



Austin City Council MINUTES

DECEMBER 17, 1992 - 1:00 P.M.

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

Mayor Pro Tem Urdy called to order the meeting of the Council, noting that Mayor Todd was absent for the meeting.

MINUTES APPROVED

1. Approval of Minutes for Special Meetings of November 9, 16, 18 (3:00 P.M.), 18 (6:15 P.M.), 19, 24, & December 2, 1992.

On Councilmember Nofziger's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Richard Trachtenberg, to discuss totally hidden video.
3. Ms. Dana Sweet, to address Humane Society audit and pet overpopulation issues. Not present.
4. Mr. James Tyma, to discuss the necessity of housing the homeless and disabled. Not present.
5. Ms. Elizabeth Rogers, to continue discussion of job discrimination against the mentally disabled as a cause of homelessness, lack of mental health care, and therapy/counseling for chronic, low income mentally disabled people.
6. Mr. Charles T. Waits, Jr., to discuss Channel 6 and City matters.
7. Mr. Gavino Fernandez, to discuss Dove Springs park and pool project.
8. Ms. Christina Chavez, to discuss Dove Springs park and pool project.
9. Ms. Denise Calderon, to discuss Dove Springs park and pool project. Not present.

10. Ms. Ofelia Maldonado, to discuss Dove Springs park and pool project. Not present.

11. Mr. Victor Aquino, to discuss Dove Springs park and pool project.

1:30 P.M. - REVENUE REFUNDING BONDS (items 12-14)

12. Approve an ordinance authorizing the issuance of City of Austin, Texas Combined Utility Systems Revenue Refunding Bonds, Series 1992B, including approval and authorization of a Purchase Contract and Special Escrow Agreement and the Official Statement pertaining thereto.

13. Approve a resolution authorizing the execution of a Paying Agent/Registrar contract with Ameritrust Texas, N.A. in relation to such bonds.

14. Approve a resolution authorizing the redemption of certain outstanding bonds of the City of Austin.

#12-14 Pulled off agenda.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

15. Approve third reading of an update to the Impact Fee CIP and Land Use Assumptions; amend the Impact Fee Service Area and Water and Wastewater Utility Service Area; and amend Chapter 13-3 and 13-3A, Land Development Code by approving and incorporating the amended Impact Fee CIP and Land Use Assumptions. (Reviewed by Water and Wastewater Commission and Planning Commission, Recommended by Impact Fee Advisory Commission) (Public Hearing Closed - no citizen sign-up)

Motion

Councilmember Epstein made a motion, seconded by Councilmember Larson, to approve staff recommendation.

Amendment to the Motion

Councilmember Garcia offered an amendment to the motion as follows: "We exclude from the Impact Fee Service Area and Water and Wastewater Service Area, per the landowner's request, the 142 acre tract south of County Road 170, known as the 170 Center Development, that is served by the City of Round Rock; and (2) that the entirety of the Upland development be included in the impact fee for this area and water and wastewater service area; and (3) that a part be added to the Ordinance approving this amendment making all of the

amendments effective March 1, 1993." Councilmember Reynolds seconded the amendment to the motion. Motion passed with a 6-0 Vote, Mayor Todd absent.

Roll Call on Motion with Amendment

5-0 Vote, Mayor Todd absent, Councilmember Nofziger out of the room.

16. Approve execution of a contract extension with the AUSTIN HUMANE SOCIETY for public pound services until January 30, 1993. (Funding included in the 1992-93 operating budget of the Health and Human Services Department.)

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote.

17. Approve a construction contract award to ROYCE CONSTRUCTION COMPANY, Round Rock, Texas, for renovation of a 2,970 square foot building at Robert Mueller Municipal Airport to be used by Airport Police and the Fire Department as a training facility, in the amount of \$253,800. (Funding included in the 1991-92 Capital Budget of the Aviation Department.) Low bid of nine (9). 4.69% MBE, 0.45% WBE Subcontractor participation. (Recommended by Airport Advisory Board)

Motion Made and Withdrawn

Councilmember Garcia made a motion to reject the contract and re-bid. He withdrew his motion.

