



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 10, 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, January 10, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Garcia called the meeting to order at 12:10 p.m.

The meeting was recessed at 12:12 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.

3. Discuss acquisition of an interest in real property for the Balcones Canyonlands Preserve.
4. Discuss acquisition of an interest in real property in the downtown area for municipal purposes.

Executive session ended at 1:34 p.m.

INVOCATION – Pastor Fred Moore, Kingdom of God Christian Center

Mayor Garcia called the meeting back to order at 1:39 p.m.

CITIZEN COMMUNICATIONS

8. Gus Pena - To urge the City Council to be cautious and prudent about potential cuts in services, no cuts in Senior Programs or youth Programs. Continue to expedite the push for Low Income Affordable Housing and Traditional Housing for Homeless Families.
9. Lorraine Gibbs - Austin Police & Neighborhood Watch
10. Susana Almanza - Protect East Austin families – close Holly Power Plant. Equal Protection – stop construction of Longhorn Pipeline.

62. Akwasi Evans – Reparations

DISCUSSION ITEM

1. Approval of minutes from regular meeting of December 13, 2001.
The minutes from the regular meeting of December 13, 2001 were approved on Council Member Wynn's motion, Council Member Thomas' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

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 Garcia's second by a 7-0 vote.

Item 2 through 4 were Executive Session items.

Items 5 through 7 were action items related to Executive Session.

Items 8 through 10 were Citizen Communications.

11. Approve a resolution authorizing negotiation and execution of professional service agreements with the following three firms: ROBINSON, STAFFORD & RUDE, INC. (RSR), Grand Junction, CO; URS CORPORATION, Austin, Texas and EDWARDS AND KELCEY, INC., Dallas, Texas, to provide specialized consulting engineering services on various Water and Wastewater related projects for a period of approximately two years or until funding authority is expended, each agreement in an amount not to exceed \$225,000, with a combined total amount of the three agreements not to exceed \$225,000 (estimated approximately \$75,000 per each firm). (Funding for these services is available in the Capital Budgets and/or Operating Budgets of the Water & Wastewater Utility.) Best of seven qualified statements submitted. (Recommended by Water and Wastewater Commission)
This item was postponed indefinitely.
12. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the Round Rock Independent School District (RRISD) for electric energy efficiency projects in up to 35 schools. Installation of these efficiency improvements in schools located within the Austin Energy electric service area will save an estimated 1,200 kilo-watts of electric peak demand. These retrofits are eligible for Austin Energy conservation rebates up to \$300,000 based upon verification of installation and availability of conservation rebate funding. This results in an avoided cost of \$250 per kilo-watt saved. (Funding in the amount of \$300,000 is available in the 2001-2002 Approved Operating Budget of the Conservation Rebates and Incentives Fund.) (Recommended by Resource Management Commission)
Resolution No. 020110-12 was approved.
13. Approve a resolution authorizing negotiation and execution of an eight month Interlocal Agreement with TRAVIS COUNTY for weatherization services for the economically disadvantaged in an amount not to exceed \$220,000. (Funding is available in the 2001-2002 Conservation Rebates and Incentives Fund.) (Recommended by Resource Management Commission)
Resolution No. 020110-13 was approved.
14. Approve a resolution authorizing the City Manager to accept grants from the Federal Aviation Administration (FAA) in an amount not to exceed twenty – five million dollars (\$25,000,000) in

FAA passenger entitlements, cargo entitlements, noise discretionary, and/or discretionary funding for the Austin-Bergstrom International Airport for the fiscal year ending September 30, 2002. (FAA grant reimbursement will apply to projects in the 2001-2002 Approved Capital Budget of the Aviation Department. Grant funds are anticipated to be placed in the Airport Operating Fund and the ABIA Improvement Fund.) (Recommended by Austin Airport Advisory Commission)

Resolution No. 020110-14 was approved.

