



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MAY 22, 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, May 22, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Sharon Bryant, Austin Presbyterian Theological Seminary

Mayor Garcia called the Council Meeting to order at 12:07 p.m.

Mayor Garcia recessed the meeting at 12:11 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 concerning proposed legislation in the 78th Legislature, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, land use and development law, signs, and the jurisdiction of municipal courts.
2. Discuss legal issues related to *Michael King, et al. v. City of Austin, Texas*, Cause Number 96-08899 in the 353rd Judicial District Court of Travis County Texas. [Concerns police officers' claim for back wages, lost step increases, etc., based upon time spent as a cadet]. (Related Item 17)
3. Discuss legal issues related to *Michael King, Individually and on behalf of all affected Police Officers Employed by the City of Austin, Texas v. City of Austin, Texas*, Cause No. GN100452 in the 345th Judicial District Court of Travis County, Texas. (concerns bilingual and assignment pay for police officers). (Related Item 16)
4. Discuss legal issues related to *Hyde Park Baptist Church v. The City of Austin, Defendant, and Hyde Park Neighborhood Association, Defendant Intervenor*, Cause Number GN202015, in the 98th Judicial District Court of Travis County, Texas. (Concerns the church's construction of a parking garage near 39th Street and Avenue D).

Public Power Utility Competitive Matters - Section 551.086

5. Discuss proposed energy risk management program for Austin Energy. (Related Items 8, 9)
This item was removed from the agenda.

Executive Session ended at 1:40 p.m.

Mayor Garcia called the Council Meeting back to order at 1:44 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Jimmy Castro - Children's Miracle Network Celebration.
- Thomas Ibis - Avery Ranch. **Not present when name was called.**
- Susana Almanza - Close the Holly Power Plant. Relocate hazardous polluting industries from East Austin. Save the Children. No more environmental racism.
- Sylvia Herrera - Nahui Ollin. Healthy Communities. Air Quality in East Austin. Close the Holly Power Plant. Clean Air for All of Austin.
- Judy Leary - "Panhandling", "Signing", "Flagging" RE: Future Ordinance that may come to Austin because of other cities' influence to pass Ordinances in their jurisdiction.

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 Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

6. Approval of minutes from work session of May 14, 2003, the regular meeting of May 15, 2003 and amendment to regular meeting of May 8, 2003.
The minutes from the work session of May 14, 2003 and the regular meeting of May 15, 2003 and amendment to regular meeting of May 8, 2003 were approved.

Item 7 was set for a time certain of 2:00 p.m.

8. Approve a resolution adopting Austin Energy's Policy for Energy Risk Management; delegating to the City Manager or her designee the authority to implement and oversee compliance with Austin Energy's Policy for Energy Risk Management through a Risk Oversight Committee; and delegating to the City Manager or her designee the authority to enter into hedging contracts, related security and insurance agreements, and such other agreements as may be necessary. (Recommended by the Electric Utility Commission) (Related Item 9)
Resolution No. 030522-8 was approved, with the following friendly amendment, from Council Member Dunkerley. Add a new section after the paragraph entitled "Policy" in the Austin Energy's Policy for Risk Management document to read as follows: "Austin Energy will periodically review the program's effectiveness and adherence to the policies as well as adherence to internal controls through the use of an outside consultant knowledgeable in this process and with the instruments that are used in the Hedging Program." This was accepted by the maker of the motion and Council Member Thomas, who seconded the motion.
9. Approve a resolution to authorize negotiation and execution of (1) brokerage agreements for Austin Energy's purchase or sale, for hedging purposes, of financial contracts traded on regulated commodity exchanges; and (2) ISDA (International Swaps and Derivatives Association, Inc.) master agreements for over-the-counter hedging transactions, along with related security and insurance agreements with qualified brokerage firms, financial institutions, investment banks, and other appropriate counter-parties in the financial, energy and natural gas industries in an

aggregate amount of expenditures not to exceed \$25,000,000, to implement a pilot hedging program as authorized by the related Resolution and Policy for Energy Risk Management adopted by the City Council. (Funding in the amount of \$25,000,000 for related expenses associated with the purchase and sale of financial hedging instruments for fuel and power under the Risk Management Program will be provided through the Electric Fuel Charge revenue.) (Recommended by the Electric Utility Commission) (Related Item 8)

Resolution No. 030522-9 was approved.

10. Approve an Ordinance amending Exhibit A to Ordinance No. 020910-04 authorizing fees, fines, and charges to be charged by City Departments, to amend the Electric Rate Schedule Fuel Adjustment Clause. (Funding for related expenses associated with the purchase and sale of financial hedging instruments for fuel and power under the Risk Management Program will be provided through the Electric Fuel Charge revenue.) (Recommended by the Electric Utility Commission)

Ordinance No. 030522-10 was approved.

