



## Austin City Council MINUTES

JULY 8, 1993 - 1:00 P.M.

### MEETING CALLED TO ORDER

Mayor Todd called to order the meeting of the Council, noting the presence of all members.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of July 1, 1993

On Councilmember Nofziger's motion, Councilmember Garcia's second, 7-0 Vote.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss "brief and simplify the agenda."
3. Mr. Robert Brandes, to discuss the Balcones Canyonland Conservation Plan.
4. Ms. Charlene Shillman, to present a proposal on a space at 804 Congress for the Museum of Fine Arts, Austin, prepared by Fred Robinson Development; it has a space shuttle design with interior designs by Carolyn Buckley.
5. Mr. Ron Lane, to discuss hospital issues.

### ITEMS CONTINUED FROM PREVIOUS MEETINGS

6. Approve appointment of Council representatives to intergovernmental committees.

On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 7-0 Vote, as follows:

AISD/City Council Joint Committee - Mayor Todd, Councilmembers Garcia and Shea

Austin Transportation Study Policy Advisory Committee - Mayor Todd, Mayor Pro Tem Urdy, Councilmember Goodman, and Councilmembers Reynolds, Shea and Garcia to serve as proxy members.

Capital Area Planning Council - Mayor Todd, Councilmember Garcia

Capital Metro/City Council Joint Subcommittee - Councilmember Nofziger

Community Action Network - Councilmembers Garcia, Reynolds and Goodman, with Councilmember Shea serving as proxy

Employee's Retirement System of the City of Austin - Councilmember Goodman

Greater Austin - San Antonio Corridor Study - Mayor Todd, Councilmember Garcia

Joint Debt Advisory Committee (City) - Mayor Todd

Local Government Approval Committee - Mayor Pro Tem Urdy and Councilmember Nofziger

Police Retirement Board - Councilmember Reynolds

Rules for Open Government - Mayor Todd, Mayor Pro Tem Urdy, Councilmembers Shea and Goodman

International Sister Cities Executive Committee - Sister City Representative - Adelaide, South Australia, Mayor Todd; Koblenz, Germany, Councilmember Reynolds; Oita City, Japan, Councilmember Shea; Saltillo, Mexico, Councilmember Garcia; Taichung, Taiwan, Councilmember Shea

State Firemen's Relief and Retirement Fund - Mayor Todd

Texas Municipal League Board of Directors - Mayor Todd

7. Set a public hearing on three proposed pilot programs: (1) waste exchange; (2) a commercial waste audit; (3) a loan/grant fund for recycling businesses. (Suggested date and time: July 15, 1993 at 5:00 p.m.) [Councilmembers Gus Garcia and Michael "Max" Nofziger]

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

- \*8. Approve an ordinance directing the City Manager to prepare a Regional Development Study of land along RM. 2222 and in the Bull Creek and West Bull Creek watersheds, imposing a moratorium on the filing of certain development applications, and postponing certain zoning cases. (Councilmember Ronney Reynolds and Mayor Pro Tem Charles Urdy)

### Motion

\* Councilmember Reynolds made a motion, seconded by Mayor Pro Tem Urdy, to approve with amendments. (These were discussed by Council and amended further.)

### Substitute Motion - Died for Lack of Second

Councilmember Garcia offered a friendly amendment to postpone action for one week "so staff can give us a better reading on how they can do all of these things". There was no second, so motion died.

### Friendly Amendment

Councilmember Shea offered a friendly amendment to adopt a time frame staff can work with to accomplish the study. Councilmember Shea later amended her amendment to allow 150 days for a study or 120 days for a moratorium. After discussion Council agreed to a 120 day moratorium. This was accepted by the maker and second to the motion.

### Roll Call on Motion with Friendly Amendment

7-0 Vote - EMERGENCY PASSAGE - Approved as amended in final Ordinance

9. Discuss scheduling a Council retreat to list and establish priorities for goals and objectives. (Councilmember Ronney Reynolds and Brigid Shea)

On Councilmember Shea's motion, Councilmember Reynolds' second, retreat will be sometime in October. (Staff will pick a date.) 6-0 Vote, Councilmember Nofziger out of the room.