Motion - FAILED - No Action

Councilmember Larson made a motion, seconded by Councilmember Reynolds, to approve the contract. Motion FAILED by a 3-3-0 Vote, with Mayor Pro Tem Urdy, Councilmembers Garcia and Nofziger voting No, Mayor Todd absent.

ORDINANCES

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8312 South Congress Avenue, Case No. C14-92-0084, from "SF-2", Single Family Residence to "GR-CO", Community Commercial-Conditional Overlay, YU-PENG LIU, by Patrick Snapp. First reading on November 5, 1992; Vote 5-0, Mayor Todd and Councilmember Epstein absent. Conditions met as follows: conditions imposed by Council have been incorporated in a conditional overlay.
19. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1201-1209 West Braker Lane, Case No. C14-92-0098, from "SF-3", Family

Residence and "NO", Neighborhood Office to "LR-CO", Neighborhood Commercial-Conditional Overlay, PARSON ENTERPRISE (DOROTHY SHAY PARSON), by RPS/Real Property Services (John F. Miller). First reading on December 3, 1992; Vote 7-0. Conditions met as follows: conditions imposed by Council have been incorporated into a conditional overlay. Street deed has been executed.

#18-19 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5312-5606 East Ben White Boulevard, Case No. C14-92-0091, from "SF-2", Single Family Residence (standard lot) to "LI", Limited Industrial Services, FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray). First reading on December 10, 1992; Vote 5-0-1, Councilmember Nofziger absent and Councilmember Reynolds abstained. Conditions met as follows: conditions imposed by Council have been incorporated into a conditional overlay.
21. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3201-3299 Alvin Devane Boulevard, Case No. C14-92-0092, from "SF-2", Single Family Residence (standard lot) to "LI", Limited Industrial Services, FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray). First reading on December 10, 1992; Vote 5-0-1, Councilmember Nofziger absent and Councilmember Reynolds abstained. Conditions met as follows: conditions imposed by Council have been incorporated into a conditional overlay.
22. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5501-5603 East Oltorf and 2801-2917 Alvin Devane Boulevard, Case No. C14-92-0093, from "GR", Community Commercial to "LI", Limited Industrial Services, FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray). First reading on December 10, 1992; Vote 5-0-1, Councilmember Nofziger absent and Councilmember Reynolds abstained. Conditions met as follows: conditions imposed by Council have been incorporated into a conditional overlay.
23. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5303-5413 East Oltorf and 2800-2900 Alvin Devane Boulevard, Case No. C14-92-0094, from "GR", Community Commercial to "LI", Limited Industrial Services, FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray). First reading on December 10, 1992; Vote 5-0-1, Councilmember Nofziger absent and

Councilmember Reynolds abstained. Conditions met as follows:
conditions imposed by Council have been incorporated into a conditional overlay.

#20-23 approved on December 16, 1992.

24. Approve a street name change of the northernmost portion of Cedar Bend Drive to Scofield Farms Drive to correct continuity of street name and alleviate a duplicate street name problem. (No Fiscal Impact)
25. Amend the 1992-93 operating budget of the Transportation Fund by: increasing the beginning balance of the Transportation Fund by \$65,584; increasing revenues for the Transportation Fund by \$900,000; increasing the appropriation in the Transportation Fund by \$872,795. (related to item 38)

#24-25 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

26. Amend the River Place Municipal Utility District (MUD) consent agreement to change 4.25 acres of Village Cluster use to Marina use on the MUD land plan. (No fiscal impact) (related to item 78)

Postponed to January 21, 1993 as requested by applicant.

RESOLUTIONS

Brackenridge Hospital (items 27-29)

27. Approve execution of a twelve (12) month supply agreement with VALLEYLAB INC., Boulder, Colorado, for grounding pads, electrode blades, electrosurgical pencils and accessories to be used in the Surgery Department of Brackenridge Hospital by physicians performing electrosurgical procedures, in an amount not to exceed \$71,407.64, with an option to extend thereafter for up to one (1) additional twelve (12) month period in an amount not to exceed \$71,407.64, for a total amount not to exceed \$142,815.28. (Funding in the amount of \$59,506.37 available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final two (2) months of the original contract period and the extension option is contingent upon available funding in future budgets.) Sole Source. No MBE/WBE subcontracting opportunities were identified.
28. Approve renewal of a lease agreement with Travis County for morgue space at Brackenridge Hospital for the Travis County Medical Examiners use through April 30, 1994. (Revenue to the City is \$1,750 per month through April 30, 1994.)

