



Austin City Council MINUTES

JULY 9, 1992 - 1:00 P.M.

MEETING CALLED TO ORDER - 1:00 P.M.

1. Approval of Minutes for Special Meetings of June 10, 11, 22, 24 and 25, 1992

On Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds out of the room.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Nicholas Weeks, to continue the presentation on approval voting.
3. Mr. Tom Dickson, to discuss City issues - problems with fees and charges in some City departments.
4. Mr. David Van Os, to inform the City Council of new developments in Austin Cablevision labor disputes.
5. Mr. David Elliott, to discuss how leadership can and should reduce Austin's horrendous bond debt; and use of the three I's: imagination, ingenuity and initiative.
6. Ms. Rosana Lara, to discuss closing of Walter Street to form a cul-de-sac. Did not appear.
7. Ms. Barbara Perez Mireles, to discuss the closing of Walter Street. Did not appear.
8. Mr. Reginald S. Bray, to petition the closing of one block of Walter Street. Did not appear.
9. Mr. Henry Ratliff, to discuss Austin's 250,000 registered voters are free and independent.

10. Mr. Floyd Goodrich, to discuss resolution of City property cleanup adjacent to 908 E. Live Oak. Did not appear.
11. Mr. Kevin A. Fleming, to discuss Austin Downtown Management Organization (DMO) and Property Improvement District (PID) support requested from the Austin City Council and Mayor.

BOARD AND COMMISSION REPORTS

12. CABLE COMMISSION - Rules and Procedures for Governing Access Television
Report presented by Stuart Heady.
13. SOLID WASTE ADVISORY COMMISSION - City-wide implementation of the Pay As You Throw Program.
Report presented by Gail Vittori.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

14. Approve a construction contract award to INSITUPFORM TEXARK, INC., Dallas, Texas, for the rehabilitation of wastewater lines using the pipe-within-a-pipe process for lines located at Barton Springs Road and the Hyde Park area, in the amount of \$492,206. (Funding in the amount of \$256,374 included in the 1991-92 Water and Wastewater Utility Operating Budget; \$235,832 included in the 1991-92 Water and Wastewater Utility Capital Budget.) Low bid of two (2). 0% MBE, 0.57% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission.)

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

15. Authorize execution of an Interlocal Agreement with Travis County to share election facilities and equipment. (No fiscal impact.)
Postponed to July 16, 1992.

Motion

Councilmember Garcia made a motion, seconded by Mayor Pro Tem Urdy to approve the Interlocal Agreement.

Substitute Motion

Councilmember Epstein offered a substitute motion, seconded by Councilmember Reynolds to postpone the item until July 16, 1992.
Motion passed by a 7-0 Vote.

ORDINANCES

16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4019 Spicewood Springs Road, Case No. C14-91-0073, from "SF-3", Family Residence to "LO-CO", Limited Office-Conditional Overlay, DR. ROBERT C. RALEY, by Roy Rutland. First reading on November 21, 1991; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council and restrictive covenant incorporating conditions imposed by Council has been executed. (Public Hearing Closed - No Citizen Sign-Up)

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

17. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3032 Tamarron Boulevard, Case No. C14-92-0036, from "LR", Neighborhood Commercial to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, COMMERCE SAVINGS ASSOCIATION, by JPI. First reading on June 25, 1992; Vote: 4-3, Councilmembers Larson, Epstein and Nofziger voting "No". Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 4-3 Vote, Councilmembers Epstein, Larson and Nofziger voted No.

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as property situated north of West U.S. 290 and south of Southwest Parkway, Case No. C14-89-0005, from "GO" General Office to "RR" Rural Residence District for Tract 1 and "GR-CO", Community Commercial-Conditional Overlay for Tract 2, JOHN D. BYRAM, by Richard Suttle. First reading on August 10, 1989; Vote 4-2, Mayor Pro Tem Shipman and Councilmember Nofziger voting "No" and Councilmember Humphrey absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. (Public Hearing Closed - No Citizen Sign-Up)

On Mayor Pro Tem Urdy's motion, Councilmember Epstein's second, with a friendly amendment by Councilmember Reynolds that this be no less than the 1991 Ordinance, as it may be amended from time to time. 6-1 Vote, Councilmember Nofziger voted No.

