



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 21, 2002**

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, March 21, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION: Council Member Danny Thomas delivered the invocation.

Mayor Garcia called the meeting to order at 12:09 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.

1. Discuss settlement proposal in *Southwestern Bell Telephone Company v. The City of Austin*, Cause No. GN103114, in the 200th District Court of Travis County, Texas.
2. Discuss legal issues relating to House Bill 1445 agreements with counties regarding subdivision regulations in the ETJ.

Executive Session ended at 1:37 p.m.

Mayor Garcia called the meeting back to order at 1:40 p.m.

CITIZEN COMMUNICATIONS

5. Betty Otter-Nickerson - Food Insecurity and Put People First.
6. Judy Carter - Put People First and Food Security
7. Matilde M. Munguia - Put People First
8. Suzanne Santos - Put People First and Food Insecurity
9. Akwasi Evans – Reparations - **ABSENT**
10. Jennifer L. Gale - Place One – Austin City Council – Jennifer Gale feels the people of Austin deserve a choice of governments. By Law City Clerk, Shirley Brown for the city of Austin must

at the time of filing of incumbent's application learn what the amount of registered voters are with and without an "s"

11. Susana Almanza - Remembering and Honoring the Great Cesar Chavez. Equity for East Austin.
12. Ricky Bird - Charter Items in need of further consideration
13. Gus Pena - Need Improvement at the City Health Clinics and at Brackenridge Hospital. Prepare the City of Austin for Budget Shortfalls. Do not cut programs that help Senior Citizens, our youth and Educational Activities. Prepare the Recreation Centers fully staffed, programs in place funding. Available for center programs.

Mayor Garcia recessed the meeting at 2:05 p.m. to go into the Board of Directors' Meeting of the Austin Housing Finance Corporation. (See separate minutes)

Mayor Garcia called the Council meeting back to order at 2:11 p.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 Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

Items 14 through 16 were pulled for discussion.

16. C14-01-0072 – Villas on Guadalupe - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 and 2717 Guadalupe Street and 2804-2816 Hemphill Park (Waller Creek Watershed) from CS, General Commercial Services district, zoning to MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining district, with conditions on Tract 1 and CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay Combining district, zoning with conditions on Tract 2. First reading January 10, 2002; Vote: 5-2, Alvarez and Griffith nay. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Villas on Guadalupe L.P. Agent: Mike McHone. Staff: Glenn Rhoades. Note: A valid petition has been filed in opposition to this rezoning request.
This item was postponed to April 4, 2002 at the neighborhood's request.
17. Approve an ordinance to amend Ordinance No. 000912-2, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility Department by \$287,500 and creating a new water project known as "Parker Springs Condominiums" for \$287,500. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Recommended by Water and Wastewater Commission) (Related Item Nos. 18 and 19) (Continued from February 28, 2002)
This item was postponed to April 4, 2002.
18. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$287,500 to be paid for developer reimbursements for the Parker Springs Condominiums Water project. (Funding for the Water and Wastewater Utility to be funded by the issuance of commercial paper. (Recommended by Water and Wastewater Commission) (Related Item Nos. 17 and 19) (Continued from February 28, 2002)
This item was postponed to April 4, 2002.
19. Approve a resolution and an ordinance authorizing negotiation and execution of a cost participation/reimbursement agreement with King Fisher Creek Ltd., providing terms and

conditions for construction of a 16-inch water main, pressure reducing valve assembly and appurtenances to provide water service to the proposed Parker Springs Condominiums, located at 4601 East St. Elmo Road, with City cost participation and reimbursement in an amount not to exceed \$287,500, for actual "hard" construction costs; adopt an Ordinance waiving the requirements of Section 25-9-61, City Code, relating to facilities eligible for cost reimbursement; waiving the requirements of Section 25-9-62, City Code, relating to the amount of cost participation; waiving the requirements of Section 25-9-67, City Code, relating to cost participation and cost reimbursement payments, and waiving 89.98% of the construction inspection fees for the 16-inch water main, pressure reducing valve assembly and appurtenances in an amount not to exceed \$18,000. (Funding in the amount of \$287,500 is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, Based on conservative build-out of Parker Springs Condominiums, the 30-Year Financial Analysis of this City investment projects a negative 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 17 and 18) (Continued from February 28, 2002)
This item was postponed to April 4, 2002.

Items 20 through 23 were pulled for discussion.

24. Approve a resolution authorizing negotiation and execution of a contract with AUSTIN WHITE LIME COMPANY, Austin, Texas, to purchase an undeveloped 1.72-acre tract of land located in the 8400 block of Parmer Lane, in an amount not to exceed \$250,000, including closing costs, for Austin Energy's new Northwest Substation site. (Funding is available in the 2001-2002 Amended Capital Budget of the Electric Utility Department.) (Recommended by Electric Utility Commission)
Resolution No. 020321-24 was approved.

Item 25 was pulled for discussion.

26. Approve an ordinance authorizing acceptance of \$180,000 in grant funds from the WorkSource--Greater Austin Area Workforce Board for the Certification Funds; and amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 approved operating budget for the Health and Human Services Department special revenue fund by appropriating an additional \$180,000 for a total grant amount of \$1,080,000. This grant is effective October 1, 2001 through September 30, 2002. (Funding in the amount of \$180,000 is available from the WorkSource--Greater Austin Area Workforce Board. The grant period is October 1, 2001 through September 30, 2002.)
Ordinance No. 020321-26 was approved.
27. Approve an ordinance authorizing acceptance of \$137,995 in grant funds from the State of Texas Health and Human Services Commission for the Children's Health Insurance Program (CHIP) outreach initiative, and amend Ordinance No. 010910-01, the 2001-2002 approved operating budget, amending the Health and Human Services Department special revenue fund by appropriating \$137,995 in grant funds and authorizing one-quarter grant-funded full-time equivalent Research Analyst (0.25 FTE). The grant period is February 1, 2002 through August 31, 2003. (Funding is available from the State of Texas Health and Human Services Commission. The grant period is February 1, 2002 through August 31, 2003. No match is required.) (Related Item Nos. 28 and 29)
Ordinance No. 020321-27 was approved.
28. Approve a resolution authorizing execution of Amendment No. 2 to the interlocal agreement between the City of Austin and the Texas Health and Human Services Commission (HHSC) extending the current term under which the City's Health and Human Services Department (HHSD) coordinates the Children's Health Insurance Program (CHIP) outreach activities in

Travis County and Williamson County to August 31, 2003 in the amount of \$137,995, for a total contract amount of \$344,987. (Funding in the amount of \$137,995 is available from the State of Texas Health and Human Services Commission. The contract period is May 23, 2001 through August 31, 2003.) (Related Item Nos. 27 and 29)

Resolution No. 020321-28 was approved.