#27-28 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

29. Approve a construction contract award to HILMAN CONSTRUCTORS, Austin, Texas, for the construction of the Pediatric Oncology Unit in the lower level of the Children's Hospital at Brackenridge, in the amount of \$961,243. (Funding available in the 1992-93 operating budget of Brackenridge Hospital, Dispro III funds.) Low bid of four (4). 4.2% MBE, 0.5% WBE Subcontractor participation. (Recommended by Brackenridge Hospital Board)

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Nofziger out of the room, Mayor Todd absent.

30. Approve the filing of eminent domain proceedings to acquire a temporary working space easement containing 977 sq. ft. of land out of Outlot 61, Division B, of the Government Outlots, in Austin, Travis County Texas, owned by H.D. Ainsworth for the Chicon/Rosewood Street Improvement Project. [Estimated cost of this action is \$200 which is included in CIP 825-607-2038 (Public Works and Transportation Department.)]
31. Approve the filing of eminent domain proceedings to acquire a sign improvement and leasehold interest in that certain 0.457 acre of land, and a portion of a 5.81 acre tract of land out of the Thomas Anderson Survey No. 17, in Travis County, Texas, owned by Austin Outdoor Advertising for the U.S. Highway 290 Project. [Estimated cost of this action is \$35,826; funding in the amount of \$3,582.60 included in CIP 825-607-2075 (Public Works and Transportation Department); \$32,243.40 included in acct. 825-5527 (State Accounts Receivable).]
32. Approve the filing of eminent domain proceedings to acquire 141.95 linear feet of access rights commencing at a point being the common southeasterly corner of Lot 1, and the northeasterly corner of Lot 2, MWJ Subdivision, a subdivision in Travis County, Texas, owned by Murray Property Investors, Ltd. 85-I, a Texas Limited Partnership for the U.S. Highway 183 Project. [Estimated cost of this action is \$100.00; funding in the amount of \$10 included in CIP 825-607-2074 (Public Works and Transportation Department); \$90 included in acct. 825-5527 (State Accounts Receivable).]
33. Approve negotiation and execution of a twelve (12) month contract with AUSTIN TENANTS COUNCIL for the Fair Housing & Tenant Counseling Program, which provides counseling and mediation to assist in the rental repair of substandard housing, in an amount not to exceed \$150,000. (Funding available in the 18th year Community Development Block Grant budget.) Sole proposal. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Housing Subcommittee)

#30-33 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

34. Approve negotiation and execution of two (2) twelve (12) month Home Maintenance Program contracts with the AUSTIN AREA URBAN LEAGUE, Austin, Texas, for administration of home repair services, in an amount not to exceed \$462,121 and with UNITED CEREBRAL PALSY, Austin, Texas, for administration of architectural barrier removal services, in an amount not to exceed \$295,454, for a total contract amount not to exceed \$757,575. (Funding available in the 18th year Community Block Grant budget.) Best proposals of four (4). 34.77% MBE, 3.74% WBE Subcontractor participation (AUSTIN AREA URBAN LEAGUE); 47.44% MBE, 0% WBE Subcontractor participation (UNITED CEREBRAL PALSY). [Recommended by Housing Subcommittee]

On Councilmember Epstein's motion, a Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

