



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, DECEMBER 12, 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, December 12, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**Invocation: Benjamin Anayacho, Evangelist, Apostolic Bridge Builders**

**Mayor Garcia called the Council Meeting to order at 12:04 p.m.**

**Mayor Garcia recessed the meeting at 12:07 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.

**Public Power Utility Competitive Matters-Section 551.086**

1. Discuss competitive strategies and financial planning issues for Austin Energy.  
**No discussion.**

**Private Consultation with Attorney - Section 551.071**

4. Discuss legal issues related to In The Matter of The Application Of The City of Austin For A Water Certificate of Convenience And Necessity (NO. 33562-C) And A Wastewater Certificate of Convenience And Necessity (NO. 33563-C), SOAH DOCKET NO. 582-02-3056.

**Executive Session ended at 1:33 p.m.**

**Mayor Garcia called the Council Meeting to back to order at 1:35 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

7. Jimmy Castro - The 78<sup>th</sup> Legislative Session
8. Morgan Little - Veterans Day Parade
9. Gus Pena - Lets carry over to 2003 the aggressive push for affordable housing, transitional housing for Homeless Families and Low Income Affordable Housing. Income Grass roots Participation in any Dialogue regarding Hospital District, Cap M3tro Rail Corridor, vacant Land Proposal. (East 5<sup>th</sup> St.) Happy Holidays to All. Please Help during the Holidays. Help Blue Santa, Brown Santa, Toys for Tots.
10. Sylvia Herrera - Relocation Incentives for Property Owners with Industrial Zoning near Residential & School Properties. Incentives to Re-Zone for Affordable Housing
11. Susana Almanza - Develop Incentive plan to assist in the relocation of hazardous industries from East Austin. Redevelop Industrial & Commercial land for low-income housing. No more CS-1 for East Austin. Stop the Displacement!
12. P. L. Gibbs - Corruption in City of Austin – The Police Dept & Judicial Areas.
13. Edward Sledge - Austin Human Rights Commission/Cell Phones
14. Gavino Fernandez - Prisoners in our own backyard – Holly Power plant. Feliz Navidad y un prospero año nuevo 2003!
15. Jose Quintero - Genterfication Task Force misses the point/the impact on minorities living in East Austin. **Absent**

**CONSENT AGENDA**

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

16. Approval of minutes from work session of December 4, 2002 and regular meeting of December 5, 2002.  
**The minutes from the work session of December 4, 2002 and the regular meeting of December 5, 2002 were approved.**
  17. Presentation and possible action on the proposed hazardous pipeline ordinance.  
**Item 17 was replaced by item #66.**
  18. Approve acceptance of the Austin-Bergstrom International (ABIA) Masterplan Update and submission of such plan to the Federal Aviation Administration (FAA). (Austin Airport Advisory Commission Review)  
**The motion authorizing the acceptance of the Austin-Bergstrom International (ABIA) Masterplan was approved.**
- Item 19 was pulled for discussion.**
20. Approve an ordinance amending Section 2-4-901 and 2-4-903(C) of the City Code to add two additional members to the governing board for the new City Hospital.  
**Ordinance No. 021212-20 was approved.**
  21. Approve an ordinance transferring a franchise held by Southern Union Gas Company to OneOk, Inc. (3<sup>rd</sup> reading)

