



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 16, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 16, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Juan Ramirez, Director, World Outreach Network

Mayor Garcia called the Council Meeting to order at 12:09 p.m.

Mayor Garcia recessed the Council Meeting at 12:13 p.m. to go into Executive Session

EXECUTIVE SESSION

The City Council went into Executive Session, 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

1. Discuss legal issues related to lease of Brackenridge Hospital and Children's Hospital of Austin.
2. Discuss legal issues related to Robert Blankenship d/b/a Hill Country Motors (in Municipal Court Cause Nos. 5142825, 5142860, 5142862, 5142888, 5142890, 5142864, 5142865, 5142886), and the Sunset Valley ETJ release of property located at the Northwest corner of Brodie Lane and Allegro Lugar in Southwest Travis County.
3. Discuss legal issues related to *Save our Springs Alliance and Circle C Neighborhood Association v. City of Austin, Circle C Land Corporation and Stratus Properties, Inc.*, Cause No. GN-202018-3, 261st Judicial District Court, Travis County, Texas.

Item 4 was discussed later in the meeting.

Executive Session ended at 2:09 p.m.

Mayor Garcia called the Council Meeting back to order at 2:09 p.m.

CITIZEN COMMUNICATIONS: GENERAL

5. Ann del Llano - Austin Police Monitor Office
6. Jennifer Gale - It is time for the Austin City Council to release Austin Police Chief's Stanley Knee et al. for acting in a manner that obstructed justice by not having a downtown Internal Affairs Division, a Citizen's Police Review Board and Monitor.
7. Nathaniel Booker - Pact Money (APA) for City Council Candidates.
8. William J. Thomas - Ordinance 16-5-22 **Absent**
9. Gus Pena - To Ensure Cap. Metro is inclusive in its (REQ) process and include everybody in the planning process. Not Just a Select Few. Continue your strong positive push for Affordable and Low Housing Transitional Housing for Homeless Families. Remember the Needy, Poor, Have Nots, and Disenfranchised People in This Bad Economic Era.
10. Charles H. Pennie - Community Oversight & Police Monitor Office
11. Jake Billingsley - Train Noise and Historic Clarksville
12. T. L. Wyatt - Police Monitor **Absent**
13. Gerry Van King - None
14. Leslie Alicia Cochran - Austin

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.

15. Approval of minutes from worksession of January 8, 2003 and regular meeting of January 9, 2003.
The minutes from the work session of January 8, 2003 and the regular meeting of January 9, 2003 were approved.
16. Approve negotiation and execution of a contract with THE STATE OF TEXAS, MENTAL HEALTH AND MENTAL RETARDATION, for the purchase of a 1.79 acre substation easement located at the Southwest Corner of West 45th Street and Guadalupe Street, on the Austin State Hospital land, in an amount not to exceed \$1,561,500, including closing costs. The property is to be used for the construction of a substation to replace the North Substation located on Grooms Street. (Funding is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) (Electric Utility Commission Review – 1/12/03)
The motion authorizing the negotiation and execution of a contract was approved.
17. Approve execution of a construction contract with ALPHA TECHNICAL SERVICES CORPORATION, Houston, Texas, for the demolition and disposal of fuel oil tanks and associated equipment at the Holly Power Plant, in the amount of \$137,400. (Funding is included in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) Lowest complying bid of seven received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. DSMBR determined that because of the nature of OSHA related requirements there were limited subcontracting opportunities and therefore, no goals were established. (Recommended by Electric Utility Commission)
The motion authorizing the execution of a construction contract was approved.

