budget , by transferring \$49,832 from the General Fund Contingency Reserve to increase the appropriation of the Health and Human Services Department Department social services contracts by the same amount to fund child care for children affected or infected with the HIV virus. (Councilmember Jackie Goodman and Councilmember Brigid Shea) **(Related to 79)**  
**No action taken**
79. Approve negotiation and execution of a contract with the Pediatric AIDs League for childcare for children affected or infected with the HIV virus in an amount not to exceed \$49,832. (Councilmember Jackie Goodman and Councilmember Brigid Shea) **(Related to 78)**  
**Substitute motion by Mayor Pro Tem Garcia to have the process go through CAN, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Mitchell and Nofziger off the dais, Councilmember Reynolds absent.**
80. Approve a resolution requesting the City Manager provide a schedule showing potential market opportunities for refinancing water and wastewater debt, for refinancing combined utility system debt and to take whatever steps are necessary to prepare documents and be ready to go to market for financing. (Councilmember Ronney Reynolds and Councilmember Eric Mitchell)  
**Approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**
81. Amend ordinance 950911-A, the 1995-96 operating budget by transferring \$100,000 from the General Fund Contingency Reserve, and increasing the appropriation of the Health and Human Services Department by the same amount for the Summer Youth Employment Program. (Mayor Pro Tem Gus Garcia and Councilmember Brigid Shea)  
**Postponed to May 9, 1996**
82. Adopt an ordinance reserving City of Austin property located on River Street as the site for the construction of the Mexican American Cultural Center. (Mayor Pro Tem Gus Garcia, Councilmember Max Nofziger) **Approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**
83. Approve a resolution directing the City Manager to work with Hill Country communities to develop a rail trail. (Councilmembers Max Nofziger, Jackie Goodman, and Brigid Shea)

Approved on, Councilmember Nofziger's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Shea and Mitchell off the dais, Councilmember Reynolds absent.

84. Approve a resolution directing the City Manager to reserve excess parking meter revenues for the Great Streets program. (Mayor Pro Tem Gus Garcia, Councilmember Max Nofziger, and Mayor Todd)  
Approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Reynolds absent.

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

85. C14-96-0009 - NECHES/6TH STREET L.C. (Mike Voticky), by Crocker Consultants (Sarah Crocker), West 17th Street and Lavaca Street. From CS & DMU to CBD. Planning Commission Recommendation: To Grant CBD-CO, Central Business District-Conditional Overlay zoning for the western most 120 feet of the site, limited to 265 feet in height; and DMU, Downtown Mixed Use for the remaining 120 feet; subject to the following: (1) a gross F.A.R. (floor to area ratio) at 6.5; (2) retail on first floor not to be isolated by curb cuts or parking; (3) 80 percent of Lavaca facade to be occupied uses; and (4) a level of development intensity that generates less than 2,000 vehicle trips per day.  
Approved Planning Commission recommendation, first reading only, Councilmember Goodman will explore with applicant and Cambridge Tower Residents alternatives to parking issue, on Councilmember Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.
86. C14-96-0013 - COW PATH PARTNERS (Kenneth Schick), by A. R. Thrower Design (Ron Thrower), 5300 West Duval Road. From SF-3 & SF-2 to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, zoning subject to the following: (1) prohibit Medical Office Use; and (2) limit height to a maximum of 35 feet.  
Ordinance No. 960425-MM, approved
87. C14-96-0015 (combined with C14-96-0014) - PAT & DOTTYE DEMENT, by Crocker Consultants (Sarah Crocker), 9100 Cullen Lane. From I-RR to CS-1 for Tract 1 and GR for Tract 2. Planning Commission Recommendation: To Grant CS-1, Commercial Liquor Sales for Tract 1 and GR-CO, Community Commercial-Conditional Overlay for Tract 2, with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day.  
Ordinance No. 960425-NN, approved
88. C14-96-0016 - CAPITAL CITY WAREHOUSING (Bert Pence), by Site Specifics (John Hussey), 9009 Cullen. From I-RR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning subject to the following: (1) limit development to generate less than 2,000 vehicle trips per day; (2) dedication of 35 feet of right-of-way from the existing centerline of Cullen Lane; and (3) prohibit Campground, Kennels, Vehicle Storage, and Pawn Shop uses.  
Ordinance No. 960425-OO, approved

Items 86 through 88 approved on, Councilmember Shea's motion, Councilmember Mitchell's

second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Reynolds absent.