**Ordinance No. 021212-21 was approved.**

22. Authorize the City Manager or her designee to negotiate and execute Amendment Number Four to the Professional Services Agreement with TRW, INC., Public Sector Solutions, Reston, VA, for System Integration and Consulting Support for the Combined Transportation, Communications & Emergency Center (CTECC), in order to extend contract through October 2003, adding \$559,654 to the contract for an amount not to exceed \$8,930,767. (Funding in the amount of \$559,654 is available in the Fiscal Year 2002-2003 Capital Budget of the Financial and Administrative Services Department. \$353,197.64 is City of Austin Funding, the remaining \$206,456.36 is funding from other governmental agencies, including: Travis County, \$78,687.35; Texas Department of Transportation, \$119,374.20; and Capital Area Metropolitan Transportation Authority, \$8,394.81.) Overall MBE/WBE participation, including this amendment: 15.86% MBE, 7.09% WBE.  
**The motion authorizing the City Manager or her designee to negotiate and execute Amendment Number Four was approved.**
23. Authorize the City Manager or her designee to negotiate and execute Amendment Number One to the construction contract with BARTLETT COCKE, L.P., San Antonio, Texas, for the Combined Emergency Center, adding \$622,390 to the contract for an amount not to exceed \$23,194,000. (Funding in the amount of \$622,390 is available in the Fiscal Year 2002-2003 Capital Budget of the Financial & Administrative Services Department. \$392,790.33 is City of Austin funding, the remaining \$229,599.67 is funding from other governmental agencies, including: Travis County, \$87,508.03; Texas Department of Transportation, \$132,755.79; and Capital Area Metropolitan Transportation Authority, \$9,335.85.) Overall participation including this amendment is 21.44% MBE, 5.77 WBE%.  
**The motion authorizing the City Manager or her designee to negotiate and execute Amendment Number One was approved.**
24. Approve execution of a contract with JOHNSON CONTROLS, INCORPORATED Austin, Texas, for purchase and installation of Personal Environmental Modules (PEM) at the new Combined Transportation Emergency and Communications Center located at 5010 Old Manor Road in an amount not to exceed \$214,123.44. (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Financial & Administrative Services Department. \$165,897.44 is City of Austin funding, the remaining \$48,226 is funding from other governmental agencies, including: Travis County, \$27,006.56; Texas Department of Transportation, \$17,361.36; and Capital Area Metropolitan Transportation Authority, \$3,858.08.) This purchase will be awarded in compliance with State law under the public health and safety exemption. (Related Item: 25)  
**The motion authorizing the execution of a contract was approved.**
25. Authorize execution of a contract through the Interlocal Agreement with Fairfax County Virginia as part of the U.S. Communities Government Purchasing Alliance, Agreement No. RQ01-411313-16B, with HERMAN MILLER WORKPLACE RESOURCE, Austin, Texas for console workstations and chairs at the Combined Transportation Emergency and Communications Center, 5010 Old Manor Road, in an amount not to exceed \$740,169.01. (Funding in the amount of \$740,169.01 is available in the Fiscal Year 2002-2003 Capital Budget of the Financial & Administrative Services Department. \$570,340.30 is City of Austin funding, the remaining \$169,828.71 is funding from other governmental agencies, including: Travis County, \$93,029.54; Texas Department of Transportation, \$63,354.96; and Capital Area Metropolitan Transportation Authority, \$13,444.21.) This purchase is through the U.S. Communities Government Purchasing Alliance. (Related Item\_24\_)

**The motion authorizing the execution of a contract through the Interlocal Agreement was approved.**

26. Approve a resolution for the execution of 12-month contracts between the City of Austin and 50 social services contractors. The term of these contracts is for the period January 1, 2003 through December 31, 2003, at a cost to the City not to exceed \$5,730,272. (Funding in the amount of \$4,297,704 is included in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department, General Fund and Sustainability Fund. Funding for the last three months of the contract period is contingent on availability of funding in a future budget. (Reviewed by the Community Action Network (CAN) Administrative Team and the Resource Council)

**Resolution No. 021212-26 was approved.**

27. Approve execution of a 12-month contract between the City of Austin and the Sickle Cell Anemia Association of Austin (SCAA) - Marc Thomas Chapter for outreach services to persons with sickle cell disease or sickle cell trait and their families. The term of this contract is for the period from January 1, 2003 through December 31, 2003, at a cost to the City not to exceed \$50,000. (Funding in the amount of \$37,500 is included in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department, General Fund. Funding for the remaining three months of the contract period is contingent upon available funding in a future budget.)

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

28. Approve execution of a 12-month contract with *Project Transitions, Inc.* under the US HUD Housing Opportunities for Persons with AIDS (HOPWA) grant for HIV-related Intensively Supervised Transitional Housing Services (ISTHS) in an amount not to exceed \$171,078. [Funding is available in the Fiscal Year 2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund Housing Opportunities for Persons with AIDS (HOPWA)-HUD grant program. Grant period is October 1, 2001 to September 30, 2004. Contract performance period is January 1, 2003 to December 31, 2003.] (Approval by HIV Planning Council)

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

29. Approve execution of basic needs contracts between the City of Austin and four social service contractors: Any Baby Can in an amount not to exceed \$40,000; Meals on Wheels and More in an amount not to exceed \$115,000; AIDS Services of Austin in an amount not to exceed \$35,000; and Caritas of Austin, Inc. in an amount not to exceed \$310,000, for a total cost to the City not to exceed \$500,000. Each contract is for the period January 1, 2003 through December 31, 2003. (Funding in the amount of \$500,000 is included in the Fiscal Year 2002-2003 Operating Budget for the Health and Human Services Department, General Fund.)