### ORDINANCES

10. Approve the annexation of property located at 8319 Haskell Drive into Travis County Water Control and Improvement District #14 to allow the District to provide retail water service. (No fiscal impact. The Utility will receive a small amount of additional revenues from increased water sales to District #14 by authorizing the District to add this customer to it's system.) [Recommended by Water and Wastewater Commission.]
11. Authorize acceptance of an additional \$52,352 in grant funds from the Texas Department of Health, Community and Rural Health, for expanding public health nursing activities; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating an additional \$13,088 for the period of September 1, 1992 to August 31, 1993 (total \$124,003) and an

additional \$39,264 for the period of September 1, 1993 to August 31, 1994 (total \$150,179) for the Health and Human Services Department Special Revenue Fund; and authorizing one (1.0) additional grant funded full-time equivalent.

12. Authorize acceptance of \$47,750 in additional grant funds from the Texas Department of health, HIV health and Social Services grant, to provide financial assistance for insurance premium payments for individuals with HIV/AIDS; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by increasing the appropriation by \$47,750 in the Health and Human Services Department Special Revenue Fund, for a total grant of \$417,582. (Related to Item 15)
13. Amend Ordinance No. 920922-A, the approved 1992-93 Capital Budget for Solid Waste Services to increase the appropriation for the Solid Waste Business Plan Improvements by \$1,772,972; from \$2,305,000 to \$4,077,972. (Related to Item 14)

#### RESOLUTIONS

14. Approve execution of a twelve (12) month supply agreement with TOTER INCORPORATED, Stratesville, North Carolina, for the purchase of 30, 60 and 90 gallon refuse carts for the Pay-As-You-Throw program, in the amount of \$3,581,947 (Phase I & II), with the option to extend for two (2) twelve (12) month periods, in the amount of \$1,050,777 for the first extension period (Phase III) and \$344,560 for the second extension period (replacement carts), for a total amount of \$4,977,284. (Funding in the amount of \$4,632,725 for new carts, which includes \$3,581,947 in the amended 1992-93 Capital Budget for the Environmental and Conservation Services Department; funding in the amount of \$1,050,777 for the first extension will be proposed in the 1994-95 Capital Budget; funding in the amount of \$344,560 for the second extension for replacement carts will be proposed in the 1994-95 operating budget.) Low responsive bid of four (4). 10% MBE, 5.4% WBE Subcontractor participation. (Related to Item 13)
15. Authorize negotiation and execution of an amendment for additional insurance assistance services with AIDS Services of Austin (ASA) under the HIV Health and Social Services grant, in the amount of \$47,750, for a total contract amount of \$218,455. (Related to Item 12)

#10-15 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

#### Brackenridge Hospital (Items 16-24)

16. Approve negotiation and execution of a contract with WITT/KIEFFER, FORD HADELMAN & LEWD, Dallas, Texas;; and GARRETT ASSOCIATES INC.,

Atlanta Georgia, for retained management recruiting services, in an amount not to exceed \$75,000 for each firm, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$75,000 per contract, for a total contract not to exceed \$300,000. (Funding in the amount of \$150,000 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the extension option is contingent upon availability of funding in future budgets.) Best proposal of five (5).

On Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 Vote.

17. Approve execution of a twelve (12) month supply agreement with AMES COLOR FILE, Irving, Texas, for file folder jackets/inserts used to maintain patient imaging medical records/files at Brackenridge Hospital, in an amount not to exceed \$38,391.55, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$38,391.55, for a total amount not to exceed \$76,783.10. (Funding in the amount of \$9,597.89 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final nine (9) months of the original contract period and the extension option is contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
18. Approve execution of a twelve (12) month service agreement with 3CI: COMPLETE COMPLIANCE CORPORATION, INC., Houston, Texas, for the removal and incineration of infectious waste generated by Brackenridge Hospital, Health Department clinics, and Emergency Medical Services (EMS), in an amount not to exceed \$78,644.83, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$78,644.83, for a total amount not to exceed \$157,289.66. (Funding in the amount of \$19,661.21 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final 9 months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
19. Approve execution of a contract award to ACUSON CORPORATION, Mountain View, California, for the purchase of a cardiac ultrasound system which provides high resolution cardiac images and information for Brackenridge Hospital, including a one-year warranty, in an amount not to exceed \$192,260, including an option to enter into a maintenance agreement for \$13,708, with options to extend thereafter for up to four (4) additional twelve (12) month periods in amounts not to exceed \$14,188, \$14,684, \$15,198, and \$15,730 respectively, for a total amount not to exceed \$265,768. (Funding in the amount of \$192,260 is available in the 1992-93 operating budget of

Brackenridge Hospital; execution of the extension options is contingent upon availability of funding in future budgets.) Best offer of two (2). No M/WBE Subcontracting opportunities were identified.

