



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, APRIL 11, 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, April 11, 2002 in the Charles Jordan Room, The Conley-Guerrero Senior Activity Center, 808 Nile Street.

**Invocation:** Rev. Mike Watson, Bridgepoint Church

**Mayor Garcia called the meeting to order at 12:21 p.m.**

**Mayor Garcia recessed the meeting at 12:25 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.

2. Discuss legal issues relating to an order of the Federal Communications Commission classifying cable modem service as an "information service."
3. Discuss legal issues related to Cause No. 97-08030, *Allissa M. Chambers v. Josie Valdez, dba Valdez Remodeling and the City of Austin*, in the 53<sup>rd</sup> Judicial District Court of Travis County, Texas.
4. Discuss sale of an interest in real property acquired for the Barton Springs Water Quality Project authorized by Proposition 2 of the May 2000 Bond Election.  
**Discussion on this item was postponed to April 25, 2002.**
5. Discuss the appointment of Toby Futrell as City Manager and the compensation and benefits package for the City Manager.  
**No discussion held on this item.**

**Executive Session ended at 1:28 p.m.**

**Mayor Garcia called the meeting back to order at 1:38 p.m.**

**CITIZEN COMMUNICATIONS**

6. Deedy Adkins - AAHSA-Early Ed. & Care (**Mayor Garcia allowed this speaker to split her time with another speaker, Carmen Marroquin**)
7. Gus Pena - To Discuss Budgetary Shortfalls. To Discuss Community Concerns.
8. Scott Johnson - Air Quality Improvement Strategies.
9. Craig Gordon - City of Austin Alternative Fuel/Power Source Development Solar Photo Volcatic Rebates, Hydrogen Tank Farm, Research on Development Uses of Diesel and Gasoline
10. Richard Troxell - Homeless Solutions
11. Patricia Valls-Trelles - **ABSENT**
12. Rolando Pina - To request Austin Mayor and City Council to direct our city manager, Toby Futrell, to allow our city clerk to move all future city elections from Galindo Elementary Precinct #409 combine them with neighboring precinct #442 at Molly Dawson Elementary School until all construction is completed at Galindo Elementary School.
13. Mary Robinson - 1) Accolades to 3 incumbents for achieving 75,000 signatures and "surviving" Austin's unique petition process; 2) Special thanks and appreciation to all of their challenges for their sincere interest and willingness to run; 3) Let the debate on Austin's future begin. May those with the best ideas win!! - **ABSENT**
61. Jennifer L. Gale - Without intervention from the Austin city Council for six months, there has been no coverage of candidates running for the Austin City Council. Let's Keep Austin AUSTIN.
62. Betty J. Edgemond - Topical Stuff

**The motion to recess the regular meeting at 2:08 p.m. to go into the Board of Directors' Meeting of the Austin Housing Finance Corporation was approved on Council Member Griffith's motion, Mayor Garcia's second by a 7-0 vote. See separate minutes.**

**Mayor Garcia called the regular meeting back to order at 2:19 p.m.**

#### **DISCUSSION ITEMS**

49. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute an Exclusive Negotiation Agreement with Catellus Development Corporation, San Francisco, California, for the purpose of negotiating the terms and conditions of a Development Agreement for redevelopment of the former Robert Mueller Municipal Airport (RMMA) site. The essential terms and conditions of the Development Agreement will be brought to Council for approval prior to execution. (The master developer is obligated to fund all costs associated with the negotiation of the Exclusive Negotiation Agreement (ENA) and will submit a \$150,000 deposit toward the recovery of these costs. Continued quarterly deposits, to cover future expenses, are required in an amount to be negotiated.) (Presentations by finalist were conducted March 5, 2000 to the RMMA Plan Implementation Advisory Commission)  
**Resolution No. 020411-49 was approved on Council Member Griffith's motion, Council Member Alvarez' second by a 7-0 vote.**
54. Approve the appointment of Toby Futrell as City Manager and establish a compensation and benefits package for the City Manager. (Council Member Daryl Slusher and Mayor Gus Garcia)  
**Resolution No. 020411-54 establishing a compensation and benefits package for City Manager Toby Futrell to include base pay of \$188,115.22 and other benefits was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.**