18. Approve an Interlocal Agreement between the City of Austin and Travis County Emergency Services District Number 4 for firefighter certification training at a cost to the City not to exceed \$30,000. (Title IV-A Health and Human Services Department Special Revenue Fund)
The motion authorizing an Interlocal Agreement was approved.
19. Approve execution of an Interlocal Agreement between the City of Austin and the Village of San Leanna, Texas for the provision of environmental health services to San Leanna for the period of January 1, 2003 through December 31, 2003, with automatic annual renewal options. Payment to the City of Austin for the initial term shall not exceed \$2,500. (Unanticipated revenues for the General Fund in the amount of \$2,500.)
The motion authorizing an Interlocal Agreement was approved.
20. Approve outside counsel contract for GEORGE & DONALDSON, L.L.P., Austin, Texas, to provide legal advice and counsel regarding the lease of Brackenridge Hospital to Daughters of Charity Health Services of Austin, d/b/a Seton Medical Center and possible negotiations with Seton regarding the lease, in an amount not to exceed \$50,000. (Funding is available in the 2002-2003 Approved Operating Budget of the Hospital Fund.)
The motion authorizing the outside counsel contract was approved.

Item 21 was pulled for discussion.

22. C14-02-0076 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12008 Pollyanna Avenue (Walnut Creek Watershed) from SF-1, Single Family Residence Large Lot district, zoning to SF-3-CO, Family Residence-Conditional Overlay Combining district, zoning. Second Reading on December 12, 2002; Vote 5-2, Goodman and Alvarez - Nay. First Reading on October 10, 2002; Vote 5-2, Goodman and Alvarez - Nay. Conditions met as follows: Conditional Overlay incorporates conditions imposed by City Council at second ordinance reading. Applicant: Michael Byrne. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.
This item failed on a 5-2 vote because there was a valid petition requiring a super majority vote of Council. Those voting nay were Mayor Pro Tem Goodman and Council Member Alvarez.
23. Approve execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, Texas, for relocation of a waterline under IH 35 at Reinli Street, in an amount not to exceed \$285,152. (Funding is included in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of four responsive bids received. 39.68% MBE, 10.48% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved.

Item 24 was pulled for discussion.

25. Approve execution of a construction contract with THE BARR COMPANY (MBE/FH, 34.98%), Austin, Texas, for the Far Southeast Austin EMS Station, located at 5905 Nuckols Crossing Road, in an amount of base bid plus add alternates 1 through 3, not to exceed \$1,394,500. (Funding is included in the 2001-2002 Capital Budget of the EMS Department.) Lowest of the four responsive bids. 12.41% MBE, 0.11% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved.