89. C14-96-0017 - CONGRESS/CULLEN LANE (Bert Pence), by Site Specifics (John Hussey), 8905 Cullen Lane. From I-RR, DR & GR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning subject to the following: (1) limit development to generate less than 2,000 vehicle trips per day; (2) dedication of 35 feet of right-of-way from the existing centerline of Cullen Lane; (3) prohibit Campground, Kennels, Vehicle Storage, and Pawn Shop uses; and (4) prohibit access to Cullen Lane until road improvement have been made. Note: The applicant does not agree with condition #4. **Motion to close hearing on, Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

**Approved Planning Commission recommendation, first reading only with the deletion of condition #4 with the request that staff, applicant and the neighborhood association write restrictive covenant language to address cut-through traffic, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

90. C14-96-0020 - UNISOURCE WORLDWIDE (Leigh A. Purdy), by A. R. Thrower Design (Ron Thrower), 2090 Woodward. From SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day. **Approve Planning Commission recommendation, first reading only.**

91. C14-96-0021 - JAMES H. MILLER/TRAVIS STAR CORP. (Mac Spellmann, Jr.), by A. R. Thrower Design (Ron Thrower), Bell Drive and Travis Hills Drive. From RR & SF-2 to LO. Planning Commission Recommendation: To Grant LO-MU-CO, Limited Office- Mixed Use Combining District- Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; (2) prohibit Medical Office use; and (3) limit a maximum of 30,000 square feet of gross floor area on the site. **Ordinance No. 960425-PP approved, Planning Commission recommendation.**

92. C14-96-0022 - CALGON SUMMIT LTD. (Dan Cooper), by A. R. Thrower Design (Ron Thrower), 13694 Research Boulevard. From LO-CO & GR-CO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning, on Tract 1; and GO-CO, General Office-Conditional Overlay, zoning, on Tract 2 subject to the following: (1) limit development to a level generating less than 2,000 vehicle trips per day; (2) prohibit access to U.S. 183 North; (3) prohibit the following uses (on Tract 1): Automotive Washing, Automotive Rentals, Automotive Repair Services, Business or Trade Schools, Exterminating Services, Food sales, Funeral Services, Hotel-Motel, Indoor Sports and Recreation, Outdoor Sports and Recreation, Indoor Entertainment, Pawn Shop Services, Restaurant (general, limited & fast food), Service Stations, General Retail Sales (convenience), General Retail Sales (general), Communication Service Facilities, Day Care Services (general, limited and commercial), Hospital Services, Local Utility Service, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities; (4) limit building height to 35 feet; and (5) dedicate up to 180 feet of right-of-way from the future centerline of U.S. Highway 183 North.



Approve Planning Commission recommendation, first reading, with additional prohibited uses as follows: 1) communication services; 2) medical offices; 3) professional offices; 4) software development; 5) communication service facilities; 6) convalescent services; 7) counseling services; 8) day care services (general, limited, commercial); 9) local utility services; 10) private primary educational facilities; 10) private primary educational facilities; 11) public primary educational facilities; 12) private secondary educational facilities; and 13) public secondary educational facilities.

93. C14-96-0025 - ST. JAMES EPISCOPAL CHURCH (Rev. William B. Miller), by Minter, Joseph & Thornhill (Kenneth W. Brown), 3701 East Martin Luther King Blvd. From SF-3 to NO. Planning Commission Recommendation: To Grant NO, Neighborhood Office and RR, Rural Residence for that portion located within the 100 year floodplain.  
**Approve Planning Commission recommendation, first reading only.**

**Items 90 through 93 approved on, Councilmember Shea's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Reynolds absent.**

