



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 7, 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, August 7, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Brandon Hollar, Pastor, Capital Christian Center

Mayor Wynn called the Council Meeting to order at 10:05 a.m.

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 Dunkerley's motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

1. Approval of minutes from regular meeting of July 31, 2003.
The minutes from the meeting of July 31, 2003 were approved.
2. Approve an Ordinance amending Subsection 2-4-904(D) of the City Code to change the quorum for the Board of the Austin Women's Hospital from three (3) to four (4).
Ordinance No. 030807-2 was approved.
3. Amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget to reduce appropriations for Seton Healthcare Network Charity Care per fiscal note by \$573,167 to create the Austin Women's Hospital Fund and appropriate \$573,167 and add 58.33 FTEs for the Community Care Services Department to operate the Austin Women's Hospital. (Funding is available through a reduction of charity care payments made to the Seton Healthcare Network.) (Recommended by Austin Women's Hospital Advisory Board)
Ordinance No. 030807-3 was approved.
4. Approve an ordinance authorizing the issuance of approximately \$65,000,000 City of Austin, Texas, Hotel Occupancy Tax Revenue Refunding Bonds, Series 2003, including approval and authorization of all related documents pertaining thereto. The refunding will be executed provided that at the time of the execution of the bond purchase agreement, the bonds that are refunded produce a present value savings of at least 4.25%. In addition, the bond purchase agreement must be executed no later than November 7, 2003. (No fiscal impact during fiscal year 2002-2003. \$702,287 estimated debt service requirement and \$600 estimated annual paying

agent/registrant fee will be included in the fiscal year 2003-2004 Proposed Budget of the Hotel Tax Revenue Bond Redemption Fund.) (Approved by the Audit and Finance Committee.)

Ordinance No. 030807-4 was approved.

5. Approve a resolution reauthorizing consent to the creation of Bastrop County Emergency Services District Number 1.
Resolution No. 030807-5 was approved.
6. Approve execution of a contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 66.28%), Austin TX for construction of the playground improvements and ADA accessibility for Govalle Park, in the amount not to exceed \$98,900.00. (Funding is included in the Fiscal Year 2002-2003 approved Capital Budget of the Parks and Recreation Department.) Lowest bid of two received. 0.00% MBE and 3.13% WBE subcontractor participation.
The motion authorizing the execution of a contract was approved.
7. Authorize execution of a construction contract with PRC ROOFING COMPANY, INC., (MBE/MH 88.9%), Houston, TX, for reroofing of the Decker Power Plant Control Room, Chemistry Lab and Generator Building, in an amount not to exceed \$197,000. (Funding is available in Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility.) Lowest bid of two received. 2.78% MBE and 0% WBE subcontractor participation. (Recommended by the Electric Utility Commission.)
The motion authorizing the execution of a construction contract was approved.
8. Authorize execution of a construction contract with BALLOU CONSTRUCTION, INC. Salina, KS, for preventative maintenance asphaltic slurry seal on selected streets within the Spicewood Estates residential area and on miscellaneous cul-de-sacs throughout the City of Austin, in an amount not to exceed \$370,457.85. (Funding is available in the Fiscal Year 2002-2003 Operating Budget of the Department of Public Works, Transportation Fund.) Sole bid. 4.21% MBE and 12.40% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
9. Authorize execution of Amendment No. 1 to increase the service agreement with HONEYWELL DMC SERVICES LLC, Austin, TX for installation and maintenance of Vending Meters in an amount not to exceed \$36,000 for the current year, and to increase the first extension option in an amount not to exceed \$44,000, for a revised total agreement amount not to exceed \$210,185. (Funding in the amount of \$36,000 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon funding in future budgets. A grant from the Public Utility Commission of Texas provides approximately 73% of the funding.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Resource Management Commission) (Related Item 10)
The motion authorizing the execution of Amendment No. 1 to increase the service agreement was approved.
10. Authorize execution of Amendment No. 1 to increase the supply agreement with BAYVIEW TECHNOLOGY GROUP LLC, Denver, CO for energy conservation products in an amount not to exceed \$425,000 for the current year, with no change to the two extension options, for a revised total agreement amount not to exceed \$975,000. (Funding in the amount of \$70,833 is available in the Fiscal Year 2002-2003 Amended Operating Budget for the Electric Utility Department. A grant from the Public Utility Commission of Texas provides approximately 73%

of the funding. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Resource Management Commission) (Related Item 9)

The motion authorizing the execution of Amendment No. 1 to increase the supply agreement was approved.