19. Approve second reading of a franchise agreement with Texas Utilities Electric Company. (No fiscal impact.)

20. Approve first reading of an amendment to the taxicab franchise granted to Harlem Cab Company by changing the franchise name to Harlem Cab Company dba Austin Cab. (Recommended by Urban Transportation Commission.)
21. Amend Ordinance No. 910912-A, the 1991-92 Operating Budget by increasing revenues and expenditures in the Child Safety Fund by \$40,000, and increasing expenditures and expense refunds in the Public Works and Transportation Department by \$40,000 for crossing guard salaries and safety equipment to enhance child safety in Austin.
22. Authorize acceptance of \$120,000 from the U.S. Department of Housing and Urban Development for a 1992 Emergency Shelter Grant Program; amend Ordinance 910912-A, the 1991-92 Operating Budget, amending the Special Revenue Fund for the Health and Human Services Department by appropriating \$120,000, increasing revenues and expenditures for the operation and maintenance of existing homeless shelters and for the provision of services to homeless persons.
23. Authorize acceptance of \$25,971 in supplemental grant funding from the Capital Area Planning Council; amend Ordinance No. 910912-A, the 1991-92 Special Revenue Budget, increasing revenues and expenditures, and by appropriating \$25,971 to the Parks and recreation Department for transportation and nutrition services to elderly persons in Austin and Travis County. (Recommended by Parks and Recreation Board.)

#19-23 on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

24. Amend Ordinance No. 910912-A, the 1991-92 operating budget, and Ordinance No. 910912-B, the 1991-92 Capital Budget, by transferring \$90,000 from the General Fund Contingency Reserve to the Health and Human Services Department Capital Budget and appropriating \$90,000 for the East Austin Health Clinic Heating, Ventilation & Air Conditional (HVAC) Systems. (Related to Item 28)

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

25. Authorize acceptance of \$796,320 from the Austin/Travis County Private Industry Council, Inc. (PIC) to fund an Urban Jobs Summer Employment Program for Youth; and amend Ordinance No. 910912-A, the 1991-92 operating budget, amending the Special Revenue Fund for the

Human Resources Department by appropriating \$796,320, increasing revenues and expenditures by same. (Related to Items 26 and 27)

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

75. Amend Ordinance No. 920512-A, by changing the location of several polling places, providing for the appointment of clerks to serve and assist in holding the election, changing the location of the central counting station, and appointing the manager, tabulation supervisor, and presiding judge of the central counting station.
76. Amend Ordinance No. 920610-A by changing the location of several polling places.

#75-76 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

RESOLUTIONS

26. Authorize negotiation and execution of an Interlocal Agreement with the Austin/Travis County Private Industry Council (PIC), to operate an Urban Jobs Summer Employment Program for Youth, in the amount of \$796,320. (Funding provided by PIC.) [Related to Items 25 and 27]
27. Authorize negotiation and execution of an Interlocal Agreement with Travis County to provide worksites and supervision for youths enrolled in an Urban Jobs Summer Employment Program for Youth. (Funding provided by PIC) [Related to Items 25 and 26]

#26-27 on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

28. Declare the official intent of the City of Austin to reimburse certain health, safety and welfare improvements to municipal buildings and facilities made prior to the issuance of tax exempt bonds, in the amount of \$700,000. (Funding to be provided from General Obligation bonds to be issued contingent upon the passage of Proposition 4 on the August 8, 1992 bond election.) [Related to Item 24]

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

29. Approve execution of a twelve (12) month supply agreement with JONES CHEMICAL, INC., Houston, Texas, for the purchase of 2,109.25 tons of liquid chlorine for use by the Water and Wastewater Department in the purification of the City's water supply and for use by the Parks and Recreation Department in treatment of the City's swimming pools, in an amount not to exceed \$422,027.50, with the option to extend

thereafter for an additional one (1) twelve (12) month extension option, in the amount of \$422,027.50, for a total amount of \$844,055. (Funding in the amount of \$101,406 is included in the 1991-92 Operating Budget of the Water and Wastewater Department; \$4,100 is included in the 1991-92 Operating Budget of the Parks and Recreation Department, funding for the remaining \$738,549 for the remainder of the original contract and the extension option will be contingent upon future available funding in the 1992-93 and 1993-94, and 1994-95 budgets.) Low bid of three (3). The prime did not identify any subcontracting opportunities. (Recommended by Water and Wastewater Commission.) Reference No. 920576-1R0.