11. Authorize amendments to the Austin Convention & Visitors Bureau (ACVB) Bylaws. (Recommended by ACVB Board of Directors.)

This item was postponed indefinitely.

12. Authorize execution of a construction contract with PORT ENTERPRISES, LTD., Manchaca, TX, for the Fleet Services Administration reroofing project in an amount not to exceed \$48,893. (Funding is available in the 2002-2003 Capital Budget of the Fleet Services Division, Financial & Administrative Services Department.) Low bid of two 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 construction contract was approved.

Item 13 was pulled for discussion.

14. Authorize execution of 10-month contracts for HIV-related services with AIDS SERVICES OF AUSTIN, Austin, TX, in an amount not to exceed \$675,303; ALLGO, INC., Austin, TX, in an amount not to exceed \$138,992; AUSTIN-TRAVIS COUNTY MHMR C.A.R.E., Austin, TX, in an amount not to exceed \$343,488; INTERFAITH CARE ALLIANCE, Austin, TX, in an amount not to exceed \$145,425; PROJECT TRANSITIONS, INC., Austin, TX, in an amount not to exceed \$126,603; and THE WRIGHT HOUSE WELLNESS CENTER, Austin, TX, in an amount not to exceed \$330,641. (Funding in the amount of \$1,760,452 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White CARE Act Title I HIV Emergency Relief Grant. Grant period is March 1, 2003 through February 29, 2004. Contract period is May 1, 2003 through February 29, 2004. No match is required.) (Recommended by Austin Area Comprehensive HIV Planning Council.)

The motion authorizing the execution of contracts for HIV-related services was approved.

Item 15 was pulled for discussion.

16. Authorize execution of an amendment to the legal services contract with Scott, Douglass & McConnico, L.L.P., Austin, Texas, for representation in Michael King, Individually and on behalf of all affected Police Officers Employed by the City of Austin, Texas v. City of Austin, Texas, Cause No. GN100452; in the 345th Judicial District Court of Travis County, Texas, for an increase of \$58,000, with a total contract amount not to exceed \$150,000. (\$58,000: Funding is available in the 2002-2003 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 3)

The motion authorizing the execution of an amendment to the legal services contract was approved.

17. Approve outside counsel contract with Scott, Douglass & McConnico, L.L.P., Austin, Texas, for legal representation, advice and counsel regarding Michael King, et al. v. City of Austin, Texas, Cause No. 96-08899; in the 353th Judicial District Court of Travis County, Texas, (concerns police officers' claim for back wages, lost step increases, etc., based upon time spent as a cadet) in an amount not to exceed \$50,000. (\$50,000: Funding is available in the 2002-2003 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 2)

The motion authorizing the outside counsel contract was approved.

18. C14-02-0164 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Southwest Parkway at Travis Cook Road and Old Bee Caves Road at Bell Drive (Barton Creek and Williamson Creek Watersheds-Barton Springs Zone) from rural residence (RR) district zoning and development reserve (DR) district zoning to multi-family residence limited density-conditional overlay (MF-1-CO) combining district zoning. First reading March 20, 2003. Vote: 5-1, Slusher nay. Second reading on April 24, 2003. Vote: 4-2, Goodman and Slusher nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Lamar Mathis, Esther B. Martinez and Earl Tipton. Agent: Urban Design Group (Laura Toups). City Staff: Annick Beaudet, 974-2975.

This item was postponed to June 5, 2003.

19. C14-02-0067 - Fairview Park Neighborhood Conservation Combining District Rezoning- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as east of South Congress Avenue, south of East Riverside Drive and East Bouldin Creek, north of East Monroe Street and west of Alameda Drive, Sunset Lane and Eastside Drive (Blunn Creek, East Bouldin Creek, and Town Lake Watersheds) from family residence (SF-3) district zoning; family residence-conditional overlay (SF-3-CO) combining district zoning; multifamily residence-low density (MF-2) district zoning; multifamily residence-low density-historic (MF-2-H) combining district zoning; multifamily residence-low density-neighborhood conservation (MF-2-NCCD) combining district zoning; multifamily residence-medium density (MF-3) district zoning; multifamily residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning; multifamily residence-moderate-high density (MF-4) district zoning; multi-family residence-moderate-high density-historic (MF-4-H) combining district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; to: family residence-neighborhood conservation (SF-3-NCCD) combining district zoning; family residence-conditional overlay-neighborhood conservation (SF-3-CO-NCCD) combining district zoning; multifamily residence-low density-neighborhood conservation (MF-2-NCCD) combining district zoning; multifamily residence-low density-historic-neighborhood conservation (MF-2-H-NCCD) combining district zoning; multifamily residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning; multifamily residence-medium density-historic-neighborhood conservation (MF-3-H-NCCD) combining district zoning; multifamily residence-moderate-high density-neighborhood conservation (MF-4-NCCD) combining district zoning; multifamily residence-moderate-high density-historic (MF-4-H-NCCD) combining district zoning; commercial services-neighborhood conservation (CS-NCCD) combining district zoning; commercial liquor sales-neighborhood conservation (CS-1-NCCD) combining district zoning. First reading on January 30, 2003. Vote: 7-0 on four separate motions. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057. Note: Three valid petitions have been filed in opposition to this rezoning request.