11. Authorize execution of a 12-month service agreement with UNITED BUILDING MAINTENANCE, Dallas, TX for janitorial services in an amount not to exceed \$279,277.32, with three 12-month extension options in an amount not to exceed \$279,277.32 per extension option, for a total agreement amount not to exceed \$1,117,109.28. (Funding in the amount of \$279,277.32 is available in the Fiscal Year 2003-2004 Proposed Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of eight bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

12. Authorize negotiation and execution of a contract with TRI-TECH ENERGY, Cumming, GA, for training and development of an operations and maintenance manual for the first combined cycle unit at the Sand Hill Energy Center in an amount not to exceed \$99,648. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) 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, no goals were established for this solicitation.

This item was postponed indefinitely.

13. Authorize execution of a 12-month service agreement with AMERICAN LIGHT, L.P., Austin, TX and with AMTECH LIGHTING SERVICES, Austin, TX for commercial lighting retrofit services in a combined amount not to exceed \$858,337, with two 12-month extension options for each agreement in a combined amount not to exceed \$858,337 per extension option, for a total combined amount for the two agreements not to exceed \$2,575,011. (Funding in the amount of \$143,056 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 10 months of the original contract period and the extension options is contingent upon available funding in future budgets) Low bids of 2 bids received. American Light 19.08% MBE; 6.37% WBE subcontracting participation. Amtech Lighting Services 11.70% MBE; 0% WBE subcontracting participation.

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

14. Authorize execution of an interlocal agreement with the STATE OF TEXAS ADJUTANT GENERAL'S OFFICE Austin, TX, to provide energy efficiency consulting assistance to the Adjutant General's Office including identifying and recommending conservation measures, calculating energy savings, and assisting with applicable utility rebates for electrical energy efficiency projects in its facilities. (The Adjutant General's Office will pay the City for services that are beyond standard energy efficiency services provided to all commercial electric customers.) (Recommended by the Resource Management Commission)

The motion authorizing the execution of an interlocal agreement was approved.

15. Authorize execution of amendment No. 2 to increase the contract with GENERAL ELECTRIC SUPPLY COMPANY, Austin, TX for electrical cable for the Sand Hill Energy Center in an amount not to exceed \$12,968.55 for a contract total amount not to exceed \$526,399.55. (Funding in the amount of \$12,968.55 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established. This is a contract for a commodity purchase, with direct delivery from the manufacturer.
The motion authorizing the execution of amendment No. 2 to increase the contract was approved.
16. Authorize execution of a 12-month supply agreement with DIGI LOG INSTRUMENT, INC., (WBE/FR 100%) Oak Point, TX for reclosers, type 3 phase in an amount not to exceed \$628,500, with four 12-month extension options in an amount not to exceed \$628,500 per extension option, for a total agreement amount not to exceed \$3,142,500. (Funding in the amount of \$628,500 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding for the remaining extension options is contingent upon available funding in future budgets.) Lowest bidder meeting specification of four bids received. This contract will be awarded in compliance with 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore no goals were established for this solicitation. The contract is for the purchase of commodities with direct delivery by the manufacturer.
The motion authorizing the execution of a supply agreement was approved.
17. Authorize execution of contracts with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for six heavy trucks with mounted truck bodies in an amount not to exceed \$738,368; FREIGHTLINER OF AUSTIN, Austin, TX, for one heavy truck with mounted truck body in an amount not to exceed \$130,350; and with GRANDE TRUCK CENTER, San Antonio, TX, for one heavy truck with mounted truck body in an amount not to exceed \$169,718. (Funding in the amount of \$1,038,436 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Electric Utility Department.) Low bidders meeting specification of six bids received. These contracts will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for these solicitations.
The motion authorizing the execution of contracts was approved.
18. Authorize execution of a contract with SOMERSET WELDING AND STEEL, INC./J AND J TRUCK BODIES AND TRAILERS, Somerset, PA for three 30 cubic yard hydraulic pusher semi-trailers in an amount not to exceed \$119,709. (Funding in the amount of \$79,806 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Solid Waste Services Department. Funding in the amount of \$39,903 is available in the Fiscal Year 2002-2003 Approved Capital Budget of Fleet Services, FASD.) Only bidder. 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. (Related Item 19)
The motion authorizing the execution of a contract was approved.
19. Authorize execution of contracts with FREIGHTLINER OF AUSTIN, Austin, TX for four heavy-duty truck tractors for Solid Waste Services in an amount not to exceed \$216,000; and LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX for one heavy-duty conventional truck cab and chassis for Solid Waste Services in an amount not to exceed \$65,300. (Funding in the amount of \$108,000 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Finance and Administrative Services Department, Fleet Services Division. Funding in the