26. Approve execution of a construction contract with H. L. ZUMWALT CONSTRUCTION, INC., Helotes, Texas, for wastewater improvements to the Taylor Branch Lift Station Relief Interceptor, in an amount not to exceed \$2,255,662.88 plus \$114,337.12 contingency, for a total amount not to exceed \$2,370,000. (Funding in the amount of \$2,370,000 is included in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest responsive bid of two bids received. 8.62% MBE, 3.39% WBE subcontracting participation. (Recommended by Water & Wastewater Commission Review)
The motion authorizing the execution of a construction contract was approved.
27. Approve execution of a construction contract with H. L. ZUMWALT CONSTRUCTION, INC., Helotes, Texas, for wastewater improvements for the Taylor Slough Lift Station Renovation and Upgrade Project, in an amount not to exceed \$695,000 plus \$105,000 contingency, for a total amount not to exceed \$800,000. (Funding in the amount of \$800,000 is included in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest responsive bid of two bids received. 4.15% MBE, 3.78% WBE subcontracting participation. (Recommended by Water & Wastewater Commission Review)
The motion authorizing the execution of a construction contract was approved.
28. Approve an increase in the overall authorization to the existing professional service agreements with the following twenty-seven firms: CARTER & BURGESS, INC., Austin, Texas; MARTINEZ, WRIGHT & MENDEZ, INC. (MBE/MH, 72.2%), Austin, Texas; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA, 59.4%), Austin, Texas; DANNENBAUM ENGINEERING CORPORATION, Austin, Texas; BINKLEY & BARFIELD, INC., Austin, Texas; ROY F. WESTON, INC., Austin, Texas; THE ARIZPE GROUP, INC. (MBE/MH, 87.5%), Austin, Texas; JOSE I. GUERRA, INC. (MBE/MH, 91%), Austin, Texas; GARRETT/ASSOCIATES ENGINEERING, INC., Austin, Texas; DAVCAR ENGINEERING SERVICES (MBE/MH, 90.2%), Austin, Texas; JASTER-QUINTANILLA & ASSOCIATES, INC. (MBE/MH, 100%), Austin, Texas; BAKER-AICKLEN & ASSOCIATES, INC., Austin, Texas; BLACK & VEATCH CORPORATION, Austin, Texas; FREESE & NICHOLS, INC., Austin, Texas; KURKJIAN ENGINEERING CORPORATION (WBE/FH, 86%), Austin, Texas; ALAN PLUMMER ASSOCIATES, INC., Austin, Texas; ASSOCIATED CONSULTING ENGINEERS, INC., Austin, Texas; MALCOLM PIRNIE, INC., Austin, Texas; PARSONS ENGINEERING SCIENCE, INC., Austin, Texas; BROWN & CALDWELL, Austin, Texas; THONHOFF CONSULTING ENGINEERS, INC., Austin, Texas; ESPEY, PADDEN CONSULTANTS, INC., Austin, Texas; LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, Texas; THE WALLACE GROUP, INC., Austin, Texas; PBS&J, Austin, Texas; LOC CONSULTANTS (MBE/MH, 100%), Austin, Texas; and HVJ ASSOCIATES, INC. (formerly known as Maxim Technologies, Inc.), Austin, Texas; for general civil engineering services, in an amount not to exceed \$2,000,000, for a contract total amount not to exceed \$11,100,000. (Funding in the amount of \$2,000,000 is available for these services in the Capital budgets and/or operating budgets of the various departments for which services are needed. Approximately \$755,900 of this funding is for proposed Water & Wastewater Utility Department projects and the remaining for other departments.) CARTER & BURGESS, INC. 25.7% MBE, 19.6% WBE; MARTINEZ, WRIGHT & MENDEZ, INC. 4.8% MBE, 23% WBE; RAYMOND CHAN & ASSOCIATES, INC., 24.8% MBE, 15.8% WBE; DANNENBAUM ENGINEERING CORPORATION, 5.2% MBE, 17.8% WBE; BINKLEY & BARFIELD, INC., 32.7% MBE, 24% WBE; ROY F. WESTON, INC., 19.3% MBE, 1.2% WBE; THE ARIZPE GROUP, INC., 1.8% MBE, 10.7% WBE; JOSE I. GUERRA, INC., 2.7% MBE, 6.3% WBE; GARRETT/ASSOCIATES ENGINEERING, INC., 33.1% MBE, 20.3% WBE; DAVCAR

ENGINEERING SERVICES, 0% MBE, 9.8% WBE; JASTER-QUINTANILLA & ASSOCIATES, INC., 0% MBE/WBE; BAKER-AICKLEN & ASSOCIATES, INC., 10.7% MBE, 13.0% WBE; BLACK & VEATCH CORPORATION, 15.8% MBE, 9.7% WBE; FREESE & NICHOLS, INC., 8.4% MBE, 5.8% WBE; KURKJIAN ENGINEERING CORPORATION, 9.2% MBE, 4.8% WBE; ALAN PLUMMER ASSOCIATES, INC., 20.8% MBE, 1.1% WBE; ASSOCIATED CONSULTING ENGINEERS, INC., 29.5% MBE, 7.6% WBE; MALCOLM PIRNIE, INC., 15.4% MBE, 7.4% WBE; PARSONS ENGINEERING SCIENCE, INC., 3.3% MBE, 2.5% WBE; BROWN & CALDWELL, 4.2% MBE, 2.3% WBE; THONHOFF CONSULTING ENGINEERS, INC., 4.2% MBE, 9.1% WBE; ESPEY, PADDEN CONSULTANTS, INC., 9.8% MBE, 10.3% WBE; LOCKWOOD, ANDREWS & NEWNAM, INC., 12.3% MBE, 17.8% WBE; THE WALLACE GROUP, INC., 20.4% MBE, 23.4% WBE; PBS&J, 3.2% MBE, 18.3% WBE; LOC CONSULTANTS 0 % MBE/MH; HVJ ASSOCIATES, INC., 31.5% MBE, 8.1% WBE subconsultant participation. (Recommended by Water and Wastewater Commission)

The motion authorizing the increase in the overall authorization to the existing professional service agreements was approved.