29. Approve a resolution authorizing extension of the contract with Daughters of Charity Health Services of Austin (doing business as Seton Healthcare Network), Austin, Texas, through August 31, 2003, for outreach services for the Children's Health Insurance Program (CHIP) and Medicaid Program, in the amount of \$107,603, for a total contract amount of \$296,100. (Funding in the amount of \$107,603 is available in the Health and Human Services 2001-2002 Special Revenue Fund. The total contact period is May 1, 2001 through August 31, 2003.) (Related Item Nos. 27 and 28)

Resolution No. 020321-29 was approved.

30. Approve a resolution authorizing execution of six contracts between the City of Austin and six HIV-related social service contractors: ALLGO-INFORME SIDA in an amount not to exceed \$70,000; CENTRAL EAST AUSTIN COMMUNITY ORGANIZATION (CEACO) in an amount not to exceed \$31,500; The WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$97,660; PEOPLE'S COMMUNITY CLINIC in an amount not to exceed \$50,000; PLANNED PARENTHOOD OF THE TEXAS CAPITAL REGION, INC., in an amount not to exceed \$68,500; and PROJECT TRANSITIONS, INC. in an amount not to exceed \$46,125; and authorizing one 3-way contract between the CITY OF AUSTIN, TRAVIS COUNTY, and AIDS SERVICES OF AUSTIN, in an amount not to exceed \$576,952 (City \$195,013; County \$381,939). The term of these contracts is March 1, 2002 through February 28, 2003, at a total cost to the City not to exceed \$558,798. (Funding in the amount of \$325,966 for the first seven months of the contracts is included in the Fiscal Year 2001-2002 Approved Operating Budget for the Health and Human Services Department. Funding for the remaining five months of the contract period, \$232,832, is contingent upon available funding in future budgets.)

Resolution No. 020321-30 was approved.

31. Approve an ordinance to amend Ordinance No. 010910-01, the 2001-2002 operating budget of the General Fund by increasing transfers in from the Contingency Reserve Fund in the amount of \$500,000 and increasing appropriations for the Health and Human Services Department for Social Service Contracts by the same amount for a total of \$9,893,392 in Health Department Social Service Contracts. Also, amend the Contingency Reserve Fund by increasing transfers to the General Fund in the amount of \$500,000. (The amount of \$500,000 from the General Fund Contingency Reserve.)

Ordinance No. 020321-31 was approved.

32. Approve an ordinance authorizing acceptance of \$1,000 in grant funds from the Texas Historical Commission for the Austin History Center for preservation storage for archival materials; amend ordinance 010910-01, the Fiscal Year 2001-2002 Operating Budget, amending the Library Department Special Revenue Fund by appropriating \$1,000 for a total grant amount of \$1,000. (Funding is available from the Texas Historical Commission. The grant period is from February 1, 2002 through June 1, 2002. A match of \$1,564 is required, with \$1,064 coming from in-kind contributions and \$500 from other contributed funds.)

Ordinance No. 020321-32 was approved.

33. Approve an ordinance authorizing acceptance of \$200,000 in grant funds from the State of Texas, Office of the Attorney General (OAG), for the Center for Victim Assistance Preparedness, Response & Recovery; and amend Ordinance No. 010910-01, the Fiscal Year

2001-2002 approved operating budget for the Management Services Department, Office of Emergency Management special revenue fund by appropriating \$200,000 in grant funds and authorize one grant funded full-time equivalent Program manager (1.0 FTE); and one full-time equivalent Project Specialist position (1.0 FTE) for a total of two grant-funded positions. This grant is effective beginning February 1, 2002 and ending August 31, 2003. (Funding is available from the State of Texas, Office of the Attorney General, for a 19-month period beginning February 1, 2002 through August 31, 2003. No matching funds or in-kind services are required from the City of Austin.)

Ordinance No. 020321-33 was approved.

34. Approve a resolution amending the City of Austin Neighborhood Housing and Community Development Office (NHCD) 2001-2002 Community Development Program to include the addition of a Section 108 Loan for the construction of the Downtown Homeless Shelter, Resource Center, and Health Clinic and a Section 108 Loan to expand the Neighborhood Commercial Management Loan Program (NCMP). (Approved at an Ad Hoc Committee meeting of the Community Development Commission) (Related Item No. 35)
This item was postponed to April 4, 2002.
35. Approve a resolution authorizing the execution of the funding approval/agreement with the U. S. Department of Housing and Urban Development (HUD) for Section 108 Loan Guarantee Assistance in an amount not to exceed \$6,030,000 to construct the Downtown Homeless Shelter, Resource Center, and Health Clinic and authorize negotiation of loan documents with HUD. [The amount of \$6,030,000 in loan funds is guaranteed by the U.S. Department of Housing and Urban Development's (HUD) Section 108 Loan Guarantee Assistance Program. The Fiscal Year 2001/2002 Action Plan of Neighborhood Housing and Community Development (NHCD) Office has been amended to support this loan funding. The annual debt service is proposed to be funded from the Community Development Block Grant (CDBG) entitlement so long as such funds are available; and secured by the City's future entitlement grant and by the real estate and improvements that will be the homeless shelter.] (Approved at an Ad Hoc Committee meeting of the Community Development Commission) (Related to Item No. 34)
This item was postponed to April 4, 2002.
36. Approve an ordinance amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 Operating Budget of the Neighborhood Housing and Community Development (NHCD) Office by decreasing transfers out of the Housing Trust Fund to the Austin Housing Finance Corporation (AHFC) in the amount of \$750,000 and increasing transfers from the Housing Trust Fund into the CDBG 27th Year Fund in the amount of \$750,000 to reimburse the City's U.S. Department of Housing and Urban Development Program Income Account for disallowed cost relating to the Vision Village property. (Funding in the amount of \$750,000 is available in the Fiscal Year 2001-2002 Amended Budget of the Austin Housing Finance Corporation. Funding authority for these nonfederal funds will be transferred to the City of Austin via related AHFC Board action.) (Vision Village) (Related Item Nos. AHFC-2 and 37)
Ordinance No. 020321-36 was approved.
37. Approve a resolution to amend the contract between Neighborhood Housing and Community Development (NHCD) Office and the Austin Housing Finance Corporation (AHFC) by decreasing the transfer of City funds from the Housing Trust Fund to AHFC in the amount of \$750,000 and by increasing the transfer of CDBG 27th Year Funds to the AHFC in the amount of \$750,000. (Funding in the amount of \$750,000 is available in the CDBG 27th Year Program Income.) (Vision Village) (Related Item Nos. AHFC 2 and 36)
Resolution No. 020321-37 was approved.