15. Approve a resolution authorizing the negotiation and execution of an agreement with the Austin Community Development Corporation (ACDC) in an amount not to exceed \$100,000, to provide financial assistance to small businesses and small commercial development projects that create jobs for low-to-moderate income persons. [Funding is available in the Fiscal Year 2001-2002 Neighborhood Housing and Community Development Office (NHCD) 27th year Community Development Block Grant (CDBG).]
This item was postponed to January 17, 2002.
16. Approve an ordinance authorizing acceptance of \$1,250 in grant funds from NOGGIN LLC to provide enhanced Wired for Youth services at the Carver Branch library; amend ordinance 010910-01, the 2001-2002 Operating Budget, amending the Library Special Revenue Fund by appropriating \$1,250 for a total grant amount of \$1,250. (Funding in the amount of \$1,250 from Noggin TV. Total grant amount is \$1,250. The grant period is December 1, 2001 through November 30, 2002. No match is required.)
Ordinance No. 020110-16 was approved.
17. C14-01-0150 – Rosewood Neighborhood Plan Rezoning – Approve on second/third readings an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Airport Blvd. from Manor Rd. to Oak Springs Dr., Oak Springs Dr. from Airport Blvd. to Webberville Rd., Webberville Rd. to Northwestern Ave., Northwestern Ave. to Rosewood Ave., Rosewood Ave. to Chicon St., Chicon St. to E. 12th St., E. 12th St. to the railroad tracks immediately east of Walnut Ave., the railroad tracks between E. 12th St. and Martin Luther King Jr. Blvd., Martin Luther King Jr. Blvd. to Stafford St., Stafford St. to Rogers Ave., Rogers Ave. to Walnut Ave., Walnut Ave. to Manor Rd., and Manor Rd. to Airport Blvd. (Boggy Creek Watershed). Applicant: City of Austin. City Staff: Steve Barney, 974-6389; Wendy Walsh, 974-7719. (continued from 12/13/01)
Ordinance No. 020110-17 was approved.
18. C14-01-0114 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1611 Dungan Lane (Little Walnut Creek Watershed). Applicant: Grubb II, Inc. (Fay Klein). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020110-18 was approved.
19. Approve an ordinance authorizing acceptance of \$62,500 in grant funding from the Texas Parks and Wildlife Department for renovation and expansion of Lott Park; amend Ordinance 010910-01, the Fiscal Year 2001-2002 Operating Budget, amending the Special Revenue Fund by appropriating \$62,500 in grant funds for the Austin Parks and Recreation Department's Special Revenue Fund. (Funding is available from the Texas Parks and Wildlife Department. The grant period is January 1, 2002 to December 31, 2004. No City match is required.) (Related Item # 20)
Ordinance No. 020110-19 was approved.
20. Approve an ordinance authorizing acceptance of \$500,000 in grant funding from the Urban Park and Recreation Recovery Program of the National Park Service for renovation and expansion of Lott Park; amend Ordinance 010910-01, the Fiscal Year 2001-2002 Operating Budget, amending

the Special Revenue Fund by appropriating \$500,000 in grant funds for the Austin Parks and Recreation Department's Special Revenue Fund. [Funding in the amount of \$500,000 is available from the Urban Park and Recreation Recovery (UPARR) Program of the National Park Service. The grant period is January 1, 2002 to December 31, 2004. A grant match of \$125,000 is required. \$62,500 from the Texas Parks and Wildlife Department Grant; \$39,000 in appraised land value; and \$23,500 is available in the Fiscal Year 2001-2002 Operating Budget of the Parks and Recreation Department.] (Related Item # 19)

Ordinance No. 020110-20 was approved.

21. 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. 011101-11. (Funding in the amount of \$18,925 for the requested change is available within the Approved Fiscal Year 2001-2002 Operating Budget.)

Ordinance No. 020110-21 was approved.

22. Approve a resolution authorizing execution of a construction contract with CHASCO CONTRACTING, Round Rock, Texas, for construction of the north expansion of the general aviation apron and taxiway located adjacent to the east runway system at the Austin-Bergstrom International Airport, in the amount of \$3,282,421.47 plus \$328,242.63 contingency fund, for a total contract amount not to exceed \$3,610,664.10. Lowest responsive bid of six. (Funding in the amount of \$3,619,664.10 was included in the 2001-2002 Approved Capital Budget of the Department of Aviation.) Lowest responsive of six bids received. 7.70% DBE subcontracting participation. (Recommended by Airport Advisory Board)

Resolution No. 020110-22 was approved.

23. Set a public hearing to consider approving an approximately 3,904 square foot (0.090 acre) wastewater use agreement, and a 12,000 square foot temporary workspace use agreement to allow construction of a wastewater line through dedicated parkland known as Meadows at Trinity Crossing, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with construction of the line as well as any parkland restoration will be paid by the requestor through a previously approved Capital Improvements Project.) (Suggested Date and Time: February 14, 2002 at 6:00 p.m.) (Recommended by Parks & Recreation Board)

Resolution No. 020110-23 was approved.

24. Approve a resolution authorizing execution of a construction contract with FELLER BUILDERS, INC., (WBE/FR 41.72%), Austin, Texas, for installation of a fire protection system and a security system upgrade at the Elisabet Ney Museum, located at 304 East 44th Street, in the amount of \$58,474. (Funding was included in the 2001-2002 Capital Budget of the Parks & Recreation Department.) Lowest of two bids received. No MBE/WBE subcontracting participation.

Resolution No. 020110-24 was approved.