#### **CONSENT AGENDA**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Council Member Slusher's second by a 6-0 vote. Council Member Griffith was off the dais.**

**Item 15 was pulled for discussion.**

16. Approve a resolution authorizing an amendment to the legal services contract with GEORGE & DONALDSON, L.L.P., Austin, Texas, for representation in Cause No. 97-08030, *Allissa M. Chambers v. Josie Valdez, dba Valdez Remodeling and the City of Austin*, in the 53<sup>rd</sup> Judicial District Court of Travis County, Texas, for an increase of \$40,000, resulting in a total contract limit of \$150,000. (Funding in the amount of \$40,000 is available in the 2001-2002 Approved Operating Budget of the Liability Reserve Fund.) (Continued from April 4, 2002)  
**Resolution No. 020411-16 was approved.**
17. 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. 18) (Continued from March 21, 2002)  
**Resolution No. 020411-17 was approved.**
18. 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. 17) (Continued from March 21, 2002)  
**Resolution No. 020411-18 was approved.**
19. Approve an ordinance authorizing acceptance of \$5,000 in grant funds from the Capital Area Regional Advisory Council for participation in the Texas Department of Health Trauma Care System; amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 operating budget for the EMS Department, amending the Special Revenue Fund by appropriating \$5,000 in grant funds for the EMS Department Special Revenue Fund. (The amount of \$5,000 is from the Capital Area Regional Advisory Council. The grant term is March 1, 2002 through June 1, 2002. No City in-kind match is required.)  
**Ordinance No. 020411-19 was approved.**
20. Approve a resolution giving the City's consent to the financing of the acquisition of PHOENIX HOUSE'S OF TEXAS, INC. of the drug treatment and prevention facilities located at 400 West Live Oak by the Milam County Health Facilities Development Corporation as provided by Section 221.030(a)(1) of the Health Facilities Development Act.  
**Resolution No. 020411-20 was approved.**
21. Adopt an ordinance to establish classifications and positions in the classified service of the Austin Fire Department and repeal Ordinance No. 020321-25.  
**Ordinance No. 020411-21 was approved.**

22. Approve a resolution authorizing an amendment to the legal services contract with WICKLIFF & HALL, P.C., for legal services concerning the proposed hazardous pipeline ordinance and related legal issues, for an increase of \$27,000, resulting in a total contract limit of \$57,000. (Funding in the amount of \$27,000 is available in the 2001-2002 Approved Operating Budget of the Economic Development Fund.)  
**Resolution No. 020411-22 was approved.**
23. C14-01-0168 - 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 for Tract 1 and CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning for Tract 2 to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. First Reading on March 21, 2002. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austex Enterprises No. 1, L.P. (Randall Williamson). Agent: Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 020411-23 was approved.**
24. C14-01-0169 – Parmer Center - Approve second/third readings of 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-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. First Reading on March 21, 2002. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. 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.  
**Ordinance No. 020411-24 was approved.**
25. C14-84-516 (DE) – Parmer Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12701-12725 IH-35 North (Walnut Creek Watershed) from CS, General Commercial Services district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions, and to delete the principal roadway area site plan requirement. First Reading on March 21, 2002. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. 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.  
**Ordinance No. 020411-25 was approved.**
26. C14-84-517 (DE) – Parmer Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12801-12817 IH-35 North (Walnut Creek Watershed) from CS, General Commercial Services district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. First Reading on March 21, 2002. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. 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.  
**Ordinance No. 020411-26 was approved.**
27. Approve an ordinance to amend Ordinance No. 010910-05 to increase fees for reimbursed overtime of the Austin Police Department. Meet  
and Confer Contract. (For Fiscal Year 2001-2002, anticipated reimbursed costs for police services

is expected to increase by \$27,345. A budget impact is not expected because the additional reimbursement is offset by the increased salary cost of police officers.)

