



Austin City Council MINUTES

NOVEMBER 4, 1993 - 1:00 P.M.

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

MINUTES APPROVED

1. Approval of Minutes for Special Meetings of September 28, 29, 30, October 19 (2:00 & 5:00 P.M.), 20, 21, 25 and 28, 1993. (Regular meeting minutes of October 21, 1993, sent back for corrections.)

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

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Willie Mae Kirk, to discuss increase in services at City cemeteries. Not present.
3. Ms. Charlene Shillman, to discuss the second annual 5K Run by the Museum of Fine Arts to be held at Town Lake on November 6, 1993 at 9:00 a.m.; a Pryor Plan T-Shirts will be given to all entries; trophies will be awarded to 1st, 2nd and 3rd place winner; support the Museum!
4. Ms. Paul Garlinghouse, to discuss rejection of Development Agreement with Freeport Properties and secure Sweetwater and Uplands tracts without Jim Bob Moffett's help.
5. Mr. Leonard Lyons, to discuss accuracy vs. truth; responsibility vs. accountability; productivity vs. nothing. Not present.
6. Mr. David Schroeder, to read a short piece of writing printed in the Austin Chronicle (June 23, 1993 letters); open to questions about research industry.
7. Mr. Henry Ratliff, to discuss several Austin deficits.

8. Mr. Robert Thomas, to discuss termination of the site management at the Rosewood Recreation Center; request the Council to work with prohibiting discrimination from the Parks and Recreation Department and to help with the Human Rights Commission to develop fair labor practices and better departmental employment policies within the Parks and Recreation Department.
9. Ms. Vanessa McKee, to provide a brief update on number of programs served by connections, and to thank the City Council for supporting children, parents and providers.
10. Ms. Elizabeth L. Morgan, to provide a brief update on number of programs served by connections, and to thank the City Council for supporting children, parents and providers.
11. Mr. Benjamin Obregon, to express his views on Barton Creek PUD.
Not present.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend Ordinance No. 930915-D, the 1993-94 Fee Ordinance, by authorizing fee increases for City of Austin Cemetery burial spaces and related services to become effective November 29, 1993. (The fee increase will result in projected revenues of \$21,034 for FY 1993-94)

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

13. Appeal by Lenore E. Newsom of the Planning Commission's decision to deny an application for a conditional use permit site plan for a kennel to be located at 6004 City Park Road. Public Hearing closed. No citizen sign-up. (To be heard at 5:30 P.M.)

Postponed to November 18, 1993 (staff to set the time), on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Todd out of the room, Councilmember Reynolds absent.

ORDINANCES

14. Approve second reading to set FY 1993-94 water and wastewater retail rates to become effective April 1, 1994. (The proposed rates will result in projected revenues of \$154,314,751.) [Recommended by Water and Wastewater Commission and Resource Management Commission.]

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 4-3 Vote, Councilmembers Goodman, Nofziger and Shea voted No.

15. Correct Ordinance No. 890420-F, which disannexed property owned by Comanche Peak Joint Venture, and Ordinance No. 890921-G which disannexed property owned by American Federal Bank, by including two parcels of land which were inadvertently omitted from the disannexation ordinances. (No fiscal impact.)
16. Approve naming City of Austin owned Austin High School Practice Fields for R.D. "Boss" Thorp, for his service as Austin Police Chief from 1928-1958. (No fiscal impact.) [Recommended by Parks Board]
17. Authorize acceptance of \$43,897 in grant funds from the Institute of Museum Services for operating support for the Pioneer Farm; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating an additional \$1,897 in grant funds for the Parks and Recreation Special Revenue Fund.

Health and Human Services (Items 18-25)

18. Amend Ordinance No. 930915-D, the 1993-94 Fee Ordinance to increase fees for Private Sewage Facility Construction Permits, Engineering Review and Certification; amend Ordinance No. 930915-A, the 1993-94 operating budget for the General Fund, by increasing budgeted revenue by \$12,700.
19. Authorize acceptance of \$25,000 in additional grant funds from the Texas Department of Health, Maternal and Child Health Title X grant to provide medical, counseling, client education, referral and community education services; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$25,000 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$109,162.
20. Authorize acceptance of \$79,978 in additional grant funds from the U.S. Department of Justice for the Strategic Intervention for High Risk Youth (SIHRY) Demonstration Program; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund budget by appropriating an additional \$79,978 in grant funds for the Health and Human Services Special Revenue Fund, for a total grant amount of \$300,492. (Related to Items 21 and 25)
21. Authorize acceptance of \$63,370 in additional grant funds from the Center on Addiction and Substance Abuse, Inc. (CASA) for the Strategic Intervention for High Risk Youth (SIHRY) Demonstration Program; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating an additional \$63,370 in grant funds for the Health and Human Services Special Revenue Fund, for a total grant amount of \$199,508. (Related to Items 20 and 25)