20. Approve ratification of a contract to SIEMENS MEDICAL SYSTEMS, Stafford, Texas, for emergency repair of a diagnostic X-ray system located in the Radiology Department of Brackenridge Hospital, in the amount of \$35,908. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Sole Source. No M/WBE Subcontracting opportunities were identified.
21. Approve a construction contract award to STOMA INDUSTRIES (WBE), Houston, Texas, for the remodeling of Maternity, Labor, Delivery, Neonatal, Intensive Care Unit, and the Nursery of Brackenridge Hospital, in the amount of \$127,734. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of four (4). 0% MBE, 8.22% WBE Subcontractor participation.
22. Approve execution of a twelve (12) month service agreement with MEDIQ EQUIPMENT & MAINTENANCE SERVICES, INC., Arlington, Texas, for maintenance of two (2) CT scanners used by the Medical Imaging Department of Brackenridge Hospital, in an amount not to exceed \$238,000, including an option to extend thereafter for up to four (4) additional twelve (12) month periods, in an amount not to exceed \$238,000 per extension, for a total amount not to exceed \$1,190,000. (Funding for \$59,500 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final 9 months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
23. Approve cancellation of a contract with MCKESSON MEDICAL, San Antonio, Texas, and award a contract to BAXTER HEALTHCARE DIVISION, San Antonio, Texas, for sterile surgeon's gloves, in an amount not to exceed \$15,613.62, for three (3) months, including an option to extend thereafter for up to one (1) twelve (12) month period, in an amount not to exceed \$47,314, for a total amount not to exceed \$62,927.62. (Funding in the amount of \$15,613.62 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the extension period is contingent upon availability of funding in future budgets.) Low bid of eight (8) meeting specifications. No M/WBE Subcontracting opportunities were identified.

#17-23 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

24. Approve execution of a contract award to W.K. JENNINGS ELECTRIC CO., INC., Austin, Texas, for the construction upgrade of the emergency power system at Brackenridge Hospital, in the amount of \$498,680.

(Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of three (3). 15.52% MBE, 0% WBE Subcontractor participation.

Postponed to July 15, 1993.

25. Approve execution of two (2) twelve (12) month supply agreements for fire retardant uniforms with CASCO INDUSTRIES, INC., New Braunfels, Texas, for the purchase of fire retardant uniform trousers for the Fire Department, in an amount not to exceed \$47,778, and with UNIFORMS OF TEXAS, INC., San Antonio, Texas, for fire retardant uniform shirts, in an amount not to exceed \$69,839.50, for a total amount for both contracts not to exceed \$117,617.50, with the option to extend each contract thereafter for one (1) additional twelve (12) month period, in amounts not to exceed \$47,778, and \$69,839 respectively, for a total amount not to exceed \$235,235. (Funding in the amount of \$29,404 is available in the 1992-93 operating budget of the Fire Department; funding in the amount of \$88,213.50 for the remaining nine months of the original contract period and the extension options will be contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
26. Approve execution of a contract with CONLEY LOTT NICHOLS MACHINERY CO., San Antonio, Texas, for the purchase of one (1) truck-mounted high pressure/low volume sewer line cleaner for use by the Water and Wastewater Utility, in an amount not to exceed \$45,917. (Funding is available in the 1992-93 operating budget of the Water and Wastewater Utility.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
27. Approve execution of a contract with LANFORD EQUIPMENT CO., INC., Austin, Texas, for the purchase of one (1) tractor/loader/backhoe for use by the Water and Wastewater Utility, in an amount not to exceed \$36,584. (Funding is available in the 1992-93 operating budget for the Water and Wastewater Utility.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
28. Approve execution of a twelve (12) month supply agreement with UNIFILT CORPORATION, Zelienople, Pennsylvania, for the purchase of approximately 500 tons of anthracite filter material used to screen suspended solids from treated water prior to being pumped into the distribution system, in an amount not to exceed \$133,020, with two (2) twelve (12) month extension options, in an amount not to exceed \$133,020 per extension, for a total amount not to exceed \$399,060. (Funding in the amount of \$22,170 is available in the 1992-93 operating budget of the Water and Wastewater Utility; funding for the final ten (10) months of the original contract period and the extension options is contingent upon availability of funding in

future budgets.) Low bid of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Reviewed by Water and Wastewater Commission.)