38. C14-01-0142 – Anderson Mill Retail Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9701-9723 Anderson Mill Road (Bull Creek and Lake Creek Watersheds) from RR, Rural Residence district, zoning and SF-2, Single Family Residence Standard Lot district, zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning with conditions. First Reading on February 28, 2002. Vote: 6-0-1, Thomas off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Children's Academy, Inc. (Dorothea Louise Barr). Agent: Land Strategies, Inc. (Paul Linehan). City Staff: Sherri Gager, 974-3057.
Ordinance No. 020321-38 was approved.
39. C14-01-0161 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13505 RR 620 North (Lake Creek Watershed) from I-SF-2, Interim-Single Family Residence-Standard Lot district, zoning to GR-CO, Community Commercial Conditional Overlay Combining district, zoning with conditions. First Reading on February 7, 2002. Vote: 5-0, Griffith and Goodman off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Gager, 974-3057.
This item was postponed to April 25, 2002 at the applicant's request.
40. C14-01-0176- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at 506 East Braker Lane (Little Walnut Creek Watershed) from SF-3, Family Residence district, zoning to NO, Neighborhood Office district, zoning. First Reading on February 28, 2002. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: Gil Engineering (Jose M. Gil, P.E.). Agent: William Faust. City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020321-40 was approved.
41. C14-01-0178 - Austin Scottish Rite - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1710 Colorado Street (Waller Creek Watershed) from CS, General Commercial Services district, zoning to DMU, Downtown Mixed Use district, zoning. First Reading on February 28, 2002. Vote: 6-0, Thomas off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin Scottish Rite (Jack Hightower). Agent: Armbrust Brown (Richard Suttle, Jr.). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 020321-41 was approved.
42. Approve a resolution authorizing the application for \$88,437 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to add one full-time equivalent (FTE) Detective position and related equipment to the Sex Offender Apprehension and Registration (SOAR) Unit to increase the number of registration compliance checks and investigations conducted. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2002 to August 31, 2003. This is the first year of a five-year grant. There is no cash match for the first year of this grant.)
Resolution No. 020321-42 was approved.
43. Approve a resolution authorizing the application for \$42,500 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Fund for the Austin Faith Community Network to increase youth activities and continue hosting the annual conference. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2002 to August

31, 2003. This is the first year of a five-year grant. There is no cash match for the first year of this grant.)

Resolution No. 020321-43 was approved.

44. Approve an ordinance authorizing acceptance of \$617,423 in renewal grant funding from the United States Health Resources and Services Administration (HRSA) for a Public Health Service Section 330 (e) New Start grant; and amend Ordinance No.010910-01, the Fiscal Year 2001-2002 Special Revenue Fund of the Primary Care Department by appropriating \$1,128,925 (\$617,423 in grant funds and \$511,502 in patient fees and/or 3rd party reimbursements) and authorizing continuation of 11.50 existing FTEs. The grant period is from March 1, 2002, through February 28, 2003. (Funding in the amount of \$617,423 in grant funding is available from the U.S. Health Resources and Services Administration and \$511,502 in funding is available from patient fees and/or 3rd party reimbursement. The grant period is March 1, 2002 to February 28, 2003. No In-Kind match is required.)

Ordinance No. 020321-44 was approved.

45. Approve a resolution authorizing the execution of a twelve month lease extension with TIAA REALTY, INC., Austin, Texas, for 20,936 square feet of office space located at 2100 East St. Elmo, Building E, for the Health & Human Services Department, in an amount not to exceed \$312,679.16, with one additional six-month extension option in an amount not to exceed \$156,339.58, for a total amount not to exceed \$469,018.74. (Funding in the amount of \$151,786 is available in the Fiscal Year 2001-2002 Operating Budget for the Health and Human Services Department.)

Resolution No. 020321-45 was approved.

46. Approve a resolution authorizing execution of a construction contract with F & S CONSTRUCTION CO., INC., San Antonio, Texas, for the Austin Bergstrom International Airport Terminal Improvements Project - Phase 1, in the amount of \$639,750. (Funding is included in the Fiscal Year 2000-2001 Capital Budget of the Aviation Department.) Lowest of six bids received. 18.25% MBE, 43.9% WBE subcontracting participation.

Resolution No. 020321-46 was approved.

47. Approve a resolution authorizing execution of a construction contract with THE BARR COMPANY (MBE/FH, 48.4%), Austin, Texas, for renovation of the Caswell Tennis Center located at 2312 Shoal Creek Boulevard, in the amount of \$1,190,000. (Funding was included in the Fiscal Year 2001-2002 Capital Budget of the Parks & Recreation Department.) Lowest of eight bids received. 17.92% MBE, 4.52% WBE subcontracting participation.

Resolution No. 020321-47 was approved.

48. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with CARTER DESIGN ASSOCIATES (MBE/FB, 13.33%), Austin, Texas, to provide additional LEED related services for the design and construction of the Carver Museum & Cultural Center and Carver Branch Library Expansion Projects, in the amount of \$30,000 for a total amount not to exceed \$1,042,250. (Funding in the amount of \$20,000 is available in the Fiscal Year 2001-2002 Capital Budget of the Parks & Recreation Department, and \$10,000 is available in the Fiscal Year 2001-2002 Capital Budget of the Library Department.) 6.67% MBE, 43.33% WBE subcontracting participation.

Resolution No. 020321-48 was approved.

49. Approve a resolution authorizing execution of a contract with SIGN CRAFTERS, San Marcos, Texas, for building signage for the new Palmer Events Center, in the amount of \$75,800. (Funding is included in the 2000-2001 Capital Budget of the Austin Convention Center

Department.) Lowest 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.