This item was postponed to June 12, 2003.

20. C14-02-0067.01 - Fairview Park Neighborhood Conservation Combining District Rezoning-Tract 54 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Hillside Avenue (Blunn Creek, East Bouldin Creek and Town Lake Watersheds) from multifamily residence medium density-neighborhood conservation (MF-3-NCCD) combining district zoning to family residence-neighborhood conservation (SF-3-NCCD) combining district zoning. First reading on January 30, 2003. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Gager, 974-3057.
This item was postponed to June 12, 2003.
21. Approve an agreement to accept a gift of \$480,000 from The Junior League of Austin, Inc., to the Town Lake Park Project, for design development and construction of the Town Lake Park Children's Garden, to be named "The Junior League of Austin Spiral Garden". (Funding in the amount of \$480,000 is being provided by the Junior League of Austin, Inc.) (Recommended by the Art in Public Places Panel and the Austin Arts Commission.) (Related Item 22)
The motion authorizing an agreement to accept a gift of \$480,000 was approved.
22. Amend Ordinance No. 020909-02, the 2002-2003 Capital Budget of the Parks and Recreation Department by appropriating \$480,000 from The Junior League of Austin, Inc., to the Town Lake Park Project, for design development and construction of the Town Lake Park Children's Garden, to be named "The Junior League of Austin Spiral Garden." (Funding in the amount of \$480,000 will be received from The Junior League of Austin, Inc.) (Related Item 21)
Ordinance No. 030522-22 was approved.
23. Approve negotiation and execution of a Parkland Improvement and Use Agreement with the Austin Men's Soccer Association (AMSA) to allow the AMSA to construct, maintain and use the South Austin Soccer Complex located at 5400-6300 East William Cannon Drive.
The motion authorizing the negotiation and execution of a Parkland Improvement and Use Agreement was approved.
24. Approve execution of a contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 27.98%) Austin, TX for construction of the Patterson Park Playscape Improvements, in an amount not to exceed \$113,921.00 (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Parks and Recreation Department.) Lowest bid of 5 bids received 0% MBE, 3.54 % WBE, Subcontracting Participation
The motion authorizing the execution of a contract was approved.
25. Authorize execution of a construction contract with JAMES HARPER CONSTRUCTION CO., INC., (MBE/MB 85.05%), Austin, TX, for the Convention Center Garage / Energy District Cooling Plant Site Work Bid Package, in an amount not to exceed \$56,337.27. (Funding in the amount of \$28,168.64 is included in the Fiscal Year 2002-2003 Capital Budget of the Austin Convention Center and \$28,168.63 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility) Lowest of six bids received. 8.56% MBE and 6.39% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

26. Authorize execution of a construction contract with SPAW-GLASS CONTRACTORS, INC., Austin, TX, for the North Service Center, located at 10414 McKalla Place, in an amount not to exceed \$14,377,000. (Funding in the amount of \$11,112,085 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Water & Wastewater Utility; and \$3,264,915 is available in the Fiscal Year 2002-2003 Capital Budget of the Fleet Services Division, Financial & Administrative Services Department.) Second lowest of four bids received. 16.91% MBE and 23.46% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

27. Authorize negotiation and execution of an agreement with AUSTIN GERIATRIC CENTER, INC., Austin, TX, for a twelve-month lease renewal of 6,600 square feet of dental clinic space located at 21 Waller Street, for the Community Care Services Department, in an amount not to exceed \$87,788.65. (Funding in the amount of \$21,374.10 is available in the 2002-2003 Operating Budget of the Community Care Services Department. Funding for the remaining amount is contingent upon availability of future budgets.)

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

Item 28 was pulled for discussion.