22. Authorize acceptance of \$100,000 in grant funds from The RGK Foundation for early childhood services; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$100,000 in grant funds for the Health and Human Services Department Special Revenue Fund. (Related to Items 23 and 24)
23. Authorize acceptance of \$100,000 in grant funds from the Hogg Foundation for Mental health for early childhood services; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$100,000 in grant funds for the Health and Human Services Department Special Revenue Fund. (Related to Items 22 and 24)

#15-23 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Shea out of the room.

89. Amend Ordinance No. 930915-A, the 1993-94 Drainage Utility operating budget by increasing the beginning balance by \$754,968 and increasing transfers out to the Balcones Canyonlands Conservation Land Capital Project by \$600,000.

Pulled off agenda.

RESOLUTIONS

24. Authorize negotiation and execution of a twelve (12) month contract with CEDEN FAMILY RESOURCE CENTER, Austin, Texas, for early childhood services, in an amount not to exceed \$100,000 with three (3) 12-month extension options in an amount not to exceed \$100,000 per extension, for a total amount not to exceed \$400,000. (Funding in the amount of \$50,000 each from the Hogg Foundation for Mental Health and the RGK Foundation; funding for the extension options is contingent upon renewal of the grants from the Hogg Foundation for Mental Health and The RGK Foundation.) [Related to Items 22 and 23]
25. Authorize negotiation and execution of amendments to four (4) contracts for the provision of comprehensive youth services under the Strategic Intervention for High Risk Youth (SIHRY) Demonstration Grant Program with YOUTH ADVOCACY, INC., in the amount of \$192,873, for a total contract amount of \$350,635; AUSTIN CHILD GUIDANCE CENTER, in the amount of \$34,754, for a total contract amount of \$67,714; BIG BROTHERS/BIG SISTERS, in the amount of \$43,172, for a total contract amount of \$73,172; and TRAVIS COUNTY JUVENILE COURT, in the amount of \$13,437, for a total contract amount of \$29,745. (Funding in the amount of \$110,708 provided from the Center on Addiction and Substance Abuse Inc., and \$173,528 provided from the U.S. Department of Justice.) [Related to Items 20 and 21]

26. Approve amendment of a contract with Tom Reavley for mediation services on matters related to the Barton Creek Community Planned Unit Development Agreement, in the amount of \$20,000, for a total contract amount of \$32,000. (Funding is available in the 1993-94 operating budget of the Law Department.)

Brackenridge Hospital (Items 27-33)

27. Approve execution of two (2) twelve (12) month supply/service agreements with WHITMIRE DISTRIBUTION CORPORATION, The Woodlands, Texas, for a prime vendor program for generic drugs for Brackenridge Hospital, in an amount not to exceed \$5,652,636, and for the Health and Human Services Department in an amount not to exceed \$2,486,750, including an option to extend thereafter for up to three (3) additional twelve (12) month periods for Brackenridge Hospital, in amounts not to exceed \$7,000,000 for the first extension, \$8,500,000 for the second extension, and \$10,000,000 for the third extension, for a total amount not to exceed \$31,152,636; and including an option to extend thereafter for up to three (3) additional twelve (12) month periods for Health and Human Services Department in amounts not to exceed \$2,984,100 for the first extension, \$3,580,920 for the second extension, and \$4,297,104 for the third extension, for a total amount not to exceed \$13,348,874. [Funding in the amount of \$5,181,583 and \$2,279,520.83 is available in the 1993-94 operating budgets of Brackenridge Hospital and Health and Human Services Department (including Federally Qualified Health Center Fund) respectively; funding for the final one (1) month of the original contract and the extension options is contingent upon availability of funding in future budgets.] Low bid of four (4). No M/WBE Subcontracting opportunities were identified. (Recommended by Hospital Board)
28. Approve execution of a twelve (12) month supply agreement with W.L. GORE & ASSOCIATES, INC., Naperville, Illinois, for vascular grafts for use by cardiovascular surgeons to replace sections of arteries in patients, in an amount not to exceed \$115,715, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$115,715 per extension, for a total amount not to exceed \$347,145. (Funding in the amount of \$106,072.08 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final one (1) month of the original contract and the extension options is contingent upon availability of funding in future budgets.) Single bid meeting specifications. No M/WBE Subcontracting opportunities were identified.
29. Approve execution of a twelve (12) month supply agreement with SOUTHWEST SURGICAL SYSTEMS, INC., Austin, Texas, for pressure relief overpads and bed pads, in an amount not to exceed \$38,503.99, including an option to extend thereafter for up to two (2)