25. Approve a resolution authorizing execution of a 12-month service agreement with THE GALE GROUP, Farmington Hills, MI, for the purchase of Internet database subscription services for the Austin Public Library in an amount not to exceed \$46,924.25 with two 12-month extension options in an amount not to exceed \$46,924.25 per extension for a total contract amount not to exceed \$140,772.75. (Funding in the amount of \$46,924.25 was included in the 2001-2002 Approved Operating Budget of the Library Department. Funding for the extension options will be contingent upon available funding in future budgets.) Sole source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities have been identified. Gale Group is the only provider of these specific database services.

Resolution No. 020110-25 was approved.

26. Approve a resolution authorizing execution of a 12-month service agreement with EBSCO SUBSCRIPTION SERVICES, Dallas, Texas, to provide periodical subscription services in an amount not to exceed \$153,613.58 with two 12-month extension options in an amount not to exceed \$153,613.58 per extension for a total contract amount not to exceed \$460,840.74. (Funding in the amount of \$153,613.58 was included in the 2001-2002 Approved Operating Budget of the Library Department.) Low bid meeting specification/four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
Resolution No. 020110-26 was approved.
27. Approve a resolution authorizing execution of a 12-month supply agreement with BOUND TO STAY BOUND BOOKS, INC., Jacksonville, IL, for the purchase of prebound juvenile books for the Central Texas Library System in an amount not to exceed \$90,024 with two 12-month extension options in an amount not to exceed \$90,024 per extension for a total contract amount not to exceed \$270,072. (Funding in the amount of \$90,024 was included in the 2001-2002 Special Revenue Fund for the Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole bidder. 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. 020110-27 was approved.
28. Approve a resolution authorizing execution of a contract with SICO, INC., Minneapolis, MN, for purchase of a portable fold and roll platform system for the Austin Convention Center in an amount not to exceed \$63,968. (Funding was included in the 2001-2002 Approved Capital Budget of the Austin Convention Center Department.) 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. 020110-28 was approved.
29. Approve a resolution authorizing execution of a 12-month agreement with CROWDER INDUSTRIAL RADIATOR SERVICE, INC., Pflugerville, Texas, for radiator repair services in an amount not to exceed \$40,000 with two 12-month extension options in an amount not to exceed \$40,000 per extension for a total contract amount not to exceed \$120,000. (Funding in the amount of \$30,000 was included in the 2001-2002 Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining three months of the original contract period and the extension options is contingent upon available funding in future budgets.) Only bid 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. 020110-29 was approved.
30. Approve a resolution authorizing execution of a 12-month supply agreement with RDO EQUIPMENT COMPANY, Manor, Texas, for the purchase of captive repair parts for John Deere heavy equipment in an amount not to exceed \$73,000 with two 12-month extension options in an amount not to exceed \$73,000 per extension for a total contract amount not to exceed \$219,000. [Funding in the amount of \$54,750 was included in the 2001-2002 Operating Budgets for the Fleet Maintenance Fund of the Finance and Administrative Services Department (\$48,750) and the Water and Wastewater Utility Department (\$6,000). Funding for the remaining three months of the original contract period and the extension options is contingent upon available funding in future budgets.] Low bidder 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. 020110-30 was approved.

31. Approve a resolution authorizing execution of a 12-month supply agreement with J.B. BATTLE UNIFORM COMPANY, Oklahoma City, Oklahoma, to provide police uniform trousers in an amount not to exceed \$111,448.35 with two 12-month extension options in an amount not to exceed \$111,448.35 per extension for a total contract amount not to exceed \$334,345.05. (Funding in the amount of \$92,873.60 was included in the 2001-2002 Operating Budget of various City Departments. Funding for the remaining two 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 compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these commodities directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.
- Resolution No. 020110-31 was approved.**

Item 32 was pulled for discussion.

33. Approve a resolution authorizing negotiation and execution of a supply agreement with CENTRAL TEXAS ONCOLOGY ASSOCIATES dba Southwest Regional Cancer Center, Austin, Texas, to provide radiation oncology services for enrollees in the City of Austin Medical Assistance Program, in an amount not to exceed \$80,000, with three 12 month extension options in an amount not to exceed \$80,000 per extension for a total contract amount not to exceed \$320,000. (Funding in the amount of \$60,000 was included in the Fiscal Year 2001-2002 Operating Budget of the Health and Human Services Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.
- Resolution No. 020110-33 was approved.**
34. Approve a resolution authorizing the two 12-month extension options for a supply agreement with CHLOR AIR, Seguin, Texas, to provide disinfectant cartridges in an amount not to exceed \$14,500 per extension for a total contract amount not to exceed \$43,500. (Funding in the amount of \$10,875 was included in the 2001-2002 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining three months of the first extension option and the remaining extension option is contingent upon available funding in future budgets.) 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. 020110-34 was approved.**
35. Approve a resolution authorizing negotiation and execution of a 12-month contract with AMTECH LIGHTING SERVICES, Austin, Texas, for the purchase and installation of energy-efficient lighting equipment for small businesses in an amount not to exceed \$105,000 with one 12-month extension option in an amount not to exceed \$105,000, for a total contract amount not to exceed \$210,000. (Funding in the amount of \$70,000 is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for the remaining four months of the original contract period and extension option is contingent upon available funding in future budgets.) Best-evaluated proposal of five 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. (Recommended by Resource Management Commission)

