



## Austin City Council MINUTES

DECEMBER 1, 1994

Mayor Todd called to order the meeting of the Council, noting the temporary absence of Councilmember Shea.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of November 17, 1994 and Special Meetings of November 16 and 17, 1994

Approved Minutes of Special Meetings of November 16 and 17, 1994 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea temporarily absent.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Lance Winters, to make an announcement concerning new Federal Legislation that impacts Austinites and to address Council.
3. Mr. Richard Trachtenberg, to discuss City issues.
4. Mr. Paul M. Norris, to discuss increasing problems with transient population in Barton Springs Road area and possible solutions.
5. Mr. Shaun Stenshol, replacing the South Texas Nuclear Plant with energy conservation, efficiency and Solar Power.
6. Mr. Roger Baker, to discuss matters arising.
7. Mr. Robert L. Thomas, develop and evaluate plans for termination at the Rosewood Rec. Center, within job classification Program Supervisor II to discuss fairness, impartiality and employment for my efforts coordinating sports programs, and initiating the development and construction of cultural projects at the Center.
8. Ms. Alline Green, to discuss utility hold on Polo Pointe and Stoneridge Apartments.  
Not present
9. Mr. Rafael Quintanilla, would like to co-present the evaluation results/analysis of the April 23-30, 1994 Austin Immunization Week to the City Councilmembers and Mayor Todd.
10. Ms. Peggy Davis Pryor, would like to co-present the evaluation results/analysis of the April 23-30, 1994 Austin Immunization Week to City Councilmembers and Mayor Todd.
11. Barbara Cilley, presentation of Downtown Tree study.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a contract to purchase approximately 3 megawatts of electrical capacity and energy from Alternative Power Limited Partnership, from a methane gas fueled electric generation facility to be constructed on the Browning Ferris, Industries, Inc. landfill on Giles Road, Austin, Texas, for a term of twenty-five (25) years. (The expense will be recovered monthly as part of the electric utility fuel adjustment factor. The estimated cost of purchased power under this contract is approximately \$11,000,000 over 25 years and approximately \$900,000 in the first year of operation, which is expected to be in 1995-96.) No M/WBE Subcontracting opportunities were identified.

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

## ORDINANCES

13. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4401 to 4601 East Riverside Drive, Case No. C14-94-0112, from "GR", Community Commercial to "MF-2", Multifamily Residence (low density) and "RR" Rural Residence, CHEVY CHASE SOUTH LTD. NO. 1 (R.B. Wadsworth), by Espey, Huston & Associates, Inc. (Stephen Ramsey). First reading on September 29, 1994; Vote 5-1, Councilmembers Goodman voting "No" and Nofziger out of the room. Second reading on November 3, 1994; Vote 6-1, Councilmember Goodman voting "No". Conditions met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

Ordinance 941201-A approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-1 vote, Councilmember Goodman voting No.

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Glenlake Drive and River Place Blvd., Case No. C14-94-0083, from "DR", Development Reserve & "LA", Lake Austin to "SF-1-CO", Single Family Residence (large lot)-Conditional Overlay, IDM CORP., MANAGING PARTNER OF GLENLAKE LTD. (Maury Hood). First reading on September 29, 1994; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.  
Ordinance 941201-B approved

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East Yager Lane and Jourdan Crossing Boulevard, Case No. C14-94-0093, from "DR", Development Reserve to "LO-CO", Limited Office-Conditional Overlay for Tract 1 and "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay for Tract 2, TRINITY COVENANT BAPTIST CHURCH (Jason Sidler), by A.R. Thrower Design (Ron Thrower). First reading on September 1, 1994; Vote 6-0, Councilmember Garcia out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Restrictive covenant incorporates conditions imposed by Council.  
Ordinance 941201-C approved