additional twelve (12) month periods, in an amount not to exceed \$38,503.99 for each extension, for a total amount not to exceed \$115,511.97 (Funding in the amount of \$35,295.32 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final one (1) month of the original contract and the extension options is contingent upon availability of funding in future budgets.) Low bid of ten (10). No M/WBE Subcontracting opportunities were identified.

30. Approve execution of a construction contract award to THE THOMAS COMPANY (WBE), Leander, Texas, for the replacement of the retaining wall at the Brackenridge Professional Building, in the amount of \$49,880. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital.) Low bid of three (3). 12.62% MBE, 0% WBE Subcontractor participation.
31. Approve negotiation and execution of a contract with DARCY SCHNEIDER, Elgin, Texas, for speech-language pathologist services, in an amount not to exceed \$100,000, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$100,000 for each extension, for a total amount not to exceed \$300,000. (Funding in the amount of \$91,666.67 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final one (1) month of the original contract and the extension options is contingent upon availability of funding in future budgets.) Sole response. No M/WBE Subcontracting opportunities were identified.
32. Approve execution of a twelve (12) month supply agreement with WILSON OXYGEN & SUPPLY COMPANY, INC., Austin, Texas, for medical gases, in an amount not to exceed \$55,782, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$55,782 per extension, for a total amount not to exceed \$167,346. (Funding in the amount of \$51,133.50 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final one (1) month of the original contract and the extension options is contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
33. Approve selection of BOWER-DOWNING PARTNERSHIP, INC., Austin, Texas, to provide architectural, engineering, and interior design services to accommodate the design, production, bidding and construction administration of a 32-bed critical care addition, with support and ancillary spaces, in an amount not to exceed \$1,150,000. (Funding was included in the 1991-92 Capital Budget for Brackenridge Hospital.) Best qualification statement of three (3). 12% MBE, 14% WBE Subcontractor participation. (Recommended by Hospital Board)

34. Approve the filing of eminent domain proceedings to acquire a permanent drainage and public utility easement containing 1,982 square feet of land, and a temporary construction easement containing 2,867 square feet of land out of Lot 1, Block 3, Chernosky Subdivision No. 9, a Subdivision in Austin, Travis County, Texas, owned by Roy L. Henry for the Tannehill Branch of Boggy Creek Drainage Project. (Funding in the amount of \$1,000 included in the 1991-92 Capital Budget of the Department of Public Works and Transportation.)

35. Authorize execution of contracts for the Home Maintenance Program with the AUSTIN AREA URBAN LEAGUE, in an amount not to exceed \$462,121, and with the UNITED CEREBRAL PALSY, Austin, Texas, in an amount not to exceed \$295,454, with one (1) twelve (12) month extension option, in an amount not to exceed \$462,121 and \$295,454 respectively, for a total not to exceed \$1,515,150. [Funding is available in the 1993-94 operating budget of the Department of Planning and Development through 19th Year (1993-94) Community Development Block Grant (CDBG) funds; funding for the extension option is contingent upon availability of funding in future budgets.] Best responsive proposals of three (3). M/WBE Subcontractor participation: Austin Area Urban League: 16.11% MBE, 6.32% WBE; United Cerebral Palsy: 25.68% MBE, 0% WBE. (Recommended by Housing Subcommittee)

#24-35 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Shea out of the room.

36. Approve an agreement for the City of Austin to provide administrative services and overhead costs to a to-be-formed corporation whose shareholders are local financial institutions. [Funding in the amount of \$150,000 for the first year is available in the 1993-94 Special Revenue Fund of the Department of Planning and Development through 19th Year Community Development Block Grant (CDBG) funds.] (Recommended by Housing Subcommittee)

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Councilmember Reynolds absent, Mayor Pro Tem Urdu out of the room.

