



# Austin City Council MINUTES

MARCH 30, 1995 - 1:00 P.M.

Mayor Pro Tem Nofziger called to order the meeting of the Council, noting the temporary absence of Mayor Todd and Councilmember Garcia and absent of Councilmember Shea.

## MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of March 23, 1995 and Special Meetings of March 22 and 23, 1995  
Approved on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 4-0 vote, Mayor Todd and Councilmember Garcia temporarily absent and Councilmember Shea absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Lori Renteria, to update the status of 5th year AISD's Project ESOS, "Austin's good gang" a teen summer jobs program.
3. Mr. Chris Vials, to discuss opposition to proposed law banning camping outdoors.
4. Mr. Eric Dykeman, to discuss opposition to the homeless ordinance.  
**Not present**
5. Mr. David Ray, to discuss the homeless ordinance.  
**Not present**
6. Ms. Jeri Ruiz, to discuss the homeless round-up.
7. Mr. Gus Pena, to discuss an increase in juvenile crime, increase in gang violence and membership, increase counselor youth outreach in East Austin.
8. Mr. Mike Dunn, to petition the Council to seriously consider renewable resources when deciding how to replace Holly Power Plant; to request that Council purchase power from the wind farm as well as purchase solar panels for houses around Holly.
9. Mr. Richard Moore, to discuss city zoning matters.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Authorize the City Manager to negotiate and execute a community facilities contract with Met 94, in an amount not to exceed \$2.7 million. (Mayor Bruce Todd and Councilmembers Gus Garcia and Eric Mitchell) [Related to Items 19-21]  
**Approved**

## ORDINANCES

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Centennial Trail and Beckwood Drive, Case No. C14-94-0068, from "DR", Development Reserve to "SF-1-CO", Single Family Residence (large lot)-Conditional Overlay and "RR", Rural Residence, JAMES H. ARNOLD, by Richard Crank. First reading on August 11, 1994; Vote 6-0, Mayor Pro Tem Nofziger out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.  
**Ordinance No. 950330-A approved**

**Items 10-11 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent and Councilmember Shea absent.**

12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2121 Gracy Farms Lane, Case No. C14-94-0150, from "MF-3", Multifamily Residence (medium density) to "IP-CO", Industrial Park-Conditional Overlay, FEDERAL DEPOSIT INS. CORP. (Paxton Sandige), by Hill Partners, Inc. (Ben Greider). First reading on March 2, 1995; Vote 4-2-1, Mayor Pro Tem Nofziger and Councilmember Shea voting "No"; Councilmember Mitchell abstained. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.  
**Approved second reading only on Councilmember Garcia's motion, Councilmember Reynolds' second, 4-1-1 vote, Mayor Pro Tem Nofziger voting "NO", Councilmember Goodman abstaining, Councilmember Shea absent.**

13. Approve street name change for a portion of Capital Parkway, changing the street name to Liberty Park Drive (from the intersection of Mo-Pac expressway South and Capital Parkway to the intersection of Capital Parkway and Chatelaine Drive).  
**Ordinance No. 950330-B approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent and Councilmember Shea absent.**

14. Approve an amendment to the Personnel Policies on Retirement and Probationary Period to become effective April 2, 1995. (No fiscal impact in FY 1994-95. Estimated savings of \$270,000 in FY 1995-96)  
**Postponed to April 6, 1995**

15. Extend the review period of Austin CableVision's rate filings (FCC Forms 1205 & 1210) for ninety (90) days.  
Ordinance No. 950330-C approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent and Councilmember Shea absent.
16. Amend Ordinance 940912-D, the 1994-95 operating budget, by transferring \$2,984,320 from the Brackenridge Hospital Disproportionate Share Fund to the Health and Human Services Disproportionate Share Fund and increasing appropriations by \$500,000 in the Health and Human Services Disproportionate Share Fund for contracted pharmacy services. (Related to Items 25-26)  
Postponed to April 6, 1995