16. Approve first reading of an ordinance to renew the Greater Austin Transportation Company, dba AMERICAN CAB COMPANY, taxicab franchise. (Taxicab permit fees of \$400 per year per permit. Expected annual revenue \$55,600.)  
1st reading approved
17. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (A) Speed Limits, to reduce the 35 mph speed zone to 30 mph on Perry Lane between Balcones Road and West 45th Street. (Funding in the amount of \$400 for signs is available in the 1994-95 operating budget of the Public Works and Transportation Department.)  
Ordinance 941201-D approved
18. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5, to establish the speed zone on Yager Lane at 40 mph from Lamar Boulevard to Yager Lane East Connection; at 45 mph from Yager Lane East Connection to Copperfield Drive; at 40 mph from Copperfield Drive to Jourdan Crossing Boulevard; and 35 mph from Jourdan Crossing to Dessau Road. (Funding in the amount of \$600 for signs is available in the 1994-95 operating budget of the Public Works and Transportation Department.)  
Ordinance 941201-E approved
19. Amend Ordinance No. 940912-D, the 1994-95 operating budget by appropriating \$53,205 from the General Fund Contingency Reserve to the Police Department, and adding 3.00 full-time equivalent (FTE) positions to the 1994-95 operating budget of the Police Department to process federally mandated Brady Bill background checks.  
Ordinance 941201-F approved
20. Amend Ordinance No. 940912-D, the 1994-95 operating budget by appropriating \$20,000 from the Cultural Arts Fund Contingency to help Capital City Playhouse remain in its current downtown location at 214 W. 4th Street.  
Ordinance 941201-G approved
21. Amend Chapter 7-1, "Discrimination in Housing", of the Code of City of Austin, 1992, as amended, to make amendments required by the U.S. Department of Housing and Urban Development to achieve substantial equivalence with the Federal Fair Housing Act. (An estimated grant of \$70,000 is anticipated as reimbursement for eligible expenses.)  
Ordinance 941201-H approved
22. Amend Ordinance No. 940912-C to establish a co-payment of \$25.00 for Women's Health Services. (No fiscal impact - Co-payment will be collected and retained by the Austin Reproductive Services/Nova Health Services.) [Recommended by MAP Board] (Related to Item 26)  
Ordinance 941201-I approved

**Public Improvement District (PID) (Items 23-25)**

23. Approve assessment rate and proposed 1995 assessment roll for the Austin Public Improvement District, and set a public-hearing to consider proposed assessments.

(The 1995 assessment rate of \$0.10/\$100 valuation is estimated to produce \$584,896 at 95% collection rate.) [Suggested date and time: December 15, 1994 at 4:30 p.m.]  
Ordinance 941201-J approved

## RESOLUTIONS

24. Approve the Austin Downtown Public Improvement District Service Plan and Budget for 1995-96. (The Austin DMO, Inc. submitted a 1995-96 budget for the PID in the amount of \$793,810. This will be funded through \$584,896 in 1995 assessments (at 95% collection rate); \$29,009 from interest accrued in the PID Account; \$1,034 from Delinquent Account interest; \$53,871 from unappropriated collections; \$100,000 City of Austin Annual Contribution; and \$25,000 Capital Metro Annual Contribution. Appropriation of the \$793,810 in the Planning and Development Special Revenue Fund will require City Council authorization.)  
Approved
- Items 14-24 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.
25. Approve an amendment to the management contract with the Austin DMO, Inc. for the Austin Downtown Public Improvement District to increase the not-to-exceed amount of the contract to \$793,810 in 1995-96, \$745,000 for 1996-97 and \$756,000 for 1997-98.  
Postponed until December 15, 1994
26. Approve negotiation and execution of a 12 month contract award to Austin Reproductive Services/Nova Health Services for Women's health services, in an amount not to exceed \$180,000, with four (4) twelve (12) month extension options in an amount not to exceed \$189,000 for the first extension, \$195,500 for the second extension, \$203,000 for the third extension, and \$211,000 for the fourth extension, for a total five (5) year amount not to exceed \$978,500. (Funding is available in the 1994-95 operating budget of the Health and Human Services Department; funding for the extension options will be requested in future years.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified. (Related to Item 22)  
Approved
27. Authorize negotiation and execution of a License Agreement with the CITY OF BURNET, to locate, construct, maintain, and operate a 12" wastewater line under/across the Giddings-to-Llano Railroad Right-of-Way. (All costs to be paid to Capital Metropolitan Transportation Authority by the City of Burnet.)  
Approved
28. Approve a construction contract award to BRH-GARVER, INC., Houston, Texas, for the construction of water and wastewater lines for the Lockheed area located at Burleson Road and U.S. Hwy 183, in the amount of \$988,474.50 (Funding was included in the 1991-92 Approved Capital budget of the Water and Wastewater Utility.) Low bid of five (5). 13.62% MBE, 1.36% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)  
Approved