37. Approve execution of a contract with PEDERSEN POWER PRODUCTS, Omaha Nebraska, for the purchase of electrical switchgear, indoor metal clad 12.47 kv spot network for the Stephen F. Austin Office Building, as part of the downtown voltage conversion system, in the amount of \$299,000. (Funding was included in the 1993-94 Capital Budget for the Electric Utility.) Low bid of seven (7) meeting specifications. No M/WBE Subcontracting opportunities were identified.

38. Approve negotiation and execution of an Interlocal Cooperative Agreement with Travis County to allow utilization of the City of Austin FM 812 Landfill by various Travis County Departments. (Travis County will pay for use of the landfill at the standard landfill rates.)
39. Approve the issuance of a Letter of Intent and rebate in the amount of \$56,634.98 to the Greentree Apartments, located at 6013 Manor Road, for the installation of energy saving measures. (Funding is available in the 1993-94 operating budget of the Energy Conservation Rebates and Incentives Fund.) [Recommended by Resource Management Commission.]
40. Approve the issuance of a Letter of Intent and rebate in the amount of \$57,153 to the Lakeshore Apartment Complex, located at 1720 South Lakeshore Blvd., for the installation of energy saving measures. (Funding is available in the 1993-94 operating budget of the Energy Conservation Rebates and Incentives Fund.) [Recommended by Resource Management Commission]
41. Approve execution of a twelve (12) month supply agreement with KOCH MATERIALS COMPANY, Austin, Texas, for hot asphalt material to be used by the Street and Bridge Division of the Department of Public Works and Transportation, in an amount not to exceed \$521,304, with one (1) twelve (12) month extension option, in an amount not to exceed \$521,304, for a total amount not to exceed \$1,042,608. (Funding in the amount of \$521,304 is available in the 1993-94 operating budget of the Transportation Fund; funding for the twelve (12) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.
42. Approve a contract award to DELTA-O SERVICES, INC. (WBE), Austin, Texas, for demolition of City-owned properties at 4810 Spicewood Springs Road and 408 Montopolis Drive which were acquired for street widening purposes, and 6408 Shoal Creek Boulevard which was acquired for drainage improvements, in the amount of \$50,522. (Funding in the amount of \$9,288 was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation; \$41,234 was included in the 1992-93 Capital Budget of the Department of Public Works and Transportation.) Low bid of four (4). 4.55% MBE, 5.14% WBE Subcontractor participation.
43. Approve a construction contract award to CHASCO CONTRACTING, Round Rock, Texas, for paving and drainage improvements along Duval & Dorsett Roads, in the amount of \$542,030. (Funding in the amount of \$430,000 was included in the 1992-93 Capital Budget of the

Department of Public Works and Transportation; \$112,030 was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation.) Low bid of five (5). 2.6% MBE, 5.10% WBE Subcontractor participation.

44. Approve a construction contract award to GRIFFIN-AUSTIN CO., INC., Manchaca, Texas, for street improvements along Teri Road from IH-35 to Freidrich Lane, in the amount of \$505,660.50. (Funding in the amount of \$449,330.50 was included in the 1993-94 Capital Budget of the Department of Public Works and Transportation; \$16,830 was included in the 1991-92 Capital Budget of the Wastewater Utility; and \$39,500 was included in the 1991-92 Capital Budget of the Water Utility.) Low bid of eight (8). 28.14% MBE, 7.54% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
45. Authorize negotiation and execution of an Amendment to the Restated Agreement regarding the construction of improvements to the City of Austin's Wastewater System in the Terrell Lane Basin area to provide amended procedures for cost reimbursement payments. (No fiscal impact.) Recommended by Water and Wastewater Commission on November 3, 1993.]
46. Approve execution of three (3) twelve (12) month service agreements to provide small heating ventilation, and air conditioning systems maintenance at the New Austin Airport, with the following: AUSTEX PLUMBING, HEATING, AIR CONDITIONING, INC., Pflugerville, Texas, in an amount not to exceed \$66,343.50; U.S. INTERNATIONAL SPECIALTY COMPANY (MBE), Austin, Texas, in an amount not to exceed \$87,660; and YOUNG & PRATT SERVICE, INC., Austin, Texas, in an amount not to exceed \$81,093, with two (2) additional twelve (12) month extension options, in an amount not to exceed \$66,343.50, \$87,660, \$81,093 respectively per extension, for a total amount not to exceed \$705,289.50. (Funding is available in the 1993-94 operating budget of the Department of Aviation; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of three (3). DBE participation: 74.20%: Austex Plumbing Heating, Air Conditioning 22% (0% MBE, 22% WBE); U.S. International Specialty Company (MBE) 100% DBE; Young & Pratt Service, Inc. 89% (89% MBE, 0% WBE)
47. Approve execution of three (3) twelve (12) month service agreements to provide large heating, ventilation and air conditioning systems maintenance at the New Austin Airport, with the following: JOHNSON CONTROLS, INC., Austin, Texas, in an amount not to exceed \$175,332; JWP BRANDT ENGINEERING COMPANY, INC., Austin, Texas, in an amount not to exceed \$207,165; and NATKIN SERVICE COMPANY, Austin, Texas, in an amount not to exceed \$134,995.23, with two (2) additional twelve (12) month extension options, in an amount not to exceed \$175,332, \$207,165, \$134,995.23 respectively per extension, for a