29. Approve execution of a 12-month supply agreement with HPI INTERNATIONAL, INC., Brooklyn, New York, to provide various types of Polaroid camera color/black& white film in an amount not to exceed \$51,149.40 with two 12-month extension options in an amount not to exceed \$51,149.40 per extension for a total contract amount not to exceed \$153,448.20. (Funding in the amount of \$38,362.05 is available in the 2002-2003 Operating Budget of various City departments. Funding for the remainder of the original contract term and the extension options is contingent upon available funding in future budgets.) Lowest bidder meeting specification of ten bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing the execution of a supply agreement was approved.

Item 30 was pulled for discussion.

31. Approve execution of a 12-month service agreement with COWART DOOR SYSTEMS, for the maintenance and repair of overhead doors for the Austin Fire Department and the Emergency Medical Services Department in an amount not to exceed \$71,856 with two 12-month extension options in an amount not to exceed \$71,856 per extension for a total contract amount not to exceed \$215,568. (Funding in the amount of \$33,061.50 was included in the 2002-2003 Approved Operating Budget of the Austin Fire Department and \$20,830 was included in the 2002-2003 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining three months of the initial contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing the execution of a service agreement was approved.

32. Approve execution of a contract through the TEXAS LOCAL STATEWIDE PURCHASING COOPERATIVE with their contract vendor WHEELED COACH INDUSTRIES, INC., Winter Park, Florida for the purchase of five ambulances in the amount of \$764,200.29. (Funding in the amount of \$594,836.32 is included in the 2002-2003 Vehicle Acquisition Fund. Funding in the amount of \$169,363.97 is included in the 2002-2003 Operating Budget of the Emergency

Medical Services Department.) These units have been competitively bid through the Texas Local Statewide Government Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

33. Approve negotiation and execution of a 12-month Interlocal Agreement between the CITY OF AUSTIN and the SCHOOL OF SOCIAL WORK OF THE UNIVERSITY OF TEXAS AT AUSTIN, Austin, Texas, for training of Austin Police Department cadets in an amount not to exceed \$30,000 with two 12-month extension options in an amount not to exceed \$30,000 per extension for a total contract amount not to exceed \$90,000. (Funding in the amount of \$30,000 was included in the 2002-2003 Approved Operating Budget of the Austin Police Department. Funding for the extension options is contingent upon available funding in future budgets.) This agreement is entered into under the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code.
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
34. Approve execution of a contract through the Interlocal Agreement with Fairfax County Virginia as part of the U.S. Communities Government Purchasing Alliance, Agreement No. RQ01-411313-16B, with HERMAN MILLER WORKPLACE RESOURCE, Austin, Texas for furniture at the Combined Transportation Emergency and Communications Center, 5010 Old Manor Road, in an amount not to exceed \$719,068.51. (Funding in the amount of \$719,068.51 is available in the Fiscal Year 2002-2003 Capital Budget of the Financial & Administrative Services Department. \$437,875.39 is City of Austin funding, the remaining \$281,193.12 is funding from other governmental agencies, including: Travis County, \$117,108.43; Texas Department of Transportation, \$136,866; and Capital Area Metropolitan Transportation Authority, \$27,218.69.) The U.S. Communities Government Purchasing Alliance was designed in cooperation with an Advisory Board of local government purchasing officials across the United States.
The motion authorizing the execution of a contract through the Interlocal Agreement was approved.
35. Approve execution of a contract through the Interlocal Agreement with Fairfax County Virginia as part of the U.S. Communities Government Purchasing Alliance, Agreement No. RQ01-411313-16B, with ROCKFORD BUSINESS INTERIORS, Austin, Texas, for furniture at the Combined Transportation Emergency and Communications Center, 5010 Old Manor Road, in an amount not to exceed \$76,114.86. (Funding in the amount of \$76,114.86 is available in the Fiscal Year 2002-2003 Capital Budget of the Financial & Administrative Services Department. \$46,939.37 is City of Austin funding, the remaining \$29,175.49 is funding from other governmental agencies, including: Travis County, \$14,418.56; Texas Department of Transportation, \$14,393.01; and Capital Area Metropolitan Transportation Authority, \$363.92) The U.S. Communities Government Purchasing Alliance was designed in cooperation with an Advisory Board of local government purchasing officials across the United States.
The motion authorizing the execution of a contract through the Interlocal Agreement was approved.
36. Approve negotiation and execution of a contract with FORD AUDIO VIDEO SYSTEMS INC., Austin, Texas to design and install an audio video system at the Combined Transportation Emergency and Communications Center, 5010 Old Manor Road, in an amount not to exceed \$596,055 including a one year warranty, with options to purchase maintenance for two additional years for \$15,000 per year for a total contract amount not to exceed \$626,055. (Funding in the amount of \$596,055 is available in the Fiscal Year 2002-2003 Capital Budget of the Financial &

