



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, MAY 16, 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, May 16, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**INVOCATION – Dr. Tommy Lewis, Bethel Missionary Baptist Church**

**Mayor Garcia called the meeting to order at 12:34 p.m.**

**Mayor Garcia recessed the meeting at 12:35 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 legal issues related to sales taxes on airport services.
2. Discuss legal issues related to *Longhorn Partners Pipeline, L.P. v. City of Austin, et. al*, Case No. A-02-CA-001-SS and *Ethel Spiller, et. al v. Longhorn Partners Pipeline, L.P., et. al.*, Case No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas. Austin Division, and other legal issues related to hazardous pipelines.  
**No discussion was held.**

**Executive Session ended at 1:06 p.m.**

**Mayor Garcia called the meeting back to order at 1:36 p.m.**

**CITIZEN COMMUNICATIONS**

4. Don Loving - Education – Austin Area Human Services Association
5. Mona Gonzalez - Education, Austin Area Human Services Association.
6. Tammy Stewart - A.A.S.H.A. – Education

7. Jackie R. Moore - A.A.S.H.A. – Education
3. Dameon Clarkson - Communities in School
8. Akwasi Evan – Reparations **ABSENT**
9. Anthony Gonzales – Reparations - **ABSENT**
10. Gus Pena - (1) To Discuss City issues that will (Have) adversely impact the Poor, Have Nots, and Homeless Families. Start the Budgetary Process earlier. Involve the Community (Taxpayers) in early Public Hearings to Determine Priorities.
11. Shelly Runyan - Parmer Civic Events Center/City Construction Projects.
12. Ty Runyan - Parmer Civic Events Center/City Construction Projects

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

#### **Item 13 was pulled for discussion.**

14. Approve a resolution authorizing negotiation and execution of a 12-month revenue agreement with STATE, METROPOLITAN AND COUNTY SERVICES, Arlington, Texas, for the collection of delinquent Municipal Court cases with estimated annual net to general fund revenue of \$868,000 with three 12-month extension options with estimated revenue of \$868,000 per extension for total estimated contract revenue of \$3,472,000. (Funding in the amount of \$144,666 estimated revenue in the current fiscal year. Revenue for the remaining 10 months of the original contract period and extension options will be included in future budgets.) Best proposal/nine 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. (Continued from May 9, 2002)  
**This item was postponed to May 23, 2002.**
15. Approve a resolution authorizing the City Clerk to enter into an Interlocal Agreement with Austin Community College to assist in their June 1, 2002, runoff election.  
**Ordinance No. 020516-15 was approved.**
16. Approve a resolution authorizing a Clinical Preceptorship Agreement between the City of Austin and St. David's Medical Center.  
**Resolution No. 020516-16 was approved.**
17. Approve a resolution confirming the reappointment of Dr. Judith A. Loreda to the Fire and Police Civil Service Commissions.  
**Resolution No. 020516-17 was approved.**

#### **Item 18 was pulled for discussion.**

19. Set public hearings for May 23, 2002 and June 27, 2002 to receive citizen comments on (1) the City's proposed Action Plan required by the U.S. Department of Housing and Urban Development (HUD); and (2) the Texas Local Government Code, Chapter 373, Community

Development Program. (There is no fiscal impact resulting from setting the public hearings.)  
(Recommended by Austin Area Comprehensive HIV Planning Council)