29. Authorize negotiation and execution of a professional services agreement with DAVCAR ENGINEERING SERVICES (50% MH), Austin, TX; THE ARIZPE GROUP (76.5% MH), Austin, TX; URBAN DESIGN GROUP (68% WBE), Austin, TX; CLAUNCH & MILLER, INC., Austin, TX; I.T. GONZALEZ ENGINEERS (74.7%-78.7% MH), Austin, TX; HVJ ASSOCIATES, INC. (50% MH), Austin, TX; S&B INFRASTRUCTURE, LTD, Austin, TX; DANNENBAUM ENGINEERING CORPORATION, Austin, TX; URS CORPORATION, Austin, TX; BROWN AND CALDWELL, INC., Austin, TX; ENCOTECH ENGINEERING CONSULTANTS, INC. (48.1% MA), Austin, TX; CHARLES D. GOODEN CONSULTING ENGINEERS, INC. (69.8% MB), Houston, TX; ESPEY CONSULTANTS, INC., Austin, TX; JOSE I. GUERRA, INC. (59% MH), Austin, TX; HEJL, LEE & ASSOCIATES, INC. (41% MA), Austin, TX; HALFF ASSOCIATES, INC., Austin, TX; CH2M HILL, INC., Austin, TX; FREESE & NICHOLS, INC., Austin, TX; CARTER & BURGESS, INC., Austin, TX; JASTER-QUINTANILLA & ASSOCIATES, INC. (57% MH), Austin, TX; KLOTZ ASSOCIATES, INC., Austin, TX; EARTH TECH, INC., Austin, TX; CFX, L.P. (81.3% WBE), Austin, TX; and NAISMITH ENGINEERING, INC., Austin, TX, for general civil engineering services projects for a period of two years or until financial authorization is expended, each agreement in an amount not to exceed \$7,800,000 with a total amount of the twenty-four agreements not to exceed \$7,800,000. (Funding is available in the Fiscal Year 2002-2003 Approved Capital budgets and/or Operating and Maintenance budgets of the various departments for which services are needed.) Best qualification statements out of sixty-seven proposals. Davcar Engineering Services (21% MBE, 21% WBE); The Arizpe Group (2.8% MBE, 18.2% WBE); Urban Design Group (8.7% MBE, unknown% WBE); Claunch & Miller (8.7% MBE, 18.2% WBE); I.T. Gonzalez Engineers (3.1-6.0% MBE, 18.2% WBE); HVJ Associates (48% MBE, 19% WBE); S&B Infrastructure, Ltd. (11.5% MBE, 20% WBE); Dannenbaum Engineering (8.7% MBE, 18.2% WBE); URS Corporation (35% MBE, 20% WBE); Brown & Caldwell (11% MBE, 18.5% WBE); Encotech Engineering Consultants (8.7% MBE, 18.2% WBE); Charles D. Gooden Consulting Engineers (10% MBE, 18.2% WBE); Espey Consultants (8.7% MBE, 18.2% WBE); Jose I. Guerra (2.8% MBE, 18.2% WBE); Hejl, Lee & Associates (13% MBE, 20% WBE); Halff Associates (8.7% MBE, 18.2% WBE); CH2M Hill (11.5%-22% MBE, 18.2%-27% WBE); Freese And Nichols (28% MBE, 22% WBE); Carter & Burgess (13% MBE, 18.2% WBE); Jaster-Quintanilla & Associates (8% MBE, 24% WBE); Klotz Associates (22.8% MBE, 18.2% WBE); Earth Tech (8.7% MBE, 18.2% WBE); CFX, L.P. (16.7% MBE, 2% WBE); Naismith Engineering (8.7%-10.2% MBE, 18.2%-19% WBE) subconsultant participation.

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

30. Authorize negotiation and execution of an amendment to the professional services agreement with WILBUR SMITH ASSOCIATES, Houston, TX, for engineering services related to the downtown alignment of the Lance Armstrong Bikeway Project (formerly the Crosstown Bikeway), in the amount of \$228,061.62 for a total contract amount not to exceed \$754,417.80. (Funding in the amount of \$228,061.62 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) 51.89% DBE subconsultant participation.

This item was postponed to June 5, 2003.

31. Approve execution of an interlocal agreement with Capital Metropolitan Transportation Authority, Austin, TX, for the City to provide energy efficiency consulting assistance including identifying and recommending conservation measures, calculating energy savings, and assisting with applicable utility rebates for electrical energy efficiency projects in its facilities. Interlocal (Recommended by Resource Management Commission)

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

32. Authorize execution of a 5-year contract with KINDER MORGAN SOUTH PIPELINE L.P., Houston, TX, for natural gas transportation and storage services in an amount not to exceed \$29,600,000, with an option to extend for up to one 5-year period in an amount not to exceed \$21,200,000, for a total contract amount not to exceed \$50,800,000. (Funding in the amount of \$29,600,000 will be provided through the Electric Fuel Charge revenue during the initial 5-year period beginning with Fiscal Year 2004. Funding for the 5-year option period will be contingent upon available revenue.) Sole Source. 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 contract was approved.

33. Authorize execution of Amendment No. 3 to increase the agreement with CREDIT SYSTEMS INTERNATIONAL, INC., Ft. Worth, TX for the collection of delinquent utility service accounts in an amount not to exceed \$732,480 for the current contract period and \$1,232,480 for the final extension option, for a total agreement amount not to exceed \$5,035,040. (Funding in the amount of \$732,480 is available in the Fiscal Year 2002-2003 Amended Operating Budget for the Electric Utility Department. Funding for the extension option 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.

The motion authorizing the execution of Amendment No. 3 to increase the agreement was approved.