Administrative Services Department. \$370,256.47 is City of Austin funding, the remaining \$225,798.53 is funding from other governmental agencies, including: Travis County, \$131,981.70; Texas Department of Transportation, \$86,704.10; and Capital Area Metropolitan Transportation Authority, \$7,112.73. Funding for the maintenance options are contingent upon available funding being available in future budgets.) Best proposal of five proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation.

The motion authorizing the negotiation and execution of a contract was approved.

37. Approve negotiation and execution of a contract with SMITH PUMP COMPANY, Austin, Texas, for the purchase of sump pumps for the Sand Hill Energy Center, in an amount not to exceed \$80,135. (Funding in the amount of \$80,135 is available in the 2002-2003 Amended Capital Budget for the Electric Utility Department.) Best-evaluated proposal of three received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. These services will be provided by the original equipment manufacturer. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for this solicitation.

The motion authorizing the negotiation and execution of a contract was approved.

38. Approve execution of a contract with TECHLINE, INC., Austin, Texas, for the purchase of drake transmission line conductor wire, 795 KCMIL in an amount not to exceed \$161,788.50. (Funding is available in the 2002-2003 Amended Operating Budget of the Electric Utility Department.) Low bidder of nine bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this contract. This contract is for the purchase of commodities, with direct delivery by the manufacturer.

The motion authorizing the execution of a contract was approved.

39. Authorize the City Manager to negotiate and execute an agreement with North Austin Municipal Utility District No. 1 and the Texas Turnpike Authority to provide outside retail pass-through wastewater utility service and temporary out-of-district water utility service to the Texas Turnpike Authority through North Austin Municipal Utility District No. 1, to provide water and wastewater utility service to the Texas Turnpike Authority toll way plaza to be located near the intersection of RM 620 and Amberglen Blvd. (No City funds are required by this action. The Texas Turnpike Authority will construct the necessary water and wastewater infrastructure.) (Recommended by Water and Wastewater Commission)

The motion authorizing the City Manager to negotiate and execute an agreement was approved.

40. Approve the City Manager or her designee to negotiate and execute an amendment to the existing wholesale water and wastewater utility contracts between the City of Austin, Texas and the City of Sunset Valley, Texas to adjust the wholesale service area boundary by removing recent Extraterritorial Jurisdiction releases by the City of Sunset Valley. (This action will not require any expenditure of funds. City of Austin water and wastewater service to the ETJ areas released by the City of Sunset Valley will be provided in accordance with City of Austin policies.) (Recommended by Water and Wastewater Commission)

This item was postponed indefinitely.

41. Approve a resolution to authorize negotiation and execution of an Amendment to the 1999 "Operating Agreement Concerning Impact Fee Credits for FC Properties Three, Ltd." to provide terms and conditions allowing Water and Wastewater Capital Recovery Fee Credits associated with approximately 337 LUEs acquired by FC from the former Northwest Travis County Municipal Utility District No. 1 (NWTC MUD NO. 1) to be transferred and used by FC for development of residential lots in four southeast Travis County Subdivisions located in the Desired Development Zone, and resolving all other issues between the City and FC concerning LUEs acquired by FC from NWTC MUD No. 1. (Recommended by Water and Wastewater Commission)

Resolution No. 030116-41 was approved.