amount of \$173,300 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Solid Waste Services Department.) Low bid of two bids received. These contracts will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 18)

The motion authorizing the execution of contracts was approved.

20. Authorize execution of a 12-month supply agreement with MUNICIPAL PIPE & FABRICATING CO., Pflugerville, TX for the purchase of gate valves of various sizes in an amount not to exceed \$129,020.81, with two 12-month extension options in an amount not to exceed \$129,020.81 per extension option, for a total amount not to exceed \$387,062.43. (Funding in the amount of \$10,751.73 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining eleven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

21. Authorize execution of a 6-month supply agreement with DPC INDUSTRIES, INC. San Antonio, TX for the purchase of liquid sodium hypochlorite for the Water and Wastewater Utility in an amount not to exceed \$53,000, with an option to extend for one additional 6-month period in an amount not to exceed \$53,000, for a total contract amount not to exceed \$106,000. (Funding in the amount of \$8,834 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining five months of the original contract period and extension option is contingent upon available funding in future budgets.) Low bid of four 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 for this solicitation.

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

22. Authorize execution of a 12-month supply agreement with R.T.I. HOT MIX, Buda, TX for hot mix cold laid asphalt concrete in an amount not to exceed \$75,000, with two 12-month extension options in an amount not to exceed \$75,000 per extension option, for a total contract amount not to exceed \$225,000. (Funding in the amount of \$12,500 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Public Works Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

23. Authorize execution of a 12-month service agreement with SIMPLEX GRINNELL, L P, Round Rock, TX for maintenance and testing services of fire suppression and alarm systems at Austin-Bergstrom International Airport in an amount not to exceed \$125,726.59, with two 12-month extension options in an amount not to exceed \$125,726.59, for a total agreement amount not to exceed \$377,179.77. (Funding in the amount of \$20,954.44 is available in the Fiscal Year 2002-2003 and Approved Operating Budget for the Aviation Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities

were identified; therefore, no goals were established for this solicitation (Approved by Airport Advisory Commission.)

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

24. Authorize execution of Amendment No. 1 to the professional services agreement with ARINC INC., Annapolis MD, to continue radio frequency engineering support for an additional 12-months in an amount not to exceed \$130,000, with two 12-month extension options in an amount not to exceed \$130,000 per extension option, for a revised total agreement amount not to exceed \$716,561. (Funding in the amount of \$130,000 is included the Fiscal Year 2003-2004 Proposed Operating Budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Approved by the Austin Airport Advisory Board.)

The motion authorizing the execution of Amendment No. 1 to the professional services agreement was approved.