total amount not to exceed \$1,552,476.69. (Funding is available in the 1993-94 operating budget of the Department of Aviation; funding for the extension options will be contingent upon availability of funding in future budgets.) Low responsive bid of six (6). DBE participation: 33.32%: Johnson Controls, Inc. 31% (19% MBE, 12% WBE); JWP Brandt Engineering Co., Inc. 30.8% (7.88% MBE, 22.92% WBE); Natkin 40.2% (8% MBE, 32.2% WBE)

48. Approve negotiation and execution of a twelve (12) month contract with PCS INC., Scottsdale, Arizona, at the fixed per claim cost for the administration of the prescription drug card program under the City of Austin Medical Plan, for an estimated cost of \$70,690, with two (2) twelve (12) month extension options in an estimated amount of \$70,690 per extension, for a total amount of \$212,070. (Funding in the amount of \$53,017.50 is available in the 1993-94 operating budget for the Employee Benefits Fund; funding for the remaining \$17,672.50 of the original contract period and the extension options will be contingent upon available funding in future budgets.) Best proposal of ten (10). No M/WBE Subcontracting opportunities were identified.
49. Approve execution of a twelve (12) month supply agreement with PERTEX TEXTILE PRODUCTS, INC., Bloomfield Hills, Michigan, for the purchase of uniforms, trousers and shirts to be worn by City personnel, in an amount not to exceed \$75,109 with the option to extend thereafter for one (1) additional twelve (12) month period, in an amount not to exceed \$75,109, for a total amount not to exceed \$150,218. (Funding is available in the 1993-94 operating budget of the user departments; funding for the extension option will be contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

#37-49 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Shea out of the room.

ITEMS FROM COUNCIL

50. Set a public hearing to consider amending Section 3-3-42 of the City Code to establish a spay/neuter fund for all deposits from the Health Department's Pet Registration Fees, and requiring that the fund shall be used to pay veterinary expenses incurred in the sterilization of dogs and cats. (Suggested date and time: November 18, 1993 at 5:00 p.m.) [Councilmembers Michael "Max" Nofziger and Brigid Shea].

Pulled off agenda.

51. Approve a resolution expressing support for the North American Free Trade Agreement; urging enactment of legislation by the U.S. Congress to implement the agreement directing the City Clerk to

transmit copies of this resolution to Governor Richards and the Texas Congressional Delegation. (Mayor Bruce Todd)

On Councilmember Reynolds' motion, Councilmember Garcia's second, 4-1-2 Vote, Councilmember Shea voted No, Councilmembers Goodman and Nofziger abstained.

52. Approve a resolution finding that the SOS Ordinance, Section 13-7-36.8(b) of the Land Development Code applies to the proposed Barton Creek Community Planned Unit Development Agreement notwithstanding the provisions of the out-of-City Planned Unit Development statute 42.046, Texas Local Government Code. (Councilmembers Brigid Shea and Michael "Max" Nofziger) [Related to Items 62-71]

Postponed to November 18, 1993. Direction given to City Manager to direct staff to broaden to all applicable cases.