29. Approve execution of a contract with KUENSTLER MACHINERY CO., San Antonio, Texas, for the purchase of two (2) front end loader tractors for use by the Environmental and Conservation Services Department and the Department of Public Works and Transportation, in the removal of road surface improvement aggregates and normal street debris resulting from street sweeping operations, in an amount not to exceed \$108,118. (Funding in the amount of \$55,050 is included in the 1992-93 Capital Budget of the Solid Waste Services Fund, and \$53,068 is available in the 1992-93 operating budget of the Transportation Fund.) Low bid of three (3) meeting specifications. No M/WBE Subcontracting opportunities were identified.
30. Approve execution of a contract with KUENSTLER MACHINERY CO., San Antonio, Texas, for the purchase of one (1) John Deere crawler type front-end loader tractor for use by the Drainage Utility, in an amount not to exceed \$54,993.36. (Funding is available in the 1992-93 operating budget for the Drainage Utility.) Single bid. No M/WBE Subcontracting opportunities were identified.
31. Authorize the negotiation and execution of an Interlocal Agreement with Capital Metro for purposes of establishing long term funding for mobility improvements and street repairs per the "Build Austin Program." (The Public Works and Transportation Department's Capital Budget and operating budget will be amended as project proposals are developed.) [Reviewed by Infrastructure & Transportation Subcommittee; Recommended by Capital Metro Board.]
32. Approve Change Order #3 to CRAIG, SHEFFIELD & AUSTIN, INC., Austin, Texas, to obtain additional administrative authority for modifications at the Thomas C. Green Water Treatment Plant to comply with the Safe Drinking Water Act, in the amount of \$24,035.43, for a total contract amount of \$2,167,694.10. (Funding is included in the 1992-93 Capital Budget of the Water and Wastewater Utility.) 70.13% MBE, 33.28% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on July 7, 1993.)
33. Approve execution of a contract award to CAPITAL EXCAVATION COMPANY, Austin, Texas, for rehabilitation of the wastewater collection system located along Northwestern Avenue and Chestnut Street, in the amount of \$434,448.65. (Funding is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of four (4). 0% MBE, 6.98% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on July 7, 1993.)
34. Authorize negotiation and execution of an amendment to the professional services agreement with CH2M-HILL, INC., Austin, Texas,



for final design and construction phase engineering services for the Walnut Creek Wastewater Treatment Plant and Cross Town Tunnel Corrosion Rehabilitation improvements, in the amount of \$192,000, for a total agreement amount of \$681,400. (Funding is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) 22% MBE, 2.5% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on July 7, 1993.)

35. Authorize negotiation and execution of a License Agreement with the City of Bertram, Texas, to locate, construct, maintain and operate a 4" sanitary sewer line under/across the Giddings-to-Llano railroad right-of-way. (All costs to be paid by the City of Bertram.) [Recommended by Railroad Joint-Use Committee.]
36. Authorize negotiation and execution of a License Agreement with the Austin & Northwestern Railroad, Austin, Texas, to locate, construct, maintain and operate a maintenance and inspection facility in the Giddings-to-Llano railroad right-of-way. (All costs to be paid by the Austin & Northwestern Railroad.) [Recommended by Railroad Joint-Use Committee.]
37. Approve execution of a contract award to DAYCO CONSTRUCTION CO., Austin, Texas, for construction of drainage and sidewalk improvements along Nuckols Crossing Road, in the amount of \$66,825. (Funding in the amount of \$48,650 is included in the 1992-93 Capital Budget of the Public Works and Transportation Department; \$18,175 is available in the 1992-93 operating budget of the Child Safety Fund.) Low bid of three (3). 4.35% MBE, 3% WBE Subcontractor participation.
38. Approve negotiation of a contract with MOTOROLA COMMUNICATIONS & ELECTRONICS, INC., Austin, Texas, for the purchase of two-way radio communication equipment to be used by the Police Department, in an amount not to exceed \$180,753. (Funding in the amount of \$147,876 is available in the 1992-93 operating budget of the Police Department; \$29,060 is available in the 1992-93 Police seized funds; and \$3,817 is available in the 1992-93 operating budget of Municipal Court.) Single bid. No M/WBE Subcontracting opportunities were identified.