**Resolution No. 020516-19 was approved.**

20. C14-01-0186 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3039-3101 State Highway 71 East and 2908-3004 Meldrum Road (Colorado River Watershed) from I-SF-2, Interim-Single Family Residence Standard Lot district, zoning for Tracts 1 & 2 and RR, Rural Residence district, zoning for Tract 3 to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. First Reading on April 4, 2002. Vote: 6-0, Goodman out of the room. Applicant: Bruce and Cherry Hyde, Wayne Wright, Jesse and Rena Rcvcile. Agent: Mike McHone. City Staff: Annick Beaudet, 974-2975.  
**Ordinance No. 020516-20 was approved.**
  21. Approve an ordinance authorizing acceptance of \$4,500,000 in grant funds from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program; amcnd Ordinance No. 010910-01, the Fiscal Year 2001-2002 General Fund operating budget to add 60 full-time equivalents for the Police Department, and the Police Department Special Revenue Fund Operating Budget by appropriating \$4,500,000 in grant funds. [Supplemental funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program for the grant period March 1, 2002 to February 28, 2005. A cash match of \$5,993,000 will be required over a three-year period for all 60 officers, and will be included in future operating budgets for the Austin Police Department contingent upon available funding.]  
**Ordinance No. 020516-21 was approved.**
  22. Approve an ordinance providing for the classification of and number of positions in the classified Civil Service of the Police Department and repeal of Ordinance No. 020110-21. (Funding for the requested change will be included in the Proposed Fiscal Year 2002-2003 Operating Budget.)  
**Resolution No. 020516-22 was approved.**
  23. Approve a resolution authorizing the application for \$450,000 in federal grant funding from the Corporation for National and Community Services “Special Volunteer Programs to Support Homeland Security” for the purpose of utilizing volunteers in the Office of Emergency Management and the Police Department to strengthen homeland defense. (Grant funding is available from the Corporation for National and Community Services “Special Volunteer Programs to Support Homeland Security” initiative, for the grant period October 1, 2002 through September 30, 2003 with the possibility of two additional years of funding for a total of \$1,102,000. An in-kind match of \$85,522 is provided, but is not required. Funding for the continued operation of this program is contingent upon available funding in future budgets.)  
**Resolution No. 020516-23 was approved.**
- Item 24 was pulled for discussion.**
25. Approve a resolution authorizing the filing of eminent domain proceedings to acquire permanent easement rights in 577 square feet for a permanent drainage easement and temporary easement rights in 577 square feet for a temporary work space easement out of the Lot 43, Block C, Scenic Brook West, Sec. 2, Phs. 2, Travis County, Texas, located at 7128 South Brook Drive, from Kathleen Burnette, in the amount of \$2,373. (Funding is included in the 1999-2000 Amended Capital Budget of the Watershed Protection & Development Review Department.)  
**Resolution No. 020516-25 was approved.**

26. Approve a resolution authorizing the filing of eminent domain proceedings to acquire temporary easement rights in 486 square feet for a temporary work space easement out of the Lot 44, Block C, Scenic Brook West, Sec. 2, Phs. 2, Travis County, Texas, located at 7126 South Brook Drive, from Stephen M. and Claire H. Thompson, in the amount of \$3,605. (Funding is included in the 1999-2000 Amended Capital Budget of the Watershed Protection & Development Review Department.)  
**Resolution No. 020516-26 was approved.**
27. Approve a resolution authorizing execution of a 12-month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, Texas, to provide property cleaning services for the Solid Waste Services (SWS), in an amount not to exceed \$197,084.94, with two 12-month extension options in an amount not to exceed \$197,084.94 per extension, for a total contract amount not to exceed \$591,254.82. (Funding in the amount of \$65,694.96 was included in the 2001-2002 Operating Budget of the Solid Waste Services Department. Funding for the remaining eight months of the original contract period and extension options will be contingent upon available funding in future budgets.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. This is a service provided directly to the City by TIBH. TIBH is certified by the State to provide products and services, without competitive bidding, to the State and its political subdivisions in compliance with Chapter 122, Title 8, Human Resources Code.  
**Resolution No. 020516-27 was approved.**
28. Approve a resolution authorizing execution of a 12-month supply agreement with LA ROCHE INDUSTRIES, INC., Waxahachie, Texas, to provide anhydrous ammonia for the Water and Wastewater Utility, in an amount not to exceed \$80,080 with two 12-month extension options in an amount not to exceed \$80,080 per extension, for a total contract amount not to exceed \$240,240 (Funding in the amount of \$6,673.33 is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining eleven months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid/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. 020516-28 was approved.**
29. Approve a resolution authorizing negotiation and execution of a 12-month professional services agreement with MARSH USA, INC., Austin, Texas, to provide safety program management services for construction projects to be included in the Rolling Owner Controlled Insurance Program (ROCIP III) in the amount of \$125,805 with four 12-month extension options in an amount not to exceed \$160,724, \$102,225, \$36,772 and \$18,200 respectively, for a total contract amount not to exceed \$443,726. (Funding in the amount of \$125,805 is included in the various Capital Budgets of Water and Wastewater, Parks and Recreation, Public Works and Transportation, and Library Departments. Funding for the extension options will be contingent upon available funding of future CIP budgets.) Best proposal of four received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. There were no identified opportunities for subcontracting. (Related Item No. 30)  
**Resolution No. 020516-29 was approved.**
30. Approve a resolution authorizing negotiation and execution of a 12-month professional services agreement with JOHN L. WORTHAM L.L.P., Houston, Texas, to provide administration of a Rolling Owner Controlled Insurance Program (ROCIP III) in an amount not to exceed \$119,198 with four 12-month extension options in an amount not to exceed \$112,638, \$99,738, \$101,238 and \$92,778 respectively for a total contract amount not to exceed \$525,590. (Funding in the amount of \$119,198 is included in the various Capital Budgets of Water and Wastewater, Parks and Recreation, Public Works and Transportation, and Library Departments. Funding for the

extension options will be contingent upon available funding of future CIP budgets. Best proposal of three proposals received. 14.2% MBE, 15.1% WBE subcontractors participation. (Related Item No. 29)