Resolution No. 020110-35 was approved.

36. Approve a resolution authorizing negotiation and execution of a 12-month service agreement with ALAMO TRANSFORMER SUPPLY COMPANY, San Antonio, Texas, to provide refurbishment of distribution transformers in an amount not to exceed \$400,000, with three 12-month extension option in an amount not to exceed \$400,000 per option, for a total contract amount not to exceed \$1,600,000. (Funding in the amount of \$266,666.67 is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Best-evaluated proposal of two proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020110-36 was approved.

37. Approve a resolution authorizing execution of a contract with POWER SUPPLY, INC., Austin, Texas, for the purchase of drake transmission line conductor wire in an amount not to exceed \$158,777.36. (Funding is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department.) Low bidder of eight bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore MBE/WBE goals were not established for this contract. This contract is for the purchase of commodities, with direct delivery by the manufacturer.

Resolution No. 020110-37 was approved.

38. Approve a resolution authorizing execution of a 12-month service agreement with CROCKER CRANE RENTALS, Austin, Texas, in an amount not to exceed \$124,825 for crane rental services with three 12-month extension options in an amount not to exceed \$124,825 per extension, for a total contract amount not to exceed \$499,300. (Funding in the amount of \$83,216.64 is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for the remaining four months of the original contract and the extension options is contingent upon available funding in future budgets.) Low bidder 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. 020110-38 was approved.**Item 39 was pulled for discussion.**

40. Approve a resolution authorizing negotiation and execution of a contract with RJM CORPORATION, Norwalk, CT, for the installation of nitrous oxide emission control equipment at the Decker and Holly Power Plants, in an amount not to exceed \$3,877,710. (Funding is available in the 2001-2002 Approved Capital Budget of the Electric Utility Department.) Best-evaluated proposal/three proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended.

Resolution No. 020110-40 was approved.

41. Approve a resolution authorizing execution of two 12-month service agreements for the management and disposal of PCB and Non-PCB Waste with SAFETY-KLEEN, Coffeyville, KS, in an amount not to exceed \$38,501.54 with three 12-month extension options in an amount not to exceed \$38,501.54 per option, for a total contract amount not to exceed \$154,006.16; and ONYX ENVIRONMENTAL SERVICES, Baytown, Texas, in an amount not to exceed \$110,732.15 with three 12-month extension options in an amount not to exceed \$110,732.15 per option, for a total contract amount not to exceed \$442,928.60. (Funding in the amount of \$111,925.26 is available in the 2001-2002 Approved Operating Budget for the Electric Utility Department. Funding for the extension options is contingent upon available funding in future

budgets.) Low bid of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

Resolution No. 020110-41 was approved.

42. Approve a resolution authorizing execution of a 12-month supply agreement with PAIGE ELECTRIC CO., New Jersey, for purchase of traffic signal cable for Transportation, Planning & Sustainability Department, in an amount not to exceed \$69,040, with two 12-month extension options in an amount not to exceed \$69,040 per extension, for a total contract amount not to exceed \$207,120. (Funding in the amount of \$51,780 was included in the 2001-2002 Operating Budget for the Transportation, Planning & Sustainability Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/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. 020110-42 was approved.

43. Approve a resolution authorizing execution of a 12-month agreement with G & K SERVICES, INC., Buda, Texas, for floor mat rental services in an amount not to exceed \$35,971 with two 12-month extension options in an amount not to exceed \$35,971 per extension for a total contract amount not to exceed \$107,913. (Funding in the amount of \$17,914 was included in the 2001-2002 Approved Operating Budget of the Finance and Administrative Services Department, Building Services Division and \$6,067 was included in the 2001-2002 Approved Operating Budget of the Parks & Recreation Department. Funding for the remaining four 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. 020110-43 was approved.

44. Approve a resolution authorizing execution of a contract with COMMERCIAL BODY CORPORATION, San Antonio, Texas, for the purchase of one heavy duty truck cab and chassis with a mounted 42-foot aerial device and chipper box service body for the Parks and Recreation Department, Forestry Division in the amount of \$92,439. (Funding was included in the 2001-2002 Vehicle Acquisition Fund.) Low bidder meeting specifications/three 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. 020110-44 was approved.