34. Authorize execution of a contract with PRIESTER-MELL & NICHOLSON, INC., Austin, TX for electric transmission line conductor in an amount not to exceed \$158,480.10. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Low bidder of eight bids 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 contract was approved.

35. Authorize execution of 12-month supply agreements with PRIESTER-MELL & NICHOLSON, INC., Austin, TX in an amount not to exceed \$1,161,852.80, with three 12-month extension options in an amount not to exceed \$1,161,852.80 per extension option, for a total agreement

amount not to exceed \$4,647,411.20; POWER SUPPLY, INC., Austin, TX in an amount not to exceed \$226,154.40, with three 12-month extension options in an amount not to exceed \$226,154.40 per extension option, for a total agreement amount not to exceed \$904,617.60; TECHLINE, INC., Austin, TX, in an amount not to exceed \$51,008, with three 12-month extension options in an amount not to exceed \$51,008 per extension option, for a total agreement amount not to exceed \$204,032; PRIESTER SUPPLY CO., Austin, TX in an amount not to exceed \$57,594, with three 12-month extension options in an amount not to exceed \$57,594 per extension option, for a total agreement amount not to exceed \$230,376; GENERAL ELECTRIC SUPPLY CO., Austin, TX in an amount not to exceed \$62,400, with three 12-month extension options in an amount not to exceed \$62,400 per extension option, for a total agreement amount not to exceed \$249,600; and with TEXAS METER & DEVICE CO., Round Rock, TX in an amount not to exceed \$84,564 with three 12-month extension options in an amount not to exceed \$84,564 per extension option, for a total agreement amount not to exceed \$338,256 for electric meters, meter sockets and metering transformers (Funding in the amount of \$547,857.73 is available in the Fiscal Year 2002-2003 Operating Budget of the Electric Utility Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) 1st and 2nd low bidders of 10 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 supply agreements was approved.

36. Authorize execution of Amendment No. 4 to the contract with U.S. SECURITY ASSOCIATES INC., dba ADVANCE SECURITY, Austin, TX for unarmed security guard services in an amount not to exceed \$979,000 for a revised total agreement amount not to exceed \$3,441,884. (Funding in the amount of \$979,000 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the final extension is contingent upon available funding in future budgets.) This contract was awarded in accordance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore, no goals were established. **The motion authorizing the execution of Amendment No. 4 to the contract was approved.**

37. Authorize execution of a contract with T. MORALES, LLC, Florence, TX (MBE/FH-100%) for twenty-two Venturi flow meters in an amount not to exceed \$186,200. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility Department.) Low bid meeting specifications 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 contract was approved.

38. Authorize execution of a 12-month service agreement with RED AND WHITE GREENERY, Georgetown, TX for ground maintenance services at Walnut Creek Wastewater Treatment Plant in an amount not to exceed \$46,000, with two 12-month extension options in an amount not to exceed \$46,000 per extension option, for a total agreement amount not to exceed \$138,000. (Funding in the amount of \$15,334 is available in the Fiscal Year 2002-2003 Operating Budget for the Water and Wastewater Utility. Funding for the remaining eight 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 service agreement was approved.

39. Authorize execution of a 12-month service agreement with HOLT CAT, Austin, TX for rental of a self-loading scraper for the Solid Waste Services Department in an amount not to exceed \$126,920, with two 12-month extension options in an amount not to exceed \$124,920 per extension, for a total agreement amount not to exceed \$376,760. (Funding in the amount of \$ 52,883 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Solid Waste Services Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Only bid 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.
40. Authorize execution of a 12-month service agreement with COTTMAN TRANSMISSION, Georgetown, TX for rebuilt automatic transmissions and installation services for the Fleet Services Division in an amount not to exceed \$175,000, with three, 12 -month extension options in an amount not to exceed \$175,000 per extension, for a total agreement amount not to exceed \$700,000. (Funding in the amount of \$58,333 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six 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.
The motion authorizing the execution of a service agreement was approved.
41. Authorize execution of a contract with PRESSURE ISLAND, Plano, TX, for a drive-on vehicle washing system for Fleet Service Center No. 6 in an amount not to exceed \$48,495. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Financial and Administrative Services Department, Fleet Services Division.) Sole bid 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.
The motion authorizing the execution of a contract was approved.
42. Authorize negotiation and execution of a 12-month service agreement with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, for maintenance and support of the Austin Mobile Data Radio Communication System including Mobile Data Terminals (MDT's) and Mobile Data Computers (MDC's) installed in police and emergency vehicles in an amount not to exceed \$108,446 with four 12-month extension options in an amount not to exceed \$159,625.36 for the first extension option, \$184,873.13 for the second extension option, \$334,487.73 for the third extension option and \$360,955.92 for the fourth extension option for a total agreement amount not to exceed \$1,148,338.14. (Funding in the amount of \$36,148.66 is available in the Fiscal Year 2002-2003 Operating Budget for the Austin Police Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. 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.
43. Authorize execution of a 12-month supply agreement with THE STRONG GROUP, INC., Hewlett, NY for wildland fire fighting jackets for the Austin Fire Department in an amount not to exceed \$55,578.20, with two 12-month extension options in an amount not to exceed \$9,218.70 for the first extension option and \$10,285.70 for the second extension option, for a total agreement amount not to exceed \$75,082.60 (Funding in the amount of \$55,578.20, is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Austin Fire Department through

the Assistance to Firefighters Grant provided by the Federal Emergency Management Agency. Funding for the extension options is contingent upon available funding in future budgets.) Low bid meeting specifications of 15 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.