#### ITEMS FROM COUNCIL

39. Approve an ordinance amending Section 2-4-10(c) of the City Code to revise exceptions to the six (6) year term limitations on boards and commissions. (Councilmember Jackie Goodman and Mayor Pro Tem Charles Urdy)
40. Approve an Ordinance canceling the regular City Council meeting of July 29, 1993, and rescheduling presentation of the proposed 1993-94

Operating and Capital Budget from July 30, 1993 to July 29, 1993 at 2:00 p.m. (Councilmembers Michael "Max" Nofziger and Ronney Reynolds)

41. Approve an Ordinance establishing a Campaign Finance Reform Task Force and establishing interim voluntary restrictions on campaign contributions. (Councilmembers Brigid Shea and Gus Garcia)

Postponed to July 15, 1993.

42. Direct the City Manager to identify and recommend a source of funds for training and equipping lifeguards for municipal pools. (Councilmember Ronney Reynolds)

#25-42 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

43. Approve a resolution directing the City Manager to identify potential funding sources to purchase the necessary right-of-way and relocate utilities along Koenig Lane, between Airport Boulevard and Loop 1, so that construction of a four-lane divided arterial with a median can begin in FY 1994-1995; and further directs the City manager to advise the Austin Transportation Study Policy Advisory Committee of the City Council's desire to construct the project. (Councilmember Jackie Goodman)

On Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 Vote.

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

44. C14H-93-0005 - LAMAR BOULEVARD BRIDGE (State of Texas, Department of Transportation), by City of Austin, Between North and South Lamar Boulevard. From UNZ to P-H. Planning Commission Recommendation: To Grant P-H, Public District-Historic, zoning as requested based on designation criteria Item (1), (2), (3), (6), (12), and (13). Request that City Council select consultants; conduct public hearings to solicit public input for the scope of the project, any changes to the bridge and solutions to the problems identified.

#### **ORDINANCE**

On Mayor Pro Tem Urdy's motion, and Councilmember Nofziger's second, closed the public hearing, 5-0 Vote, Councilmembers Reynolds and Goodman out of the room. Approval of Ordinance on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Goodman and Reynolds out of the room.

**PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS**

45. 4:30 P.M. - Public hearing on full purpose annexation of Lot #3, Old Tarlton Subdivision, in the Old Soap Creek Saloon Road area.

Public hearing closed, on Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 4-0 Vote, Councilmembers Shea, Goodman and Reynolds out of the room.

46. 5:00 P.M. - Amend the Land Development Code, Section 13-1-332, providing alternatives for posting fiscal surety for independent school districts and community college projects. (This item will be postponed indefinitely.)

Postponed indefinitely.

47. 5:30 P.M. - Public hearing on South Lamar/Barton Springs Intersection Project, C.I.P. No. 825-607-2071 and possible direction to the City Manager regarding schedule of construction and related matters. (Councilmembers Michael "Max" Nofziger and Jackie Goodman)

Public hearing closed on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

Councilmember Nofziger stated: "Make the intersection safe and attractive, people friendly, and a pedestrian place as much as possible. He also asked that this be put on the Infrastructure Sub-Committee agenda. Councilmember Goodman asked that neighbors be included in the discussion.

**RECESS** - Council recessed from 5:15 to 5:30 P.M.

48. 6:45 P.M. - Discussion and possible action on the Development Agreement with Barton Creek Properties, Inc.
62. Discussion and possible action regarding instructing the City Manager to take actions necessary to extend the option to acquire those certain tracts known as the Sweetwater and Uplands tracts in Travis County, Texas. (Councilmembers Brigid Shea and Jackie Goodman)

During the hearing, Council took a vote to extend the meeting past 10:00 P.M., on Councilmember Goodman's motion, Councilmember Shea's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Nofziger out of the room.

