



## **Austin City Council MINUTES**

**FEBRUARY 25, 1993 - 1:00 P.M.**

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

Mayor Todd called to order the meeting of the Council, noting that Councilmember Epstein was not yet present, but would arrive later.

### **MINUTES APPROVED**

1. Approval of Minutes for Regular Meeting of February 18, 1993 and Special Meetings of February 10 & 11, 1993

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

### **CITIZEN COMMUNICATIONS: GENERAL**

2. Ms. Carolyn McCracken, to bring a greater awareness to what the Chamber of Commerce does.
3. Ms. Demp Toney, to invite the Council, City employees and citizens of the City of Austin and State of Texas to the Texas Independence Day Celebration to be held March 2, 1993. Not present.
4. Mr. Henry Ratliff, to address City issues.
5. Alan Marburger, to discuss the City's policy and ordinances concerning transmission towers.
6. Mr. James Rounds, to discuss cellular phone towers and the City planning process.
7. Mr. R. Brandes, to discuss the Balcones Canyonlands Conservation Plan.
8. Ms. Martha Maverick, to discuss a civic concern.
9. Mr. James Harper, to discuss purchasing policy.

10. Ms. Carol Hadnot, to discuss City of Austin purchasing issues.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve a resolution directing the City Manager to consider reducing the current property tax rate for operations in the preparation of the proposed 1993-94 operating budget consistent with Council directives and the needs of a growing city. (Councilmember Ronney Reynolds)

Motion - Died for Lack of Second

Councilmember Reynolds made a motion to approve. There was no second to the motion, so motion died.

Motion

The Council, on Councilmember Larson's motion, Councilmember Garcia's second, approved an alternate resolution. 5-2 Vote, Councilmembers Reynolds and Epstein voted No.

ORDINANCES

12. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10127-10225 Research Boulevard, Case No. C14r-85-144, from "CH", Commercial Highway to "CH-CO", Commercial Highway-Conditional Overlay, SAM'S WHOLESALE CLUB/PDIC/TEXAS COMMERCE BANK, by Bury & Pittman. First reading on January 14, 1993; Vote 5-0, Mayor Pro Tem Urdy and Councilmember Epstein out of the room. Second reading on February 4, 1993; Vote 4-0-1. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council.

**EMERGENCY PASSAGE OF ORDINANCE** - on Councilmember Nofziger's motion, Councilmember Reynolds' second, 4-0-1 Vote, Councilmember Epstein absent, Mayor Pro Tem Urdy out of the room, Councilmember Garcia abstained.

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as West William Cannon Drive and Escarpment Boulevard, Case No. C14-92-0129, from "LO", Limited Office District, "LR", Neighborhood Commercial District, "RR", Rural Residence District, and "SF-6", Townhouse and Condominium Residence District to "SF-2", Single Family Residence District (standard lot) for Tracts 1, 2, & 3, and "LR", Neighborhood Commercial District for Tract 4, BENCHMARK LAND DEVELOPMENT (Steve Tucker), by Powers Engineering Group, Inc. (Forrest T. Powers). First reading on January 7, 1993; Vote 6-0, Mayor Pro Tem Urdy absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Fiscal for traffic signal at William

Cannon Drive and Escarpment Boulevard has been posted. Floodplain study has been approved by Storm Water Management.

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8801 Research Boulevard, Case No. C14-92-0106, from "GR", Community Commercial to "LI-CO", Limited Industrial Services-Conditional Overlay, JERRY DEUTSER, by Bury & Pittman (James B. Knight). First reading on December 17, 1992; Vote 6-0, Mayor Todd absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Restrictive covenant has been executed.
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1318-1332 E. 12th Street, Case No. C14-92-0146, from "CS", General Commercial Services to "MF-4-CO", Multifamily Residence (moderate-high density)-Conditional Overlay, AUSTIN HOUSING FINANCE CORPORATION (Gene Watkins), by Site Specifics (Bobbie Jo Cornelius). First reading on February 4, 1993; Vote 6-0, Councilmember Nofziger absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
16. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 16-4, Section 5 - Speed Limits, to reduce the speed limit on Brush Country Road from 45 mph to 40 mph. (Funding for signage is available in the 1992-93 operating budget of the Public Works and Transportation Department.)
17. Authorize acceptance of \$30,172 in additional grant funds from the Texas Department of Health, Ryan White/Title II HIV Care Consortia grant, for the Insurance Assistance Program; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating an additional \$30,172, increasing revenues and expenditures, for a total grant amount of \$791,598 in the Health & Human Services Department Special Revenue Fund.
18. Authorize acceptance of \$29,645 in additional grant funds from the Texas Department of Health HIV/AIDS Surveillance Grant, for HIV Surveillance and Pediatric Services; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating an additional \$29,645, increasing revenues and expenditures, and 1.0 FTE for a total grant amount of \$78,625; and deleting the HIV Pediatric Surveillance Grant and 1.0 FTE in the Health and Human Services Department Special Revenue Fund (no net change in FTE).
19. Approve execution of a seven (7) month service agreement with NATIONAL HEALTH LABORATORIES, INC., San Antonio, Texas, for testing, evaluation, counseling, referral, and follow-up services to clients