Item 44 was pulled for discussion.

45. Approve an ordinance amending City Code Chapter 8-17 to allow on-street valet parking operations outside the Central Business District. (Recommended by Urban Transportation Commission)

Ordinance No. 030522-45 was approved.

46. C14H-02-0021 - Hyde Park Branch A&P Store - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 3810 Speedway (Waller Creek Watershed) from MF-4-NCCD, Multi-Family Residence-Moderate-High Density, Neighborhood Conservation Combining District, to MF-4-H-NCCD, Multi-Family Residence-Moderate-High Density-Historic Neighborhood Conservation Combining district, zoning. Historic Landmark Commission Recommendation: To grant MF-4-H-NCCD Multi-Family Residence-Moderate-High Density-Historic Neighborhood Conservation Combining district, zoning. (Recommended by Historic Landmark Commission and Planning Commission to grant MF-4-H-NCCD.)

This item was postponed to June 5, 2003.

47. Approve an ordinance repealing and replacing Section 16-4-32 of the City Code relating to streets with a maximum speed limit of 35 mph for the following streets: (a) Payton Gin Road from North Lamar Blvd., to U.S. Hwy. 183 East Service Road; (b) Stonelake Boulevard from U.S. 183 East Service Road to Capital of Texas Highway; and (c) St. Johns Avenue (E/W) from Lamar Boulevard (N) to Berkman Drive. (Funding in the amount of \$600 is available in the Fiscal Year 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department for installation of appropriate speed limit signs.)

Ordinance No. 030522-47 was approved.

48. Approve an ordinance repealing Section 16-4-34 (45) to remove Little Texas Lane, from South Congress Avenue to IH 35 West Service Road, from the list of streets having a maximum speed limit of 45 m.p.h.

Ordinance No. 030522-48 was approved.

49. Approve a resolution granting consent to the creation of Winfield MUDs 2, 3 and 4 subject to the following conditions: compliance with all City land use and permitting requirements, compliance with the MUD land use plan prior to zoning, dedication of ROW and utility easements, compliance with the requirements of Sec. 25-9-194 and 195 of the Land Development Code, and the requirements of Sec. 54.016(e) TWC. (Not recommended by Water and Wastewater Commission and Planning Commission (this was prior to finalization of the conditions of consent.))

This item was postponed indefinitely.

50. Approve a resolution authorizing the City Manager to enter into negotiations leading to a Strategic Partnership agreement with Winfield MUD 2.

This item was postponed indefinitely.

51. Board and Commission Appointments

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u> Brad Hughes	Consensus	Reappointment
<u>Downtown Commission</u> Jeb Boyt (Parks and Recreation Board Representative)	Consensus	Appointment

Item 52 was set for a time certain of 3:00 p.m.

Item 53 was pulled for discussion.

54. Approve an ordinance waiving and authorizing reimbursement of certain fees and requirements under Chapter 15-11 of the City Code and authorizing payment by the City of certain fees required under Chapter 15-11 of the City Code for Olivet Baptist Church's 75th Anniversary Community Festival to be held on May 24, 2003. (Council Member Danny Thomas, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Ordinance No. 030522-54 was approved.
55. Set public hearings for the full purpose annexation of Walnut Creek Municipal Annexation Plan Area (Approximately 315 acres located northwest of the intersection of Braker Lane and Dessau Road). (Suggested dates and times: June 5, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building, and June 9, 2003 at 6:30 p.m., Woodcliff Baptist Church, 11015 Dessau Road, Austin, TX).
The public hearings were set for June 5, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building and June 9, 2003 at 6:30 p.m., Woodcliff Baptist Church, 11015 Dessau Road, Austin, Texas.
56. Set a public hearing to consider a variance request to re-grade portions of 801 South Lamar Boulevard to modify the boundaries of the 25-year and 100-year floodplains for construction of a parking area and to allow approval of the site plan without dedication of drainage easement to the modified boundary of the 100-year floodplain. (Suggested date and time: June 5, 2003 at 6:00 p.m.)
The public hearing was set for June 5, 2003 at 6:00 p.m.