Item 45 was pulled for discussion.

46. Approve a resolution authorizing execution of a 12-month service agreement with FIFTH THIRD BANK, Cedar Park, Texas, for credit card acceptance at various City departments, in an amount not to exceed \$137,894 with up to two 12-month extension options thereafter in an amount not to exceed \$137,894 per option for a total not to exceed amount of \$413,682. [Funding for \$103,420 is available in the Fiscal Year 2001-2002 Approved Operating Budgets of the user departments. Funding for the remaining two years and three months months (\$310,261.50) of the original contract period and extension options will be contingent upon available funding in future budgets.] Low bid of seven evaluated bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

Resolution No. 020110-46 was approved.

47. Approve a resolution authorizing execution of a 12-month supply agreement with AIRGAS-SOUTHWEST, Austin, Texas, for the purchase of industrial gases and rental of gas cylinders in an amount not to exceed \$234,746.86 with two 12-month extension options in an amount not to exceed \$234,746.86 per extension for a total contract amount not to exceed \$704,240.58. (Funding in the amount of \$146,060.13 is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department; \$14,999.94 is available in the 2001-2002 Amended Operating Budget of Fleet Services; \$11,250 is available in the 2001-2002 Amended Operating Budget of the Water and Wastewater Utility; and \$3,750 is available in the 2001-2002 Amended Operating Budget of the Austin-Bergstrom International Airport for a total of \$176,060.07. Funding for the remaining three months of the contract and extension options is contingent upon available funding in future budgets.) Low bid 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. 020110-47 was approved.
48. Approve a resolution authorizing execution of Amendment No.1 to increase the interlocal agreement between the City of Austin and the New Mexico State Purchasing Agent (NMSPA) to participate in the Western States Contracting Alliance (WSCA) for the purchase of servers, laptops and special configured desktop computers in an amount not to exceed \$1,977,480 for a revised amount not to exceed \$4,202,550 and increase the two 12-month extension options in an amount not to exceed \$915,750, for a revised amount not to exceed \$1,933,250 per option, for a revised total agreement amount not to exceed \$8,069,050. (Funding in the amount of \$1,977,480 is included in the 2001-02 Approved Operating Budgets, CIP and Grant funds of various departments. Funding for the two extension option is contingent upon available funding in future budgets.) 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. 020110-48 was approved.
49. Approve a resolution authorizing execution of a contract with APPLIED BIOSYSTEMS, Foster City, CA, for the purchase of a DNA genetic analyzer, software and peripherals and three-years of maintenance in an amount not to exceed \$73,579. (Funding was included in the Austin Police Department Special Revenue Fund, Forensic DNA Lab Grant Program.) Sole source. 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. 020110-49 was approved.
50. Approve a resolution authorizing negotiation and execution of a 12-month professional services agreement with PB AVIATION INC., Cincinnati, OH, to provide airport financial consulting services for the Aviation Department in an amount not to exceed \$50,000 with three 12-month extension options in an amount not to exceed \$50,000 per extension, for a total contract amount not to exceed \$200,000. (Funding in the amount of \$37,500 was included in the 2001-2002 Operating Budget for the Department of Aviation. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of eight proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
Resolution No. 020110-50 was approved.
51. Approve a resolution authorizing execution of a 12-month service agreement with SAN ANTONIO EQUIPMENT REPAIR, INC., San Antonio, Texas, to provide repair and maintenance services on ambulance cots and stretchers in an amount not to exceed \$16,690, with two 12-month extension options in an amount not to exceed \$16,690, per extension for a total

contract amount not to exceed \$50,070. (Funding in the amount of \$12,517 was included in the 2001-2002 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified.

Resolution No. 020110-51 was approved.

52. Approve an ordinance to amend the Austin City Code, Section 16-4-15 Speed Limits, by adding Buckingham Gate Road from 168 feet south of Gatling Gun Lane to 290 feet north of Battle Bridge Drive to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Baranoff Elementary School. (Funding is available in the 2001-2002 Operating Budget of the Transportation, Planning and Sustainability Department for installation of the appropriate speed limit signs.)

Ordinance No. 020110-52 was approved.

Item 53 was pulled for discussion.

54. Set a public hearing to consider a request for a variance from the Land Development Code to allow construction of a single-family residence at 5307 Chesterfield Avenue in the 25-year and 100-year floodplains of Waller Creek and to waive dedication of the 100-year floodplain as drainage easement. (Suggested Date and Time: January 17, 2002 at 6:00 p.m.)