Resolution No. 020321-49 was approved.

50. Approve a resolution authorizing execution of a 12-month supply agreement with MARTIN UNIFORMS, Tampa, Florida, to provide uniform shirts for the Austin Fire Department in an amount not to exceed \$53,044.20 with two 12-month extension options in an amount not to exceed \$53,044.20 per extension for a total contract amount not to exceed \$159,132.60. (Funding in the amount of \$30,942 was included in the 2001-2002 Operating Budget of the Austin Fire Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets). Low bidder meeting specification/three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these commodities directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.

Resolution No. 020321-50 was approved.

Item 51 was pulled for discussion.

52. Approve a resolution authorizing modification no. 2 to increase the service agreement with CLIMATE MECHANICAL, INC., Austin, Texas, for weatherization services in an amount not to exceed \$95,000 for a total contract amount not to exceed \$730,500; and modification no. 2 to increase the service agreement with AIRTECH ENERGY SYSTEMS INC., Austin, Texas, for weatherization services in an amount not to exceed \$60,000 for a total contract amount not to exceed \$454,000. (Funding in the amount of \$77,500 is available in the 2001-2002 Amended Operating Budget for the Electric Utility Department. Funding for the balance of the contract is contingent upon available funding in future budgets.) These contracts were awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation. All work will be performed by the contractor's own workforce.

Resolution No. 020321-52 was approved.

53. Approve a resolution authorizing execution of a 12-month supply agreement with BAKER & TAYLOR, INC., Charlotte, NC, for the purchase of pre-recorded compact discs with Library cataloging and processing services in an amount not to exceed \$116,759.44, with two 12-month extension options in an amount not to exceed \$116,759.44 per extension, for a total contract amount not to exceed \$350,278.32. (Funding in the amount of \$86,126.22 was included in the 2001-2002 Approved Operating Budget of the Library Department. \$30,633.22 was included in the 2001-2002 Approved Capital Budget of the Library Department. Funding for the extension options will be contingent upon available funding in future budgets.) Low bid meeting specification/two 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.

Resolution No. 020321-53 was approved.

54. Approve a resolution authorizing execution of a 12-month service agreement with VERNON STEHLING, Rosanky, Texas, for farrier services for the Austin Police Department in an amount not to exceed \$35,688 with two 12-month extension options in an amount not to exceed \$35,688 per extension for total contract amount not to exceed \$107,064. (Funding in the amount of \$17,844 was included in the 2001-2002 Approved Operating Budget of the Austin Police Department. Funding for the remaining six months of the original contract period and extension

options is contingent upon available funding in future budgets.) Sole bidder. 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.

Resolution No. 020321-54 was approved.

55. Approve a resolution authorizing execution of a forty-eight month lease and service agreement with E-Z-GO TEXTRON, Austin, Texas, to provide four-wheeled electric golf carts and electric utility carts for Morris Williams Golf Course in an amount not to exceed \$158,061.44. (Funding in the amount of \$23,050.63 was included in the 2001-2002 Operating Budget for the Parks & Recreation Department Golf Enterprise Fund. Funding for the remaining 42 months of the contract will be contingent upon available funding in future budgets.) Low bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There were no opportunities for subcontracting; therefore, no goals were established for this solicitation.

Resolution No. 020321-55 was approved.

56. Approve a resolution authorizing execution of a 24-month supply agreement with RESTROOM FACILITIES CORPORATION, Reno, Nevada, for the purchase of pre-fabricated restroom facilities in an amount not to exceed \$623,862. (Funding for these services is available in the Capital Budget of the Parks and Recreation Department and will be encumbered at the time services are needed.) Low bid meeting specifications/three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No opportunities for subcontracting were identified; therefore, no goals were established for this solicitation.

Resolution No. 020321-56 was approved.

Item 57 was pulled for discussion.

58. Approve a resolution authorizing execution of contract with GOMEZ FLOOR COVERING, INC., San Antonio, Texas, for the purchase and installation of carpet and tile at EMS Headquarters in an amount not to exceed \$52,778. [Funding was included in the 2000-2001 Approved Capital Budget of General Government (Building Maintenance).] Low bid/four bids received. 0% MBE 0% WBE subcontracting participation.

Resolution No. 020321-58 was approved.

59. Approve a resolution to ratify purchases of equipment, supplies, and services from the following vendors for the purpose of Homeland Defense for purchases made between October 12, 2001 and March 1, 2002: CUEVAS DISTRIBUTION, INC., \$144,034; REMOTEC INC., \$120,000; MED-ENG SYSTEMS INC., \$43,980; GT DISTRIBUTORS INC., \$70,788; ENVIRONMENTAL TECHNOLOGIES, \$97,608; MESO SYSTEMS TECHNOLOGY INC., \$58,950; DXP ENTERPRISES, INC., \$119,755.58; SMS-SECURITY MANAGEMENT, \$714,218.92; ALEXETER TECHNOLOGIES LLC, \$47,010; VALLEN SAFETY SUPPLY CO., \$67,410.04; COTHORN'S SAFE AND LOCK, \$73,305; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, \$81,477; MOTOROLA COMMUNICATIONS, \$99,879.65; INTEGRATED SECURITY RESOURCES, \$750,000; and ratify Amendment No. 2 to the service agreement with US SECURITY ASSOCIATES dba ADVANCE SECURITY, to increase the agreement in the amount of \$490,885, for a total revised amount of \$1,399,885, for a total of not to exceed \$2,979,301.19 for all contracts. (Funding in the amount of \$339,303.58 was included in the U. S. Department Health and Human Services grant entitled "Metropolitan Medical Response System" (MMRS). \$2,686,997.61 is available in the Fiscal Year 2001-2002 Operating Budgets of the Austin Police Department, Austin Fire Department, Austin/Travis County Emergency Medical Services Department, and Aviation Departments, and the Fiscal Year 2001-2002 Amended Capital and Operating Budgets of Austin Energy and Water and Wastewater Departments.)

Resolution No. 020321-59 was approved.

60. Approve a resolution authorizing execution of a contract with ALLIED FENCE COMPANY, Round Rock, Texas, to provide chain link security fencing for water pumping facilities and storage reservoirs for the Water and Wastewater Utility, in an amount not to exceed \$106,502. (Funding is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Low bid/four bids received. 0% MBE 0% WBE subcontracting participation.