who are suspected to be HIV positive, at the David Powell Assessment Clinic, in an amount not to exceed \$48,000, with an option to renew for two (2) additional twelve (12) month periods, in an amount not to exceed \$85,000 per year, for a total amount not to exceed \$218,000. ((Funding in the amount of \$36,480 is available in the Ryan White III grant; the remaining \$11,520 is available in the 1992-93 operating budget of the Health and Human Services Department; funding for the renewal options is contingent upon the availability of grant funds and funds from future Health and Human Services Department's operating budget.) Low bid of three (3). No M/WBE subcontracting opportunities were identified. Reference No. SA93300004.

20. Authorize acceptance of \$24,084 from Travis County; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the General Fund for the Parks and Recreation Department; increasing revenues and expenditures. (Related to Item 21)

#### RESOLUTIONS

21. Authorize approval of an Interlocal Agreement with Travis County for security patrols in the Palm Park area. (Travis County will provide funding in the amount of \$24,084 for one (1) City of Austin Park Police officer.) [Related to Item 20]
22. Approve negotiation and execution of a twelve (12) month contract with AUSTIN COMMUNITY COLLEGE, CHILD DEVELOPMENT DEPARTMENT, for the administration of the Child Care Accreditation Program, in an amount not to exceed \$38,000. (Funding is available through the 18th Year Community Development Block Grant funds.) Sole proposal. No M/WBE subcontracting opportunities were identified.
23. Authorize negotiation and execution of an Interlocal Agreement for one (1) year with Travis County for Weatherization Services for the Economically Disadvantaged, in the amount of \$102,673, with the option to extend the agreement for one (1) additional twelve (12) month period, in the amount of \$102,673, for a total amount not to exceed \$205,346. (Funding is available in the 1992-93 Energy Conservation Rebates and Incentives Fund.) [Recommended by Resource Management Commission.]
24. Authorize negotiation and execution of an agreement for construction and post-construction phase services with JONES AND NEUSE, INC., Austin, Texas, for the Bergstrom Wastewater Treatment Plant Decommissioning Project, in the amount of \$100,000, for a total contract amount of \$277,000. (Funding is included in CIP 436-237-0363 - Wastewater). 10% MBE, 5% WBE subcontractor participation. (Recommended by Water and Wastewater Commission)

25. Approve Change Order #2 to INSITUFORM TEXARK, INC., Dallas, Texas, for reconnection of existing sewer service to the rehabilitated line in the Hyde Park area, as part of the April, 1992 Pipe-Within-a-Pipe Project, in the amount of \$19,480.21, for a total contract amount of \$532,686.15. (Funding included in the 1991-92 Capital Budget of the Water and Wastewater Department.) No M/WBE subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
26. Approve execution of a construction contract award to ALLKIN CONSTRUCTION INC., Austin, Texas, for renovation of the Robert Mueller Municipal Airport Building #3391 into the Aviation Training Facility, in the amount of \$245,000. (Funding is included in the 1991-92 Capital Budget for the Aviation Department.) Low bid of eleven (11). 14.68% MBE, 7.25% WBE subcontractor participation. (Recommended by Aviation Advisory Board)

Convention Center (Items 27-28)