35. Approve execution of a twelve (12) month contract with ARMORED TRANSPORT TEXAS, INC., Austin, Texas, for City-wide armored car services for various City departments, in an amount not to exceed \$70,387.80, with two (2) twelve (12) month renewal options, in an amount not to exceed \$70,387.80 per extension option, for a total contract amount not to exceed \$211,163.40. (Funding for \$52,790.85 available in the 1992-93 operating budget of various city departments; funding for the remaining \$17,596.95 of the first year as well as the extension options is contingent upon available funding in future budgets.) Low bid of two (2). No MBE/WBE subcontracting opportunities were identified. Reference No. 921087-3SA.
36. Approve execution of a contract with INTERGRAPH CORPORATION, Huntsville, Alabama, for the purchase of five (5) Intergraph computer-aided drafting workstations & workstation software for the Public Works Department, in an amount not to exceed \$38,850. (Funding available in the 1992-93 operating budget of the Public Works and Transportation Department.) Sole Source. No MBE/WBE subcontracting opportunities were identified. Reference No. 600PS000004.
37. Approve a construction contract award to CRAIG, SHEFFIELD, AND AUSTIN, INC., Houston, Texas, for modifications at the Thomas C. Green Water Treatment Plant to comply with the Safe Drinking Water Act, in the amount of \$2,104,800. (Funding in the amount of \$1,800,000 included in the 1992-93 Capital budget of the Water & Wastewater Utility; \$304,800 included in the 1991-92 Capital budget of the Water & Wastewater Utility.) Low bid of four (4). 19.01 MBE, 11.78 WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

#35-37 On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

38. Approve negotiation and execution of Phase III of the Professional Services Agreement with PAVEMENT MANAGEMENT SYSTEMS, INC., Lake Forest, California, which will allow the identification and prioritization of street improvement projects, in the amount of \$212,500, for a total contract amount of \$393,633.10. [Funding included in the 1992-93 amended operating budget of the Transportation Fund.] (related to item 25)

On Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Mayor Todd absent.

39. Approve selection (RFQ) of ROBERT JACKSON & EMILY LITTLE (WBE), JOINT VENTURE ARCHITECTS, Austin, Texas for negotiation and execution of a contract to provide architectural design and construction phase services for the Zaragosa Recreation Center, in the amount of \$220,000. (Funding included in the 1992-93 Capital Budget for the Parks & Recreation Department.) Best proposal of thirty-four (34). 22% MBE, 6% WBE Subcontractor participation.
40. Approve selection (RFQ) of the architectural firm of J. ROBINSON & ASSOCIATES, ARCHITECTS, INC., Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the South Austin Senior Activity Center, in the amount of \$144,000. (Funding included in the 1992-93 Capital Budget for the Parks and Recreation Department.) Best proposal of thirty-four (34). 12% MBE, 7% WBE Subcontractor participation.
41. Approve selection (RFQ) of the architectural firm of WHITE, DOLCE, & BARR, ARCHITECTS & PLANNERS, INC., Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for a fire station to be located at Burleson Road and Drossett Drive, in the amount of \$82,000. (Funding included in the 1992-93 Capital budget of the Fire Department.) Best proposal of thirty-two (32). 17% MBE, 6% WBE Subcontractor participation.
42. Approve selection (RFQ) of the architectural firm of JESSEN, INC., Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for a North Austin Police Substation, in the amount of \$120,000. (Funding available in the 1992-93 Capital budget of the Police Department.) Best proposal of thirty-five (35). 20% MBE, 8% WBE Subcontractor participation.
43. Approve selection (RFQ) of the architectural firm of BARNES ARCHITECTS, Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the Jimmy Clay Golf Clubhouse Renovation, in the amount

of \$70,000. (Funding included in the 1992-93 Capital Budget for the Parks and Recreation Department.) Best proposal of twenty-two (22). 19% MBE, 6% WBE subcontractor participation.

44. Approve selection (RFQ) of the architectural firm of COX/CROSLIN & ASSOCIATES, INC., Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for a fire station to be located at Harris Branch, in the amount of \$82,000. (Funding included in the 1992-93 Capital Budget of the Fire Department.) Best proposal of thirty-two (32). 15% MBE, 16.5% WBE Subcontractor participation.
45. Approve selection (RFQ) of the architectural firm of PONCIANO MORALES III (MBE), Austin, Texas, for the negotiation and execution of a contract to provide architectural design and construction phase services for additions to Emergency Medical Services Basic Life Support Station Nos. 4, 8, 10 & 18, in the amount of \$82,000. (Funding included in the 1992-93 Capital Budget for the Emergency Medical Services Department.) Best proposal of thirty-two (32). 10% MBE, 10% WBE Subcontractor participation.