30. Approve execution of a twelve (12) month supply agreement with LAROCHE INDUSTRIES, Houston, Texas, for the purchase of 194,000 pounds of anhydrous ammonia for use in the water treatment process, in an amount not to exceed \$42,680, with one (1) twelve (12) month extension option, in an amount not to exceed \$42,680, for a total amount of \$85,360. (Funding included in the 1991-92 Operating Budget of the Water and Wastewater Utility; funding for the extension option will be contingent upon future available funding in the 1992-93 and 1993-94 budgets.) Low bid of three (3). The prime did not identify any subcontracting opportunities. Reference No. 920680-1R0. (Recommended by Water and Wastewater Commission)
31. Approve execution of a contract award with PERSTORP ANALYTICAL, INC., Silver Spring, Maryland, for the purchase of two (2) automated laboratory analyzer systems to be installed at the Walnut creek Wastewater Treatment Plant and the Davis Water Treatment Plant to analyze samples from the treatment plants and the drinking water distribution system, in an amount not to exceed \$71,500, including delivery, installation and training. (Funding included in the 1991-92 Operating Budget of the Water and Wastewater Utility.) Low bid of five (5) meeting specifications. The prime did not identify any subcontracting opportunities. (Recommended by Water and Wastewater Commission.)
32. Approve execution of a twelve (12) month supply agreement with ABCO PAPER CO., Austin, Texas, for the purchase of recyclable coarse paper products (paper towels, napkins, wipes) for use by all city departments, in an amount not to exceed \$111,559, with one (1) twelve (12) month extension option, in an amount not to exceed \$111,559, for a total amount not to exceed \$223,118. (Funding in the amount of \$118,593 included in the 1991-92 Operating budget of the Financial Services Department; funding for the final ten (10) months of the original contract period and the extension options will be contingent upon future available funding in the 1992-93 and 1993-94 budgets.) Low bid of ten (10). The prime did not identify any subcontracting opportunities. Reference No. 920521-1B0.

33. Approve execution of a contract through the State of Texas Cooperative Purchasing Program with TEXAS CORRECTIONAL INDUSTRIES, Huntsville, Texas, for the purchase and installation of a Modular Workstation System to accommodate the relocation of Health and Human Services Department employees from the Rebekah Baines Johnson Center to Southpark Plaza, in an amount not to exceed \$100,000. (Funding included in the 1991-92 Operating budget of the Health and Human Services Department.) Reference No. RX910002013.
34. Approve execution of a contract award with 3M/AVI, St. Paul, Minnesota, for the purchase of thirty (30) micro infusion pumps, with a one-year warranty, for use by Brackenridge Hospital's Neonatal Intensive Care Unit, in an amount not to exceed \$43,350. (Funding included in the 1991-92 Operating budget of Brackenridge Hospital.) (Low bid of four (4) meeting the Hospital's requirements. The prime did not identify any subcontracting opportunities. Reference No. BH2-141.
35. Approve execution of a contract with HEWLETT-PACKARD COMPANY, Houston, Texas, for the purchase of five (5) fetal monitors and accessory components for use in the Labor and Delivery Unit of Brackenridge Hospital, in an amount not to exceed \$68,814. (Funding included in the 1991-92 Operating Budget of Brackenridge Hospital.) Sole Bid. The prime did not identify any subcontracting opportunities. Reference No. BH2-160.
36. Approve execution of a twelve (12) month contract extension with BECTON DICKINSON, Sparks, Maryland, for rental of an automated blood culture system with reagents to aid in the diagnosis of disease, in the amount of \$16,587, for a total contract amount of \$70,832, and to include the final contract option to extend for one (1) additional twelve (12) month period, in an amount not to exceed \$70,832, for a total contract amount not to exceed \$141,664. (Funding in the amount of \$23,375 included in the 1991-92 Operating Budget of Brackenridge Hospital; funding for the remaining \$47,457 of the original contract period and the extension options will be contingent upon future available funding in the 1992-93 budget.) The prime did not identify any subcontracting opportunities. Reference No. BS9-311.