Resolution No. 020321-60 was approved.

Item 61 was pulled for discussion.

62. Approve a resolution reappointing Mayor Pro Tem Jackie Goodman, Council Members Daryl Slusher and Beverly Griffith and appointing Mayor Gus Garcia to the Board of Directors of Reinvestment Zone Number Fifteen, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone, and appointing Mayor Gus Garcia as Board Chair.

Resolution No. 020321-62 was approved.

63. Adopt a resolution authorizing staff to negotiate a Strategic Partnership Agreement (SPA) between the City of Austin and Springwoods MUD pursuant to Section 43.0751 of the Texas Local Government Code. Springwoods MUD is located on Anderson Mill Road between Pond Springs Road and Parmer Lane.

Resolution No. 020321-63 was approved.

64. Set public hearings for the full purpose annexation of the following annexation area:
Nalle Tract (Approximately 2 acres located in Travis County approximately 1,000 feet west of Capital of Texas Highway, south of the intersection of Capital of Texas Highway and Plaza on the Lake).

Avery Ranch Areas (Approximately 302 acres in Williamson County north of Avery Ranch Blvd).

Pioneer Crossing (Approximately 140 acres in Travis County south of Gregg Ln and approximately six tenths of a mile west of the intersection of Gregg Ln and Cameron Rd).

Bear Lake PUD (Approximately 117 acres in Hays County east of FM 1826 and approximately eight tenths of a mile south of the intersection of FM 1826 and SH 45).

(Suggested Dates and Times: April 11, 2002 at 6:00 p.m., Lower Colorado River Authority Hancock Building and April 18, 2002 at 6:00 p.m., Lower Colorado River Authority Hancock Building)

Resolution No. 020321-64 was approved.

65. Set public hearings for the full purpose annexation of the following annexation area:
Colton Bluff SMART Housing Tract (Approximately 120 acres located in Travis County at the intersection of Colton Bluff Springs Road and McKinney Falls Parkway).

(Suggested Dates and Times: April 11, 2002 at 6:00 p.m., Lower Colorado River Authority Hancock Building and April 18, 2002 at 6:00 p.m., Lower Colorado River Authority Hancock Building) (Financial data will be submitted with the annexation RCA.)

Resolution No. 020321-65 was approved.

Item 66 and 67 were pulled for discussion.

68. Amend Ordinance No. 010910-01 by amending the 2001-2002 Operating Budgets of: the General Fund by:

- 1) reducing transfers out to the Balcones Canyonland Preserve (BCP) Fund in the amount of \$80,000 for a total transfer out of \$80,000; and increasing the ending balance by \$80,000.

- 2) transferring three vacant FTE positions from the Parks and Recreation Department to the Water and Wastewater Utility.
- 3) increasing the Parks and Recreation Department a total of 3 FTEs from the PARD BCP Fund. This will result in no net change in Parks and Recreation positions.

the Balcones Canyonland Preserve Fund by:

- 1) reducing transfers in from the General Fund in the amount of \$80,000 for a total transfer in of \$80,000;
- 2) reducing transfers in from the Drainage Utility Fund in the amount of \$256,210 for a total transfer in of \$256,210;
- 3) reducing interest income by \$20,000 for total interest income of \$20,000;
- 4) reducing total expense appropriations in the amount of \$353,362;
- 5) decreasing a total of 10.0 FTEs by transferring 7 FTEs to the Water and Wastewater Utility and three Parks Police position FTEs to the General Fund, Parks and Recreation Department.
- 6) transferring \$75,000 from the PARD Miscellaneous Trust and Agency Fund to the newly created Trust and Agency Fund named BCP Land Acquisitions
- 7) transferring three Parks Police positions to the General Fund, Parks and Recreation Department.

the Drainage Utility Fund by:

- 1) reducing transfers out to the BCP Fund in the amount of \$256,210 for total transfers out of \$256,210;
- 2) increasing transfers out to the Water and Wastewater Utility in the amount of \$256,210 for total transfers out of \$256,210;

the Water and Wastewater Utility by:

- 1) increasing transfers in from the Drainage Utility Fund by \$256,210 for a total transfers in of \$256,210;
- 2) increasing interest income by \$20,000;
- 3) increasing total expense appropriations by \$353,362;
- 4) decrease the ending balance by \$77,152
- 4) increasing a total of 10 FTEs by transferring 7 FTEs in from the PARD BCP Fund and 3 FTEs from the General Fund, Parks and Recreation Department;

the BCP Land Acquisitions Fund by:

- 1) creating a new Trust and Agency Fund for BCP Miscellaneous and transferring in \$75,000 from the PARD Miscellaneous Trust and Agency Fund.
(The amount of \$353,362 increase to the Water and Wastewater Utility Operating Fund. \$256,210 is available in the Fiscal Year 2001-2002 Approved Operating Budget of the Drainage Utility Fund, \$20,000 is available in projected interest income of the Water and Wastewater Utility Operating Fund, and \$77,152 is available in the ending balance of the Water and Wastewater Utility Operating Fund.)

Ordinance No. 020321-68 was approved.

69. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement between the City and the Lower Colorado River Authority (LCRA) for the Management of the US Corps of Engineers' (USACE) Lake Austin Ecosystem Restoration Feasibility Study in an amount not to exceed \$100,000. (Funding is included in the 2001-2002 Operating Budget of the Watershed Protection & Development Review Department. Funding is to be obtained by reducing the scope of the USGS Cooperative Monitoring Agreement and delaying some tasks to Fiscal Year 2002-2003 in order to meet this time critical project need for Lake Austin.)

Resolution No. 020321-69 was approved.

70. Approve a resolution authorizing amendment of an Interlocal Agreement between the City, Travis County and the Lower Colorado River Authority (LCRA) for the Management of the US Corps of Engineers' Onion and Williamson Creek Watersheds, Flood Control and Environmental Enhancement Feasibility Study to allow the City of Sunset Valley to become a party to the Agreement.

Resolution No. 020321-70 was approved.

Item 71 was pulled for discussion.