#39-45 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

46. Approve the current scope of work and construction schedule for development of Dove Springs Park. (Recommended by Parks Board)

On Councilmember Larson's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.
(Councilmember Epstein left the Council Chamber at 4:45 P.M.)

47. Approve selection (RFQ) of the architectural firm of COFFEE CRIER & SCHENCK ARCHITECTS & PLANNERS, Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the Dove Springs Recreation Center, in the amount of \$192,000. (Funding included in the 1992-93 Capital Budget for the Parks and Recreation Department.) Best proposal of thirty-four (34). 18% MBE, 6% WBE Subcontractor participation.
48. Approve selection (RFQ) of the architectural firm of DAVID HOFFMAN & CO., for negotiation and execution of a contract to provide architectural design and construction phase services for heating, ventilating, and air conditioning improvements at the Austin History Center, in the amount of \$240,000. (Funding included in the 1992-93 Capital Budget of the Austin Public Library.) Best proposal of twelve (12). 8% MBE, 7% WBE Subcontractor participation.
49. Approve selection of two (2) material testing engineering firms: FUGRO-MCCLELLAND (SOUTHWEST) INC., Austin, Texas, for asphalt/concrete testing; and TRINITY ENGINEERING CORPORATION, Austin, Texas, for soils testing for streets, buildings, or water &

wastewater projects, in the amounts of \$400,000 and \$500,000 respectively, for a two year total contract of \$900,000. (Funding included in the projects for which the services are needed for the respective Capital Improvement Projects.) Best qualification statements of fourteen. 10% MBE, 5% WBE Subcontractor participation (FUGRO-MCCLELLAND); 10% MBE, 5% WBE Subcontractor participation (TRINITY).

50. Approve Change Order No. 12 to PELZEL & ASSOCIATES (MBE), Austin, Texas, for architectural field modifications for the Trinity Street Sidewalk Improvements Project, in the amount of \$7,258, for a total contract amount of \$1,573,072. (Funding included in the 1992-93 Capital Budget for the Public Works and Transportation Department.)
51. Approve Change Order No. 8 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 \$48,837, for a total contract amount of \$2,749,487. (Funding in the amount of \$32,837 included in the 1991-92 Capital Budget of the Public Works and Transportation Department; \$16,000 included in the 1992-93 Capital Budget of the Electric Utility.) (Reviewed by Downtown Subcommittee)

#47-51 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

52. Approve execution of a twelve (12) month supply agreement with SCUBA EXPRESSION (WBE), San Antonio, Texas, for the purchase and screen printing of T-shirts and items to be used throughout the Parks and Recreation Department, for special programs associated with the Department, in an amount not to exceed \$62,165.80, with the option to extend thereafter for two (2) additional twelve (12) month periods in an amount not to exceed \$62,165.80 per extension option, for a total amount not to exceed \$186,497.40. (Funding available in the 1992-93 operating budget of the Parks & Recreation Department; funding for the extension options is contingent upon approval in future budgets. All expenses associated with the purchase and screen printing of the T-shirts and other items is covered by fee based revenues.) Low bid of three (3). No MBE/WBE subcontracting opportunities were identified.

On Councilmember Reynolds' motion, Councilmember Nofziger's second, 4-0 Vote, Mayor Pro Tem Urdy and Councilmember Epstein out of the room, Mayor Todd absent.

53. Approve execution of a twelve (12) month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Georgetown, Texas, representing GOODWILL INDUSTRIES OF CENTRAL TEXAS, Austin, Texas, for janitorial services at Avante Plaza, in an amount not to exceed

\$93,993.34. (Funding available in the 1992-93 operating budget of the Water & Wastewater Utility.) (Recommended by Water and Wastewater Commission)

54. Approve issuance of a Letter of Intent to rebate the amount of \$78,350 to the Hills of Chevy Chase Apartments for the installation of energy saving air conditioning equipment. (Funding available in the operating budget of the Energy Rebates and Incentive Fund.) [Recommended by Resource Management Commission]

55. Approve a joint resolution with the Austin Independent School District to continue and expand the cooperation and early coordination of school site selection and modification to assure safe pedestrian routes for students. (Reviewed at joint City Council/AISD meeting of November 17, 1992.)