**The motion authorizing the execution of basic needs contracts was approved.**

30. Approve execution of the Calendar Year 2003 Interlocal Agreement between the City of Austin, Travis County, and the Austin Travis County Mental Health Mental Retardation Center for the period of January 1, 2003 through December 31, 2003, at a cost to the City not to exceed \$1,472,147. (Funding in the amount of \$1,104,110 is included in the Fiscal Year 2003 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining three months of the contract period is contingent upon available funding in a future budget.)

**The motion authorizing the execution of the Calendar Year 2003 Interlocal Agreement was approved.**

31. Approve outside counsel contracts for Randy T. Leavitt, Attorney at Law, and The Stribling Firm, P.C., in *Barbara Oakley, as Legal Guardian for Richard Danziger v. City of Austin, et al.*, Cause No. A02CA711-JN in the United States District Court for the Western District of Texas, Austin Division, and *Christopher Ochoa v. City of Austin, et al.*, Cause No. A02CA710-JN in the United States District Court for the Western District of Texas, Austin Division, in an amount not to exceed \$170,000. (Funding is available in the 2002-2003 Approved Operating Budget of the Liability Reserve Fund.)  
**The motion authorizing the outside counsel contracts was approved.**
32. Approve a Resolution adopting the City's Legislative Program for the 78<sup>th</sup> Legislature; including proposed Hospital District legislation as it regards the proposed governance structure and appointment of the Hospital District Board members.  
**Resolution No. 021212-32 was approved.**
33. Approve a resolution authorizing the Travis County Housing Finance Corporation's Single Family Mortgage Revenue Bond Refinancing Program for year 2002 to originate mortgages from its bond proceeds inside the Austin City limits.  
**Resolution No. 021212-33 was approved.**

**Items 34 and 35 were pulled for discussion.**

36. C14-02-0079 – Stone Tract – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9601-9641 South Chisholm Trail (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to SF-1, Single Family Residence Large Lot district, zoning as amended by the applicant from the original request of SF-3, Family Residence district, zoning. City Council approved RR, Rural Residence district, zoning and first reading. First reading on October 10, 2002; Vote: 5-2, Wynn and Dunkerley-nay. Applicant: Bobby and Betty Stone. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Gager, 974-3057. (continued from 11/7/02 and 12/5/02)  
**The second reading of the ordinance was approved.**

**Item 37 was pulled for discussion.**

38. C814S-86-030 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1407 W. Stassney Lane (Williamson Creek Watershed) from PUD, Planned Unit Development district, zoning to PUD, Planned Unit Development district, zoning in order change a condition of zoning. First Reading on November 21, 2002; Vote 6-0, Goodman absent. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant and Property Owner: Oaks Psychiatric Hospital, Inc. (Darrel Massengel). Agent: Armbrust & Brown. (John Carlton). City Staff: Fred Solis, Watershed Protection and Development Review Department, 974-6045.  
**Ordinance No. 021212-38 was approved.**
39. C14-02-0132 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Pond Springs Road at San Felipe Boulevard (Rattan Creek Watershed) from MF-3-CO, Multi-Family Residence-Medium Density-Conditional Overlay district, zoning to GR-CO, Community Commercial-Conditional Overlay Combining district, zoning, with conditions. Second reading on December 5, 2002; Vote: 7-0. First reading

on November 21, 2002; Vote: 6-0, Goodman absent. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at second ordinance reading. Applicant: Admiralty Fund of America, Inc. (Ralph Goodson). Agent: Land Answers (Jim Wittliff). City Staff: Sherri Gager, 974-3057. Noe: A valid petition has been filed in opposition to this rezoning request.