**Motion**

Councilmember Garcia made a motion, seconded by Councilmember Shea, for the purpose of discussion only, to approve the development

agreement with Barton Creek Properties, Inc. and also approve Item 62. Councilmember Garcia read into the record the following addition to the motion:

Add to page 23 a new Section 7.03 as follows: "Section 7.03 No Annexation to VCID #19. So long as this agreement has not been terminated or is in default, FMP agrees that for a period commencing on July 8, 1993, and continuing until November 8, 1993, FMP shall not seek annexation into VCID #19 for any property that is currently outside such district, and shall take all steps necessary to oppose any such annexation into VCID #19.

Councilmember Garcia also read into the record the wording of a new motion for item #62 which read as follows: "Direct the City Manager to pursue the acquisition of an extension to the option to acquire the tracts of lands known as the Sweetwater and Uplands tracts, in Travis County, Texas, in a manner consistent with the Interagency Plan of 9-22-92.

#### Motion

Councilmember Shea made a motion, seconded by Councilmember Nofziger to sever items 48 and 62. Motion passed by a 7-0 Vote, Councilmember Reynolds out of the room.

#### Roll Call on Motion (Item 48)

Approved on a 5-1-1, Councilmember Shea voted No, Councilmember Nofziger abstained.

#### Motion

Councilmember Shea made a motion, seconded by Councilmember Nofziger to approve Item 62, which passed on a 7-0 Vote.

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

Session was held the morning of this date in the Mayor's office.

#### Pending Litigation - Section 2, Paragraph e

49. Julia Menchaca, et al v. City of Austin, et al, Cause No. 92-15620; 299th Judicial District Court of Travis County, Texas.
50. Martha Gaines, et al v. City of Austin, et al, Cause No. 91-11039; 299th Judicial District Court of Travis County, Texas.

#### Land Acquisition - Section 2, Paragraph f

51. Discuss acquisition of Sweetwater Ranch and Uplands tracts.

**Advice from Counsel - Section 2, Paragraph e**

52. Discussion on proposed settlement of claim for damages to the Lalla Convalescent Center.
53. Discussion on proposed settlement of claims from Pelzel and Associates, Inc., related to the St. Elmo Vehicle Maintenance Facility, C.I.P. No. 887-787-0250.
54. Discussion on annexation by Wells Branch Municipal Utility District of Willow Run and Bratton Park Subdivisions.
55. Discussion on negotiations between the City of Austin and the Humane Society of Austin and Travis County, Inc.

**ACTION ON THE FOLLOWING**

56. Authorize settlement of Martha Gaines, et al v. City of Austin, et al, Cause No. 91-11039; 299th Judicial District Court of Travis County, Texas.  
  
\$400,000 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.
57. Authorize settlement of claim for damages to Lalla Convalescent Center.  
  
\$44,067.71 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.
58. Authorize settlement of contract claims between the City of Austin and Pelzel and Associates, Inc., related to the St. Elmo Vehicle Maintenance Facility, C.I.P. No. 887-787-0250.  
  
Pulled off agenda.
59. Proceed with (interim) alternative to South Austin Outfall, Phase II contract, C.I.P. No. 443-237-0749, and direct the City Manager to take all necessary steps regarding the City's permit applications before various state agencies, and authorize a preliminary engineering study for rehabilitation of the existing wastewater facilities that the South Austin Outfall project was designed to relieve.  
  
Approved Option 4, on Councilmember Shea's motion, Councilmember Nofziger's second, 5-2 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds voted No.

60. Authorize negotiation and execution of a contract with Humane Society of Austin and Travis County for joint utilization of the animal shelter at 1156 W. First Street.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

61. APPOINTMENTS

Charter Revision Task Force - Mandy Dealy and Iris Jones, on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

Electric Utility Commission - Caroline M. LeGette, on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

Capital Metro Board - Barbara Burton, Vicki Valdez-Gomez, on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room. ----- Jill Fuller, on Councilmember Nofziger's motion, Councilmember Garcia's second, 7-0 Vote.

ADJOURN - 3:59 A.M. -JULY 9, 1993