#53-55 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

56. Approve execution of an Interlocal Cooperation Agreement with the Austin Independent School District to provide health services at elementary schools. (Funding in the amount of \$132,000 available in the 1992-93 operating budget of the Health & Human Services Department.)

Councilmember Garcia made a motion, seconded by Councilmember Reynolds, to "approve with an amendment to Section 7 of the Interlocal Cooperation Agreement by striking the fourth sentence and substituting in lieu therefore the following language: 'Because the City is fully responsible for the provision of all health services, the City agrees that in the event AISD is named in any claim or litigation regarding the provision of health services by the City, the City Law Department will provide legal counsel to defend AISD, its Trustees, officers and employees and volunteers, in cooperation with AISD legal counsel'". Motion passed by a 5-0 vote, Mayor Pro Tem Urdy out of the room, Mayor Todd absent.

57. Approve giving official notice to Travis County Rural Fire Prevention Districts 4, 7, and 8 of full-purpose annexations previously completed by the City of Austin in calendar year 1992.
58. Set a public hearing on an appeal by Mr. William F. Driscoll of the Historic Landmark Commission's decision on a sign permit under Section 13-2-866 of the Land Development Code for the structure located at 602 Brazos Street. (Suggested date and time: January 7, 1993 at 5:00 P.M.)
59. Set a public hearing in accordance with Section 71.004 of the Texas Natural Resources Code to consider granting an oil and gas lease on

a tract of 38.54 acres of land owned by the City of Austin in Fayette County, Texas. (Suggested date and time: January 21, 1993 at 4:30 P.M.)

#57-59 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

60. Set a public hearing on the full purpose annexation of the Gaines Ranch annexation area (Case No. C7a-93-001.) Dates and times: January 7, 1993 at 5:30 P.M. and January 14, 1993 at 5:30 P.M.)

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

3:00 P.M. - ELECTRIC UTILITY (items 61-65) (These items to be reviewed by Electric Utility Commission on December 14, 1992)

61. Electric Utility Commission Report - Jim Cash, Chair, reported.
62. Resource Management Commission Report - Glenn Crow, Chair, reported.
63. Utility Receivable Report - Charles Curry, Acting Financial Services Director, reported to Council.
64. Monthly Management Report - John Moore, Director of Electric Utility, presented the report.
65. Approve execution of a twelve (12) month interlocal cooperation agreement with TEXAS STATE TECHNICAL COLLEGE, Waco, Texas, for technical and safety training for the Electric Utility Department's Generation Division, in the amount of \$125,000 with the option to extend for an additional twelve (12) month period, in the amount of \$125,000, for a total amount of \$250,000. (Funding available in the 1992-93 operating budget of the Electric Utility.)

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Todd absent.

ITEMS FROM COUNCIL

66. Approve a resolution prohibiting funding of travel to states or localities that have constitutional or charter provisions that prohibit the adoption of or enforcement of laws or ordinances that would protect the civil rights of individuals based on their status. (Councilmembers Gus Garcia and Michael "Max" Nofziger)
67. Approve a resolution requesting that the President of the United States cause the removal of a memorial statue of Albert Pike located

at Judiciary Square in the District of Columbia. (Mayor Pro Tem Charles Urdy)

#66-67 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

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

68. C14-92-0090 - FEDERAL DEPOSIT INSURANCE CORPORATION (Bill Romney), by Bury & Pittman (James Knight), 3201 Duval Road. From CS-1 and LI to MF-3. Planning Commission Recommendation: To grant MF-3 Multi-family Residence (medium density).