53. Consider extending Ordinance No. 930708-G (the R.M. 2222 development moratorium and discuss additional matters for inclusion in the regional development study underway for the area along R.M. 2222. (Councilmember Ronney Reynolds and Jackie Goodman)

90. Approve second/third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as property situated west of Farmer Lane West as follows: From R & D, Research and Development and P, Public to IP-PDA Industrial Park Planned Development Area. (Councilmember Ronney Reynolds and Mayor Pro Tem Charles Urdy). First reading October 7, 1993, 6-0 Vote.

#53 and 90 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Shea out of the room.

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

54. C14-93-0117(C14-84-247) - F.D.I.C. (Charles Clark), by Charles Sisk, Trustee (Pat Scudder), 2426 Riverside Farms Road and 5000-5400 blocks of East Oltorf Street. From I-SF-2 to GR (Tract 1); MF-2 (Tract 2); LI (Tract 3). Planning Commission Recommendation: To Grant GR for Tract 1; SF-2 for Tract 2, 3A and 3C; and RR for Tract 3B.

Postponed to December 2, 1993, as requested by the applicant.

55. C14-93-0100 - WARREN M. BEAMAN, by Regis Matejcik, 505-507 East Riverside Drive. From GO-NCCD to MF-4-NCCD. Planning Commission Recommendation: To Deny MF-4-NCCD.

Postponed to November 18, 1993 as requested by the applicant.

56. C14-93-0103 - KLINGEMAN-PATTON PARTNERSHIP (Raymond Klingeman), by Travis & Associates (Chase Baromeo, Jr.), 5635 U.S. Hwy. 290 West. From DR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, subject to the following floor-to-area ratios limitations: (1) General Retail Sales (general/convenience) - 0.698; (2) Financial Services - 0.397; (3) Restaurant (general) - 0.513; and (4) Restaurant (fast food) - 0.166. Further, subject to: a site plan shall not be approved or released for development until such time as remediation of existing soil contamination has been completed in accordance with the requirements of the Texas Natural Resource Conservation Commission (TNRCC) and the Environmental and Conservation Services Department (ECSO).

Ordinance - Approve Planning Commission recommendation.

57. C14-93-0124 - FRANK COVERT III, ET AL, by Graves, Dougherty, Hearon & Moody (Terry Bray), South IH-35 Service Road NB and East St. Elmo. From SF-3 to GR. Planning Commission Recommendation: To Grant GR, Community Commercial, zoning as requested.

Emergency Passage of Ordinance

58. C14-73-073 - PETER B. HALL, by Elizabeth W. Juen, Area bounded by U.S. 183, Rutherford Lane, Centre Park Drive. RESTRICTIVE COVENANT TERMINATION. Planning Commission Recommendation: To approve request to terminate the restrictive covenant.

Postponed to December 2, 1993 at request of staff.

#54-58 on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Reynolds absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

59. 4:30 P.M. - Adopt a Resolution approving a 48.951 sq. ft. (1.124 acre) permanent wastewater easement and an approximately 20' wide (1.81 acre) parallel temporary construction use easement to allow the construction of the Slaughter Lane area III wastewater interceptor through dedicated parkland known as Mary Moore Searight Metropolitan Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks Board)

After Director of Public Works and Transportation, Bill Stockton, determined that there was no feasible and prudent alternative to the use of parkland, and that no harm would be done to the parkland, the following motions were made:

Motion

Close public hearing, on Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 Vote, Councilmember Shea and Mayor Todd out of the room, Councilmember Reynolds absent.

Motion

Resolution approved, on Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 Vote, Councilmember Shea and Mayor Todd out of the room, Councilmember Reynolds absent.

60. 5:00 P.M. - Amend Title XIII (Land Development Code) of the Austin City Code of 1992 to add a definition, under Section 13-2-3 "Special Use Historic" and to amend Section 13-2-221 to modify Use Tables to make "Special Use Historic" a conditional use in the GR, Community Commercial and more restrictive districts. (Recommended by Planning Commission and Historic Landmark Commission)

Motion

The Council, on Councilmember Garcia's motion, Councilmember Shea's second, closed the public hearing, 5-0 Vote, Mayor Todd out of the room, Councilmember Reynolds absent.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Garcia's second, approved the ordinance amendment as recommended by the Planning Commission and staff, and the following: (5-0 Vote, Mayor Todd out of the room, Councilmember Reynolds absent.)