94. C14-96-0026 - EMMETT S. SUTTON, 5101 Balcones Drive. From SF-3 to NO. Planning Commission Recommendation: To Deny NO, Neighborhood Office, zoning. Note: The applicant has requested an postponement to September 5, 1996.  
**Postponed to September 5, 1996**

95. C14-96-0029 - 1701 NUECES LTD. (Jeff Blatt), by Crocker Consultants (Sarah Crocker), 506 West 17th Street. From GO to DMU. Planning Commission Recommendation: To Grant DMU-CURE, Downtown Mixed Use-Central Urban Redevelopment Combining District zoning. Note; The revised staff recommendation is to grant DMU, Downtown Mixed Use District zoning without the CURE combining district.  
**Ordinance No. 960425-QQ, approved DMU-CO, Downtown mixed Use-Conditional Overlay zoning, limiting height to 60 feet.**

96. C14-96-0033 - JERRY KATZ, by Crocker Consulting (Sarah Crocker), 425 Woodward. From MF-3 to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, zoning with the provision of the overlay to limit the height to 25 feet.  
**Ordinance No. 960425-RR, approved Planning Commission recommendation.**

97. C14-78-219 - JOE HAJJAR, North R.M. 620 and Broadmeade. Request for Restrictive Covenant Termination. Planning Commission Recommendation: Approve termination of restrictive covenant. (cont'd. from 2/1/96, 2/8/96, 2/29/96, 03/21/96 & 04/11/96) (Related to 13)  
**Approved**

**Items 95 through 97 approved on, Councilmember Shea's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Reynolds absent.**

## PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

98. 4:30 P.M. - Conduct a public hearing to consider a street name change for the entire length of 26th Street to Barbara Jordan Avenue and all options for adequate tribute to Barbara Jordan. Mayor Pro Tem Gus Garcia, Mayor Bruce Todd)

**Motion to continue hearing on May 9, 1996 at 3:30 p.m. on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.**

99. 5:00 P.M. - Public hearing on the renewal of Time Warner Entertainment Company, L.P.'s (dba Austin CableVision) cable franchise. (Related to 102)

**Motion to close hearing on, Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

100. 5:30 P.M. - Public hearing to approve the creation of a Tax Abatement Reinvestment Zone No. 13 for Samsung Austin Semiconductor, LLC for 180 acres at the southeast intersection of Yager Lane and the Missouri/Pacific Railroad within the Austin-Jordan Crossing tract, in accordance with Section 312.202 of the Texas Tax Code.(Related to 103)

**Motion to close hearing on Councilmember Shea's motion, Councilmember Mitchell's second, 6-0 vote, Councilmember Reynolds absent.**

**Motion to approve creation of Tax Abatement Reinvestment Zone No. 13 for Samsung Austin Semiconductor on, Councilmember Shea's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Reynolds absent.**

**Ordinance No. 960425-VV, approved**

101. 6:30 P.M. - Public hearing to hear the neighborhood's concerns regarding the language in the Development Code, Article 1, General and Administrative provisions, Article 2, Traffic Impact Analysis and Zoning Districts. (Mayor Bruce Todd and Councilmember Ronney Reynolds)(Related to 104)

**Postponed to May 9, 1996**

### **ACTION ON THE FOLLOWING**

102. Approve first reading of an ordinance granting a franchise to Time Warner Entertainment Company, L.P. (Austin CableVision) to provide cable services. (Reviewed by Telecommunications Commission)(Related to 99)

**Approved first reading only with the instructions that they continue the negotiations, and particularly focusing on the term of the agreement, the liquidated damages aspect that could give us the assurance that if something happens along the way, we would not leave the interest of the City behind, on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Mitchell abstaining, Councilmember Reynolds absent.**

103. Authorize the execution of a Tax Abatement Agreement with Samsung Austin Semiconductor, LLC. (Related to 100)  
Approved on, Councilmember Shea's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Reynolds absent.
104. Deliberation and possible action regarding the language in the Development Code, Article 1, General and Administrative provisions, Article 2 Traffic Impact Analysis and Zoning Districts. (Related to 101)  
Postponed to May 9, 1996

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

Executive session held on the morning of this day.