ORDINANCE - Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

69. C14-92-0101 - RUDOLF & SUSANNE MARMANN, 1722 & 1724 West 6th Street. From NO to GO-CO. Planning Commission Recommendation: To grant GO-CO for the footprint of the structure on on Lot 3, Subject to dedication of up to 35' of right-of-way from the existing centerline of Patterson Avenue and: (1) Retention of existing structure (2) If site is redeveloped, new development shall not exceed 1,850 sq. ft. (3) Permitted NO uses (4) Personal Services as the only permitted GO use (5) Remaining NO land area to be used for parking and landscaping only. Restrictive Covenant conditions between applicant and property owners within 300': (1) Minimum of eighteen (18) parking spaces (2) Privacy fence five feet (5') from the north property line, curbing at the property line (3) Personal service use shall be specifically limited to beauty salon (4) The personal service use (beauty salon) shall be limited to 5 stations and 7 employees (5) No utilization or leasing of parking spaces to other non-residential uses (6) Hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday (7) Should litigation be necessary to enforce these restrictions, the unsuccessful party in the litigation shall compensate prevailing party for all legal costs pertaining to enforcement of these restrictions (8) Residential-type garbage pickup will be utilized rather than dumpsters (9) A rollback in zoning from GR to Go shall be initiated on the property at 1800 West 6th Street prior to scheduling this zoning for second/third readings. The owner of the property at 1800 West 6th Street concurs as long as there is no expense to him.

Postponed for six months as requested by applicant.

70. C14-92-0106 - JERRY DEUTSER, by Bury and Pittman (James B. Knight), 8801 Research Boulevard. From GR to LI. Planning Commission Recommendation: To grant LI-CO with the conditions of the zoning as follows: Uses limited to those permitted in the GR district and only permitted LI use is light manufacturing. Restrictive Covenant to contain: (1) Owner's agreement to roll back the zoning to GR if and when the City approves a "High-Tech" ordinance which would

permit electronic assembly, if the development regulations and conditions would allow this light manufacturing use. (2) If the permitted assembly is permitted in the future under CS zoning, the owner must agree to rollback the zoning to CS-CO with uses limited to those currently permitted under the GR zoning with only the appropriate uses permitting the electronic assembly operation, if the development regulations and conditions would allow this light manufacturing use (3) Owner's agreement not to oppose a City-initiated rollback to GR if the light manufacturing use (electronic assembly) cease for more than 180 days.

FIRST READING - On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

TO BE HEARD BY PLANNING COMMISSION 12-15-92, RECOMMENDATION TO FOLLOW

71. C14-91-0014 - FRANKLIN FEDERAL BANCORP (Bill Skeen), by Minter, Joseph & Thornhill (Glenn Weichert), 9501 N. Capital of Texas Highway. From LO & GR to MF-3 as amended. Planning Commission recommendation to grant MF-2-CO, subject to conditions. Vote 6-0-1.

ORDINANCE - On Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Reynolds abstained, Mayor Todd absent.

72. C14-92-0097 - SUNRISE COMMUNITY CHURCH (Jim Koopman), by Mattie Dixon, 4430 Manchaca Road and 2000-2098 Redd Street (even numbers only). From CS, SF-3 to LO. Planning Commission recommendation to grant LO, subject to conditions that right-of-way of 45' from center line of Manchaca Road be dedicated and the applicant re-stripe and re-design the existing parking lot. Vote 6-0.

FIRST READING - On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

TO BE HEARD BY PLANNING COMMISSION 12-15-92, RECOMMENDATION TO FOLLOW

73. C14-92-0119 - TEXAS COMMERCE BANK (Doug Snyder), by Heiser Development Corporation (Robert Heiser), 6800 S. Capital of Texas Highway and 6900 Block of Wallace Drive. From DR, LO & LR to MF-1. Planning Commission recommendation to grant MF-1-CO and conditions: density limited to 96 units, access to Wallace Drive prohibited and the applicant is to reserve 150 feet of right-of-way from the existing center line of Loop 360. Vote 7-0.

ORDINANCE - on Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Garcia abstained, Mayor Todd absent.

74. C14-92-0122 - THE SUTTON COMPANY (Steve Baumgardner), by Land Strategies Inc. (Paul Linehan), Great Hills and Lost Horizon Drive.

From PUD to SF-2. Planning Commission recommendation to grant SF-2 zoning. Vote 5-0.

ORDINANCE - on Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Reynolds out of the room, Mayor Todd absent.