Resolution No. 020110-54 was approved.

55. Set a public hearing and consider an appeals of the Zoning and Platting Commission's decision to deny an appeal of administrative approval for Northwest Baptist Church Daycare. The proposed site is located at 6301 Woodrow Avenue. File # SPC-99-0182A. The first appeal is being made by Ann (Evans) and Richard Thames, Interested parties. The second and separate appeal is being made by Northwest Baptist Church (Dr. Clifford Hobbs), Applicant. City Staff: Tom Bolt, 974-2755. (Suggested Date and Time: February 7, 2002 at 6:00 p.m.)

Resolution No. 020110-55 was approved.

Item 56 was pulled for discussion.

57. Approve a resolution concerning the guidelines for Cultural Arts contracts. (Mayor Pro Tem Jackie Goodman)

This item was postponed to January 17, 2002.

58. Approve a resolution to partner with the Internal Revenue Service to promote public awareness of the federal Earned Income Tax Credit and the Volunteer Income Tax Assistance (VITA) Program, providing individual assistance to lower income, disabled, and senior citizens and non-English speaking residents. (Mayor Gus Garcia and Mayor Pro Tem Goodman)

Resolution No. 020110-58 was approved.

59. Approve a resolution directing the City Manager to prepare an action plan for resolution of audit findings and recommendations for each audit report with periodic updates of actions being taken to address audit findings and implementation of audit recommendations; and direct the City Auditor to include in its Annual Performance Plan follow-up audits to determine whether significant findings have been resolved and high priority recommendations have been implemented. (Mayor Gus Garcia and Mayor Pro Tem Jackie Goodman) (Recommend by the Audit and Finance Committee)

Resolution No. 020110-59 was approved.

Item 60 was pulled for discussion and set for a 2:30 p.m. time certain.

61. Conduct a public on the proposed amendment to Brackenridge Hospital Lease regarding Reproductive Health Services.
This item was postponed to January 17, 2002.

DISCUSSION ITEMS

56. Approve a resolution acknowledging the passage of Senate Joint Resolution No. 32, which authorizes municipalities to donate outdated or surplus firefighting equipment or supplies to underdeveloped countries. (Council Member Raul Alvarez and Mayor Gus Garcia)
Resolution No. 020110- 56 was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 7-0 vote

The regular meeting was recessed at 2:25 p.m. to go into the Board of Directors' meeting of the Austin Housing Finance Corporation. See separate minutes for that meeting.

The regular meeting of the City Council was called back to order at 2:35 p.m.

DISCUSSION ITEMS CONTINUED

6. Authorize the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 95 acres in Travis County in the Bull Creek Macro Site, on Whitecliff Drive just West of Spicewood Springs Road in Western Travis County.
Resolution No. 020110-06 was approved in an amount not to exceed \$2.4 million, including \$1,575,000 Fish and Wildlife Grant, which requires the City's 25% match of \$525,000, and \$300,000 for offsite mitigation funded by the Bohls Ranch transaction for the Balcones Canyonlands Preserve, on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
7. Amend Ordinance No. 010910-09, the 2001-2002 Operating Budget of the Parks and Recreation Department to cover increased expenditures for the 95 acre acquisition.
Ordinance No. 020110-07 was approved increasing expenditures in the Balcones Canyonlands Preserver Fund by \$525,000 to pay for the increased expenditures related to 25% match requirement for the 95 acre acquisition from Spicewood 95, on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
60. Approve a resolution creating and appointing the Mayor's Committee on K-12 Educational Excellence. (Mayor Gus Garcia, Council Member Griffith and Council Member Thomas)
Resolution No. 020110-60 was approved on Council Member Thomas' motion, Mayor Garcia's second by a 6-0 vote. Council Member Wynn was off the dais.
5. Approve a resolution authorizing execution of an amendment to the professional services contract with BATTEN & ASSOCIATES, INC., to increase the amount of professional fees by up to \$30,000 for a total contract amount not to exceed \$72,000, for professional services in *Ethel Spiller, et. al v. Robert M. Walker, et al.*, Case No A 98 CA 255 SS, in the United States District Court for Western District of Texas. (Funding in the amount of \$40,000 is available in the 2001-2002 Approved Budget of the Development Services and Watershed Protection and Review Department Enterprise Fund.)
Resolution No. 020110-05 was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

32. Approve a resolution authorizing execution of a 12-month supply agreement with SHAFFER CONCRETE, Pflugerville, Texas, to provide ready mix for the Water and Wastewater Utility, in an amount not to exceed \$91,842 with two 12-month extension options in an amount not to exceed \$91,842 per extension, for a total contract amount not to exceed \$275,526. (Funding in the amount of \$61,228 available in the 2000-2001 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining four months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid 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. 020110-32 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.