**Ordinance No. 021212-39 was approved. Staff announced the petition had been withdrawn.**

40. Approve a resolution authorizing application for grant funding in the amount of \$50,234 for the Austin Police Department, Forensic Science Division to receive training in forensic sample evidence examination. (Grant funding is available from the Governor's Office, Criminal Justice Division Coverdell Forensics Science Improvement Program for the grant period January 1, 2003 to December 31, 2003. An in-kind match is not required.)  
**Resolution No. 021212-40 was approved.**
41. Approve execution of a construction contract with M.B. HOME CONSTRUCTION SERVICE, INC., Cedar Creek, Texas, for construction of a new communications center within Operations Building #7350 at Austin-Bergstrom International Airport, in an amount not to exceed \$362,375. (Funding was included in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation.) Lowest bid of three bids received. 36.4% MBE, 0% WBE subcontracting participation.  
**The motion authorizing the execution of a construction contract was approved.**
42. Approve execution of a construction contract with SOUTHWEST CONSTRUCTORS, INC., Austin, Texas, for demolition/deconstruction of existing buildings at the Mexican American Cultural Center Site, 600 River Street, in an amount not to exceed \$59,959. (Funding is available in the 2000-2001 Capital Budget of the Parks & Recreation Department.) Lowest of three bids received. 5% MBE, 4.86% WBE subcontracting participation.  
**The motion authorizing the execution of a construction contract was approved.**
43. Approve execution of a construction contract with BENITEZ CONSTRUCTION, INC. (MBE/MH, 39.98%), Pflugerville, Texas, for the Fenton Drive Water Transmission Main Project, in the amount of \$1,264,568.50 plus \$126,500 contingency, for a total contract amount not to exceed \$1,391,068.50. (Funding in the amount of \$1,391,025.35 was included in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility.) Nine responsive bids were received. 5.69% MBE, 6.01% WBE subcontracting participation. (Recommended by Water & Wastewater Commission)  
**The motion authorizing the execution of a construction contract was approved.**
44. Approve execution of a construction contract with AARON CONCRETE CONTRACTORS, INC. (MBE/MH 60.79%), Austin, Texas, for the Riverside / Willow Creek Roadway Wastewater Improvements Project, in the amount of \$728,253.30, plus \$72,825.33 contingency, for a total contract amount not to exceed \$801,078.63. Funding in the amount of \$248,334.37 is available in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility; \$552,744.26 is available in the 2002-2003 Approved Capital Budget of the Public Works Department. Low bid of four responsive bids. 6.50% MBE, 30.69% WBE subcontracting participation. (Recommended by Water & Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**

45. Approve negotiation and execution of an amendment to the existing professional services agreement with TAG INTERNATIONAL, L.L.P., Austin, Texas, for design of the Austin Police Department's Central East Austin Substation and Forensics Facility, located at 812 Springdale Road, in an amount not to exceed \$49,500, for a total agreement not to exceed \$1,413,566. (Funding in the amount of \$49,500 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Police Department.) Overall participation including this amendment: 21% MBE, 19% WBE.  
**The motion authorizing the negotiation and execution of an amendment to the existing professional services agreement was approved.**
46. Approve execution of a construction contract with EAGLE CONSTRUCTION AND ENVIRONMENTAL, L.P., Cibolo, Texas, for the Eubank Acres Service To Annexed Areas #2000 Project C Water and Wastewater Improvements Project, in the amount of \$1,990,913.91, plus \$199,091.39 contingency, for a total amount not to exceed \$2,190,005.30. (Funding in the amount of \$2,190,005.30 is available in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of six bids received. 21.79% MBE, 3.37% WBE subcontracting participation. (Recommended by Water & Wastewater Commission)  
**The motion authorizing the execution of a construction contract was approved.**
47. Approve execution of Change Order #2 with SPAWGLASS CONTRACTORS, INC., Austin, Texas, for additional space to house an additional Area Command, as part of the Central Austin Police Substation and Forensics Facility, located at 812 Springdale Road, in an amount not to exceed \$100,000 for a total contract amount not to exceed \$14,918,008.16. (Funding in the amount of \$100,000 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Police Department.) Overall MBE/WBE participation, including this change order: 23.44% MBE and 16.34% WBE.  
**The motion authorizing the execution of Change Order #2 was approved.**
48. Approve negotiation and execution of an amendment to the professional services agreement with EARTH TECH, INC., Austin, Texas, for professional engineering services for the Del Valle Water and Wastewater Annexation Project, in an amount not to exceed \$433,229.24, for a total contract amount not to exceed \$2,291,054.08. (Funding in the amount of \$216,614.62 was included in the 1999-2000 Amended Capital and \$216,614.62 was included in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility. Overall Subconsultant participation for this project including this Phase is: 16.97% MBE, 15.82 % WBE. (Recommended by Water & Wastewater Commission Review)  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**

**Item 49 was pulled for discussion.**

50. Authorize the City Manager to negotiate and execute a Construction Manager-at-Risk Contract with HENSEL PHELPS CONSTRUCTION CO., Austin, Texas, for Construction Manager Fee stipulated sum, General Conditions stipulated sum, an estimated allowance for Pre-Construction Phase Services and an estimated allowance for an Initial Construction Trade Package, for the New City Hall - Building and Public Plaza (Phase III) construction contract in the not-to-exceed amount of \$16,968,282. (Funding is included in the 2002-2003 Capital Budget of Economic Growth & Redevelopment Services Office.) 9.53% MBE, 3.5% WBE subconsultants participation.