42. Appointments to Boards and Commissions.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Board of Adjustment</u>		
Barbara Aybar	Consensus	Reappointment
Betty Edgemond	Consensus	Reappointment
Leane Heldenfels (Alternate)	Consensus	Reappointment
Hans Herman Thun	Consensus	Reappointment
Laurie Virkstis	Consensus	Reappointment
<u>Brackenridge Hospital Oversight Council</u>		
James Brand	Consensus	Reappointment
<u>City of Austin Commission for Women</u>		
Stephanie Peña	Council Member Thomas'	Reappointment
<u>Electric Utility Commission</u>		
Paul Skeith	Council Member Dunkerley's	Appointment
<u>Federally Qualified Health Center Board</u>		
Julia Mitchell	Consensus	Reappointment
Henry Z. Narvaez	Consensus	Reappointment
<u>Hospital Board</u>		
Gloria Leal	Consensus	Appointment
<u>Housing Authority of the City of Austin</u>		
Rita Wanstrom	Mayor Garcia's	Reappointment
<u>Human Rights Commission</u>		
Jimmie Brown, Jr.	Council Member Thomas'	Reappointment

Library Commission

Denise Brady	Consensus	Reappointment
Ira Strange, Jr.	Council Member Thomas'	Reappointment
Mimi Martinez-McKay	Mayor Pro Tem Goodman's	Reappointment

Sign Review Board

Barbara Aybar	Consensus	Reappointment
Betty Edgemond	Consensus	Reappointment
Hans Herman Thun	Consensus	Reappointment
Laurie Virkstis	Consensus	Reappointment

Travis Central Appraisal District Board of Directors

Eleanor Powell	Consensus	Reappointment
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Water and Wastewater Commission

Jack D. Kirfman	Council Member Alvarez'	Appointment
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43. Approve a resolution authorizing City co-sponsorship with the Heritage Council of the Martin Luther King, Jr. Parade to be held on January 20, 2003 from 9:00 A.M. until 12 noon in honor of Dr. Martin Luther King, Jr. (Council Member Betty Dunkerley, Council Member Daryl Slusher and Council Member Danny Thomas.)
Resolution No. 030116-43 was approved.

Item 44 was pulled for discussion.

45. Set a public hearing to approve approximately 0.101 acres (4,403 square feet) for right-of-way and 0.158 acres (6,867 square feet) temporary construction Use Agreement to allow the construction of Dittmar Road Improvements, Manchaca Road to South 1st Street through dedicated parkland known as Dittmar Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested Date and Time: February 13, 2003 at 6:00 p.m.)
The public hearing was set for February 13, 2003 at 6:00 p.m.
46. Set a public hearing to consider a variance request to allow construction of a room addition to an existing portion of the residence at 2315 Island Wood Road in the 25-year floodplain of Lake Austin. (Suggested Date and Time: January 30, 2003 at 6:00 p.m.)
The public hearing was set for January 30, 2003 at 6:00 p.m.

Item 47 was pulled for discussion.

48. Approve a ordinance to amend Ordinance Number 001012-47 and Ordinance No. 010927-86, a flood plain variance allowing encroachment of a proposed building on the 25-year and 100-year flood plains of Shoal Creek at 801 West 5th Street to extend the date by which the project must have a building permit/site plan two years from September 28, 2003 to September 28, 2005 or the date the site plan on the property expires.
Ordinance No. 030116-48 was approved.