25. Authorize negotiation and execution of a 12-month service agreement with CONVERGENT STRATEGIES CONSULTING INC., (M/DBE-100%), Austin, TX, for Consulting Services to review the Shared Tennant Services (STS) program at the airport and advise on the procurement of a future telecommunications provider for the STS program in an amount not to exceed \$74,220, with two 12-month extension options in an amount not to exceed \$74,220, for a total agreement amount not to exceed \$222,660. (Funding in the amount of \$46,120 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Department of Aviation. Funding for the remaining eleven months of the original contract period and the extension options is contingent upon available funding in future budgets.) Best proposal of two proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Airport Advisory Commission)

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

Item 26 was pulled for discussion

27. Authorize negotiation and execution of three 12-month service agreements with STAFF SEARCH HEALTHCARE, Austin, TX, MEDICAL STAFFING NETWORK, Austin, TX and MAXIM HEALTHCARE SERVICES, Austin, TX for on call registered nurses in a combined amount not to exceed \$199,680, with two 12-month extension options for each agreement in a combined amount not to exceed \$199,680 per extension option, for a total combined amount for the three agreements not to exceed \$599,040. (Funding in the amount of \$33,280 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Community Care Services Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Best-qualified responses of seven responses received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of three service agreements was approved.

28. Authorize negotiation and execution of a contract with MEDITECH INFORMATION TECHNOLOGY, INC., Westwood MA, for a hospital data medical management system in an amount not to exceed \$441,996, with four 12-month maintenance extension options in an amount not to exceed \$17,696 per extension option, for a total contract amount not to exceed \$512,780. (Funding in the amount of \$441,996 is available in the Fiscal Year 2002-2003 Capital Budget of the Community Care Services Department, Austin Women's Hospital. Funding for the maintenance options are contingent upon funding in future budgets.) Best proposals of nine proposals received. These contracts will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

This item was postponed to August 14, 2003.

29. Authorize negotiation and execution of 12-month service agreements with DENTALSELECT, Draper, UT for a preferred provider organization dental plan for City of Austin retirees in an amount not to exceed \$362,000, with two 12-month extension options in an amount not to exceed \$434,000 for the first extension option and \$547,000 for the second extension option, for a total agreement amount not to exceed \$1,343,000; and with SAFEGUARD, Dallas, TX, for an indemnity dental plan for City of Austin retirees in an amount not to exceed \$936,000, with two 12-month extension options not to exceed \$1,180,000 for the first extension option and \$1,522,000 for the second extension option, for a total agreement amount not to exceed \$3,638,000. (Funding in the amount of \$973,500 is included in the 2003-2004 Proposed Operating Budget for the Employees Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract periods and extension options is contingent upon available funding in future budgets. The costs are funded solely by participating retiree contributions.) Best proposals of seven proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

Item 30 was pulled for discussion.

31. Authorize execution of a 12-month supply agreement with MAPSCO, INC., Austin, TX for wall and street guide directories for use in Public Safety and other departments in an amount not to exceed \$67,128.36, with two 12-month extension options in an amount not to exceed \$67,128.36 per extension option, for a total agreement amount not to exceed \$201,385.08. (Funding in the amount of \$11,188.06 is available in the Fiscal Year 2002-2003 Amended Operating Budget for Police, Fire, EMS and several other departments. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

32. Approve a resolution authorizing the City Manager to submit roadway, bicycle and pedestrian-related projects for consideration by Capital Area Metropolitan Planning Organization (CAMPO) for Federal funding under the Federal Surface Transportation Program Metropolitan Mobility (STP MM) fund. (No anticipated fiscal impact until 2004-2005 at the earliest. Council approval for local match for successful applications would be made in conjunction with an interlocal agreement with the Texas Department of Transportation.) (Reviewed by Urban Transportation Commission.)

This item was postponed to August 14, 2003.