**The motion authorizing the City Manager to negotiate and execute a Construction Manager-at-Risk Contract was approved.**

51. Approve a resolution for the fee simple acquisition of Lot 12, Linda Vista Subdivision, locally known as 6603 Rowood Drive, from Albert L. and Juanita L. Martinez for the Airport Noise Mitigation Program, in the amount of \$36,500 and \$63,400 relocation benefits, for a total amount not to exceed of \$99,900 plus closing cost and moving related assistance. [Funding in the amount of \$99,900 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.]  
**Resolution No. 021212-51 was approved.**
52. Approve a resolution for the fee simple acquisition of Lot 28, Linda Vista Subdivision, locally known as 10905 Linda Vista Drive, from Matias and Pauline Solis for the Airport Noise Mitigation Program, in the amount of \$118,000 and \$11,965 relocation benefits, for a total amount not to exceed of \$129,965 plus closing cost and moving related assistance. [Funding in the amount of \$129,965 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.]  
**Resolution No. 021212-52 was approved.**
53. Approve a resolution for the fee simple acquisition of Lot 42, Linda Vista Subdivision, locally known as 10601 B Linda Vista Drive, from Richard Don Ellis and Michael Don Ellis for the Airport Noise Mitigation Program, in the amount of \$77,000, \$24,475 residential relocation benefits, and \$25,000 for business relocation for a total amount not to exceed of \$126,475 plus closing cost and moving related assistance. [Funding in the amount of \$126,475 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.]  
**Resolution No. 021212-53 was approved.**
54. Approve execution of a contract through the Texas Local Statewide Purchasing Cooperative with their contract vendor TYMCO INTERNATIONAL, LTD., Waco, Texas, for the purchase of five truck-mounted street sweepers for the Solid Waste Services Department and two truck-mounted street sweepers for Public Works Department in the amount of \$837,735. (Funding in the amount of \$241,990 is available in the 2002-2003 Approved Operating Budget of the Public Works Department. Funding in the amount of \$595,745 is available in the 2002-2003 Approved Capital Budget of the Financial and Administrative Services Department – Fleet Services Division) TYMCO is currently under contract with the Texas Local Statewide Government Purchasing Cooperative to supply this type of equipment. These sweepers have been competitively bid through this cooperative.  
**The motion authorizing the execution of a contract was approved.**
55. Approve negotiation and execution of a 12-month contract with FALCON INSURANCE AGENCY, INC., Austin, Texas, through OLD REPUBLIC INSURANCE COMPANY to provide aircraft liability and physical damage insurance in an amount not to exceed \$93,050 with three 12-month extension options in amounts not to exceed \$93,050 per extension for a total contract amount not to exceed \$372,200. (Funding in the amount of \$93,050 is available in the 2002-2003 Approved Operating Budget of the Police Department. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of three proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.



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

56. Approve negotiation and execution of a 12 month service agreement with RONALD D. HORNE, DDS, P.A., Austin, Texas to provide oral surgery services for enrollees in the City of Austin Medical Assistance Program of the Health and Human Services Department and for non-Medical Assistance Program clients from the Primary Care Department in an amount not to exceed \$85,000, with three 12-month extension options in an amount not to exceed \$85,000 per extension for a total contract amount not to exceed \$340,000.(Funding in the amount of \$66,666 is available in the 2002-2003 Approved Operating Budget for the Health and Human Services Department and \$4,166 is available in the 2002-2003 Approved Operating Budget for the Primary Care Department. Funding for the remaining two months of the initial contract period and extension options is contingent upon available funding in future budgets.) Sole Response Received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established. **The motion authorizing the negotiation and execution of a service agreement was approved.**