27. Approve final Change Order #20 to SPAW-GLASS/CAHABA, San Antonio, Texas, for miscellaneous construction leading to project close-out, including contractor claim resolution on stormwater line installation, for the Austin Convention Center, in the amount of \$112,165, for a total contract amount of \$42,161,162. (Funding is included in the 1989-90 Capital Budget of the Convention Center Department.)
28. Approve an amendment to the existing Professional Services Agreement with GILBANE BUILDING COMPANY, Houston, Texas, for the extension of Project Manager Basic Services to include construction quality control, coordination of punchlist item resolution and contractor payment request processing during the construction phase of the Convention Center, in the amount of \$84,814. (Funding included in the 1989-90 Capital Budget for the Convention Center Department.)
29. Approve negotiation and execution of a twelve (12) month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Georgetown, Texas, to provide janitorial services at four (4) Fire Department locations, in an amount not to exceed \$38,700, with two (2) twelve (12) month extension options, in an amount not to exceed \$38,700 per extension option, for a total amount not to exceed \$116,100. (This contract will replace the current \$34,000 janitorial contract with Building Services, but will provide additional services.) [Funding in the amount of \$22,575 is available in the 1992-93 operating budget; funding for the remaining \$16,125 of the original contract period and the extension options is contingent upon available funding in future budgets.]

30. Approve execution of a twelve (12) month supply agreement with PERMAXX PAVEMENT, Seguin, Texas, for cold-mix asphalt concrete, in an amount not to exceed \$66,400, with one (1) twelve (12) month extension option, in an amount not to exceed \$66,400, for a total amount not to exceed \$132,800. (Funding in the amount of \$49,799.97 is available in the 1992-93 operating budget of the Transportation Fund; funding for the final three (3) months of the original contract period and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE subcontracting opportunities were identified.

31. Approve execution of a contract with CLOSNER EQUIPMENT CO., San Antonio, Texas, for the purchase of an asphalt paving machine, in an amount not to exceed \$68,550. (Funding is available in the 1992-93 proposed operating budget of the Transportation Fund.) Low bid of three (3). No M/WBE subcontracting opportunities were identified. Reference No. RH93100006.

#13-31 on Councilmember Nofziger's motion, Councilmember Reynolds' second, 5-0 Vote, Councilmember Epstein absent, Mayor Pro Tem Urdy out of the room.

32. Approve execution of a contract with ENFORCEMENT TECHNOLOGY, Justin, California, for the purchase of eighteen (18) hand held computerized parking ticket writers, in an amount not to exceed \$63,220. (Funding is available in the 1992-93 operating budget of the Department of Public Works and Transportation.) Low bid of three (3). No M/WBE subcontracting opportunities were identified. Reference No. RH93310005.

Pulled off agenda.

33. Approve execution of two (2) twelve (12) month supply agreements for the purchase of tires and tubes with the following vendors: WALKER TIRE CO. INC., Austin, Texas, in an amount not to exceed \$65,000; and PURCELL TIRE CO. INC., Austin, Texas, in an amount not to exceed \$273,000, with options to extend each agreement for two (2) additional twelve (12) month periods, in amount of \$65,000 and \$273,000 respectively, for a total contract amount not to exceed \$1,014,000. (Funding in the amount of \$197,167 is available in the 1992-93 operating budget of the Fleet and Radio Fund; funding for the remaining \$140,833 of the contract and the extension options will be contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. Reference No. RP93100007.

34. Approve execution of a twelve (12) month supply agreement with MILE-HI T FIRE EQUIPMENT, INC., Round Rock, Texas, for the purchase, installation and repair of a brake retarder system which serves as

an additional braking device, for ambulances, fire apparatus trucks and other heavy duty service vehicles, in an amount not to exceed \$200,000, with options to extend the agreement for two (2) additional twelve (12) month periods, in the amount of \$200,000, for a total contract amount not to exceed \$600,000. (Funding in the amount of \$116,667 is available in the 1992-93 operating budget of the Fleet and Radio Fund; funding for the remaining \$83,333 of the contract and the extension option will be contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. Reference No. IFB RF93300001.

#33-34 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

35. Authorize an amendment to the contract with BURNUP & SIMS OF TEXAS, INC., Austin, Texas, to provide underground construction and maintenance for the Electric Utility Department, in the amount of \$1,081,000, for a total contract amount of \$5,406,853. (Funding is included in the 1991-92 Capital Budget of the Electric Utility Department.)