72. Approve a resolution authorizing execution of a construction contract with DAYCO CONSTRUCTION CO., Austin, Texas, for construction of Northwest Park Emergency Project, Shoal Creek Channel Bed and Bank Stabilization, in the amount of \$1,354,668.50 plus \$135,000.00 to be used as a contingency fund for change orders, for a total contract amount not-to-exceed \$1,489,688.50. (Funding in the amount of \$893,813.10 is included in the 2001-2002 Amended Capital Budget of the Watershed Protection and Development Review Department. \$595,875.40 is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.)

Resolution No. 020321-72 was approved.

73. **Appointment to Boards and Commissions**

Sixth Street Recycles Task Force

Emily Schleier

appointment

Consensus

Electric Utility Commission

Frank A. Fernandez

appointment

Alvarez

74. Approve a resolution appointing Council Member Will Wynn to the Balcones Canyonlands Coordinating Committee. (Mayor Pro Tem Jackie Goodman and Council Member Will Wynn)

Resolution No. 020321-74 was approved.

75. Approve a resolution directing the City Manager to initiate the rezoning of the Fairview Park Neighborhood Conservation Combining District, generally located 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. (Mayor Pro Tem Jackie Goodman)

Resolution No. 020321-75 was approved.

76. Approve a resolution to set public hearings on an ordinance amending Sections 16-5-22 and 16-5-98 of the City Code related to parking in a front or side yard of a residential property. (Suggested Dates and Time: April 11, 2002 at 6:00 p.m., April 18, 2002 at 6:00 p.m., and April 25, 2002 at 6:00 p.m.). (Council Member Danny Thomas)

Resolution No. 020321-76 was approved.

77. Approve an ordinance waiving the payment of certain fees under Chapter 15-11 of the City Code and authorizing the closure of certain streets for the Schlotzky's Bun Run to be held on April 21, 2002. (Mayor Pro Tem Jackie Goodman and Council Member Beverly Griffith)

Ordinance No. 020321-77 was approved.

Items Z-1 through Z-5 were zoning items.

Item 78 was a public hearing.

79. Approve a resolution regarding the recommendations incorporated from the Commission on Immigrant Affairs resolution related to violence against the immigrants' population in the Austin Community. (Council Member Raul Alvarez and Mayor Gus Garcia)
Resolution No. 020321-79 was approved.

DISCUSSION ITEMS

14. Approval of amended minutes from regular meeting of February 14, 2002, from worksession of March 6, 2002 and regular meeting from March 7, 2002.
The amended minutes from the regular meeting of February 14, 2002 and the minutes from the Work Session of March 6, 2002 and the regular meeting from March 7, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.

ZONING CONSENT

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 Wynn's second by a 7-0 vote.

- Z-1. C14-01-0168 – Parmer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13001-13299 North Interstate Highway 35 Service Road Northbound (Walnut Creek Watershed) from IP, Industrial Park District, zoning for Tract 1 and CS-CO, General Commercial Services-Conditional Overlay District, zoning for Tract 2 to CS, General Commercial Services District, zoning. Zoning and Platting Commission Recommendation: To grant staff's alternate recommendation of CS-CO zoning with additional conditions. Applicant: Austex Enterprises No. 1, L.P. (Randall Williamson). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
The first reading of this ordinance was approved, adopting the Zoning and Platting Commission's recommendation.
- Z-2. C14-01-0169 – Parmer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900-1004 Center Ridge Drive (Walnut Creek Watershed) from IP, Industrial Park district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Austex Enterprises No. 1, L.P. (Randall Williamson). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
The first reading of this ordinance was approved, adopting the Zoning and Platting Commission's recommendation.
- Z-3. C14r-84-516 (DE) – Parmer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12701-12725 Interstate Highway 35 North (Walnut Creek Watershed) from CS, General Commercial Services district, zoning to CS, General Commercial Services district, zoning in order to delete a condition of zoning site plan. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Austex Enterprises No. 1, L.P. (Randall Williamson). Agent: Drenner

Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.

The first reading of this ordinance was approved, adopting the Zoning and Platting Commission's recommendation.

- Z-4. C14r-84-517 (DE) – Parmer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known 12801-12817 North Interstate Highway 35 North (Walnut Creek Watershed) from CS, General Commercial Services district, zoning to CS, General Commercial Services district, zoning in order to delete a condition of zoning site plan. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Austex Enterprises No. 1, L.P. (Randall Williamson). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.

The first reading of this ordinance was approved, adopting the Zoning and Platting Commission's recommendation.

- Z-5. C14-02-0002 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9319 Anderson Mill Road (Lake Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial Services district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Southwestern Bell (Tony Beasley). Agent: Vincent Gerard & Associates (Vince Huebinger). City Staff: Sherri Gager, 974-3057.

The first reading of this ordinance was approved, adopting the Zoning and Platting Commission's recommendation.

DISCUSSION ITEMS CONTINUED

21. Consider settlement proposal in *Southwestern Bell Telephone Company v. the City of Austin*, Cause No. GN 103114, in the Travis County District Court, Texas. (Related Item No. 1)
Resolution No. 020321-21 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Mayor Garcia recessed the meeting at 5:55 p.m. for Live Music and Proclamations and 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.

3. Discuss acquisition of land for Greenway & Destination Parks as authorized under Proposition 2 of the November 1998 Bond Election.
4. Discuss acquisition of interest in real property (School for the Deaf-South Campus)

The Mayor called the meeting back to order at 7:50 p.m.