57. Approve negotiation and execution of a 12-month professional service agreement with COLORADO RIVER WATCH FOUNDATION, Inc., Austin, Texas, to provide water quality monitoring and training for at risk youth for the Water and Wastewater Utility and the Watershed Protection and Development Review Department, in an amount not to exceed \$104,244.50 with two 12-month extension options in an amount not to exceed \$104,244.50 per extension, for a total contract amount not to exceed \$312,733.50. (Funding in the amount of \$52,796.43 is available in the 2002-2003 Approved Operating Budget of the Water and Wastewater Utility and \$34,074.00 is available in the 2002-2003 Approved Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining two months of the original contract period and extension options will be contingent upon available funding in future budgets.) Sole proposal. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established. **The motion authorizing the negotiation and execution of a professional service agreement was approved.**

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u> Cathy Ann Olive (Travis County Commissioners Rep)	Consensus	Appointment
<u>Austin Housing Authority</u> Henry Flores Jackson Cole	Mayor Gus Garcia Mayor Gus Garcia	Appointment Appointment

City of Austin Commission for Women

Valerie Marie Malone	Council Member Goodman's	Reappointment
----------------------	--------------------------	---------------

Community Development Commission

Felipe Camacho (Montopolis Neighborhood Rep)	Consensus	Appointment
--	-----------	-------------

Hospital Board

Glenda Parks	Consensus	Appointment
Hall Katz	Consensus	Appointment
Dr. Mary Lou Adams	Consensus	Appointment

Zoning and Platting Commission

John-Michael Vincent Cortez	Council Member Alvarez'	Appointment
Clarke Hammond	Council Member Slusher's	Appointment

59. Consider a resolution to review the existing studies related to pedestrian/bicycle safety improvements on IH35 (from intersection of US 183 to Cesar Chavez) and US 183 (from Payton Gin Road to SH71. (Council Member Danny Thomas, Council Member Betty Dunkerley and Council Member Raul Alvarez)

**Resolution No. 021212-59 was approved with a friendly amendment by Council Member Slusher to add a new number 7 to the second page under Be It Resolved By the City Council of City of Austin, to read, "7. Study all practices to see if there are ways for pedestrians and cyclists to be safe including providing public education and guiding people to the safest routes."**

60. Approve a resolution supporting the selection of the Intel property located at Fifth Street and San Antonio Street as the preferred site for the proposed new Federal Court House. (Mayor Gus Garcia, Mayor Pro Tem Jackie Goodman, and Council Member Daryl Slusher)

**Resolution No. 021212-60 was approved.**

61. Approve an ordinance appointing a member to the Telecommunications Commission and waiving the residency requirement for that appointment. (Council Member Raul Alvarez)

**Ordinance No. 021212-61 was approved. Council Member Slusher voted nay.**

62. Approve an ordinance appointing Michael Coffey to fill the unexpired term of the judge of the Downtown Austin Community Court Division of the Municipal Court effective December 22, 2002. (Recommendation from Council Judicial Committee Anticipated)

**Ordinance No. 021212-62 was approved appointing Michael Coffey as full time judge of the Downtown Austin Community Court Division of the Municipal Court.**

63. Approve an ordinance appointing Deborah Hopps to the Hospital Board and waiving the residency requirement for her appointment. (Recommended by the Health Care Subcommittee) (Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)

**Ordinance No. 021212-63 was approved. Council Member Slusher voted nay.**

64. Briefing regarding the Republic Square re-development plans and the Farmers Market proposal.

**This item was postponed indefinitely.**

**Item 65 was set for a time certain of 6:00 p.m.**

66. Presentation and possible action on the proposed hazardous pipeline ordinance and amending Ordinance No. 020910-04 establishing a Fire Department review fee. (This item replaces Item # 17)

**This item was postponed to January 9, 2003 at 6:00 p.m.**

67. Approve negotiation and execution of professional services contracts to provide state representation services for the 78th Legislative Session for an amount not to exceed \$628,000.