#29-36 on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

37. Approve selection of GRAEBER, SIMMONS & COWAN, AIA Architects, Austin, Texas, to allow negotiation and execution of a contract to provide architectural services to Brackenridge Hospital, for a variety of small projects, in the estimated maximum amount of \$150,000 for a period of one year or until available funding is

expended. (Funding in the amount of \$40,000 included in the 1991-92 operating budget of Brackenridge Hospital; funding for the remaining \$110,000 of the original contract will be contingent upon future available funding in the 1992-93 budget.) Best qualification statement of twelve (12). M/WBE percentages cannot be determined at this time because the actual scope of work is undefined.

Postponed for two weeks, July 23, 1992, on Councilmember Nofziger's motion, Councilmember Epstein's second, 7-0 Vote.

38. Approve a construction contract award to CENTRAL TEXAS COMMERCIAL AIR CONDITIONING AND HEATING, INC., Austin, Texas, for replacement of the cooling tower at the Police Building, located at 715 East 8th Street, in the amount of \$75,236. (Funding included in the 1991-92 Operating Budget of the Department of Public Works and Transportation Department.) Low bid of five (5). 7.31% MBE, 0% WBE Subcontractor participation.
39. Approve execution of a twelve (12) month supply agreement with INDUSTRIAL DISPOSAL SUPPLY COMPANY, San Antonio, Texas, for the purchase of various repair parts for TYMCO street sweeper trucks, in an amount not to exceed \$65,000, with the option to extend the agreement for two (2) additional twelve (12) month periods, in amounts of \$65,000 per extension, for a total amount not to exceed \$195,000. (Funding in the amount of \$16,250 included in the 1991-92 Fleet maintenance and Acquisition Fund; funding for the additional \$48,750 for the final nine (9) months of the original contract period and the extension options will be contingent upon future available funding.) Sole bid. The prime did not identify any subcontracting opportunities. Reference No. 920674-1RF.
40. Approve a construction contract to SET POINT BUILDERS, INC., Austin, Texas, for maintenance shop improvements at the Ullrich Water Treatment Plant, in the amount of \$231,800. (Funding included in the 1991-92 Capital Budget of the Water and Wastewater utility.) Low bid of four (4). 0% MBE, 0.22% WBE Subcontractor participation. Reference No. 920757-2RH. (Recommended by Water and Wastewater Commission.)
41. Approve Change Order No. 3 to the construction contract with PSENCIK CONSTRUCTION COMPANY, Temple, Texas, for the Davis Water Treatment Plant Solids Processing Improvements Project, in the amount of \$3,050 (change orders to date exceeds the administrative approval level established by Council), for a total contract amount of \$1,674,004. (Funding included in the 1991-92 Capital Budget of the Water and Wastewater Utility.)

#38-41 on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

42. Approve Change Order No. 4 to WAGNER CONSTRUCTION CO., San Antonio, Texas, for various utility adjustments and field modifications for the Sixth Street Streetscape Improvements, Phase I, in the amount of \$138,021, for a total contract amount of \$2,601,252. (Funding included in CIP 825-607-2045.)

On Councilmember Reynolds' motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

43. Authorize and approve an Escrow Agreement with the Texas Department of Transportation for the relocation of water and wastewater lines on U.S. 290/SH 71 from Fort View Road to Payload Pass, in the amount of \$2,593,776.22. (Funding included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission.]
44. Authorize execution of a Contractual Agreement for Right-of-Way Procurement with the State of Texas for roadway improvements on Spicewood Springs Road from Loop 360 to Loop 1, and at the intersection of Spicewood Springs Road and Loop 360, in the amount of \$1,381,000. (Funding available in the Capital Budget.)
45. Approve the selection of CARTER & BURGESS, INC., Austin, Texas, as Cost Control Consultant, and authorize negotiation and execution of a professional services agreement to address development cost issues associated with the master plan and construction of an air carrier airport at Bergstrom Air Force Base, in an amount not to exceed \$100,000. (Funding included in the Airport Capital Fund. Federal Aviation Administration future reimbursement is estimated to be \$75,000, contingent upon moving the airport to Bergstrom.) Best proposal of six (6). DBE Subconsultant participation: 20%. (Recommended by Aviation Subcommittee)
46. Set a public hearing to approve a 45 acre drainage easement, Regional Stormwater Management Pond through dedicated parkland known as Dick Nichols District Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: August 6, 1992 at 4:30 p.m.)
47. Set a public hearing regarding implementation of service changes in the City's Solid Waste removal and recycling services (implementation recommendations based on the City's "Pay As You Throw" pilot collection program: Date and time: July 23, 1992 at 5:15 p.m.)