78. Conduct a public hearing and consider approving an approximately 3,904 square foot (0.090 acre) wastewater use agreement, and a 12,000 square foot temporary workspace use agreement to allow construction of a wastewater line through dedicated parkland known as Meadows at Trinity Crossing, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with construction of the line as well as any parkland restoration will be paid by the requestor through a previously approved Capital Improvements Project. (Recommended by Parks & Recreation Board)
The public hearing was closed and Ordinance No. 020321-78 was approved on Council Member Thomas' motion, Mayor Garcia's second by a 5-2 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.
20. Approve a resolution authorizing execution of agreements with Travis, Hays, Williamson, and Bastrop Counties implementing the terms of House Bill 1445 regarding regulation of subdivisions in the Extraterritorial Jurisdiction (ETJ).
Resolution No. 020321-20 was approved on Council Member Slusher's motion, Council Member Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
22. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 42 acres near Loyola Lane and adjacent to Walnut Creek, to be purchased with November 1998 Proposition Two Bond Funds for Greenway & Destination Parks. (Related Item No. 3)
Resolution No. 020321-22, in the amount of \$420,000, was approved on Council Member Wynn's motion, Council Member Griffith's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
23. Approve a resolution authorizing execution of Change Order #10 to the construction contract with EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, INC., Eastland, Texas, to complete lead abatement activities at the Seaholm Power Plant, as part of the Seaholm Power Plant Decommissioning and Remediation project, increasing the contract in the amount of \$496,793.06, for a total contract amount not to exceed \$4,560,099.41. (Funding in the amount of \$496,793.06 is available in the 2001-2002 Amended Capital Budget of the Electric Utility Department.) Overall participation, including this Change Order: 32.66% MBE, 7.06% WBE. (Recommended by Electric Utility Commission)
Resolution No. 020321-23 was approved on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
25. Approve an ordinance to establish classifications and positions in the classified service of the Austin Fire Department and repeal Ordinance No. 010910-07. (Funding in the amount of \$130,438 is included in the Fire Department Fiscal Year 2001-2002 operating budget.)
Ordinance No. 020321-25 was approved on Council Member Thomas' motion, Mayor Garcia's second on a 7-0 vote.
51. Approve a resolution authorizing execution of a contract with GE GLEGG WATER TECHNOLOGIES INC., Guelph, Ontario, Canada, for the purchase of a reverse osmosis/demineralizer system for the Sand Hill Energy Center in an amount not to exceed \$918,000. (Funding is available in the 2001-2002 Amended Capital Budget for the Electric Utility Department.) Best Evaluated Proposer/Six Proposals 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.

Resolution No. 020321-51 was approved on Council Member Wynn's motion, Mayor Garcia's second on a 6-0 vote. Council Member Slusher was off the dais.

57. Approve a resolution authorizing execution of a contract with WILSON FIRE EQUIPMENT & SERVICE, Houston, Texas, for the purchase and installation of gas leak and flame detection equipment located at the Sand Hill Energy Center in an amount not to exceed \$64,017. (Funding is available in the 2001-2002 Amended Capital Budget for the Electric Utility Department.) Best-evaluated proposal/two proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended.

Resolution No. 020321-57 was approved on Council Member Wynn's motion, Mayor Garcia's second on a 6-0 vote. Council Member Slusher was off the dais.

61. Approve a resolution authorizing execution of a service contract with GARVER CONSTRUCTION, LTD, Houston, Texas, for installation of in-situ steel plate lining of 66-inch prestressed concrete cylinder pipe along 2nd Street West located between Guadalupe and Lavaca for the Water and Wastewater Utility Department, in the amount of \$938,147. (Funding was included in the 2000-2001 Capital Budget of the Water & Wastewater Utility.) Low bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. This is a very specialized service that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation.

Resolution No. 020321-61 was approved on Council Member Wynn's motion, Council Member Thomas' second on a 6-0 motion. Council Member Slusher was off the dais.

66. Approve a resolution authorizing execution of a construction contract with ARCHER WESTERN CONTRACTORS, LTD., for the Walnut Creek WWTP 75 MGD Upgrade Phase 1 in the base amount of \$ 17,011,000, plus alternates I-A, I-B, II, III-A, III-B and IV-A in the amount of \$1,311,000, and a contingency fund in the amount of \$510,330 for change orders, for a total contract amount not to exceed \$ 18,832,330.(Funding in the amount of \$ 18,832,330 is available in the Amended Capital Budget of the Water and Wastewater Utility.) Lowest of four bids. MBE 4.92%, WBE 4.06 subcontracting participation.(Recommended by Water and Wastewater Commission)

Resolution No. 020321-66 was approved on Council Member Wynn's motion, Mayor Garcia's second on a 7-0 vote.

67. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE, INC., Austin, Texas, for additional design and construction engineering services for the Walnut Creek Wastewater Treatment 75 MGD Upgrade Phase I project, in an amount not to exceed \$3,066,388, for a total amount not to exceed \$7,503,627. (Funding in the amount of \$3,066,388 is available in the 1995-96 Amended Capital Budget of the Water and Wastewater Utility.) Overall subcontracting participation 16.3% MBE, 38.3% WBE. (Recommended by Water and Wastewater Commission)

Resolution No. 020321-67 was approved on Council Member Wynn's motion, Council Member Thomas' second on a 6-0 vote. Council Member Slusher was off the dais.

71. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement between the City and the Lower Colorado River Authority (LCRA) for the Management of the US Corps of Engineers' Waller Creek Flood Control Project Economic Evaluation Study in an amount not to exceed \$100,000. (Funding is included in the 1997-1998 Amended Capital Budget of the Austin Convention Center Department.)

Resolution No. 020321-71 was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

15. Consideration of and possible action on an ordinance to place proposed charter amendments on the May 4, 2002, ballot, including the following:

Ordinance No. 020321-15 was approved for the ballot language as proposed in the ordinance labeled 15 (3/21/02), Prop. 7 "Initiative" to include the following on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The ballot language will read, "Shall the city charter be amended to create a public financing system for campaigns of City Council candidates (through city block grants and matching funds, which may include tax revenues); to limit campaign contributions to \$200 per donor; and to provide independent sovereign powers to the City Ethics Review Commission, including subpoena power?"

- A. To change the terms and the method of election of the City Council from election at-large to a method combining election of members from geographical districts and election of members at-large.

The motion to accept the Draft District Election Map Communication Plan was approved on Mayor Pro Tem Goodman's motion, Mayor Garcia's second on a 7-0 vote.

The motion to accept the map development process was approved on Council Member Thomas' motion, Council Member Wynn's second on a 7-0 vote.

The motion adopting the ballot language as shown in the proposed ordinance labeled 15-A (3/21/02) Prop. 1 "Districts, but as amended below, was approved on Council Member Wynn's motion, Mayor Garcia's second on a 6-0-1 vote. Council Member Griffith abstained. The ballot language will be, "Shall the city charter be amended to provide for the election of eight members of the city council from single-member districts, and two members of the city council and a mayor elected from the city at-large?"

There was a motion to have Transition Plan No. 5 in the charter amendment ordinance language that was made by Council Member Wynn and seconded by Mayor Garcia.