**Resolution No. 021212-67 was approved. Council Member Alvarez abstained.**

**Mayor Garcia recessed the Council meeting at 2:44 p.m. to go into Executive Session.**

### EXECUTIVE SESSION

5. Discuss legal issues related to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Ordinance.
6. Discuss legal issues related to proposed professional services evaluation matrix.
3. Discuss legal issues related to *Barbara Oakley as legal guardian for Richard Danziger v. City of Austin, et al., Case No A02CA711 JN* and *Christopher Ochoa v. City of Austin, et al., Case No A02CA710 JN* in the United States District Court, Western District of Texas.  
**No discussion.**
2. Discuss legal issues related to the draft hazardous pipeline ordinance.  
**No discussion.**

**Executive Session ended at 4:07 p.m.**

**Mayor Garcia called the Council meeting back to order at 4:08 p.m.**

### BOARD OF DIRECTORS' MEETING OF AUSTIN HOUSING FINANCE CORPORATION

**Mayor Garcia recessed the meeting at 4:08 p.m. to go into a meeting of the Board of Directors' of the Austin Housing Finance Corporation. See separate minutes.**

**Mayor Garcia called the Council Meeting back to order at 4:14 p.m.**

### ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote. Consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

**Item Z-1 was pulled for discussion.**

- Z-2. C14H-02-0008 – Municipal Airport Hangar – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4201 Airport Boulevard (Boggy Creek Watershed) from AV, Aviation Services District, zoning to AV-H, Aviation Services-Historic Combining District, zoning. Planning Commission Recommendation: To grant AV-H, Aviation Services-Historic Combining District, zoning.

Historic Landmark Commission Recommendation: To grant AV-H, Aviation Services-Historic Combining District, zoning. Applicant: Historic Landmark Commission. Property Owner: City of Austin. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

**This item was postponed to January 9, 2003 at staff's request.**

**Item Z-3 was pulled for discussion.**

- Z-4. C14-02-0156 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the west side of River Place Blvd. approximately 1 mile north from its intersection with Milky Way Drive (Lake Austin Watershed) from SF-5, Urban Family Residence district zoning to SF-6, Townhouse and Condominium Residence district, zoning. Zoning and Platting Commission Recommendation: To grant SF-6, Townhouse and Condominium Residence district, zoning. Applicant: R.P. Preserve Ltd. (Blake McGee). Agent: Longaro and Clarke (Joe Longaro). City Staff: Glenn Rhoades, 974-2775. (continued from 11/21/02)

**The first reading of the ordinance was approved.**

**Item Z-5 was pulled for discussion.**

- Z-6. C14-02-0170 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 601 Airport Boulevard (Colorado River Watershed) from SF-3, Family Residence district, zoning to P, Public district, zoning. Planning Commission Recommendation: To grant P, Public district, zoning. Applicant and Property Owner: City of Austin (Health & Human Services Dept.). Agent: City of Austin (Public Works Dept.). City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 021212-Z6 was approved.**

- Z-7. C14-02-0176 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 616 West Powell Lane (Little Walnut Creek Watershed) from CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Graham Byrne Partnership (Bill Graham). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 021212-Z7 was approved.**

- Z-8. C14-02-0177 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 West Powell Lane (Little Walnut Creek Watershed) from CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning by consent. Applicant and Property Owner: Graham Byrne Partnership (Bill Graham). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 021212-Z8 was approved.**

**ZONING DISCUSSION ITEMS**

- Z-1. C14-86-025 (RCA) – Pleasant Valley Courtyards – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 4503, 4511 and 4601 East St. Elmo Road (Williamson Creek Watershed) to amend a portion of the Restrictive Covenant as it relates to access to a public street. Planning Commission Recommendation: To forward the request to Council without a recommendation. Applicants and Property Owners: Nilda de la Llata and Bobby Pospisil (Craig Alter). Agent: Lopez-Phelps & Associates, Inc. (Amelia Lopez-Phelps). City Staff: Wendy Walsh, 974-7719. (continued from 12/5/02)  
**The motion to postpone this item to January 9, 2003 at staff's request was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**
- Z-3. C14-02-0145 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1000 Dalton Lane (Tract 1) and 912 Dalton Lane (Tract 2) (Carson Creek Watershed) from I-RR, Interim-Rural Residential district, zoning to LI, Limited Industrial Services district, zoning for Tract 1 and Tract 2. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, for Tracts 1 and 2. Applicant and Property Owners: Isaac & Jane Rabb/Dennis & Alice Kerwin. Agent: Jenkins & Gilchrist, PC (Myron Dornic). City Staff: Annick Beaudet, 974-2975  
**Tract 1 was postponed indefinitely at staff's request on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**  
  
**Tract 2 was approved on first reading adopting staff's recommendation of LI-CO, was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**
- Z-5. C14-02-0160 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13544 North F.M. 620 (Lake Creek Watershed) from I-RR, Interim-Rural Residence district, zoning and SF-2, Single-Family Residence-Standard Lot 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: Barbara Turner Raney and Elizabeth Turner Stark. Agent: Pohl, Brown and Associates, Inc. (Matt Trammell). City Staff: Sherri Gager, 974-3057.  
**The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote.**  
  
**The first reading of the ordinance was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote.**

**DISCUSSION ITEMS**

19. Approve an ordinance amending Ordinance No. 020910-04 to change the fee schedule for parking at Austin Bergstrom International Airport. (Additional revenue generated for these changes is estimated to be \$778,000 annually.) (Austin Airport Advisory Commission approved with one recommended change.)