#### AAA Baseball (Items 17-18 and 22-24)

17. Amend Ordinance 940912-D, the 1994-95 operating budget by increasing the General Fund budgeted sales tax revenue and increasing the General Fund transfer out to the Capital Budget of the Parks and Recreation Department by \$1,650,000 for the Multi-Purpose Stadium Project.  
Speaker cards on file in the City Clerk's Office  
Ordinance No. 950330-G approved
18. Amend Ordinance 940912-E, the 1994-95 Capital Budget of the Parks and Recreation Department by increasing the Transfers from the General Fund by \$1,650,000; creating a new project, the Multi-purpose Stadium and appropriating \$10,000,000 (\$8,350,000 from the sale of Certificates of Obligation and \$1,650,000 from General Fund transfer).  
Ordinance No. 950330-H approved

Items 17-18 approved on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Shea absent.

#### Met 94 (Items 19-21)

19. Amend Ordinance 940912-E, the 1994-95 Capital Budget of the Department of Public Works and Transportation, increasing the appropriation for the Little Walnut/Other Creeks project by \$2,000,000 for funding detention/flood control ponds for a total appropriation of \$9,091,000. (Funding in the amount of \$2,000,000 in unissued bond authority is available in the 1992 Flood Control General Bond Propositions.)  
Ordinance No. 950330-D approved
20. Amend Ordinance 940912-E, the 1994-95 Capital Budget of the Drainage Utility by (1) increasing transfers in to the Capital Budget by \$700,000 from the Urban Watershed Structural Control Fund; (2) create a New Project (MET 94 Water Quality Retrofit Account; appropriate \$700,000 to the New Project. (Funding is available in the Urban Watershed Structural Control Restricted Revenue Fund which is collected from the development community.)

Ordinance No. 950330-E approved

RESOLUTIONS

21. Approve the adoption of an official Declaration of Intent to Reimburse participation costs for the Met 94 Community Facilities Contract for detention pond improvements in the Quail Branch of Little Walnut Creek Watershed. (Funding in the amount of \$2,000,000 to be funded through the issuance of General Obligation Public Improvement Bonds to be sold in September, 1995.)

**Approved**

Items 19-21 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent, Councilmember Shea absent.

22. Approve the adoption of an official Declaration of Intent to Reimburse construction and development costs of the new Multi-purpose stadium. (Funding in the amount of \$8,350,000 from the issuance of General Obligation Certificates of Obligation to be sold in September, 1995.)

**Approved**

23. Approve a Memorandum of Understanding with Professional Sports, Inc., holder of the Phoenix Firebirds franchise related to the construction and operation of a Multi-Purpose stadium, in an amount not to exceed \$10,000,000; direct the City Manager to identify a source for an additional \$3,500,000 for offsite improvements and report back within 60 days; approve an Interlocal Agreement with said corporation and authorize negotiation and execution of certain additional contracts related to real estate transactions and related financing transactions. (Funding in the amount of \$10,000,000 is available in the 1994-95 Capital Budget.)

**Approved**

24. Approve the creation of the Austin Sports Development Authority, Inc.; approving the articles of incorporation and the Bylaws thereof; appointing five (5) directors and containing the findings and provisions relating to the subject. (No fiscal impact).

**Approved**

Items 22-24 approved on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Shea absent.

25. Authorize execution of an amendment to increase the contract with QUALIPHARM, INC., Fort Worth, Texas, for the management of private pharmacy services for the Health and Human Services Department, in the amount of \$435,000, for a total contract amount not to exceed \$2,035,000 for the period October 1, 1994 through June 30, 1995. (Funding in the amount of \$305,000 is available in the 1994-95 operating budget for the Health and Human Services Department; \$130,000 is budgeted as a reimbursement from the Travis County Human Services Department, Rural Medical Assistance Program.) 8.1% MBE, 0% WBE Subcontractor participation. (Related to Item 16)