**Ordinance No. 020411-27 was approved.**

28. Approve an ordinance authorizing acceptance of \$50,200 in grant funds from the Texas Department of Transportation (TxDot) for the Texas Selective Traffic Enforcement "Click It or Ticket" Project to increase the enforcement of seatbelt laws during the Memorial Day holiday; amend Ordinance No. 090110-01, the Fiscal Year 2002 Operating Budget, by appropriating \$50,200 in grant funds for the Austin Police Department Special Revenue fund. [Grant funding is available from TxDOT through the Selective Traffic Enforcement Project (STEP), for the grant period of April 5, 2002 through December 31, 2002. No cash match is required.]  
**Ordinance No. 020411-28 was approved.**
29. Approve a resolution authorizing execution of Change Order #21 to the construction contract with TRIPLE H CONTRACTING, INC. / BRH-GARVER, INC., Joint Venture, Buda, Texas, for repair of the 72" Ullrich Transmission Main, in the amount of \$750,000 for a total contract amount not to exceed \$22,425,899.50. (Funding in the amount of \$750,000 is available in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.) Overall MBE/WBE participation through Change Order #20: 7.12% MBE, 5.25% WBE. This work will be performed on a time and material basis. As a result, MBE/WBE participation for this change order is unknown at this time.  
**Resolution No. 020411-29 was approved.**
30. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with MARTINEZ, WRIGHT & MENDEZ, INC. (DBE/MH, 89.54%), Austin, Texas, for additional construction phase services for Austin-Bergstrom International Airport's General Aviation North Apron Expansion, in the amount of \$89,770 for a total contract amount not to exceed \$1,249,770. (Funding in the amount of \$89,770 is available in the Fiscal Year 2001-2002 Capital Budget of the Department of Aviation.) 6.93% DBE subcontracting participation.  
**Resolution No. 020411-30 was approved.**
31. Approve a resolution authorizing execution of a construction contract with ROBERT JENTSCH CONSTRUCTION, INC., Austin, Texas, for the installation of permanent erosion controls for the Zilker Landfill, in the amount of \$62,150. (Funding is available in the Fiscal Year 2001-2002 Capital Budget of the Solid Waste Services Department.) Lowest of seven bids received. This contract is in compliance with the 1996 MBE/WBE Ordinance, as amended.  
**Resolution No. 020411-31 was approved.**
32. Approve a resolution authorizing execution of Change Order #5 to the construction contract with CAPITAL EXCAVATION COMPANY, Austin, Texas, for additional street improvements at the intersection of Rutland Drive and Burnet Road, as part of the Rutland Drive Bond Street Reconstruction and Utility Adjustments Project, in the amount of \$79,468.81, for a total contract amount not to exceed \$1,954,863.28. (Funding in the amount of \$79,468.81 is available in the Fiscal Year 2001-2002 Approved Capital Budget of the Public Works Department.) 2.42% MBE, 66.36% WBE subcontracting participation.  
**Resolution No. 020411-32 was approved.**
33. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with the Joint Venture of BARNES ARCHITECTS INC., ALAN Y. TANIGUCHI ARCHITECT & ASSOCIATES INC., CENTERBROOK ARCHITECTS AND PLANNERS, Austin, Texas, for additional design through construction phase services associated with the installation of a photovoltaic array on the top level of the Town Lake Park Community Events Center Parking Facility in an amount not to exceed \$60,000 for a total amount not to exceed \$5,620,601.59. (Funding in the amount of \$60,000 is available in the Fiscal Year 2001-2002

Amended Capital Budget for the Electric Utility Department.) 21% MBE, 0% WBE subconsultant participation.

**Resolution No. 020411-33 was approved.**

34. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent waterline easement interest in 1,057 square feet out of the south 70 feet of Lot 161 and south 70 feet of Lot 162, Walnut Forest, Travis County, Texas, located at 11600 North IH 35, from Masood Helforoosh, in the amount of \$1,387. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 020411-34 was approved.**

35. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement interest in 1,323.64 square feet out of Lot 2, Section 2, Parmer Crossing Subdivision, Travis County, Texas, located at 12715 Burnet Road, from AUSTONE LP, in the amount of \$1,430. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 020411-35 was approved.**