**Ordinance No. 021212-19 was approved with the exception of thirty minutes of free parking will continue to be allowed on Council Member Slusher's motion, Council Member Thomas' second on a 6-1 vote. Mayor Pro Tem Goodman voted nay.**

34. Approve the negotiation and execution of subordinate loan documents with the Austin Revitalization Authority (ARA) in an amount not to exceed \$4,400,000 for the advance of construction loan proceeds and an additional amount not to exceed \$1,100,000 for the contingent prepayment of the JPMorgan Chase first lien loan (Chase loan) in the event ARA is unable to satisfy the leasing requirements of the Chase loan for a maximum loan amount not to exceed \$5,500,000 in Section 108 Loan funds through the East Austin Redevelopment Area HUD 108 Loan Program for the construction of an approximately 57,000 square foot office facility with parking garage known as *ELEVEN EAST* and waive certain guidelines of the program. [Funding in the amount of \$5,500,000 is available in the Neighborhood Housing and Community Development Department (NHCD) Special Revenue Fund – Section 108 loan proceeds.]  
**The motion authorizing the negotiation and execution of subordinate loan documents was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.**

**Mayor Garcia recessed the Council meeting at 5:36 p.m.**

**Mayor Garcia called the Council meeting back to order at 6:31 p.m.**

35. Consider an ordinance establishing procedures for amending the neighborhood plan elements of the Austin Tomorrow Comprehensive Plan. (Planning Commission adopted a resolution establishing a neighborhood plan amendment process and criteria for employing the process.) (2<sup>nd</sup> and 3<sup>rd</sup> reading)  
**The second reading of the ordinance was approved with the following changes on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote. On Part 4, (A)(1) delete January, April, July, and October and replace it with February and July. In Part 4 (C)(2)(d) add the language "sponsored by two Planning Commissioners". In Part 5 (B) revise the sentence, "A neighborhood plan contact team can initiate a plan amendment, at any time through two Planning Commissioners."**

**Council Member Dunkerley made a friendly amendment to adopt the original language that was passed on first reading and remove consensus items that were added since the first reading. The maker of the motion and Council Member Alvarez, accepted the friendly amendment with the inclusion of previous amendments.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

65. Conduct a public hearing on an amendment to Chapter 10-5 of the City Code regarding sound amplification for outdoor music venues. (No action will be taken on this item.)  
**The public hearing was closed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second, on a 7-0 vote.**

#### **DISCUSSION ITEMS**

37. C14-02-0076 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12008 Pollyanna Avenue from SF-1, Single Family Residence Large Lot district, zoning to SF-3-CO, Family Residence-Conditional

Overlay Combining district, zoning. First Reading on October 10, 2002; Vote 5-2, Goodman and Alvarez - Nay. Conditions met as follows: Conditional Overlay incorporates conditions were imposed by City Council at first ordinance reading. Applicant: Michael Byrne. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.

**The second reading of the ordinance was approved on Council Member Slusher's motion, Council member Dunkerley's second on a 5-2 vote. Mayor Pro Tem Goodman and Council Member Alvarez voted nay.**

49. Approve negotiation and execution of a professional services agreement with TRC ENVIRONMENTAL CORPORATION, Austin, Texas, to provide design, bid/award, and construction phase services for the Mabel Davis Park Landfill Remediation Project, in an amount not to exceed \$750,000. (Funding is available in the 2002-2003 Capital Budget of the Solid Waste Services Department.) Best of twelve RFQs submitted. 15% MBE, 26.4% WBE subconsultants participation.

**The motion authorizing the negotiation and execution of a professional services agreement with URS was approved on Council Member Wynn's motion, Mayor Garcia's second on a 6-1 vote. Council Member Slusher voted nay.**

**The motion to adjourn the meeting at 8:30 p.m. was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

**The minutes for the Regular Meeting of December 12, 2002 were approved on January 9, 2003 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.**