DISCUSSION ITEMS

7. Approve an ordinance authorizing the issuance of approximately \$62,585,000 City of Austin, Texas, Public Improvement Refunding Bonds, Series 2003, including approval and authorization of all related documents pertaining thereto. (Funding in the estimated debt service requirement amount of \$4,615,240 and \$600 estimated annual paying agent/registrar fee will be included in the Fiscal Year 2003-2004 Proposed Budget of the General Obligation Debt Service Fund.)
Ordinance No. 030522-7 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Mayor Garcia recessed the regular Council Meeting to go into Executive Session at 2:41 p.m.

EXECUTIVE SESSION

The Mayor announced that Council would discuss item number 44 on the regular agenda during Executive Session.

Executive Session ended at 3:19 p.m.

Mayor Garcia called the regular Council Meeting back to order at 3:20 p.m.

28. Authorize negotiation and execution of a professional services agreement with the following six firms: RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA 69.5%), Austin, TX; MARTINEZ, WRIGHT & MENDEZ, INC. (MBE/MH 55.0%-79.0%), Austin, TX; BAKER-AICKLEN & ASSOCIATES, INC., Austin, TX; WESTON SOLUTIONS, INC., Austin, TX; KURKJIAN ENGINEERING CORPORATION (WBE/TH 88.4%), Austin, TX; and PBS&J, INC., Austin, TX; for the water and wastewater annexation engineering rotation list, each agreement in an amount not to exceed \$4,500,000 with a total amount of the six agreements not to exceed \$4,500,000. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility. These services will be funded through various CIP Projects related to annexations.) Best of forty-four qualification statements received. Raymond Chan & Associates 10.0% MBE, 18.5% WBE; Martinez, Wright & Mendez, Inc. 2.8%-11.0% MBE, 18.2%-41.0% WBE; Baker-Aicklen & Associates 8.7% MBE, 18.2% WBE; Weston Solutions 9.1% MBE, 19.0% WBE; Kurkjian Engineering 16.0% MBE, Unknown% WBE; PBS&J, Inc. 8.7% MBE, 18.2% WBE. (Recommended by Water & Wastewater Commission.)

The professional services agreement was approved with the following amendment on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote. The amendment from Council Member Wynn was to replace the sentence in the above paragraph that reads, "These services will be funded through various CIP Projects related to annexations" with the following wording: "These services will be funded through various CIP Projects related to annexation areas including Walnut Creek, Anderson Mill and other annexed areas.)"

52. Consider amendments to Ordinance Number 030320-23 relating to the Neighborhood Plan Amendment Process.(Second and Third readings)(Council Member Betty Dunkerley and Mayor Gus Garcia)

The motion to approve the second reading of the ordinance, incorporating staff recommendations, was made by Council Member Dunkerley and seconded by Mayor Garcia.

Mayor Pro Tem Goodman offered the following friendly amendment, but it was not accepted by the maker of the motion. The friendly amendment was to add a provision to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area are opposed to the change would require an approval of at least five Council Members.

The following substitute motion failed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 2-5 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were Mayor Garcia and Council Members Dunkerley, Slusher, Thomas and Wynn. The substitute motion was to add a provision to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area are opposed to the change would require at approval of an least five Council Members

Council Member Slusher offered the following friendly amendment, but it was not accepted by the maker of the motion. The friendly amendment was to: 1) Add a provision to the ordinance to allow property owners the ability to file changes to the Neighborhood Plan twice a year, 2) Eliminate the provision allowing the Neighborhood Planning Team to submit an application for change at any time, and 3) Add a provision to require the

Neighborhood Planning Team to make a recommendation on any changes proposed prior to going to the Planning Commission for action.

The following substitute motion failed on Council Member Slusher's motion, Council Member Wynn's second on a 3-4 vote. Those voting aye were: Mayor Garcia and Council Members Slusher and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez, Dunkerley and Thomas. The motion was to: 1) Add a provision to the ordinance to allow property owners the ability to file changes to the Neighborhood Plan twice a year, 2) Eliminate the provision allowing the Neighborhood Planning Team to submit an application for change at any time, and 3) Add a provision to require the Neighborhood Planning Team to make a recommendation on any changes proposed prior to going to the Planning Commission for action.

The main motion to approve the second reading of the ordinance, incorporating staff recommendations, that was made by Council Member Dunkerley and seconded by Mayor Garcia passed on a 4-3 vote. Those voting aye were: Mayor Garcia and Council Member Dunkerley, Thomas and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez and Slusher.

53. Approve a resolution adopting the revised Capital Area Metropolitan Planning Organization Joint Powers Agreement. (Mayor Gus Garcia and Council Member Daryl Slusher)
The motion to postpone this item to June 5, 2003 was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

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 Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote.

- Z- 1 C14-03-0054 - Speedy Stop #216 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9105 U.S. Highway 290 East (Walnut Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Speedy Stop Food Stores, LTD. (Carlton La Beff). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030522-Z1 was approved.
- Z- 2 C14-03-0065 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4526 West Gate Boulevard (Williamson Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: 4526 Westgate, Ltd. (Lance Morris). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030522-Z2 was approved.