36. Approve a resolution authorizing negotiation and execution of a six-month lease with MOTOROLA, INC., Phoenix, Arizona, for 25,300 square feet of office space located at 4101 Ed Bluestein Boulevard, for the Department of Small and Minority Business Resources and the One Stop Shop Small Business Assistance Center, in an amount not to exceed \$234,000, with one thirty-one month extension option in an amount not to exceed \$1,238,842.80, for a total amount not to exceed \$1,472,842.80. (Funding for the first five months of the contract in the amount of \$105,300 is available from the Fiscal Year 2001-2002 Community Development Block Grant funds and \$89,700 is available from the Fiscal Year 2001-2002 Operating Budget of the Department of Small & Minority Business Resources. DSMBR's portion of the total authorization would be a not to exceed amount of \$677,507.69 and the One Stop Shop Small Business Assistance Center's portion would be a not to exceed amount of \$795,335.11 to be funded by Community Block Development Grant funds. Funding for the remaining thirty-two months of the original contract period and extension option is contingent upon available funding in future budgets.)

**This item was postponed indefinitely.**

37. Approve a resolution to ratify the execution of a contract with DIALOGIC COMMUNICATIONS CORPORATION, Franklin TN, to purchase an Emergency Notification System (Reverse 9-1-1) for the Austin Police Department in an amount not to exceed \$69,550 (Funding is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department.) Best proposal of two proposals received. This contract was awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-37 was approved.**

38. Approve a resolution to ratify execution of a 12-month agreement with FALCON INSURANCE AGENCY, INC., Austin, Texas, to provide helicopter liability and physical damage insurance through Old Republic Insurance Company in an amount not to exceed \$95,600. (Funding was included in the 2001-2002 Approved Operating Budget of the Police Department.) One bid received. This contract was awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-38 was approved.**

39. Approve a resolution authorizing execution of two 12-month supply agreements with AFFORDABLE DENTURES, Austin, Texas, for the provision of dental prosthetic services and denture manufacturing for enrollees of the City of Austin Medical Assistance Program for the

Health and Human Services Department in an annual amount not to exceed \$95,360 and for non-Medical Assistance Program clients for the Primary Care Department in an amount not to exceed \$44,550 with three 12-month extension options in amounts not to exceed \$95,360 for Health and \$44,550 for the Primary Care Department, for total contract amounts not to exceed \$381,440 and \$178,200 respectively. (Funding in the amount of \$47,680 is available in the 2001-2002 Approved Operating Budget of the Health and Human Services Department and \$22,275 was included in the 2001-2002 Approved Operating Budget of the Primary Care Department. Funding for the remaining six months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of three bids received. These contracts will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No goals were established for this solicitation.

**Resolution No. 020411-39 was approved.**

40. Approve a resolution authorizing execution of a contract with PORTABLE COMPUTER SYSTEM (PCS) INC., Bridgeport Texas, to purchase mobile computer workstations & accessories for the Austin Fire Department in an amount not to exceed \$90,479. (Funding is available in the 2001-2002 Operating Budget of the Austin Fire Department.) Low bid meeting specification of three bids received. This contract was awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-40 was approved.**

41. Approve a resolution authorizing execution of a contract with SKID LOADERS PLUS, INC., Austin, Texas, for the purchase of one rubber tire walking hydraulic excavator for the Watershed Protection Development Review Department in the amount of \$169,049. (Funding was included in the 2001-2002 Capital Budget of the Watershed Protection Development Review Department.) Low bidder/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The equipment is being provided by an authorized dealer for the manufacturer and will be delivered directly to the City. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-41 was approved.**

42. Approve a resolution authorizing execution of a 12-month supply agreement with HUGHES SUPPLY, Austin, Texas, for manhole covers and rings for the Department of Water, Wastewater Utility in an amount not to exceed \$69,058. (Funding in the amount of \$28,774.15 was included in the 2001-2002 Operating Budget for the Water Wastewater Department. Funding for the remaining six-months of the original contract is contingent upon available funding in future budgets.) Low bid of five bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-42 was approved.**