29. Approve adoption of an Official Declaration of Intent to Reimburse acquisition costs of recycling trucks and carts which were approved in the FY 1994-95 Capital Improvements Budget for the City of Austin Solid Waste Services Office. (No fiscal impact.) [Related to Item 30]  
Approved

30. Approve execution of a twelve (12) month supply agreement through the State of Texas Cooperative Purchasing Agreement, with ROTO INDUSTRIES, (MBE), Anaheim, California, for the purchase of 30, 60, and 90 gallon refuse carts and parts for the Pay-As-You-Throw program, in the amount of \$1,235,091.33. (Funding was included in the 1994-95 Capital budget of the Solid Waste Services Department.) (Recommended by the Solid Waste Advisory Commission) [Related to Item 29]  
Approved

Brackenridge Hospital (Items 31-32)

31. Approve Change Order #3 to W.K. JENNINGS ELECTRIC COMPANY, INC., Austin, Texas, for the replacement of generator selector switches, which provide for the continuation of electrical service to Critical Care and Life Safety circuits in the event of disruption of normal power as part of the Brackenridge Hospital Emergency Power System Upgrade, in the amount of \$124,079, for a total contract amount of \$618,292. (Funding is available in the 1994-95 operating budget of Brackenridge Hospital.) No M/WBE Subcontracting opportunities were identified. (Recommended by the Hospital Board)  
Approved
32. Authorize negotiation and execution of Supplemental Amendment #3 to the professional services agreement with SPECTRA CONSULTING ENGINEERS, Austin, Texas, for additional design and construction phase professional engineering services for Brackenridge Hospital electrical emergency systems, in the estimated amount of \$38,610 for a total contract amount of \$131,920. (Funding is available in the 1994-95 operating budget of Brackenridge Hospital.) 10% MBE, 5% WBE Subcontractor participation. (Recommended by the Hospital Board)  
Approved
33. Authorize giving official notice to Travis County Rural Fire Prevention Districts 1 and 8, Travis County Emergency Services District No. 3 and 4 and Williamson County Rural Fire Prevention District 1 of full-purpose annexations by the City of Austin in calendar year 1994. (No fiscal impact.)  
Approved
34. Authorize a Community Development Block Grant (CDBG) Housing Implementation Program (HIP) Loan for \$75,000 to McKinley Heights Corporation for the acquisition of ten housing units for the elderly, located at 3129 and 3131 East 12th Street. (Funding is available in the 19th Year CDBG HIP Program.) [Recommended by the Housing Subcommittee]  
Approved

35. Approve execution of an Interlocal Agreement with Travis County for consolidated jury management in the amount of \$30,000. (Funding is available in the 1994-95 operating budget of Municipal Court.)  
Approved
36. Approve execution of a contract through the STATE OF TEXAS COOPERATIVE PURCHASING PROGRAM with KNAPP CHEVROLET, INC., Houston, Texas, for the purchase of ninety-nine (99) police pursuit sedans, in an amount not to exceed \$1,671,950. (Funding in the amount of \$1,349,250 is available in the 1994-95 Fleet Acquisition Fund. \$272,000 is available in the 1994-95 General Fund operating budget for the Austin Police Department and \$50,700 is available in the 1994-95 operating budget of the Aviation Department.)  
Approved
37. Approve execution of an Interlocal Agreement with the Austin Independent School District to provide health services at elementary schools for a one-year period with annual renewals. (City's cost for providing this service is \$354,620. Funding in the amount of \$328,289 is available in the 1994-95 General Fund operating budget of the Health and Human Services Department; the remaining \$26,311 is contingent upon available funding in future budgets.)  
Approved
38. Authorize execution of an amendment to continue the contract with QUALIPHARM, INC., Fort Worth, Texas, for the management of private pharmacy services for the Health and Human Services Department, in an amount not to exceed \$1,600,000 for the period October 1, 1994 through May 31, 1995. (Funding is available in the operating budget of the Health and Human Services Department; \$500,000 of which is budgeted as a reimbursement from the Travis County Human Services Department. 1.07% MBE, 0% WBE Subcontractor participation.)  
Approved
39. Approve negotiation and execution of a seven (7) year lease of 11,000 square feet of space located at 2538 South Congress from Buddy White, c/o J.B. Goodwin Realty, for use by the Health and Human Services Department for the Child Care Management Services (CCMS) program. (Funding in the amount of \$79,200 is available in the Health and Human Services Department Special Revenue fund for Child Care Management Services; \$33,000 is available in the Health and Human Services Department Special fund for other grants.)  
Approved
40. Approve execution of a twelve (12) month supply agreement with ALAMO CONCRETE PRODUCTS, LTD., Austin, Texas, for the purchase and delivery of ready-mix concrete, in an amount not to exceed \$144,000. (Funding is available in the 1994-95 operating budget of the Water and Wastewater Utility.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)  
Approved
41. Approve execution of a twelve month service agreement with CAMPBELL'S JANITORIAL SERVICE, Austin, Texas, (MBE), to provide janitorial services for eight branch libraries, in an amount not to exceed \$38,940 with two (2) twelve (12) month