On Councilmember Larson's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein out of the room.

36. Approve Balcones Canyonlands Conservation Plan Phase I: Biology Reserve Design, and approve submittal to the U.S. Fish and Wildlife Service. (No fiscal impact.) [Public Hearing Closed - No Citizen Sign-Up]

On Councilmember Garcia's motion, Mayor Todd's second, 7-0 Vote, with changes as discussed in dialogue between Councilmember Epstein and staff.

37. Approve recommended legislation pertaining to the Balcones Canyonlands Conservation Plan. (Public Hearing Closed - No Citizen Sign-Up)

Motion

Councilmember Garcia made a motion, seconded by Mayor Todd, to approve.

Amendment to Motion - FAILED

Councilmember Epstein offered an amendment to the motion, seconded by Councilmember Larson, that the Legislation would go into effect when the County voters approved the bonds. (Failed by a vote of 3-4 with Mayor Todd, Councilmembers Garcia, Nofziger and Reynolds voting No.)

### Roll Call on Motion

5-2 Vote, Mayor Pro Tem Urdy and Councilmember Epstein voted No.

38. Consider the Dell Partnership Agreement.  
Pulled from the agenda.
39. Set a public hearing to create a Downtown Austin Public Improvement District (PID). [Suggested date and time: March 25, 1993 at 5:00 p.m.] Public hearing set for April 1, 1993 at 5:00 P.M.

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

### ITEMS FROM COUNCIL

40. Approve a resolution to collect a gas conservation surcharge from commercial rate classes 22 and 30. (Recommended by Resource Management Commission) [Councilmembers Gus Garcia and Michael "Max" Nofziger]  
Pulled from the agenda.
41. Approve a resolution encouraging the Department of Defense to continue Military Service Entitlements and consider a pilot commissary program for the Austin military service delivery area. (Councilmembers Bob Larson and Gus Garcia)
42. Approve a resolution authorizing the City Manager to negotiate an agreement with the Air Force Reserves for use of facilities at Bergstrom Air Force Base. (Councilmember Bob Larson and Mayor Pro Tem Charles Urdy)

#41-42 on Councilmember Nofziger's motion, Councilmember Reynolds' second, 5-0 Vote, Councilmember Epstein absent, Mayor Pro Tem Urdy out of the room.

43. Approve a resolution directing the City Manager to amend the 1992-93 General Fund Budget by transferring savings from the City Clerk's Department, resulting from the addition of a special-called U.S. Senate election to the City of Austin Municipal Election, to the City/County Health and Human Services Department to fund detoxification programs. (Councilmembers Louise Epstein and Ronney Reynolds)

As amended, on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-1-0 Vote, Councilmember Larson voted No, Mayor Pro Tem Urdy out of the room.



44. Set a public hearing on Balcones Canyonlands Conservation Plan (BCCP) financing. (Suggested date and time: March 11, 1993 at 5:00 p.m.) [Councilmember Louise Epstein]

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

45. Approve a resolution recognizing the Austin Baptist Chapel for its charitable services and pledging to work with the Chapel in moving the Soup Kitchen from its current location at 908 East 1st Street to a non-residential neighborhood. (Councilmember Ronney Reynolds and Gus Garcia)

Motion

Councilmember Reynolds made a motion, seconded by Councilmember Garcia to approve.

Substitute Motion- FAILED

Councilmember Epstein made a motion, seconded by Councilmember Larson to postpone indefinitely. Motion FAILED by a 2-5 Vote, Councilmember Reynolds, Mayor Todd, Mayor Pro Tem Urdy, Councilmember Garcia and Councilmember Nofziger voted No.

Roll Call on Main Motion

5-1-1 Vote, Councilmember Epstein voted No, Councilmember Larson abstained.

69. (ADDENDUM) Approve a Resolution opposing House Bill 100, which will authorize issuance of a license to carry concealed weapons. (Councilmembers Gus Garcia and Michael "Max" Nofziger)

On Councilmember Nofziger's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Larson out of the room.