Executive session held at 6:45 p.m. to 6:20 p.m. on items

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

**Advice of Counsel - Section 551.071**

105. Discuss City of Austin v. Houston Lighting and Power Company, Cause No. 94-007946, in the 11th District Court of Harris County, Texas.
106. Discuss Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson, v. City of Austin, Cause No. 94-07160, in the 353rd District Court of Travis County, Texas.
107. Discuss cable service franchise renewal of Time Warner Entertainment Company, L.P. (Austin CableVision).
108. Discuss settlement of a contract dispute with North American Transformer, Inc.

**Real Estate - Section 551.072**

109. Discuss real property for the Balcones Canyonland Preserve ("BCP") and Barton Creek Wilderness Park.

**Personnel Matters**

110. Discuss the selection and benefit and compensation package of the Part-Time Municipal Court Judges.

**ACTION ON THE FOLLOWING**

111. Authorize the purchase of lots 1 through 4, Block 34, Original City of Austin, form Southern Pacific Transportation, for the Austin Convention Center. **(Related to Item 18)**  
**Approved in the amount of \$780,000 on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 6-0 vote.**
112. Approve an amendment to a real estate appraisal consulting contract with J. Scott McNabb, for serving as a consultant in Cause No. 94-07160, Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin.  
**No action taken**
113. Approve an amendment to a landplanner consulting contract with Jack Holford for serving as a consultant in Cause No. 94-07160, Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson v. City of Austin.  
**No action taken**
114. Authorize an exchange and/or sale of Park West and Cortana.  
**Approved**
115. Authorize the purchase of 292 acres of Long Canyon for BCP.  
**Approved in the amount of not to exceed \$1,065,800**
116. Authorize the purchase of approximately 45 acres of Barton Creek Ventures for Barton Creek Wilderness Park.  
**Approved in the amount of \$1,780,000**
- Items 114 through 116 approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.
117. Appointment of the two Part-Time Municipal Court Judges.  
**No action taken**
118. Approve the benefit and compensation package of the new Part-Time Municipal Court Judges.  
**No action taken**
119. Consider any required final action, vote, or decision necessary concerning Save Our Springs Legal Defense Fund and Save Barton Creek Association v. City of Austin, et al., CA 92-16982, 201st District Court of Travis County, Texas.  
**No action taken**
120. Consider any required final action, vote, or decision necessary concerning Barton Springs Edwards Aquifer Conservation v. City of Austin, CA 96-018521, 98th District Court of Travis County, Texas.  
**No action taken**

74. Amend ordinance 950911-A, the 1995-96 Operating budget, by transferring approximately \$15,000 from the General Fund Contingency Reserve, and increasing the appropriation by the same amount to the Planning, Environmental, and Conservation Services department to fund the bicycle transit link program. (Councilmember Max Nofziger and Councilmember Brigid Shea)  
**Approved**
121. Amend ordinance 950911-A, the 1995-96 Operating budget, by transferring \$30,000 from the General Fund Contingency Reserve and increasing the appropriation for the Fire Department by \$30,000 to fund the repairs to Fire Station 15.  
**Ordinance No. 960425-KK, approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**
122. Amend ordinance 950911-A, By decreasing the General Fund Contingency Reserve by \$42,000; increasing Revenue and Transfers in the Support Services Fund by \$120,000, and increasing the appropriation of the City Auditor by \$120,000 to fund the purchase of a Local Area Network (LAN).  
**Ordinance No. 960425-LL, approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**
123. Amend ordinance 950911-A, the 1995-96 Operating budget, by transferring \$30,000 from the General Fund Contingency Reserve and increasing the appropriation for the Police Department by \$30,000 to provide funding for the purchase of body armor for police officers. (Councilmember Brigid Shea and Councilmember Jackie  
**Ordinance No. 960425-YY, approved only on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Reynolds absent.**

ADJOURNED at 10:45 p.m.

Approved on this the 9<sup>th</sup> day of May, 1996, on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 4-0-1 vote, Councilmember Reynolds abstaining, Councilmember Shea temporarily absent, and Councilmember Nofziger absent.