#43-47 on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

ITEMS FROM COUNCIL

48. Approve a Resolution supporting the creation by the State of Texas of a state office to regulate nuclear power plants in Texas. (Councilmembers Michael "Max" Nofziger and Gus Garcia)

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

49. Set a public hearing on an appeal by John L. Hiles, owner, and the Department of Planning and Development of the Building Standards Board order of April 22, 1992, to vacate and demolish the buildings located at the front and rear of 900 East 1st Street (also known as 105 Brushy Street). Date and time: July 30, 1992 at 4:30 p.m. (Councilmembers Gus Garcia and Bob Larson)
50. Approve a Resolution requesting the City Manager consider amendments to Chapter V of the Personnel Policies related to performance, counseling/discipline/complaints. (Mayor Bruce Todd)

Motion

Councilmember Reynolds made a motion, seconded by Councilmember Larson to put this item on the agenda August 13, 1992.

Substitute Motion - Died for Lack of Second

Councilmember Garcia offered a substitute motion to take up this issue on July 23, 1991. Motion died for lack of second.

Substitute Motion - Died for Lack of Second

Councilmember Epstein offered a substitute motion to "act today". Motion died for Lack of second.

Roll Call on Main Motion

7-0 Vote

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

ZONING DISTRICTS

51. C14-92-0046 - ROUND ROCK I.S.D., Northwest Travis County MUD 1, 8455 Spicewood Springs Road. From DR to P. Planning Commission Recommendation: To Grant P, Public District zoning as requested. Ordinance

52. C14-92-0047 - CITY OF AUSTIN, by Northwest Travis County MUD 1, 10417 Scotland Well Drive. From DR to P. Planning Commission Recommendation: To Grant P, Public District zoning as requested. Ordinance
53. C14-92-0053 - BLUEBONNET SAVINGS BANK PSB, by Claudia L. Crocker, 512 Eberhart Lane. From GR to SF-6. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence zoning as requested. Ordinance
54. C14-92-0044 - AUSTIN HOUSING FINANCE CORP., by LZT Associates, 3005 East 12th Street. From CS to MF-3. Planning Commission Recommendation: To Grant MF-3, Multi-family Residence (medium density) zoning as requested, subject to dedication of up to 45' of right-of-way from the existing centerline of East 12th Street. First Reading
55. C14-92-0052 - ROSELLE AND THOMAS D. GIRARD, by Scott Sousares, 6507 to 6509 Burnet Lane. From SF-3 to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, subject to dedication of up to 35' of right-of-way from the existing centerline of Burnet Lane, and with the provision of a conditional overlay of a development limitation on the tract of 0.30 FAR. First Reading
56. C14-92-0040 - PHILLIP STRIBLING, 4320 James Casey Street. From SF-3 to L0. Planning Commission Recommendation: To Grant L0, Limited Office zoning subject to the dedication of 25 feet of right-of-way. First Reading
57. C14-92-0041 - JACK T. BROWN, by Roppolo's Pizzeria, 8105 Mesa Drive. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay zoning, subject to: (1) Restaurant (general) as the only permitted GR use; (2) permitted LR, Neighborhood Commercial uses; (3) a restrictive covenant providing for rollback to LR should use cease for more than ninety (90) days; and (4) an agreement between the owner of the property and neighborhood organization that if existing restaurant use ceases, the premises will not be leased to another restaurant use requiring GR zoning. First Reading
58. C14-92-0043 - GERTRUDE D. RICHARDSON, by LZT Associates, 5222 Jim Hogg Ave. From CS and LR to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, Multifamily Residence (medium

density)-Conditional Overlay, subject to no development within the 100-year floodplain.