43. Approve a resolution authorizing execution of a 12-month service agreement with HOLT COMPANY OF TEXAS, Pflugerville, Texas, to provide generator maintenance and repair services in an amount not to exceed \$161,320 with two 12-month extension options in an amount not to exceed \$109,000 for the first extension and in an amount not to exceed \$137,230 for the second extension, for a total contract amount not to exceed \$407,550. (Funding in the amount of \$80,660 was included in the 2001-02 Approved and Amended Operating Budgets of the departments as follows: FASD, Building Services Division \$13,302.50; Electric Utility Department \$ 4,492.50; Fire Department \$26,872.50; Water & Wastewater \$17,812.50; Fleet Maintenance \$ 5,425.00; Wireless Communication Services \$9,052.50; Library \$ 1,715.00; Convention Center \$1,987.50. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder of four bids received. This

contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-43 was approved.**

44. Approve a resolution authorizing execution of a 12-month supply agreement with AMERICAN CORPORATE SERVICES, Georgetown, Texas, for medical file folders, medical record chart dividers, production and management services in an amount not to exceed \$31,180 with two 12-month extension options in an amount not to exceed \$31,180 per extension for a total contract amount not to exceed \$93,540. (Funding in the amount of \$14,290.83 was included in the 2001-2002 Approved Operating Budget for the Primary Care Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020411-44 was approved.**

45. Approve a resolution authorizing execution of a contract with SIEMENS PT&D c/oFAPCO, New Braunfels, Texas, to purchase a 35 kV switchgear in an amount not to exceed \$620,598. (Funding is available in the 2001-2002 Amended Capital Budget of the Electric Utility Department.) Low bid /three bids received. This contract will be awarded in compliance with the MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore goals were not established for this solicitation. This contract is for the purchase of commodities, with direct delivery by the manufacturer.

**Resolution No. 020411-45 was approved.**

46. Approve a resolution authorizing the execution of an Interlocal Agreement with the Eanes Independent School District (EISD) for the City's Electric Utility Department to provide energy efficiency consulting assistance, including identifying and recommending conservation measures, calculating their energy savings, and assisting with any applicable utility rebates, for planned school district capital improvement projects.

**Resolution No. 020411-46 was approved.**

47. Approve a resolution authorizing execution of a 12-month supply agreement with NGK-LOCKE C/O PRIESTER SUPPLY, Austin, Texas, to provide transmission insulators, horizontal post insulators, station post insulators, fiberglass line post insulators and braced line post insulators in an amount not to exceed \$242,747, with two 12-month extension options in an amount not to exceed \$242,747 per option, for a total amount not to exceed \$728,241. (Funding in the amount of \$121,373.50 is available in the Amended 2001-2002 Operating Budget of the Electric Utility Department. Funding for the balance of the contract period and the extension options is contingent upon available funding in future budgets.) Low bid meeting specification/six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore goals were not established for this contract. This contract is for the purchase of commodities, with direct delivery by manufacturer's distributor.

**Resolution No. 020411-47 was approved.**

48. Approve a resolution authorizing execution of a contract with EDWARD DON & CO., Carrollton, Texas, for purchase of a large variety of food service equipment and installation for the Palmer Events Center in an amount not to exceed \$99,034.63. (Funding was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Palmer Events Center project.) Overall Low Bid of four bids received. This contract will be awarded in compliance with the MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.



**Resolution No. 020411-48 was approved.**

**Item 49 was discussed earlier in the meeting.**

50. Approve a resolution authorizing the City Manager to negotiate and execute a contract with the Village of San Leanna for the provision of emergency water service. (The Village of San Leanna will fund all necessary improvements for connection to the City's water system. A minimum annual readiness-to-serve charge of \$4,117 will be assessed for the duration of the contract.)

**Resolution No. 020411-50 was approved.**

51. Appointments to Boards and Commissions.  
**No appointment made.**

52. Approve an ordinance waving certain fees and requirements under Chapter 15-11 of the City Code and approving the closure of certain streets for the "East Austin Community Festival" to be held May 4, 2002. (Council Member Danny Thomas)

**Ordinance No. 020411-52 was approved.**

53. Approve an ordinance waiving the requirements of Chapter 15-11-18 of the City Code for the Republic of Texas Biker Rally to be held on May 31, 2002 on Sixth Street. (Mayor Gus Garcia and Council Member Raul Alvarez)