**Postponed to April 6, 1995**

26. Approve negotiation and execution of a contract with DIVERSIFIED PHARMACEUTICALS, Bloomington, MN, to provide the management of and payment for private pharmacy services for the Health and Human Services Department Medical Assistance Program, in an amount not to exceed \$2,900,000 with two (2) twelve (12) month extension options in an amount not to exceed \$2,900,000 for the first extension and \$3,016,000 for the second extension option, for a total amount not to exceed \$8,816,000. (Funding in the amount of \$120,000 is available in the 1994-95 operating budget of the Health and Human Services Department; funding in the amount of \$280,000 is available as a reimbursement from the Travis County Rural Medical Assistance Program; funding in the amount of \$500,000 is available in the 1994-95 amended Health and Human Services Disproportionate Share Fund; funding for the balance of the initial contract period and renewal options is contingent upon approval of future budgets by the City and County.) Best proposal of six (6). 2% MBE, 0% WBE Subcontractor participation. **(Related to Item 16)**  
**Postponed to April 6, 1995**

27. Approve execution of a twelve (12) month supply agreement with WESTVACO ENVELOPE DIVISION, Dallas, Texas, for the purchase of utility customer service envelopes used in utility bills, in an amount not to exceed \$110,756.90 with two (2) twelve (12) month extension options in an amount not to exceed \$110,756.90 per extension, for a total amount not to exceed \$332,270.70. [Funding in the amount of \$55,378.44 is available in the 1993-94 operating budget of the Utility Customer Service Department. Funding for the remaining six (6) months and the extension options is contingent upon available funding in future budgets.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

**Approved**

28. Approve execution of a twelve (12) month supply agreement with ARROW INDUSTRIES, INC., Dallas, Texas, for disposable can liners for all City offices' trash receptacles, in an amount not to exceed \$97,602.55 with two (2) twelve (12) month extension options in an amount not to exceed \$97,602.55 per extension, for a total amount not to exceed \$292,807.65. [Funding in the amount of \$48,801.30 is available in the 1994-95 operating budget of the user departments. Funding for the remaining six (6) months and the extension options is contingent upon available funding in future budgets.] Low bid of six (6). No M/WBE Subcontracting opportunities were identified.

**Approved**

29. Approve execution of a twelve (12) month contract with STAR ARMORED INC., Bryan, Texas, for armored car services at twenty-one (21) City facility locations, in an amount not to exceed \$70,380 with options to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$70,380 for each extension option, for a total amount not to exceed \$211,140. (Funding in the amount of \$35,190 is available in the 1994-95 operating budget of the user departments. Funding for the remainder of the contract period and the extension options is contingent upon available funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

**Approved**

**Aviation (Items 30-31)**

30. Approve negotiation and execution of a forty-four (44) month concession contract with ACKERLY AIRPORT ADVERTISING, INC., Seattle, Washington, to operate the advertising concession at Robert Mueller Municipal Airport. (This contract is revenue-producing and is estimated to generate at least \$571,250 over the term of the contract, which commences on the date of execution and ends on the date air carrier operations relocate to the new airport or December 31, 1998. Revenue to the Airport Fund are projected at \$150,000 for the first year; \$571,250 for the term of the contract. Revenue for the first year is included in the 1994-95 operating budget.) Best proposal of two (2). 34.3% DBE Subcontractor participation: 34.3% MBE, 0% WBE Subcontractor participation.

**Approved**

**Items 27-30 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent, Councilmember Shea absent.**

31. Approve the award of a construction contract to COMPLETE PLANT MAINTENANCE, INC., Sedro-Wooley, Washington, for the Fuel Tanks Moving for Salvage Project at Austin-Bergstrom International Airport, in the amount of \$317,832. (Funding is available in the 1994-95 Capital Budget for Aviation.) Low responsive bid of two (2). 14.8% DBE subcontractor participation: 14.8% MBE, 0% WBE.

**Postponed to April 6, 1995**

32. Approve negotiation and execution of an 18 month contract extension from April 1, 1995 through September 30, 1996 with ZILKER EAGLE INCORPORATED, Austin, Texas, for the Miniature Train Concession at Zilker Park, and approve an increase in railroad concession fares for an estimated revenue of \$44,000 to the City. [Net estimated revenue to the City of Austin is \$44,000 over the duration of the eighteen (18) month extension. The total estimated revenue for the 1994-95 is \$25,000 which is \$5,000 above budget.] (Recommended by Parks Board; Vote 5-0, with the recommendation that adult fees be raised to \$2 [rather than \$1.75], and that children's fees be raised to \$1.25 [rather than \$1.50]).