75. C14-92-0124 - FIRST RIVER PLACE RESERVE, LTD. (Bill Gravenor), by Strasburger & Price, L.L.P. (David B. Armbrust), River Place Boulevard and Ranch Road 620. From DR & SF-2 to SF-5 (Tracts 1 & 2), MF-2 (Tracts 3,4,5) & GR-CO (Tract 6). Planning Commission recommendation to grant SF-5 (Tracts 1&2), MF-2 zoning for Tracts 3,4,5 & GR-CO (Tract 6). Vote 6-0-1.

ORDINANCE - On Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Reynolds out of the room, Mayor Todd absent.

76. C14-92-0125 - FIRST RIVER PLACE RESERVE, LTD. (Bill Gravenor), by Strasburger & Price, L.L.P. (David B. Armbrust), River Place Boulevard. From DR to SF-5. Planning Commission recommendation to grant SF-5 on a vote of 6-0-1.

ORDINANCE - on Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Reynolds out of the room, Mayor Todd absent.

77. C14-92-0126 - FIRST RIVER PLACE RESERVE, LTD. (Bill Gravenor), by Strasburger & Price, L.L.P. (David B. Armbrust), River Place Boulevard. From DR to SF-5. Planning Commission recommendation to grant SF-5. Vote 6-0-1.

ORDINANCE - On Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Reynolds out of the room, Mayor Todd absent.

78. C14-92-0127 - FIRST RIVER PLACE RESERVE, LTD. (Bill Gravenor), by Strasburger & Price, L.L.P. (David B. Armbrust), Leonard East Road and Lake Austin. From LA SF-5 (Tract 1) & CR (Tract 2). (related to item 26)

POSTPONED to January 21, 1993, as requested by applicant.

79. C14H-91-0030 - BRASS-MILAM HOUSE, by India Donovan, 1409 Newning Avenue. From SF-3 to SF-3-H. Planning Commission recommendation to grant SF-3-H on designation criteria 1,6,8,9 and 11, subject to restoration of the porch and steps to their original appearance. Vote 7-0.

FIRST READING - Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

80. 4:30 P.M. - Amend Title XIII (Land Development Code) of the Austin City Code of 1992 by adding a new section, which establishes criteria for excepting certain properties from the subdivision platting requirements. (Recommended by Planning Commission)

Motion

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, closed the public hearing. 6-0 Vote, Mayor Todd absent.

Motion

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, voted approval. 6-0 Vote, Mayor Todd absent.

RECESS - Council recessed from 4:45 to 5:00 P.M. During this recess, Councilmember Epstein left the meeting.

EXECUTIVE SESSION (No Public Discussion on These Items)

The executive session was held in the morning, on this date, in the Mayor's office.

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 Litigation - Section 2, Paragraph e

81. Discussion of John H. Young, Inc. v. City of Austin et al, Cause No. 91-39476, 165th Judicial District, Harris County, and City of Austin v. John H. Young, Inc., Cause No. 91-11579, 201st Judicial District, Travis County.

Pending/Anticipated Litigation - Section 2, Paragraph e

82. Discuss settlement claim against the City of Austin by Southern Union Gas Company regarding the City's use of its property.
83. Discussion of Application of Garwood Irrigation District and Pierce Ranch/Lower Colorado River Authority to amend Certificates of Adjudication Nos. 14-5434, 14-5477, respectively, pending before the Texas Water Commission.

Land Acquisition - Section 2, Paragraph f

84. Discussion of land acquisition for the Alpine Detention Pond Project.

ACTION ON THE FOLLOWING

85. Approve settlement of the Young litigation whereby the City will receive the sum of \$325,000 as outlined in Item 81, and authorize the City Manager, or her designee to execute a settlement agreement, releases, a lease amendment to change the royalty provisions of the Young Lease to tie future royalties payable to the City of Austin to 97% of the Inside FERC Houston Ship Channel Index Price less \$.15, and such other documents as may be necessary to effect the settlement.

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

86. Authorize the settlement claim against the City of Austin by Southern Union Gas Company regarding the City's use of its property.

Pulled off agenda.

87. Authorize real property acquisition for the Alpine Detention Pond Project in the amount of \$39,000.00.

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

ADJOURN - The meeting was adjourned at 5:45 P.M.

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