**Ordinance No. 020411-53 was approved.**

**Item 54 was discussed earlier in the meeting.**

55. Approve a resolution directing the Planning Commission to consider neighborhood plans for the following neighborhoods: West University, North University and Hancock. (Mayor Pro Tem

**Resolution No. 020411-55 was approved with the following additions: 1) Include University Partners (stakeholders), UT Austin Faculty master planning committee, the facility planning representative, and the student government representative in the planning effort; 2) Include/consider the following plans: a) December 1995 Tri-party agreement between University Area Partners, U.T. and Capital Metro; b) 1996 City Council resolution designating Guadalupe Street as a pedestrian street; c) 2002 Guadalupe Street Master Plan Implementation document; d) January 2001 University Area Partners Comprehensive Transportation plan; e) May 2001 23<sup>rd</sup> Street Safe Street design, and f) University of Texas Transportation plan. The Planning Commission was directed to serve as mediators and mentors in this planning effort.**

**Mayor Garcia recessed the meeting at 3:53 p.m. to go into Executive Session.**

#### **EXECUTIVE SESSION**

1. Discuss legal issues related to the proposed City Code amendments recommended by the City Manager's Street Cut Impact Reduction Project Team.

**Executive Session ended at 6:04 p.m. Mayor Garcia called the meeting back to order.**

#### **BRIEFING**

15. Approval of worksession of April 3, 2002 and regular meeting of April 4, 2002.

The minutes of the worksession of April 3, 2002 and the regular meeting of April 4, 2002 were approved on Council Member Wynn's motion, Mayor Garcia's second by a 4-0 vote. Council Members Alvarez, Griffith and Slusher were off the dais.

14. Discuss findings and recommendations of the City Manager's Street Cut Impact Reduction Project Team.

The presentation was made by Lisa Gordon, Assistant City Manager; Leon Barba, Chief Engineer, Public Works Department; and Sonny Hood, Attorney, Law Department.

#### DISCUSSION ITEMS

56. Conduct a public hearing and consider a variance request to waive dedication of a drainage easement to the full extent of the 100-year floodplain at Manor Road.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 6-0 vote. Council Member Griffith was off the dais.

Ordinance No. 020411-56 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 6-0 vote. Council Member Griffith was off the dais.

57. Conduct a public hearing 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).

The public hearing for Nalle Tract was closed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 4-0 vote. Council Members Griffith, Slusher and Thomas were off the dais.

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

The public hearing for Avery Ranch Areas was closed on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 4-0 vote. Council Members Griffith, Slusher and Thomas were off the dais.

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).

The public hearing for Pioneer Crossing was closed on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 6-0 vote. Council Member Griffith was off the dais.

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). (No action will be taken on this item.)

The public hearing for Bear Lake PUD was closed on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 6-0 vote. Council Member Griffith was off the dais.

58. Conduct a public hearing 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). (No action will be taken on this item.)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 6-0 vote. Council Member Griffith was off the dais.

59. Conduct a public hearing 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. (No action will be taken on this item.)

**The public hearing was closed on Council Member Thomas' motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Griffith was off the dais.**

60. Conduct a public hearing and consider for possible action an ordinance to adopt a division of the City into eight council districts for the election of councilmembers in the event that the proposed charter amendment for a City Council made up of eight council members elected from single-member districts, two council members elected from the City at large, and a Mayor elected from the City at large is adopted by the voters.

**The public hearing was closed on Council Member Wynn's motion, Council Member Alvarez' second by a 6-0 vote. Council Member Griffith was off the dais.**

**The second reading of this ordinance was approved, adopting option "A", on Council Member Thomas' motion, Council Member Alvarez' second by a 3-3 vote. Those voting aye were: Council Members Alvarez, Thomas and Wynn. Those voting nay were: Mayor Garcia, Mayor Pro Tem Goodman and Council Member Slusher. Council Member Griffith was off the dais.**

**The motion to adjourn the meeting at 9:30 p.m. was approved on Council Member Thomas' motion, Council Member Wynn's second by a 6-0 vote. Council Member Griffith was off the dais.**

**The minutes from the Worksession of April 10, 2002 and the regular meeting of April 11, 2002 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 6-0 vote.**