45. Approve a resolution authorizing execution of a 12-month supply agreement with SOUTHERN MATERIALS INC., Austin, Texas, for the purchase of ready mix concrete for the Public Works Department, in an amount not to exceed \$161,947.70, with two 12-month extension options in an amount not to exceed \$161,947.70 per extension, for a total contract amount not to exceed \$485,843.10. (Funding in the amount of \$121,461 was included in the 2001-2002 Operating Budget for the Public Works Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There are no subcontracting opportunities, therefore no goals were established for this solicitation.

Resolution No. 020110-45 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.

39. Approve a resolution authorizing ratification of a 6-month extension of the supply agreement with RAINBOW MATERIALS L. P. (MBE/MH), Del Valle, Texas, for structural concrete in an amount not to exceed \$96,000 for a revised total contract amount not to exceed \$288,000; and approve execution of a 12-month supply agreement with RAINBOW MATERIALS L. P. (MBE/MH), Del Valle, Texas, for structural concrete in an amount not to exceed \$240,000, with three 12-month extension options in an amount not to exceed \$240,000 per extension, for a total contract amount not to exceed \$960,000. (Funding in the amount of \$60,000 was included in the 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for the remaining four months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of three 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.

The motion to approve payment of the \$96,000 only, for the concrete already used, and delay action of the remainder was approved on Council Member Wynn's motion, Council Member Thomas' second by a 7-0 vote. Staff was directed to begin developing standards for concrete that reflect and assess environmental compliance and to make recommendations to Council regarding awarding the bid to the second or third low bidder or rebid this item.

The meeting was recessed at 4:23 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 related to *Longhorn Partners Pipeline, L.P. v. City of Austin, et. al*, No. A-02-CA-001-SS and *Ethel Spiller, et. al v. Longhorn Partners Pipeline, L.P., et. al.*, 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.

Executive session ended at 5:22 p.m.

Mayor Garcia called the meeting back to order at 5:34 p.m.

ZONING CONSENT

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

Z-1 was pulled for discussion.

- Z-2. C14-01-0100 – Wal-Mart Real Estate Trust – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1030 Norwood Drive (Buttermilk Branch and Little Walnut Creek Watershed). Applicant: Wal-Mart Real Estate Business Trust (Barry Shannahan). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020110-Z2 was approved.
- Z-3. C14-01-0111 – Anderson Arbor Phase III – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 13301-13321, 13343, 13347, 13353, and 13401 U.S. Highway 183 North (Lake Creek Watershed). Applicant: Dr. Mitchel and Rose Wong, Alfred C. Edwards, Jr. City Staff: Sherri Gager, 974-3057.
This item was postponed to January 31, 2002 at the applicant's request.
- Z-4. C14-97-0148 (RCA) – Anderson Arbor Phase III – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 13347 N. U.S. Highway 183 (Lake Creek Watershed). Applicant: Dr. Mitchel and Rose Wong. City Staff: Sherri Gager, 974-3057
This item was postponed to January 31, 2002 at the applicant's request.
- Z-5. C14-01-0136 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201, 1219, 1221 South Lamar Boulevard (West Bouldin Creek Watershed). Applicant: Peter and Margaret Holland and Charles David Brizendine. City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020110-Z5 was approved.
- Z-6. C14-01-0139 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4305 and 4307 Willow Springs Road (Williamson Creek Watershed). Property Owner: Twin Oaks Associates (Scott Jung). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020110-Z6 was approved.
- Z-7. C14-01-0140 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4306 and 4308 Willow Springs Road (Williamson Creek Watershed). Property Owner: Twin Oaks Associates (Scott C. Jung). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 020110-Z7 was approved.

- Z-8. C14-01-0141 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 310 East St. Elmo Road, 4312 and 4324 Willow Springs Road (Williamson Creek Watershed). Property Owner: Twin Oaks Associates (Scott Jung). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020110-Z8 was approved.
- Z-9. C14-01-0144 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed). Property Owner: Bobby Pospisil. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020110-Z9 was approved.
- Z-10. C14-01-0152– Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 118 East Alpine (East Bouldin Creek Watershed). Applicant: Majestic Partners, LTD (John Rosato). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020110-Z10 was approved.
- Z-11. C14-01-0153 SH – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6323-6401 Thurgood Avenue (Boggy Creek Watershed). Applicant: American Youth Works (Richard H Halpin). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020110-Z11 was approved.
- Z-12. C14-01-0155 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13553 U.S. Highway 183 North (Lake Creek Watershed). Applicant: David McDavid Auto Group. City Staff: Sherri Gager, 974-3057.
Ordinance No. 020110-Z12 was approved.
- Z-13. C14-01-0156 – Shipe Park – Conduct a public hearing and approve an ordinance 4400 Avenue G (Waller Creek Watershed). Applicant: City of Austin, Parks and Recreation Department (Sarah Campbell). City Staff: Glenn Rhoades.
Ordinance No. 020110-Z13 was approved.
- Z-14. C14-01-0159 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3014 Aftonshire Way (Slaughter Creek Watershed). Applicant: Dennis and Faye Artale. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020110-Z14 was approved.
- Z-15. C14-01-0161 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13505 R.R. 620 North (Lake Creek Watershed). Applicant: KAF II Development Co. (Ford Smith, Jr.). City Staff: Sherri Gager, 974-3057.
This item was postponed to February 7, 2002 at the applicant's request.