- Directed staff to initiate another ordinance amendment, which creates a new zoning category, "H-1" for Historic properties.

- Directed staff to initiate a re-zoning of the Smoot home, located on West 6th Street to the proposed H-1 zoning district, and to process the case concurrently with the Ordinance Amendment, i.e. the Historic Landmark Commission, Planning Commission, and City Council will consider both items at the same time.

- Section 13-2-3 Part 1 (G) should read as follows: 'No single commercial use occupies more than 25% of the gross floor area, and civic uses occupy at least 50% of the gross floor area'.

61. 6:30 P.M. - Public Hearing on the full purpose annexation of the following areas: River Place at FM 620/FM 2222; Forest Ridge; Pioneer Farm area; Commons Ford Park; Mary Searight Park; Barton Creek Greenbelt Access at MoPac; Milwood Sections 12-21 (Speaker's cards are on file.)

Motion

The Council, on Councilmember Garcia's motion, Councilmember Goodman's second, closed the public hearing, 4-0 Vote, Mayor Pro Tem Urdy, Mayor Todd out of the room, Councilmember Reynolds absent.

6:45 P.M. - Barton Creek Development Plan (Items 62-71) [Related to Item 52]

ITEMS 62-71 WERE PULLED OFF THE AGENDA

62. Approve an ordinance to disannex the Lantana Tract and a portion of the Uplands tract in accordance with Sec. 43.145 of the Local Government Code. [Fiscal impact is contingent on action taken on the creation of the Barton Creek Community Planned Unit Development (PUD)].
63. Approve an ordinance to amend Chapter 13-3A of the Austin City Code to amend the City's Impact Fee Service Area and Water and Wastewater Utility Service Area to include the Barton Creek Community Planned Unit Development and other lands in the City's extraterritorial jurisdiction; adopt revised Impact Fee Land Use Assumptions, Impact Fee CIP and amend the Maximum Allowable Water and Wastewater Capital Recovery Fees.
64. Approve a resolution approving a Service Extension Agreement setting out terms and conditions for City water and wastewater service to the Barton Creek Community, subject to the occurrence of the remaining conditions precedent described in Sec. 3.02 of the July 9, 1993 Barton Creek Community Plan Agreement.
65. C814-83-0001 - BARTON CREEK COMMUNITY PLANNED UNIT DEVELOPMENT (PUD), (Barrett Allison), by Strasburger & Price (David Armbrust), area along the north and south sides of Barton Creek Boulevard; area north and south of Southwest Parkway. From CS, GR, P, DR, GO, LR, LO, MF-1, MF-2, SF-1, SF-2 and SF-6 to ETJ-PUD.
66. Approve a resolution supporting an amendment to Section 42.046 of the Texas Local Government Code to authorize continuation of out-of-city Planned Unit Development agreements after annexation.
67. Approve an ordinance to create Travis County (Barton Creek) In-City Municipal Utility Districts 3-9.

68. Amend Ordinance No. 930915-D, the 1993-94 Capital Budget, by increasing appropriations in the Balcones Canyonlands Conservation Plan Capital Project from \$19,571,000 to \$22,723,000, and authorizing the transfer of \$23,000 from the 1992-93 Capital Budget for the Parks and Recreation Department to this project.
69. Approve a resolution expressing the City's intent to reimburse itself for payments, notes and other obligations related to the acquisition of real property as part of the Balcones Canyonlands Conservation Plan at such time as the City issues obligations to finance the project.
70. Amend Ordinance No. 930915-D, the 1993-94 Capital Budget by increasing appropriations in the Barton Creek Wilderness Park Capital Project from \$2,650,000 to \$20,000,000.
71. Approve a resolution expressing the City's intent to reimburse itself for payments, notes and other obligations related to the acquisition of real property as part of the Barton Creek Wilderness Park at such time as the City issues obligations to finance the project.

ITEMS 62-71 PULLED OFF THE AGENDA

EXECUTIVE SESSION (No Public Discussion on These Items)

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

Pending/Contemplated Litigation - Sec. 551.071

72. Discussion of NCNB Corporation v. City of Austin and Westinghouse Electric Corp.; Cause No. 92-01008.
73. Discussion of Reyna Tereza Ramirez, et al v. City of Austin; Cause No. 93-04447.
74. Discussion of Scott Fraley v. City of Austin et al; Cause No. 492,169.