extension options in an amount not to exceed \$38,940 per extension option, for a total amount not to exceed \$116,820. (Funding in the amount of \$32,450 is available in the 1994-95 operating budget of the Library Department. Funding for the remaining two months of the original contract and extension options will be contingent upon available funding in future budgets.) Low bid of ten (10). No M/WBE Subcontracting opportunities were identified.

Approved

Items 26-41 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

42. Approve execution of a contract amendment with JERRY LAWYER AND ASSOCIATES AND STANDARD INSURANCE COMPANY, Houston, Texas, for supplemental life insurance, dependent life insurance and long-term disability, to increase the 1994 contract in an estimated amount of \$105,000 for a total estimated contract amount of \$1,373,000 for the 1994 calendar year and to increase the first and second extension options in an estimated amount of \$141,000, for a total estimated amount not to exceed \$1,373,000 for each option year. (Funding is available in the 1994-95 Employee Benefits Fund budget. The contract is fully funded by employee contributions.)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0-1 vote, Councilmember Mitchell abstaining.

43. Amend the City's contract with KPMG Peat Marwick in the amount of \$115,750 for the expanded scope of the fiscal year 1993-94 audit for the major enterprise funds in the amount of \$100,750 and the first AHFC audit in the amount of \$15,000, for a total contract amount of \$1,048,049.50. (Funding in the amount of \$100,750 is available in the enterprise funds 1994-95 operating budget; \$15,000 is available in the Austin Housing Finance Corporation 1994-95 operating budget.)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

#### ITEMS FROM COUNCIL

44. Consider claims on behalf of citizens whose homes were recently damaged by the Springdale Road water main break, and consider current and future city damage reimbursement policies. (Councilmember Eric Mitchell) [Related to Item 62]  
No action
45. Direct the City Manager to begin negotiations with Advanced Micro Devices on its proposed economic development agreement and to provide periodic reviews and reports to Council. (Advanced Micro Devices, Inc. Proposal) [Councilmember Gus Garcia]  
Postponed until December 15, 1994
46. Approve a resolution directing the City Manager to develop a plan for making baseball fields available for use by the men's Baseball Leagues in the City of Austin. (Councilmember Gus Garcia)  
Approved

47. Approve co-sponsorship of the "Children Giving to Children Parade" to be held on Saturday, December 3, 1994. (Councilmember Ronney Reynolds and Eric Mitchell)  
Approved

Items 46-47 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

48. Waive procedural provisions of the Austin City Code and act on an appeal of denial of a request for temporary occupancy at 910 West Oltorf St., 918 West Oltorf St., and 3501 Loyola Lane. (Mayor Pro Tem Michael "Max" Nofziger, Councilmembers Gus Garcia and Jackie Goodman)

Ordinance 941201-K approved waiving the provisions of Section 204 of the Building Code on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 vote.

Approved the granting of request for temporary occupancy per Section 503.4.1.3 of Appendix Chapter 53 of the Building Code on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 7-0 vote.