- Z- 3 C14-03-0002 - 9325 Burnet Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9325 Burnet Road (Little Walnut Creek Watershed) from LI, Limited Industrial Services district zoning to CS, General Commercial Services district zoning. Planning Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district zoning. Applicant: 9325, Inc. (Elliott Silverstone). Agent: Law Offices of Glenn K. Weichert (Glenn Weichert). City Staff: Sherri Gager, 974-3057.

This item was postponed to June 5, 2003 at the applicant's request.

DISCUSSION ITEM

13. Approve an Ordinance repealing and replacing Chapter 12-5 of the City Code relating to the local regulation of smoking in public places (Second reading).
The second reading of the ordinance was approved on Mayor Garcia's motion, Council Member Dunkerley's second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman, and Council Members Alvarez and Wynn. Those voting nay were: Mayor Garcia, Council Members Dunkerley, Slusher and Thomas.

Mayor Garcia recessed the regular Council Meeting at 5:40 p.m.

LIVE MUSIC

Corliss Overton

PROCLAMATIONS

Proclamation - Mary Lee Foundation 40th Anniversary - to be presented by Mayor Gus Garcia and to be accepted by Charlene Crump

Proclamation - Jet Relocation - to be presented by Mayor Gus Garcia and to be accepted by Col. William Heslep, Melissa Madole-Kopp, Helen Moran and Danny Kaiser

Certificates of Congratulations - River City Youth Foundation - to be presented by Council Member Raul Alvarez and to be accepted by Mona Gonzales

Proclamation - Flood Awareness Month - to be presented by Mayor Gus Garcia

Proclamation -- The Junior League of Austin Spiral Garden Day -- to be presented by Mayor Gus Garcia and to be accepted by Amy Dunham

Proclamation -- The Austin Men's Soccer Association Day -- to be presented by Council Member Will Wynn and to be accepted by Efrain Loayza

Mayor Garcia called the regular Council Meeting back to order at 6:53 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

60. Conduct a public hearing for the full purpose annexation of Dessau Road East Area (Approximately 16 acres located in Travis County east of Dessau Road and east of the intersection of Childress Drive and Dessau Road).
The public hearing was closed on Council Member Thomas' motion, Council Member Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.

57. Conduct a public hearing to receive citizen comments on proposed amendments to the City's federal annual Action Plan 2002-2003, including the transfer of \$240,141 in Community Development Block Grant (CDBG) funds from Homeownership Development to Public Facilities and Commercial Revitalization programs. (Funding is available from the Homeownership Development program.)
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 6-0 vote. Council Member Alvarez was off the dais.
58. Conduct a public hearing to receive citizen comments on amendments to the Consolidated Plan 2000-2005 goals and priorities.
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 6-0 vote. Council Member Alvarez was off the dais.
59. Conduct a public hearing to receive citizen comments on (1) the annual Action Plan 2003-2004, required by the U.S. Department of Housing and Urban Development (HUD); (2) Texas Local Government Code Chapter 373 Community Development Program that includes proposed funding allocations for Fiscal Year 2003-2004. (The Community Development Commission (CDC) has received citizen input.)
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 6-0 vote. Council Member Alvarez was off the dais.
61. Conduct a public hearing to consider a request for a waiver from Ordinance No. 030227-28, which establishes a moratorium on the issuance of building permits for the construction of a high residency duplex use and the remodeling of an existing structure to create a high residency duplex use. The request is made by Raymond Zaplatar for the property he owns at 2003 Griswold Lane.
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.
- Resolution No. 030522-61 granting a waiver was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.**
15. Consider an ordinance amending Ordinance No. 030227-28 to extend the interim development regulations (moratorium) regarding the issuance of a building permit for the construction, remodeling, or creating of a high residency duplex use beyond 12:01 a.m. on May 29, 2003. (Related Item 44)
Ordinance No. 030522-15 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote on emergency passage making it effective today.
44. Approve an ordinance to amend Section 25-2-773 of the City Code related to duplex residential use and repealing Ordinance No. 030227-28 related to the duplex residential use moratorium. (Reviewed by Planning Commission.) (Related Item 15)
The second reading of the ordinance with the following friendly amendment was approved on Council Member Alvarez's motion, Council Member Dunkerley's second on a 7-0 vote. A friendly amendment was made by Council Member Alvarez to utilize either a .4 or 4,000 FAR on less than 10,000 square foot lot size or if more than 10,000 square foot lot size use FAR formula. This was accepted by the maker of the motion, and Council Member Dunkerley who seconded the motion.

The motion to adjourn the meeting at 9:52 p.m. was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.

The minutes for the regular meeting of May 22, 2003 were approved on June 5, 2003 on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.