33. Authorize the City Manager to negotiate and execute an agreement with the Balcones Country Club Association (Club) and Mike Lucas, previous owner of Technology Hydraulics, Inc. regarding the Club's purchase of wastewater irrigation facilities owned by the City and regarding the provision of reuse water to the Club for the irrigation of its golf course. (No funding is required from the Fiscal Year 2002-2003 Operating Budget of the Water and Wastewater Utility. Funding in the amount of \$128,451 is included in the Water and Wastewater Utility's Proposed Fiscal Year 2003-04 Operating Budget.) (Recommended by Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute an agreement was approved.
34. Authorize the City Manager to negotiate and execute a cost reimbursement agreement with Manville Water Supply Corporation to allow the City to reimburse Manville Water Supply Corporation the incremental cost difference for upsizing a 16" water main to a 24" water main for an amount not to exceed \$360,000. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute a cost reimbursement agreement was approved.
35. Board and Commission Appointments
The following appointments were made.
- | <u>Board/
Appointee</u> | <u>Consensus/
Council Nominee</u> | <u>Appointment/
Reappointment</u> |
|---|---------------------------------------|---------------------------------------|
| <u>Environmental Board</u> | | |
| David Anderson | Mayor Wynn's | Reappointment |
| William Curra | Council Member McCracken's | Appointment |
| <u>Parks and Recreation Board</u> | | |
| Clint Small | Mayor Wynn's | Reappointment |
| <u>Saltillo District Redevelopment Project Community Advisory Group</u> | | |
| Rachel Mary Davila (local business rep) | Consensus | Appointment |
| John Limon (neighborhood/community rep) | Consensus | Appointment |
| Eddie Rodriguez (at-large rep) | Consensus | Appointment |
| Mark Rogers (financial/real estate finance/developer rep) | Consensus | Appointment |
| <u>Water & Wastewater Commission</u> | | |
| Karen Frieze | Council Member McCracken's | Appointment |

Items 36 and 37 were pulled for discussion

38. Approve an amendment to resolution no. 030612-77, to revise the membership provisions of the Saltillo District Redevelopment Project Community Advisory Group. (Council Member Daryl Slusher, Council Member Raul Alvarez and Council Member Danny Thomas)
Resolution No. 030807-38 was approved.

39. Approve a resolution appointing Council Member Daryl Slusher to serve as one of the City's two representatives on the Capital Metropolitan Transportation Authority Board of Directors for a two-year term to commence on September 16, 2003 (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Resolution No. 030807-39 was approved.
40. Set a public hearing to consider amendments to the residential site development regulations in Subchapter (D) of Chapter 25-2 (Neighborhood Plan Combining District) of the City Code relating to garage placement, parking placement, front setback averaging, and extensions into the front setback. (Suggested date and time: August 14, 2003, 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (Recommended by the Planning Commission, with an amendment to add an additional option.)
The public hearing was set for August 14, 2003, 6:00 p.m., Lower Colorado River Authority, Hancock Building.
41. Set a public hearing to receive public comment on the proposed rate and fee increases for the Drainage Fee of the Watershed Protection Department as part of the 2003-2004 Proposed Budget. (Suggested date and time: August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
42. Set a public hearing to receive public comment on the proposed revisions to the Electric Fee Schedule for Austin Energy, the Electric Utility Department, as part of the 2003-2004 Proposed Budget. (Suggested date and time: August 14, 2003 at 6:00 PM, Lower Colorado River Authority, Hancock Building)
The public hearing was set for August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

DISCUSSION ITEMS

26. Authorize negotiation and execution of three five-year service agreements with LOVE TENNIS COMPANY, Austin, TX for Caswell Tennis Center; TEJAS TENNIS CO., Austin, TX for South Austin Tennis Center; and with YANEZ TENNIS CONSULTANTS (WBE), Austin, TX for Pharr Tennis Center, for tennis pro management services in an amount not to exceed \$180,000 per agreement, with two 12-month extension options in an amount not to exceed \$36,000 per extension option, per agreement, for a total amount not to exceed \$252,000 per agreement. (Funding in the amount of \$27,000 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining 57 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposals 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, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of three service agreements was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.
30. Authorize negotiation and execution of a 12-month service agreement with TEXAS LEGAL PROTECTION PLAN, Austin, TX for prepaid legal services for City employees in an amount not to exceed \$445,000, two 12-month extension options in an amount not to exceed \$534,000 for the first extension option and \$641,000 for the second extension option, for a total agreement

amount not to exceed \$1,620,000. (Funding in the amount \$333,750 will be included in the 2003-2004 Proposed Operating Budget of the Employee Benefits Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Costs are funded solely through contributions of employees who elect to participate.) Best proposal of two proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

This item was postponed until August 14, 2003 on Council Member Thomas's motion, Mayor Wynn's second on a 7-0.