**Resolution No. 020516-30 was approved.**

- 31. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the TEXAS SCHOOL FOR THE DEAF for the purpose of constructing street improvements along the School's South Congress Avenue frontage as part of the South Congress Improvement Project, Phase I, in an amount not to exceed \$500,000. (Funding is available in the 2001-2002 Amended Capital Budget of the Transportation, Planning and Sustainability Department for the South Congress Improvement Project.)

**Resolution No. 020516-31 was approved.**

- 32. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with GSG, INC. (MBE/MA) Austin, Texas, for additional Phase III construction engineering services for the Water Reclamation Initiative Phase 1-A, in an amount not to exceed \$61,650 for a total contract amount not to exceed \$2,574,497.07. (Funding in the amount of \$61,650 is available in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) Overall participation including Prime including this amendment: 41.5% MBE; 42.4% WBE. (Recommended by Water and Wastewater Commission)

**Resolution No. 020516-32 was approved.**

33. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Airport Advisory Commission

Cindy Garcia	reappointment	Consensus
Hannah Riddering	reappointment	Consensus
Joseph Trochta	reappointment	Consensus
Michael Voticky	reappointment	Consensus

Child Care Council

Timy Baranoff	reappointment	Consensus
Patricia Ann Bell (AISD Representative)	reappointment	Consensus
Debra Keith Thompson	reappointment	Consensus
Jill McRae	reappointment	Slusher
Michele Y. Deitch	appointment	Mayor
Yolanda Edwards	appointment	Griffith
Jeannette Peten	appointment	Consensus

Downtown Commission

Michelle K. Brinkman (Urban Transportation Representative)	appointment	Consensus
Teresa Ferguson (Music Commission Representative)	appointment	Consensus
Joan D. Ternus (Hispanic Chamber of Commerce Representative)	appointment	Consensus

Library Commission

Marion Mae Harris	- -	Griffith
-------------------	-----	----------

MBE/WBE Advisory Committee

Michael Candelas (Trade Association Representative)	appointment	Consensus
---	-------------	-----------

**DISCUSSION ITEMS**

13. Approval of minutes from Special Called Meeting of May 7, 2002, worksession of May 8, 2002 and regular meeting of May 9, 2002  
**The minutes from Special Called Meeting of May 7, 2002, Worksession of May 8, 2002 and the regular meeting of May 9, 2002 were approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Thomas was off the dais.**
18. Approve an ordinance to authorize changing the street name for a portion of CAMERON ROAD to HARRIS BRANCH PARKWAY (from the intersection of Camcron Road and Harris Branch Parkway northerly to the intersection of Cameron Road and Gregg Lane). [The processing fee (\$415) has been paid by the requestor. Street sign replacement fees (\$500) will be paid by the requester upon passage of the ordinance.]  
**The motion to postpone this item to May 23, 2002 was approved on Council Member Slusher's motion, Mayor Garcia's second by a 6-0 vote. Council Member Thomas was off the dais**
24. Approve a resolution authorizing negotiation and execution of a professional services agreement with DICK CLARK ARCHITECTURE, LTD., Austin, Texas, for architectural services for the design and construction of a new clubhouse facility at the Jackrabbit Run Golf Course, in an amount not to exceed \$168,000. (Funding is available in the 2000-2001 Capital Budget of the Parks & Recreation Department.) Best of fifteen qualification statements submitted. 18%-21.5% MBE, 21.2%-25.5% WBE subconsultant participation.  
**Resolution No. 020516-24 was approved, awarding the contract to the alternate recommendation, McKinney Architects, Inc., on Council Member Thomas' motion, Council Member Griffith's second by a 4-3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman and Council Members Griffith and Thomas. Those voting nay were: Council Members Alvarez, Slusher and Wynn.**

**The motion to adjourn at the meeting at 2:41 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.**

**The minutes from worksession of May 15, 2002 and regular meeting of May 16, 2002 were approved on May 23, 2002, on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote.**