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

46. C14-92-0116(PART) - BARTON CREEK PROPERTIES, INC. (Barrett D. Allison), by Land Strategies, Inc. (Paul Linehan). Vega Avenue and Southwest Parkway. From: DR (Tracts 2, 7 & 8 and parts of Tracts 1, 6, 3, 4 & 5) to GO (Tracts 2 and parts of Tracts 1 & 6) and GR (Tracts 7 & 8 and parts of Tracts 3, 4 & 5). Planning Commission Recommendation: To grant GO-CO General Office-Conditional Overlay for Tract 2, and parts of Tracts 1 & 6; and GO-CO Community Commercial-Conditional Overlay for Tracts 7 & 8, and parts of Tracts 3, 4 & 5, subject to a traffic phasing agreement as recommended by Transportation Review in a memo dated January 27, 1993 and Floor-to-Area Ratio (FAR) limitations. Further subject to: (1)

limitation of 20% impervious cover on net site area; (2) no underground storage shall be allowed; (3) no uses that require hazardous emissions permits as required by the State of Texas; (4) shall meet current CWO standards for pollutant removal - however evaluate SOS standards for pollutant removals at the site plan stage (as required under the Hill Country Roadway) after and if staff develops the parameters for SOS removals; and (5) shall meet monitoring standards in accordance with the CWO.  
Postponed indefinitely

47. C14-92-0118 - BARTON CREEK PROPERTIES, INC., (Barrett D. Allison), by Land Strategies, Inc. (Paul Linehan), Southwest Parkway and Travis Cook Road. From DR to GR. Planning Commission Recommendation: To grant GR, Community Commercial, zoning subject to a traffic phasing agreement as recommended by Transportation Review in a memo dated January 27, 1993 and Floor-to-Area Ratio (FAR) limitations. Further subject to: (1) limitation of 20% impervious cover on net site area; (2) no underground storage shall be allowed; (3) no uses that require hazardous emissions permits as required by the State of Texas; (4) shall meet current CWO standards for pollutant removal - however evaluate SOS standards for pollutant removals at the site plan stage (as required under the Hill County Roadway) after and if staff develops the parameters for SOS removals; and (5) shall meet monitoring standards in accordance with the CWO.  
Postponed indefinitely

#46-47 Postponed indefinitely on Councilmember Reynolds' motion, Councilmember Larson's second, 7-0 Vote.

48. C14-92-0130 - GEORGIA LUCAS, by Akin, Gump, Hauer & Feld (Daniel W. Nelson), 8701-8705 South Congress Avenue. From DR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning. The conditional overlay limits land uses and intensities to those assumed in the Traffic Impact Analysis (TIA). Note: A final TIA has been submitted.  
Ordinance
49. C14-92-0131 - GEORGIA LUCAS, by Akin, Gump, Hauer & Feld (Daniel W. Nelson), 8700-8706 South Congress Avenue. From DR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning. The conditional overlay limits land uses and intensities to those assumed in the Traffic Impact Analysis (TIA).  
Ordinance
50. C14-92-0132 - GEORGIA LUCAS, by Akin, Gump, Hauer & Feld (Daniel W. Nelson), South IH-35 and South Congress Avenue. From SF-2 to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning. The conditional overlay

limits land uses and intensities to those assumed in the Traffic Impact Analysis (TIA).

First Reading

51. C14-92-0128 - ROBERT LEATHERWOOD, by L.S.G. Properties (Bill Ward), 10300 Morado Cove. From SF-2 to MF-1. Planning Commission Recommendation: To Grant MF-1-CO, Multifamily Residence (limited density)-Conditional Overlay, zoning subject to a maximum of 309 multi-family units (7.0 units per acre); and the neighborhood association agreement dated January 21, 1993. Ordinance

#48-51 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 Vote.

52. C14-92-0120 - LEIF JOHNSON FORD, INC. (Jerry Broesche), by Mathias Company (Mike McBride), 5073-5095 West U.S. Highway 290. From DR to GR. Planning Commission Recommendation: To Grant GR, Community Commercial, zoning subject to compliance with conditions of the Traffic Impact Analysis; further subject to: (1) Save Our Springs (SOS) guidelines; (2) no hazardous discharge permits from the Air Control Board or Texas Water Commission; and (3) no underground tanks.

Postponed indefinitely, on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0-1 Vote, Councilmember Reynolds abstained due to conflict of interest.

53. C14-92-0066 - SAMUEL PAYNE, by Brown, McCarroll & Oaks Hartline (Jerry Harris), 11912 Arabian Trail. From SF-3 to GR. Planning Commission Recommendation: To Deny GR, Community Commercial, zoning.