CITIZEN COMMUNICATIONS: GENERAL

Flo Gabriel - Street Flooding. **She was not present when name her name was called.**

John Remington - Car on lawns at Windy Tr.

Pat Valls Trelles - No Topic **She was not present when name her was called**

Daniel Llanes - "Keepers of Roy Guerrero Colorado River Park"

Ramon Maldonado Elconcilio - Holly

Susana Almanza - "Keepers of Roy Guerrero Colorado River Park"

Sylvia Herrera - Nahui Ollin - Healthy Communities Clean Air, Close Holly Power Plant

Robert L. Thomas - To discuss the park directorship and building and employment for athletes at the Rosewood Recreation Center

Grace Lehto - Flood Plain Jockey

Jon Empey - FEMA Hazard Mapping

Mayor Wynn recessed the Council Meeting at 12:41 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

43. Discuss legal issues related to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program.

Real Property - Section 551.072

44. Discuss potential for redevelopment of real property in the downtown area for municipal and other governmental purposes.
This item was postponed.

Executive Session ended at 2:00 p.m.

Mayor Wynn called the Council Meeting back to order at 2:02 p.m.

Budget Briefings

45. Presentation of the Proposed Fiscal Year 2003-2004 Budgets of the Public Safety Departments, including Emergency Medical Services, Austin Fire Department and Austin Police Department.
The presentation was made by Toby Hammett Futrell, City Manager; Laura Huffman, Assistant City Manager; Stanley Knee, Chief of Police; Richard Herrington, EMS Director; Dr. Rock (EMS); and Gary Warren, Fire Chief.

ZONING CONSENT ITEMS

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 Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.

46. C14-02-0198 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7001 Burleson Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services-planned development area (LI-PDA) combining district zoning. First reading March 20, 2003. Vote: (7-0). Conditions met as follows: Ordinance incorporates the conditions imposed by Council on first ordinance reading. Garfield Partners, L.P. (Vaughn Brock). Agent: Brock Consulting Group, Inc. (Linda Curfs). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030807-46 for limited industrial services planned development area (LI-PDA) combining district zoning was approved.
47. C14-03-0084 - Altus - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4801 South Congress Avenue (Williamson Creek Watershed) from general commercial services (CS) district zoning and family residence (SF-3) district zoning to multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning. First reading July 31, 2003. Vote: (7-0). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Sam Mikhail. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030807-47 for multi-family residence medium density conditional overlay (MF-3-CO) combining district zoning was approved.

ZONING CONSENT ITEMS CONTINUED

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 approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote.

- Z- 1 C14-03-0043 - Craven Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11004 F.M. 2222 (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Melba Craven. Agent: Graves, Dougherty and Hearon (David Hartman). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance for community commercial conditional overlay (GR-CO) combining district zoning was approved.
- Z- 2 C14-03-0073 - Troutman Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11112 F.M. 2222 (Bull Creek Watershed) from single family residence standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Sylvia Cowan Troutman. Agent: Graves, Dougherty and Hearon (David Hartman). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z- 3 C14-03-0082 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8400 Brodie Lane (Williamson Creek Watershed -Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: CalTex Holdings, Inc. (Carroll LaBorde). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
The first reading of the ordinance for neighborhood commercial conditional overlay (LR-CO) combining district zoning was approved.

ZONING DISCUSSION ITEM

- Z- 4 C14H-03-0010 - DeWITT C. GREER HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2508 Jarratt Avenue (Shoal Creek Watershed) from SF-3, family residence, to SF-3-H, family residence - historic combining district. Zoning and Platting Commission recommendation: To deny SF-3-H, family residence-historic combining district zoning. Historic Landmark Commission recommendation: To grant SF-3-H, family residence - historic combining district. Applicant: Historic Landmark Commission. Property Owner: Jim and Lori Johnson. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

The motion to deny historic zoning was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

36. Approve an ordinance amending Chapter 2-2 of the Code relating to council actions, meeting procedures, public hearings and appeals. (Council approved first reading on July 17, 2003.) (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley) **Ordinance No. 030807-36 was approved as amended below on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.**

The following friendly amendments from Council Member Alvarez were accepted by the maker of the motion and Council Member Dunkerley who made the second.