The substitute motion to include in the charter amendment ordinance language a provision for the election of eight members of the city council from single member districts, and two members of the city council and a mayor elected from the city-at-large and to include Transition Plan No. 4 in the ordinance was approved on Council Member Griffith's motion, Council Member Thomas' second on a 4 to 3 vote. Those voting aye were:: Mayor Pro Tem Goodman, Council Members Alvarez, Griffith and Thomas. Those voting nay were:: Mayor Garcia and Council Members Slusher and Wynn.

Ordinance No. 020321-15A was approved to include in the charter amendment ordinance language a provision for the election of eight members of the city council from single member districts, and two members of the city council and a mayor elected from the city-at-large; to include Transition Plan No. 4 in the ordinance; and to include the following wording on redistricting, was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The language was amended to read in Part 3, 4 Redistricting, (B), "The city council shall by ordinance redistrict after each decennial federal census and at other times that the council finds redistricting is necessary or appropriate, to comply with: (1) a court

order; (2) procedural requirements of state or federal law relating to a municipal boundary change; (3) legal prerequisites to the implementation of a municipal boundary change; or (4) the demographic changes that the city council finds require adjustments of the council district boundaries. Council Member Slusher made the motion, it was seconded by Mayor Pro Tem Goodman. It passed on a 7-0 vote.

Council Member Griffith called for the question but it failed on a 1-6 vote with Council Member Griffith voting aye.

The motion to reconsider the approval of the ordinance was made by Mayor Pro Tem Goodman and seconded by Council Member Griffith. Mayor Pro Tem Goodman withdrew this motion.

The motion to suspend the rules and allow the meeting to go past 10:00 p.m. was approved on Council Member Wynn's motion, Council Member Slusher's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.

B. Repeal of term limits for Mayor and Council. (Article 2, Section 3)

Ordinance No. 020321-15B was approved for the ballot language as proposed in the ordinance labeled 15-B (3/21/02) Prop. 2 "Term Limits" with the following amendment on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 4 to 3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Griffith and Slusher. Those voting nay were: Council Members Alvarez, Thomas and Wynn. The ballot language will read, "Shall the city charter be amended to repeal the term-limits provision for the mayor and council members?"

The motion to approve the charter amendment ordinance language as proposed in ordinance labeled 15-B (3/21/02) Prop 2 "Term Limits" was approved Mayor Pro Tem Goodman's motion, Council Member Slusher's second on 4-3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Griffith and Slusher. Those voting nay were: Council Members Alvarez, Thomas and Wynn.

C. Repeal of the Charter provision requiring newly elected city officers publish a campaign expense statement in an Austin newspaper. (Article 3, Section 7)

Ordinance No. 020321-15C was approved for both the ballot language and the charter amendment ordinance language as proposed in the ordinance labeled 15-C (3/21/02) Prop. 5 "Publish Campaign Report" with the following amendment on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The ballot language will read, "Shall the city charter be amended to provide for electronic publication of council candidate campaign finance filings?"

**D. A resign-to-run provision for municipal court judges.
See item D for the joint action taken on D and E.**

E. A resign-to-run provision for officers or employees appointed by the Council.

Ordinance No. 020321-15E was approved for both the ballot language and the charter amendment ordinance language as proposed in the ordinance labeled 15-D and E (3/21/02) Prop. 6 "Resign-to-Run" with the following amendment on Council Member Slusher's motion, Mayor Garcia's second on a 6-1 vote. Council Member Thomas voted nay. The ballot language will read, "Shall the city charter be amended to require municipal court judges to resign to run for office when there is more than

one year left on their term and to require other city council appointees to resign to run for elected office?"

- F. Repeal of the Charter section regarding campaign contributions and expenditures. (Article 3, Section 8)
Ordinance No. 020321-15F was approved for both the ballot language and the charter amendment ordinance language as proposed in the ordinance labeled 15-F, (3/2/02) Prop. 3 "Repeal Campaign Finance Section" with the following amendment on Council Member Slusher's motion, Council Member Wynn's second on a 4-3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Slusher and Wynn. Those voting nay were: Council Members Alvarez, Griffith, and Thomas. The ballot language will read, "Shall the city charter be amended to repeal the campaign finance charter amendment adopted in 1997 that provided for one hundred dollar limit on campaign contributions and other regulations?"
- G. City Council appointment of an electric utility consumer advocate.
Ordinance No. 020321-15G was approved for both the ballot language and the charter amendment ordinance language as proposed in the ordinance labeled 15-G, (3/21/02) Prop. 4 "Advocate" with the following amendment on Council Member Thomas' motion, Council Member Griffith's second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman, and Council Member Alvarez, Griffith and Thomas. Those voting nay were: Mayor Garcia and Council Members Slusher and Wynn. The ballot language will read, "Shall the city charter be amended to provide for city council appointment of an electric utility consumer analyst?"
- H. A Charter amendment providing that the city shall not maintain a confidential personnel file for a police officer.
This item was resolved at the Council Meeting on March 19, 2002.
- I. City Council appointment of the City Attorney.
This item was resolved at the Council Meeting on March 19, 2002.
- J. Increasing the City Manager's administrative purchase authority and clarifying that the City Manager's administrative purchase authority with respect to any one contract applies to each year of the contract rather than the entire life of the contract. (Article 7, Section 15)
Ordinance No. 020321-15J was approved for both the ballot language (as follows) and the charter amendment ordinance language on Council Member Alvarez' motion, Council Member Griffith's second on a 7-0 vote. The ballot language will read, "Shall the city charter be amended to provide that the amount for which the city manager may contract without specific council approval is calculated on an annual basis rather than over the life of the contract and to prohibit the city manager from entering into contracts for personal or professional services that may exceed the manager's authority?"
- K. City Council appointment of a police monitor and a police oversight board.
This item was resolved at the Council Meeting on March 19, 2002.

The motion to arrange the above items on the ballot in the order as specified below was approved on Council Member Wynn's motion, Council Member Griffith's second on a 7-0 vote. The order will be: Proposition 1 "Initiative;" Proposition 2 "Repeal Campaign Finance Section;" Proposition

3 "Districts;" Proposition 4 "Term Limits;" Proposition 5 "Publish Campaign Report;" Proposition 6 "Resign to Run;" Proposition 7 "Advocate."

The motion to adjourn the meeting at 11:45 a.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The minutes from the Special Called meeting of March 19, 2002, the Work Session of March 20, 2002 and the regular meeting of March 21, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.