49. Approve a resolution expressing support for a collaborative grant proposal to the Robert Wood Johnson Foundation from Black Christians Against Substance Abuse and CEDEN Family Resource Center and Austin Family House for a program to provide medical outreach and support services to substance abusing women and their children, and expressing intent to consider providing funding for the proposed program in fiscal year 1995-96. (Recommended by Community Action Network) [Councilmembers Jackie Goodman, Gus Garcia, and Eric Mitchell]  
Approved

50. Approve postponement of Council action on the Disparity Study until February 2, 1995. (Councilmembers Eric Mitchell, Gus Garcia, and Ronney Reynolds)  
Approved

Items 49-50 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

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

51. C14-94-0124 - JOSEPHINE KRENEK, by R.E.G. Enterprises (Bob Gilfillan), 11203 Anderson Mill Road. From DR to SF-2. Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, zoning subject to the following conditions: (1) limit development to a minimum lot size of 9,000 sq. ft.; (2) limit development to a maximum of 100 lots; (3) placement of a wood privacy fence along the east and west property lines; and (4) dedication of 60 feet of right-of-way from the future centerline Anderson Mill Road.  
1st reading approved
52. C14-94-0126 - CLARK GRAVES, by Germanio Engineering (Chad Himmel), 2103 Cullen Avenue. From SF-3 to MF-3. Planning Commission Recommendation: To Grant MF-3, Multifamily Residence (medium density), subject to dedication of 30' of right-of-way from the existing centerline of Cullen Avenue.  
Ordinance 941201-L approved

53. C14-94-0128 - CATHOLIC CEMETERY ASSOCIATION (Paul Zielinski), by Metcalf, Sanders, Inc. (George L. Sanders), 3650 S. IH-35 Service Road SB. From SF-3 to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.  
Ordinance 941201-M approved
54. C14-94-0130 - R.U.M. ENTERPRISES (Robert U. Mayfield), by Sloan Construction Company (Mike Sloan), 13207 & 13211 N. U.S. Hwy. 183. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to limiting development to an intensity of less than 2,000 vehicle trips per day.  
Ordinance 941201-N approved
55. C14-94-0131 - PACIFIC SOUTHWEST BANK (L. Arthur Lee), by Consort, Inc. (Ben Turner), 3701 to 3709 S. Lamar Boulevard. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with the provisions of the overlay to prohibit the following uses: (1) Commercial Off-Street Parking; (2) Indoor Entertainment; (3) Indoor Sports and Recreation; (4) Outdoor Sports and Recreation; (5) Pawn Shop Services; (6) Theater.  
Ordinance 941201-O approved
56. C14-94-0120 - AFFORDABLE PORTABLE STRUCTURES (Aubry Pack), by Rodger Bane, 5510 U.S. Hwy. 290 West. From GR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning with the following conditions: (1) prohibit following CS, Commercial Service uses - Adult Oriented Businesses, Agricultural Sales and Services, Building Maintenance Services, Campground, Convenience Storage, Equipment Repair, Kennels, Laundry Services, Construction Sales and Services, Vehicle Storage, Veterinary Services, Commercial Blood Plasma Center; (2) subject to Land Development Code Section 13-7-36 (Save Our Springs); and (3) allow berm signs only. Further subject to a restrictive covenant prohibiting Mobile Home Sales.  
1st reading approved
57. C14-94-0127 - S.D.N., INC. (William K. Niels), 3219 to 3231 E. Martin Luther King Jr. Blvd. From GR to CS-1. Planning Commission Recommendation: To Deny the request for CS-1, Commercial Liquor Sales, zoning.  
Approved Planning Commission recommendation to deny request.

Items 51-57 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmembers Goodman and Shea temporarily absent.

#### PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

58. 4:30 P.M. - Public hearing and action on an appeal of Planning Commission's approval of a Conditional Use Permit for the North Lamar Self-storage facility.

Public hearing closed on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Reynolds out of the room.

Councilmember Mitchell made a motion to deny appeal. Motion died for lack of a second.

Appeal granted based on conditions #2 and #3 of the Land Development Code 13-1-663 Subsection A, on Councilmember Goodman's motion, Councilmember Shea's second, 4-2 vote, Mayor Todd and Councilmember Mitchell voting No, Councilmember Reynolds out of the room.

59. 5:30 P.M. - Public hearing regarding Austin CableVision's basic tier rate and related equipment and installation charges.