- **Section 2-2-25(B)(4) will read, "an item for which two or more council members intend to register a negative vote."**
- **Section 2-2-26(B)(3) will read, "on administrative matters or due to exigent circumstances on other matters, the city manager determines that the back-up material accompanying the item is sufficient to provide the council with a full explanation of the item."**
- **Section 2-2-28(D) will read, "A person who signs up to speak at general citizen communication and fails to appear to speak for two consecutive meetings is barred from registering to speak during general citizen communication for the next two council meetings."**
- **Section 2-2-29(E)(2) was deleted from the proposed ordinance.**
- **Section 2-2-42(B) will read, "A person who registers before the public hearing is closed may speak at the time provided in Subsection (C)."**
- **Section 2-2-42(E) will read, "The president officer may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section."**

The following friendly amendment was not accepted by the maker of the motion:

Section 2-2-29(G) should be deleted because it conflicts with 2-2-41(E). Council Member Alvarez withdrew this amendment.

The substitute motion to amend section 2-2-29(G) to read as follows, "Except as required by state law, the council may, on approval of five members of council, limit the number of speakers or the length of testimony. If the council limits testimony under this subsection, the registration card of each non-speaking person shall be made part of the public hearing record," failed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 4 to 3 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez and Slusher. Those voting nay were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas.

The following friendly amendments from Mayor Pro Tem Goodman were accepted by the maker of the motion and Council Member Dunkerley who made the second.

2-2-26(A) will read, "The city manager shall:"

2-2-63 will read, "Initiating an Appeal. Except as otherwise provided in the Code, an interested party may initiate an appeal by filing a notice of appeal, including the basis of the appeal, with the city manager not later than:"

The following requests from staff for a change were accepted by the maker of the motion and Council Member Dunkerley who made the second.

Section 2-2-29(A) will read, "A person who intends to testify at a council meeting on an agenda item or at a public hearing shall deliver a registration card to the city clerk on the form prescribed by the city clerk.

Section 2-2-29(B) will read, "The person may deliver the card to the city clerk at any time after the city clerk posts the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify."

The Law Department was directed to prepare a "tip" sheet for citizens explaining the different types of actions Council takes and the number of votes required. The sheet should include ordinances, contracts, public hearings, franchise, annexations and zoning.

37. Discussion and possible action on a resolution regarding the Patriot Act. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Danny Thomas)
This item was postponed to 10:00 a.m. on August 14, 2003 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:42 p.m.

LIVE MUSIC

Kathy Smock

PROCLAMATIONS

Recognition - Dorothy Turner and Velma Roberts - to be presented by Council Member Danny Thomas and to be accepted by Mrs. Turner

Distinguished Service Award -- Iris Jones - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award -- Martha Peters - to be presented by Mayor Will Wynn and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:21 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

49. Conduct a public hearing for the full purpose annexation of the Motorola PDA Area (Approximately 245 acres located in Travis and Williamson County on the east side of Parmer Lane extending south from the intersection of Parmer Lane and Anderson Mill Road to the intersection of Parmer Lane and McNeil Drive, including Parmer Lane right-of-way).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 5-0 vote Council Members Alvarez and Thomas were off the dais.

50. Conduct a public hearing on the full purpose annexation of the Lexington Parke area (approximately 216 acres) located in Travis County north of Pearce Lane, approximately three-quarters of a mile east of the intersection of Pearce Lane and FM 973.
The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Members Alvarez and Thomas were off the dais.
51. Conduct a public hearing and consider a variance request to waive dedication of the 100-year floodplain of Lake Austin as drainage easement in the Gros Subdivision at 4106 Sandy Acre Lane.
The public hearing was closed and Ordinance No. 030807-51 recommending staff recommendation was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.
48. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2003-2004 proposed budget including Emergency Medical Services, the Austin Police Department and the Austin Fire Department.
The public hearing was closed on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to adjourn the meeting at 9:30 p.m. was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the meeting of August 7, 2003 were approved on this the 14 day of August, 2003 on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.