First Reading

#51-58 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 Vote.

59. C14-92-0050 - REX SHIELDS, 1504 East 4th Street. From MF-5 to LI. Planning Commission Recommendation: To Grant CS, Commercial Services subject to the dedication of up to 40' of right-of-way from the existing centerline of East 4th Street.

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, referred this item back to the Planning Commission and directed it be put on the August 6, 1992 Council Meeting Agenda.

7-0 Vote.

60. C14-91-0088 - NCNB TEXAS, by Trilogy Group, 6400 South 1st Street. From LR to GR. Planning Commission recommendation: To grant GR-CO, Community Commercial-Conditional Overlay for 4,500 sq. ft. footprint (2 restaurants and Karate use), subject to: (1) limit restaurant (general and limited) use to a maximum of 3,000 sq. ft.; and (2) prohibit pawn shops, indoor entertainment, indoor sports and recreation, automotive washing/sales/repair services/rentals, and restaurant (fast food). Applicant has agreed to a private restrictive covenant with the neighborhood group to prohibit the sale of weapons.
Ordinance

On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 Vote.

61. C14-92-0038 - RESOLUTION TRUST CO., by Gebhard Sarma Group, Inc., Escarpment Boulevard and Kenosha Pass. From RR to SF-2. Planning Commission Recommendation: To grant SF-2-CO, Single-Family Residence (standard lot) Conditional Overlay, subject to: (1) owner is to provide a continuous undisturbed natural buffer zone of 47.5' for the area parallel to Kenosha Pass and a variable undisturbed natural buffer zone (35' minimum) for the area parallel to Latigo Pass; (2) maintain the undisturbed natural buffer zone in a natural state and limit disturbances within the undisturbed natural buffer zone to drainage improvements, underground utility construction, and sidewalk construction; no temporary or permanent structure may be allowed on the undisturbed buffer zone; fences will be allowed only at the proposed property line along the undisturbed buffer zone; fences will be allowed only at the proposed property

line along the undisturbed buffer zone; and (3) keep Hill Oaks Drive and Milner Pass closed.

First Reading

On Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 5-2 Vote, Councilmembers Garcia and Nofziger voted No.

62. C14-78-005 - CAPITOL METRO PAVILION PARK AND RIDE, by Michael Ouimet, 12300 Research Boulevard. Amendment to Restrictive Covenant. Planning Commission Recommendation: Approve the amendment to the restrictive covenant.
Ordinance

To be heard by Planning Commission on July 7, 1992; Recommendation to Follow

63. C14-92-0045 - JAMES D. WOODS, by Minter, Joseph & Thornhill, 12687 Research Boulevard. From SF-2 to GR-MU. Planning Commission Recommendation: To grant GR-MU, vote 6-0.
Ordinance

#62-63 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 Vote.

DINNER RECESS

Council recessed for dinner on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

FINAL CITIZEN COMMUNICATIONS

Speakers were Burke Dement, Betsy Fath, Tomas Serrano, Frances Martinez and Mark Nowacki

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

64. 5:00 P.M. - Rename a portion of Slaughter Lane to Ralph Ablanado Drive.

Closed the public hearing and approved, on Councilmember Reynolds' motion, Councilmember Epstein's second, 7-0 Vote.

65. 5:15 P.M. - Proposed 1992-93 Operating and Capital Budgets and Cultural Arts Funding.

Closed the public hearing, on Councilmember Reynolds' motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held on the morning of this date in the Office of the Mayor.

The City Council will announce that it will go into Executive Session, if necessary, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending/Contemplated Litigation - Section 2, Paragraph e

66. Discussion of City of Austin v. Everett Charles Price, Jr., Cause No. 3-91-511-CV.
67. Discussion of J.D. Hooper v. City of Austin and Iris Jones, Cause No. 91-11934.
68. Discussion of John Lee Gillespie, Lila Belle Gillespie, and Peggy Gillespie Shamp, Individually as an Independent Executrix of the Estate of John Michael Gillespie, Deceased, and as Next Friend of Jenny Gillespie and Jason Gillespie, Minors v. City of Austin, Austin Police Department, and Michael L. Carpenter, Cause No. 91-1421.
69. Discussion of Dana Reiner and Dale Cooper v. City of Austin, Texas, Iris Jones and Chester Thornton, Cause No. 92-07180.