Public hearing closed on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

60. Approve an ordinance finding Austin CableVision's (ACV) current charges for Basic service, installations, and equipment charges unreasonable; ordering ACV to keep accurate accounts of amounts paid by subscribers under current rates. (No fiscal impact.) [Recommended by the Council Committee for Telecommunications Infrastructure and the Cable Commission]

Ordinance 941201-P approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

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

Executive Session was held on the morning of this date on items 63, 64, 65, and 66.

Executive Session was held from 3:00 P.M. until 5:32 P.M. on items 61, 62, and 74.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

#### Pending Litigation - Section 551.071

61. Discuss Jerry J. Quick et al v. City of Austin, Cause No. 92-0637.

#### Advice from Counsel - Section 551.071

62. Discuss claims on behalf of citizens whose homes were recently damaged by the Springdale Road water main break, and consider current and future city damage reimbursement policies. (Related to Item 44)

**Land Acquisition - Section 551.072**

63. Discuss fee simple acquisition of real property for the Creek Bend Flood Control Project.
64. Discuss real property acquisition of a single family residence located at 4602 Shoalwood Avenue.
65. Discuss fee simple acquisition of real property for the Austin-Bergstrom International Airport.

**Personnel Matters - Section 551.074**

66. Discuss personnel evaluations, benefit and compensation packages of City Council appointees: City Manager, City Clerk, Municipal Court Clerk, City Auditor and Municipal Court Judges.

**ACTION ON THE FOLLOWING**

67. Authorize fee simple acquisition of real property located at 4715 and 4717 Teewood Drive, Austin, Texas, for the construction of Creek Bend Flood Control Project.  
Approved purchase price of \$140,000.00
68. Authorize the negotiation and execution of a contract to purchase a single family residence at 4602 Shoalwood Avenue.  
Approved purchase price of \$172,500.00
69. Authorize fee simple acquisition of real property located at 5108 Johnson Road, Del Valle, for the Austin-Bergstrom International Airport.  
Approved purchase price of \$120,000.00 and relocation costs of \$60,476.00, for a total of \$180,476.00
70. Authorize fee simple acquisition of real property located at 5012 FM 973 South, Del Valle, Texas, for the Austin-Bergstrom International Airport.  
Approved purchase price of \$162,000.00 and relocation costs of \$55,771.00 for a total of \$217,771.00
71. Authorize fee simple acquisition of real property located at 4709 Fincher Road, Del Valle, Texas, for the Austin-Bergstrom International Airport.  
Approved purchase price of \$36,000.00 and relocation costs of \$34,814.00, for a total of \$70,814.00
72. Approve benefit and compensation packages of City Council appointees: City Manager, City Clerk, Municipal Court Clerk, City Auditor, and Municipal Court Judges.  
Approved increase of 2.5% to be effective January 1, 1995, for the City Clerk, Municipal Court Clerk, City Auditor, and Municipal Court Judges.

Items 67-72 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

73. APPOINTMENTS

ARTS COMMISSION - Bernadette Phifer  
CITY OF AUSTIN COMMISSION FOR WOMEN - Ruth Parshall, Joy Scott, and Ann Bradstreet  
DESIGN COMMISSION - Gloria McGray, Perry Lorenz, and Janet Seibert  
ENVIRONMENTAL BOARD - Mary Arnold  
MUSIC COMMISSION - Michele Bocknite  
URBAN TRANSPORTATION COMMISSION - Dena Linn Chen, Leonard Lyons, and Barbara Maley

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds out of the room.

ADDENDUM

EXECUTIVE SESSION (continued)

Pending/Contemplated Litigation - Section 551.071 (continued)

74. Discuss the Petition of Out-of-City Single Family Class Water Ratepayers Against the City of Austin, Docket No. 30502-W, before the Texas Natural Resource Conservation Commission.

ACTION ON THE FOLLOWING (continued)

75. Authorize settlement of the Petition of Out-of-City Single Family Class Water Ratepayers Against the City of Austin, Docket No. 30502-W, before the Texas Natural Resource Conservation Commission.

Approved settlement amount of \$170,000.00 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Reynolds out of the room.

RECESSED from 2:45 P.M. until 5:32 P.M.

ADJOURN at 7:20 P.M. on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Reynolds out of the room.

Approved this 8<sup>th</sup> day of December, 1994, on Councilmember Goodman's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Garcia abstaining, Councilmember Shea absent.