DISCUSSION ITEMS

21. C14-02-0079 – Stone Tract – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9601-9641 South Chisholm Trail

(Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to SF-1, Single Family Residence Large Lot district, zoning as amended by the applicant from the original request of SF-3, Family Residence district, zoning. City Council approved RR, Rural Residence district, zoning and first reading. Second reading on December 12, 2002; Vote: 5-2, Wynn and Dunkerley-nay. First reading on October 10, 2002; Vote: 5-2, Wynn and Dunkerley-nay. Applicant: Bobby and Betty Stone. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Gager, 974-3057. (Continued from 1/9/03)

Ordinance No. 030116-21 was approved as the substitute motion shown below on Council Member Dunkerley's motion, Council Member Wynn's second on a 5-2 vote. Those voting aye were Mayor Garcia, and Council Members Alvarez, Dunkerley, Thomas and Wynn. Those voting nay were Mayor Pro Tem Goodman and Council Member Slusher. The substitute motion was to approve the Zoning and Platting Commissions recommendation for SF-1-CO. The conditional overlay limits the development to 28 units on large lots. The City agrees, but is not party, to the establishment of an independently managed escrow fund for road maintenance.

30. Approve execution of contracts with PHILPOTT MOTORS, INC., Port Neches, Texas for the purchase of 55 light duty vehicles in the amount of \$1,024,006 and LEIF JOHNSON FORD, Austin, Texas for the purchase of 13 light duty vehicles in the amount of \$328,083.86. (Funding in the amount of \$82,819.06 is included in the 2002-2003 Operating Budget of the Aviation Department. Funding in the amount of \$40,117 is included in the 2002-2003 Operating Budget of the Transportation Planning and Sustainability Department. Funding in the amount of \$259,800.50 is included in the 2002-2003 Operating Budget of the Public Works Department. Funding in the amount of \$205,230 is included in the 2002-2003 Operating Budget of the Financial and Administrative Services Department, Fleet Services Division. Funding in the amount of \$523,537.00 is included in the 2002-2003 Capital Budget of Austin Energy. Funding in the amount of \$50,566 is included in the 2002-2003 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$152,628.30 is included in the 2002-2003 Capital Budget of the Watershed Protection Development and Review Department. Funding in the amount of \$37,392.00 is included in the 2002-2003 Capital Budget of the Financial and Administrative Services Department, Fleet Services Division.) Low bidders meeting specifications of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There was no opportunity for subcontracting; therefore, no goals were established for this solicitation.

A motion to approve the contracts was made by Mayor Pro Tem Goodman and seconded by Council Member Thomas.

There was a substitute motion by Council Member Slusher to postpone action to January 30, 2003. This was seconded by Mayor Pro Tem Goodman and passed on a 7-0 vote.

Mayor Garcia recessed the Council Meeting at 3:21 p.m. to go into Executive Session.

EXECUTIVE SESSION

The Mayor announced that Council would discuss item number 24 on the regular agenda during Executive Session.

Executive Session ended at 5:07 p.m.

Mayor Garcia called the Council Meeting back to order at 5:08 p.m.

24. Approve execution of a construction contract with RGM CONSTRUCTORS, LP. Pflugerville, Texas, for construction of the following combined projects: Loyola Lane Street and Drainage Improvements Phase III; and Crystalbrook Flood Control Drainage Improvements Phase II, in the amount of \$10,555,392.05, plus \$527,769.60 contingency, for a total contract amount not to exceed \$11,083,161.65. (Funding in the amount of \$6,204,372.90 is available in the 2002-2003 Capital Budget of the Transportation, Planning & Sustainability Department; \$178,788.75 is available in the 2002-2003 Capital Budget of the Water & Wastewater Utility Department; \$4,700,000 is available in the 2002-2003 Capital Budget of the Watershed Protection Department.) Lowest of five bids received. 15.53% MBE, 8.11% WBE subcontracting participation.

The motion authorizing the execution of a construction contract was approved on Council Member Thomas' motion, Council Member Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Thomas's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

- Z-1. C14-02-0120.SH – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as East Slaughter Lane at Brandt Road (Onion Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to SF-4A, Single Family Residence Small lot district, zoning for Tracts 1 and 3, and GR, Community Commercial district, zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant SF-4A, Single Family Residence Small lot district, zoning for Tracts 1 and 3, and GR, Community Commercial district, zoning for Tract 2. Applicant and Property Owner: Lennar Homes of Texas & Construction, Ltd. (James Giddens). Agent: The Faust Group (Bill Faust). City Staff: Wendy Walsh, 974-7719.