Advice from Counsel - Sec. 551.071

75. Discussion of status of contract with Pelzel & Associates for the St. Elmo Vehicle Maintenance Facility, C.I.P. 887-787-0250.

Land Acquisition - Sec. 551.072

76. Discussion of real property acquisition located at the corner of Burleson Road and Judson Road for Fire Station #35.

77. Discussion of real property acquisition for the Balcones Canyonlands Conservation Plan (BCCP).
78. Discussion of real property acquisition for the Barton Creek Wilderness Park.

Personnel Matters - Sec. 551.074

79. Discuss personnel evaluation of City Council appointees: City Manager, City Clerk, Municipal Court Clerk, Municipal Court Judges and City Auditor.

ACTION ON THE FOLLOWING

80. Approve settlement of NCNB Corporation v. City of Austin and Westinghouse Electric Corp., Cause No. 92-01008. In the amount of \$304,000.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0-1 Vote, Councilmember Shea out of the room, Councilmember Reynolds abstained.

81. Approve settlement of Reyna Tereza Ramirez, et al v. City of Austin, Cause No. 93-04447. In the amount of \$500,000.
82. Approve settlement of Scott Fraley v. City of Austin, et al; Cause No. 492,169. In the amount of \$151,104.85.
83. Approve Change Order No. 10 to PELZEL & ASSOCIATES, INC., Austin, Texas, for remobilization costs, restart costs, additional insurance, and site preparation costs associated with restarting the St. Elmo Maintenance Facility, CIP 887-787-0250. In the amount of \$68,329.49, for a total contract amount of \$1,726,638.78
84. Approve the purchase of real property located at the corner of Burleson Road and Judson Road for Fire Station #35. In the amount of \$180,500.

#81-84 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Shea out of the room.
85. Authorize the negotiation and execution of a contract for the lease purchase of 187.413 acres known as the Gaines Ranch through the Trust for Public Land for Phase II of the Barton Creek Wilderness Park.
86. Authorize the negotiation and execution of a contract for the purchase of two tracts known as the Uplands and Sweetwater Ranch from the Resolution Trust Corporation through the Texas Nature Conservancy for the Balcones Canyonlands Conservation Plan.

87. Authorize the negotiation and execution of a contract for the purchase of various tracts of land in Barton Creek Properties and Lantana area for the Balcones Canyonlands Conservation Plan.

#85-87 pulled off the agenda.

88. APPOINTMENTS

The following appointments were approved on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Reynolds absent.

BRACKENRIDGE HOSPITAL BOARD - Betty Himmelblau and David Sine

CITY OF AUSTIN COMMISSION FOR WOMEN - Barbara Bembry

ECONOMIC DEVELOPMENT - Laraine Benedikt and Michael Elliott

ETHICS COMMISSION - Confirmed the appointments of Dr. Marvin Griffin and Alan Sager, made on October 7, 1993.

HUMAN RIGHTS COMMISSION - Rich Bailey, Mack Deleon Jr., Sally McIntosh

URBAN FORESTRY - Brother Daniel Lynch

URBAN TRANSPORTATION - Connie Seibert

ADJOURN - The meeting was adjourned at 7:05 P.M. on Councilmember Garcia's motion, Councilmember Nofziger's second, 4-0 Vote, Mayor Pro Tem Urdy and Mayor Todd out of the room, Councilmember Reynolds absent.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 10, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 10, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 10, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 10, 1862.

7. The seventh part is a report from the Secretary of the War, dated January 10, 1862.

8. The eighth part is a report from the Secretary of the Navy, dated January 10, 1862.

9. The ninth part is a report from the Secretary of the War, dated January 10, 1862.

10. The tenth part is a report from the Secretary of the Navy, dated January 10, 1862.

11. The eleventh part is a report from the Secretary of the War, dated January 10, 1862.

12. The twelfth part is a report from the Secretary of the Navy, dated January 10, 1862.

13. The thirteenth part is a report from the Secretary of the War, dated January 10, 1862.

14. The fourteenth part is a report from the Secretary of the Navy, dated January 10, 1862.

15. The fifteenth part is a report from the Secretary of the War, dated January 10, 1862.

16. The sixteenth part is a report from the Secretary of the Navy, dated January 10, 1862.

17. The seventeenth part is a report from the Secretary of the War, dated January 10, 1862.

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