**Approved**

33. Authorize an Interlocal Agreement with Round Rock to secure the benefits of mutual aid in fire prevention, in the protection of life and property from fire, and in fire fighting, for an initial term of five (5) years and a renewal term of two (2) additional one (1) year terms. (No fiscal impact.)

**Approved**

**Items 32-22 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent, Councilmember Shea absent.**

34. Approve a Neighborhood Commercial Management Program (NCMP) loan to LUMATEC INDUSTRIES, INC., for the purchase of a building located at 600 Shady Lane, in an amount not to

exceed \$175,000. [Funding is available in the 1992-93 Special Revenue Fund of the Planning and Development Department 18th year Community Development Block Grant (CDBG)].

**Postponed to April 6, 1995**

35. Authorize a grant in the amount of \$184,000 from the Housing Implementation Program Community Development Block Grant (HIP-CDBG) to Rights of Passage Development Corporation (RPDC) to purchase a minimum of forty-eight (48) lots in the Meadows of Walnut Creek Subdivision and provide program funds for RPDC, and set aside \$584,000 of HOME Investment Partnership deferred loans for homeowners purchasing new homes from RPDC in the Meadows of Walnut Creek Subdivision on or before August 30, 1996. (Reviewed by Housing Subcommittee).  
**Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.**

36. Authorize negotiation and execution of an amendment to the Wholesale Water Service Contract allowing for Administrative Approval of Service Area modifications to Hill Country Water Supply Corporation. (This will be a revenue producing item as new areas currently outside the Corporation's boundary are annexed and customers added to their existing system. Revenues received will come from additional water sales to Hill Country WSC plus Capital Recovery Fees will be received for each additional connection to Hill Country WSC. These revenues were not included in the 1994 budget.)  
**Approved on Councilmember Reynolds' motion, Councilmember Mitchell's second, 4-2 vote, Mayor Pro Tem Nofziger and Councilmember Goodman voting "NO", Councilmember Shea absent.**

37. Ratify the application for grant funds in the amount of \$633,089 offered by the U.S. Justice Department, Community Oriented Policing Services, for the Police Department's "Cops More" Project, for the purchase of 200 laptop computers and the addition of 11 new non-sworn full-time equivalents (FTEs). [City's match is \$211,030; funding is contingent upon availability of funding in the 1995-96 operating budget of the Police Department.]  
**Approved**

38. Set a public hearing on an appeal filed by Dr. John B. Best and Diane Best of the Building Official's decision which declared 4305 Andalusia Drive in compliance with the Building Code. (Suggested date and time: April 20, 1995 at 4:30 P.M.)  
**Approved**

39. Set a public hearing on an ordinance amending Section 13-8-1 of the Austin City Code to clarify standards for relocated structures. (Suggested date and time: April 20, 1995 at 5:00 P.M.)  
**Approved**

**Items 37-39 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman temporarily absent, Councilmember Shea absent.**

## ITEMS FROM COUNCIL

40. Direct the City Manager to conduct a feasibility study on converting the Palmer Auditorium into a performing arts center. (Funding for this feasibility study to be identified in the operating budget of the Austin Convention Center Department.) [Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman]

**Direct the City Manager to bring back in one week an expanded scope and fiscal notes for this study on Councilmember Mitchell's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd and Councilmember Shea absent.**

41. Direct the City Manager to develop a proposal that would re-establish a ratio of supporting counselors to investigators in the Victim Services Program that is more consistent with prior years' standards. (Councilmember Ronney Reynolds)

**Approved**

42. Direct the City Manager to ensure that the development of a publicly funded detoxification program, offered through existing medical facilities in the community, be a top priority during development of the 1995-96 budget. (Councilmember Gus Garcia)

**Approved**

43. Direct the City Manager to submit an application to ISTE-STEP for eligible components of Austin Redevelopment Authority (ARA). [Councilmember Eric Mitchell]