ZONING DISCUSSION

- Z-1. C14-01-0072 - Villas on Guadalupe – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 and 2717 Guadalupe Street and 2804-2816 Hemphill Park (Waller Creek Watershed). Applicant:

Villas on Guadalupe L.P. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 12/13/01)

The motion to close the public hearing and to approve this ordinance on first reading with amendments was made on Council Member Wynn's motion, Council Member Slusher's second. The amendments were as follows: To approve staff recommendation for MF-6 zoning subject to the following conditions: Tract 2 to be zoned CS-MU-CO, except the strip of land along 29th Street for a depth of 30 feet shall be limited to a height of 40 feet and the strip of land along Hemphill Park Street for a depth of 30 feet shall be limited to a height of 40 feet. The height will be measured at the southwest corner of 29th and Hemphill Park. Tract 1 to be zoned MF-6-CO, limiting the height to 60 feet. Additionally, both Tract 1 and Tract 2, when combined shall have the following limits in site area per unit: one bedroom units – 586 square feet of site area per unit; two or more bedroom units – 681 square feet of site area per unit. The maximum number of units shall be 150. The parking garage shall be located interior to the project, with living units facing all street fronts. The parking garage shall have at least two entrances, one on 29th Street and one on the alley. The parking garage shall have a minimum of 395 spaces.

There was a substitute motion made by Council Member Griffith as follows: To zone the entire site MF-4-CO, with the exception of the area being occupied by Blockbuster Video, to be zoned CS-MU. Include a conditional overlay as follows: Limit the height to no more than three stories (not exceeding 40 feet) along 29th Street and along Hemphill Park Street for a depth of 45 feet. Allow no surface parking and require a structured parking garage to serve the multifamily uses. Have two points of access to the parking garage, one on 29th Street and the other on the alley. Require a wrap around garage that has at least a 45 foot setback from both 29th Street and Hemphill Park Street, and that it be screened by residential units. This was seconded by Council Member Alvarez. This motion failed on a 2-4-1 vote. Those voting aye were Council Members Alvarez and Griffith. Those voting nay were: Mayor Garcia, and Council Members Slusher, Thomas and Wynn. Mayor Pro Tem Goodman abstained.

The first reading of this ordinance was approved, as stated above with the amendments and a friendly amendment on Council Member Wynn's motion, Council Member Slusher's second on a 5-2 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman and Council Members Slusher, Thomas and Wynn. Those voting nay were: Council Members Alvarez and Griffith. The friendly amendment made by Council Member Thomas was to allot 5% of the units for affordable housing as defined by the city of Austin affordable housing guidelines.

53. Approve an ordinance to amend Chapter 25-10 of the City Code relating to appeals to the Sign Review Board and Nonconforming Signs. (Funding in the amount of \$5,775 in revenue for collection of notification fees.) (Second and third reading)
- The motion to approve the ordinance by deleting (B)(5)(iii) 1 on page 2, failed on Council Member Wynn's motion, Council Member Alvarez' second by a 3-3-1 vote. Those voting aye were Mayor Garcia, and Council Member Alvarez and Wynn. Those voting nay were Mayor Pro Tem Goodman, and Council Members Griffith and Slusher. Council Member Thomas abstained.**

The motion to approve the second reading of the ordinance, as recommended by staff, passed on Council Member Slusher's motion, Council Member Griffith's second by a 4-2-1 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Member Griffith and Slusher. Those voting nay were: Council Member Alvarez and Wynn. Council Member Thomas abstained. There was a friendly amendment made by

Mayor Pro Tem Goodman to make the 25% reduction be in dimension and not area. This was not accepted by the maker of the motion.

The motion to amend the ordinance to make the 25% reduction be in dimension and not area was made by Mayor Pro Tem Goodman but died for a lack of a second.

The motion to adjourn the meeting at 9:45 p.m. was approved on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

The minutes of the regular meeting of January 10, 2002 were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.