Land Acquisition - Section 2, Paragraph f

70. Discussion of Convention Center parking garage.

ACTION ON THE FOLLOWING

71. Approve payment of settlement of Cause No. 435,130 in the 53rd Judicial District Court of Travis County, Texas, on Appeal, No. 3-91-511-CV, 3rd Court of Appeals, styled Everett Charles Price, Jr., vs. College Houses, Inc., et al. In the amount of \$275,000.

On Councilmember Larson's motion, Councilmember Nofziger's second, 6-0-1 Vote, Mayor Todd abstained.
72. Approve the payment of attorney's fees and related outside counsel expenses incurred in the representation and defense of the City of Austin in J.D. Hooper v. City of Austin, et al; Cause No. 91-11934. In the amount of \$22,000.

73. Approve a contract to retain Terry Davis as outside legal counsel for the City of Austin in John Lee Gillespie, et al v. City of Austin, et al; Cause No. 91-1421. In the amount of \$30,000.

#72-73 on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

74. APPOINTMENTS

The following board and commission appointments were approved, on Councilmember Reynolds' motion, Councilmember Garcia's second, 7-0 Vote. There were a few exceptions to this vote and they are noted in the following.

AIRPORT ADVISORY BOARD - John Aney

CABLE COMMISSION - Carlos Contreras, Stephen Hodgkins and Anthony Ross

CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD - Lynda H. Cobb approved on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 vote; and Thomas Glass approved on Councilmember Reynolds' motion, Councilmember Garcia's second, ~~5-0-2~~ vote, Councilmembers Epstein and Nofziger abstained. 4-0-3

and Mayor Todd

DESIGN COMMISSION - Juan Cotera

ELECTRIC UTILITY COMMISSION - James Cash, Hector Deleon, Shudde Fath Neal Kocurek, Merle Moden

ELECTRICAL BOARD - Gary Grimes, Russell Neal, Leland Williams

ENVIRONMENTAL BOARD -

Motion - FAILED

Councilmember Garcia made a motion, seconded by Councilmember Nofziger to delay an appointment to the Environmental Board. Motion FAILED by a vote of 3-0-4 with Mayor Pro Tem Urdy, Councilmembers Epstein, Larson and Reynolds ~~voting No~~ *abstaining*

Substitute Motion - FAILED

Councilmember Reynolds offered a substitute motion, seconded by Councilmember Epstein to appoint Therese Baer. Motion FAILED by a vote of 3-3-1 with Mayor Todd, Councilmembers Garcia and Nofziger voting No, Mayor Pro Tem Urdy abstained.

Motion

The Council, on Councilmember Reynolds' motion, Councilmember Epstein's second, voted to postpone the fourth appointment to the Environmental Board for two weeks (July 23, 1992) 7-0 Vote.

APPOINTMENTS APPROVED FOR ENVIRONMENTAL BOARD WERE:

A. Jo ^Btaylor, Timothy Jones, Jeanne Yturri

MECHANICAL, PLUMBING AND SOLAR BOARD - Thomas Combs, Morris Keyte, Patrick Usener

MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - Guadalupe Zamora, M.D.

MH/HR CENTER BOARD OF TRUSTEES - Robert Chapa

MINORITY AND WOMEN OWNED BUSINESS PROCUREMENT ADVISORY COMMITTEE - Terry Davis, Jose Gil, James Harper, Elizabeth Jones, Michael Von Ohlen

MUSIC COMMISSION - Donald Harvey

PLANNING COMMISSION - Brooks Kasson, Darrell Pierce, Scott Roberts, Sidney Sanders

RESOURCE MANAGEMENT COMMISSION - Heather Ball, Glenn Crow, PH.D., Max Woodfin

SOLICITATION BOARD - Llevellyn Fambles, Pamela Willeford

URBAN FORESTRY BOARD - Guy Leblanc, Sheryl McLaughlin and Lisa Sawyer

ADJOURN - Council adjourned its meeting at 10:38 P.M.