**Approved**

44. Approve an ordinance re-establishing the Citizen's Planning Committee and describing its duties. (Councilmember Jackie Goodman and Mayor Pro Tem Michael "Max" Nofziger)

**Ordinance No. 950330-F approved**

**Items 41-44 approved on Councilmember Garcia's motion, Councilmember Reynold' second, 5-0 vote, Councilmember Goodman temporarily absent, Councilmember Shea absent.**

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

45. C14-85-149.100.05 - MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon & Moody (Anne E. Vanderberg), Approximately 1300 to 1500 Howard Lane (south side); 13200 to 13500 Metric Boulevard (east side); 1600 to 2000 Howard Lane (south side); 13200 to 13600 Metric Boulevard (west side); 13100 to 13300 Burnet Road (east side); 1800 to 1806 W. Parmer Lane (north side); 12550 to 12700 Metric Boulevard (west side); 1698 to 1798 W. Parmer Lane (north side); 12550 to 12700 Metric Boulevard (east side); 1400 to 1696 W. Parmer Lane (north side); and 12550 to 12600 Scofield Farms Drive. Restrictive Covenant Amendment. Planning Commission Recommendation: To approve the request to amend the restrictive covenant.

**Approved**

46. C14-95-0002 - AMERICAN LEGION (Michael Palmquist), 709 East 10th Street. From MF-4 to CS. Planning Commission Recommendation: To Grant CS, Commercial Services, zoning as requested.  
**Ordinance No. 950330-I approved**
47. C14-95-0005 - TERRIVILLE, LTD. (Phillip H. Annis), by Eurotex (Andrew M. Ozona), Pecan Park Boulevard & N. F.M. 620. From SF-2 & CH to GR.  
Planning Commission Recommendation: To Grant GR, Community Commercial, zoning as requested.  
**Approved 1st reading only**
48. C14-95-0006 - JOHN L. ADAMS, by A.R. Thrower Design (Ron Thrower), 8002 Burleson Road. From DR to LI. (Onion Creek). Planning Commission Recommendation: To Grant IP-CO, Industrial Park-Conditional Overlay, with the provision of the overlay to limit development to a density that would generate less than 2,000 vehicle trips-per-day.  
**Ordinance No. 950330-J approved**
49. C14-95-0009 - FIRST STATE BANK (Roger W. Wieland), by Dunagan, Weichert & Associates (Kenneth W. Brown), 8400 E. U.S. Hwy. 290. From DR to GR.  
Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning limiting development to less than 2,000 vehicle trips-per-day, require that the applicant reserve up to 150' of right-of-way from the existing centerline of U.S. Hwy. 290 East with the provision that there be no structures or required parking within this reservation.  
**Approved 1st reading only**
50. C14-95-0011 - C.O.A.- PUBLIC WORKS & TRANSPORTATION DEPT. (Ron L. Davis), 300 to 400 Ralph Ablanado Drive. From SF-2 to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.  
**Ordinance No. 950330-K approved**
51. C14-95-0012 - WOODROW LEE, by Consort, Inc. (Laurie Lewis), 10203 Lake Creek Parkway. From I-RR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with the provision of the overlay to limit development intensity to less than 2,000 vehicle trips-per-day.  
**Ordinance No. 950330-L approved**
52. C14-95-0013 - WILLIAM CANNON & I-35, LTD. (Jack K. Ort), by Bury & Pittman, Inc. (Gregory S. Strmiska), Approximately 6000 to 6332 S. I.H. 35 Service Road SB. From GR-CO & RR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, and RR, Rural Residence, zoning for land within the boundaries of the 100-year flood-plain; the provisions of the overlay as follows: (1) limit development to a density that will generate less than 2,000 vehicle trips-per-day; and (2) development to comply with LR, Neighborhood Commercial, development regulations.

Postponed 1 week per neighborhood request

Items 45-52 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Shea absent.