Council APPROVED zoning change on First Reading Only, with no access to Arabian Trail and joint access to Highway 183, on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

The following cases will be postponed to March 11, 1993. Posting of these cases on this agenda is required due to a previous notification for this date.

54. C14-92-0078 - AUSTIN TREEMONT INC. (Rhett Dawson), by Land Strategies, Inc. (Paul Linehan), 1300-1400 Block of Capital Parkway and 2800 Block of Montebello. Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, zoning with the condition that access to Barton Skyway be prohibited, and including conditions offered by the applicant related to transportation and land use/zoning.

55. C14-92-0136 - AUSTIN TREEMONT INC. (Rhett Dawson), by Land Strategies, Inc. (Paul Linehan/Jim Bechtol), 1001-1921 Capital

Parkway and 1000-1920 Mopac South. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay, zoning as amended, subject to: (1) limitation of 506 units (9.35 units per acre); (2) posting of fiscal surety for roadway improvements as outlined in the Memorandum from George Zapalac to Betty Baker, dated January 6, 1993; and (3) the tract of land north of Capital Parkway (zoned SF-3), adjacent to single-family lots and a portion of the L0 tract (the triangular portion that would remain if Capital Parkway were extended to connect to Doris Ann Boulevard) will remain undeveloped as an open space, and the only permitted development will be a storage facility for maintenance of all open-space areas. Also, including conditions offered by the applicant relating to transportation and land use/zoning.

56. C14-92-0137 - AUSTIN TREEMONT INC. (Rhett Dawson), by Land Strategies, Inc. (Paul Linehan/Mike McBride), 1000-1032 Capital Parkway. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning subject to: (1) limitation of 106 units (17.3 units per acre); (2) posting of fiscal surety for roadway improvements as outlined in the Memorandum from George Zapalac to Betty Baker, dated January 6, 1993; and including conditions offered by the applicant relating to transportation and land use/zoning.

#54-56 Postponed to March 11, 1993, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

#### FINAL CITIZEN COMMUNICATIONS

Speakers were Jimmy Castro, Robert Singleton, Tom Wolf, Al St. Louis and Thomas Alexander.

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

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

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.

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

57. Discussion of real property acquisition for 45th Street at Burnet Road Transportation System Management (TSM) Project.

58. Discussion of acquisition for the Perpetual Easement and Temporary Easements for the 45th St. at Burnet Rd. TSM Project.

Pending/Contemplated Litigation - Section 2, Paragraph e

59. Discussion of applications of Garwood Irrigation Company, and Pierce Ranch/Lower Colorado River Authority to amend Certificates of Adjudication Nos 14-5434, 14,5477, respectively, pending before the Texas Water Commission.
60. Discussion of State of Texas v. Missouri Pacific Railroad Co. and City of Austin, Cause No. 477,213
61. Discussion of Forrest E. Smock, et al v. City of Austin, Civil Action No. A-90-CA-357.
62. Discussion of South Austin Outfall (Save Our Springs Legal Defense Fund, Inc., et al) v. City of Austin et al.
63. Discussion of Samuel Charles Salmon v. Roger Myers and the City of Austin, Cause No. 91-14481.

Personnel Matters - Section 2, Paragraph g

64. Interview applicants for Municipal Court Relief Judge.

ACTION ON THE FOLLOWING

65. Authorize real property acquisition for 45th Street at Burnet Road (TSM Project)  
Pulled from agenda.

66. Authorize the acquisition of a Perpetual Easement and Temporary Easements for the 45th St. at Burnet Road TSM Project.

On Councilmember Nofziger's motion, Councilmember Reynolds' second, in the amount of \$43,590, 5-0 Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent. (This was part of the consent motion taken at the beginning of the meeting.)

67. Approve settlement of Samuel Charles Salmon v. Roger Myers and the City of Austin, Cause No. 91-14481.  
Pulled from agenda.

68. Approve appointment of Municipal Court Relief Judge.  
Pulled from agenda.

ADJOURN - The meeting was adjourned at 6:50 P.M. on Councilmember Reynolds' motion, Councilmember Nofziger's second, 5-0 Vote, Councilmembers Epstein and Larson out of the room.

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