The first reading of the ordinance for SF-4A for Tracts 1 and 3 and GR for Tract 2 was approved with direction to staff to submit flood plain information to Council.

- Z-2. C14-02-0041 – London Park Retail – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11521 North FM 620 (Bull Creek Watershed) from SF-2, Single Family Residence-Standard Lot district, zoning and DR, Development Reserve district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial Services-Conditional Overlay Combining district, zoning. Applicant: London Enterprises 620 Joint Venture (Mike London). Agent: Bury and Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057.

This item was postponed to January 30, 2003 at the applicant's request.

Items Z-3 to Z-5 were pulled for discussion.

ZONING DISCUSSION ITEMS

- Z-3. C14-02-0171 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10318 Old Manchaca Road (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to SF-3-CO, Family Residence-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To deny SF-3-CO, Family Residence-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Lou Ann Page. Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.
The public hearing was closed on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.

The first reading, of the ordinance with staff's recommendation for SF-3-CO was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

- Z-4. C14-02-0013 – Interport South – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning and zoning property locally known as approximately 3,490 feet along the southeast side of FM 973 and approximately 3,960 feet southwest from its intersection with State Highway 71 East (Onion Creek Watershed) from DR, Development Reserve district, zoning and I-RR, Interim-Rural Residence district, zoning to LI, Limited Industrial Services district, zoning. Zoning and Platting Commission Recommendation: To grant LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: SBJV, Ltd. (John Lloyd). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719. (Continued from 1/9/03)
The public hearing was closed on Council Member Thomas' motion, Council Member Wynn's second on a 7-0 vote.

The first reading of the ordinance with staff's recommendation for LI-CO was approved on Council Member Goodman's motion, Council Member Wynn's second on a 7-0 vote.

Mayor Garcia recessed the Council Meeting at 5:35 p.m. for Live Music and Proclamations. The Mayor announced Council would go into Executive Session to discuss the following item. Executive Session started at 6:22 p.m.

Personnel Matters – Section 551.074

4. Evaluate the performance and consider compensation of the City Clerk.

Executive Session ended at 7:03 p.m.

Mayor Garcia called the Council Meeting back to order at 7:07 p.m.

DISCUSSION ITEMS

44. Approve a resolution regarding the performance evaluation and compensation package for the City Clerk. (Mayor Gus Garcia)
No action was taken on this item.

ZONING DISCUSSION ITEMS

- Z-5. C14-02-0150 – St. Davids Healthcare – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 919 East

32nd Street (Waller Creek Watershed) from GO-CO, General Office district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning Planning Commission Recommendation: To deny CS-CO, General Commercial Services-Conditional Overlay Combining district zoning. Applicant: Columbia/St. David Healthcare (Malcolm Besisle). Agent: John Joseph (Minter, Joseph and Thornhill). City Staff: Glenn Rhoades, 974-2775

The public hearing was closed on Council Member Wynn's motion, Council Member Thomas' second on a 6-0 vote with Mayor Garcia off the dais.

The first reading of the ordinance with staff's recommendation for CS-CO zoning was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Garcia was off the dais. Staff was directed to incorporate the public and private covenants offered by the developer into the second and third readings of the ordinance.

47. Consider an ordinance repealing Section 25-12-3, Appendix Chapter 3 of the City Code (the One and Two Family Dwelling Code 1995 Edition), adopting the International Residential Code, 2000 Edition, and adopting certain local amendments to the 2000 International Residential Code. [Recommended by Mechanical, Plumbing and Solar Board. Recommended by Building and Fire Code Board with one exception (references to the air admittance valves).]
The item was postponed to January 30, 2003 to allow staff time to present information on safety and the impact on affordable housing on Council Member Alvarez's motion, Council Member Thomas' second on a 6-0 vote. Mayor Garcia off the dais.

The motion to adjourn the meeting at 8:25 p.m. was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia off the dais.

The minutes for the Regular Meeting of January 16, 2003 were approved on January 30, 2003 on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.