53. C14-95-0014 - WINDCREST PARK UNLIMITED (Bob Bobinchuck), by Holford Group (David B. Holt), 1088 Park Plaza. From RR-CO to MF-1. Planning Commission Recommendation: To Grant MF-1-CO, Multifamily Residence (limited density)-Conditional Overlay, with the provision of the overlay being that no residential units, as defined in Section 13-2-2 of the Land Development Code, be constructed on this 0.530-acre site and that it be utilized only as access across the existing floodplain.

Close public hearing on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman out of room, Councilmember Shea absent.

Ordinance No. 950330-P approved on Councilmember Mitchell's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Shea absent.

54. C14-95-0018 - SERAFY & SERAFY, by Griffin Engineering Group (Greg Griffin), 12920 Dessau Road. From I-RR to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot), zoning as requested.  
Ordinance No. 950330-M approved

55. C14-95-0019 - STARLIGHT L.P. (Richard G. Hardin), 2209 Rio Grande Street. From MF-4 to GO-MU. Planning Commission Recommendation: To Grant GO-MU, General Office-Mixed Use, zoning as requested.  
Ordinance No. 950330-N approved

56. C14r-82-214(DE2) - SANFORD L. GOTTESMAN, TRUSTEE, by Liverman Company (Robert J. Liverman), 11901 North Mopac Expressway. Request for deletion of a 4.25 acre portion of a zoning site plan for North Loop Office Park. Planning Commission Recommendation: Approve as recommended.  
Ordinance No. 950330-O approved

Items 54-56 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Shea absent.

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

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 this 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 on this agenda.

#### **Real Estate - Section 551.072**

- 57. Discuss real estate transactions associated with the Colorado River Park/baseball stadium proposal.
- 58. Discuss possible real estate transactions related to Brackenridge Hospital.
- 59. Discuss the negotiations and possible real estate transactions related to the use and lease agreement with the airlines for Austin Bergstrom International Airport.

#### **Advice of Counsel - Section 551.071**

- 60. Discuss the negotiations and possible real estate transactions related to the use and lease agreement with the airlines for Austin Bergstrom International Airport.
- 61. Seek legal advice regarding the City's options related to the four EMS Additions Project, C.I.P. Nos. 845-937-0101, 0102, 0103 and 0104.

#### **Pending/Contemplated Litigation - Section 551.071**

- 62. Discuss F.M. Properties v. City of Austin; Cause No. 94-CA-647-J, in the United States District Court, Western District,, Austin, Texas.
- 63. Discuss Bradfield Cummins v. City of Austin, Cause No. 94-02877; in the District Court, Travis County, Texas.
- 64. Discuss South Cross Plaza v. City of Austin, Cause No. 94-06387; in the District Court, Travis County, Texas.
- 65. Discuss Josie Champion v. City of Austin, Cause No. 94-07160; in the District Court, Travis County, Texas.
- 66. Discuss Circle C v. City of Austin, Cause No. 94-08128; in the District Court, Travis County, Texas.
- 67. Discuss Sandahl, et al v. City of Austin, Cause No. 94-13046; in the District Court, Travis County, Texas.
- 68. Discuss Maconda Park v. City of Austin, Cause No. 94-360-C26; in the District Court, Williamson

County, Texas.

69. Discuss Williamson Pointe Venture, et al v. City of Austin, Cause No. 03-95-0038CV; in the 3rd Court of Appeals.
70. Discuss Rebecca Heiser v. City of Austin, Cause No. 95-02525; in the District Court, Travis County, Texas.

#### ACTION ON THE FOLLOWING

71. Authorize the negotiation and execution of an amendment to a contract and a long term lease on a tract of land of approximately 23 acres from the Trust for Public Lands for the Colorado River Park/baseball stadium proposal.  
Approved on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Shea absent.

#### 72. APPOINTMENTS

HUMAN RIGHTS COMMISSION - 1  
No Action

ADJOURN at 7:30 p.m. on Councilmember Mitchell's motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd, Mayor Pro Tem Nofziger, and Councilmember Shea absent.

Approved this the 6<sup>th</sup> day of April, 1995, on Council Member Garcia's motion, Council Member Shea's second, 5-0 vote, mayor Todd and Council Member Mitchell temporarily absent.