

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JANUARY 25, 2006**

Invocation: Rev. Virginia Berg, Pastor, First Spiritualist Church

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 25, 2006 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Pro Tem Dunkerley called the Council Meeting to order at 10:15 a.m. Mayor Wynn was absent for the meeting.

Announcement of Proposed Items for Upcoming Council Meetings. Mayor Pro Tem Dunkerley asked Council Members to identify issues they will be bringing forward. Council Member Kim indicated her office is working on targeted energy audits for conservation and recycling services for the downtown area and condominiums

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 Cole's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of January 11, 2007.
The minutes from the regularly scheduled meeting of January 11, 2007 were approved.
2. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC for the construction of reliability and capacity improvements to both the Forest Ridge and Four Points Pump Stations in the amount of \$578,800, plus a \$60,000 contingency, for a total contract amount not to exceed \$638,800. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts. 51.88% MBE and 0.55% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract was approved.

Item 3 was pulled for discussion.

4. Approve Service Extension Request No. 2565 for water service not to exceed a peak hour flow of 176 gallons per minute (gpm) for a platted 80 lot single-family home development located within the Drinking

Water Protection Zone in the City's extraterritorial jurisdiction at Circle Drive and Lenape Trail. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.

The motion authorizing service extension request number 2565 was approved.

5. Approve Service Extension Request No. 2557 for water service not to exceed a peak hour flow of two gallons per minute (gpm) for an existing single-family home located within the Drinking Water Protection Zone in the City's limited-purpose jurisdiction at 10303 North F.M. 620. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.

The motion authorizing service extension request number 2557 was approved.

6. Authorize the City Manager to negotiate and execute an agreement with Aqua Utilities, Inc. dba Aqua Texas, Inc. to provide wholesale water service to the Morningside subdivision located near the intersection of Manchaca Road and Morningside Lane. No City funds are required by this action. The developer will construct the necessary infrastructure. Recommended by the Water and Wastewater Commission.

The motion authorizing the City Manager to negotiate and execute an agreement was approved.

Item 7 was pulled for discussion.

8. Approve an ordinance amending Section 2-5-29 of the City Code relating to speaker registration for council meetings.

Ordinance No. 20070125-008 was approved.

9. Approve an ordinance amending Section 14-5-9 of the City Code, to provide that the City Manager will supply required notices of street name changes instead of the City Clerk. No additional funding is required.

Ordinance No. 20070125-009 was approved.

10. Approve execution of a 12-month contract between the City and Sickel Cell Anemia Association of Austin - Marc Thomas Chapter, Austin, TX, in the amount of \$100,000 with three 12-month renewal options in an amount not to exceed \$100,000 per renewal option, for a total amount not to exceed \$400,000. Funding in the amount of \$100,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. Funding for the remaining months of the original contract period and extension options is contingent upon the available funding in future budgets.

The motion authorizing the execution of a contract was approved.

11. Approve a resolution to authorize the fee simple acquisition of approximately 23.172 acres of land, out of the Santiago Del Valle Grant Abstract No. 24, in Travis County, Texas, locally known as 5611 Colton Road, from Dennis R. Worsham and Belinda P. Worsham for the Airport Noise Mitigation Program, in the amount of \$950,000 for the land and improvements and closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$960,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.

Resolution No. 20070125-011 was approved.

12. Authorize negotiation and execution of a professional services agreement with each of the following nine firms: ESPEY CONSULTANTS, INC., Austin, TX; PBS & J, Austin, TX; HDR ENGINEERING, INC., Austin, TX; FREESE AND NICHOLS, INC., Austin, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; RAYMOND CHAN AND ASSOCIATES, INC., (MBE/MA) Austin, TX; CAS CONSULTING AND SERVICES, INC. (MBE/MA) Austin, TX; URS CORPORATION, Austin, TX;

and TCB, INC. (formerly Turner Collie and Braden, Inc.), Austin, TX, for general watershed engineering services such as studies, environmental assessments, land use analysis, planning, design and construction phase services for a period of approximately two years or until financial authorization is expended; each agreement in an amount not to exceed \$9,000,000, with a total amount of the nine agreements not to exceed \$9,000,000. Funding is included in the Drainage Utility and General Obligation bond accounts. Other accounts will be used depending on location and nature of the project. Best nine qualification statements of 33 statements received. 1.7% African American; 9.5% Hispanic; 5.3% Native/Asian American and; 14.2% Women Business Enterprise (WBE).

The motion authorizing the negotiation and execution of professional services agreements with nine firms was approved.

13. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP (DBE 98.32%), Austin, TX, for the Jollyville Road Sidewalk Improvements Project in an amount not to exceed \$278,725.50. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Lowest of four bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goal: 1.23% DBE subcontractor participation.

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

14. Approve an ordinance on first reading awarding a taxicab franchise to CAPITAL CITY CAB COMPANY, pursuant to Section 13-2-309(C) of the City Code, to operate a taxicab service in the City; and waiving the provisions of Section 13-2-309(B) of the City Code pertaining to the maximum number of permits which may be allocated to a franchise applicant. The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$22,000. Recommended by the Urban Transportation Commission.

This item was postponed to March 1, 2007.

15. Approve an ordinance amending Sections 13-2-302, 13-2-303(A), 13-2-304(A), 13-2-308(B), and 13-2-324(A) of the City Code relating to the maximum number of franchise permits that a franchise is eligible to receive. Recommended by the Urban Transportation Commission.

This item was postponed to March 1, 2007.

16. Approve a resolution adopting the proposed Transportation Criteria Manual administrative provisions for on-street parallel or head-in parking as required by Section 2.2.2.B.5.b of Chapter 25-2, Subchapter E (Design Standards and Mixed Use). Reviewed by the Land Use and Transportation Subcommittee and Recommended by the Urban Transportation Commission.

Resolution No. 20070125-016 was approved.

17. Approve an ordinance to establish a Quiet Zone eliminating the need to sound train horns or other warning devices at the Union Pacific Railroad crossing at Dittmar Road.

This item was postponed to February 15, 2007.

18. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within Windsor Hills Neighborhood area bounded by Warrington Drive to the north, Dessau Road to the east, Rundberg Lane to the south, and Middle Fiskville Road to the west. Funding in the amount of \$9,460 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20070125-018 was approved.

19. Authorize award and execution of a contract with KST ELECTRIC, LTD, Manor, TX for the installation of a 480-Volt Load Center at the Decker Creek Power Station, in an amount not to exceed \$254,300. Funding in the amount of \$254,300 is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a contract was approved.**
20. Authorize award and execution of Amendment No. 1 to the contract with PK&L CONSTRUCTION, INCORPORATED, Austin, TX (WBE/FR 57.0%); PRO SERV SANDERS, INCORPORATED, Corpus Christi, TX, and THIELSCH ENGINEERING, INCORPORATED, Austin, TX, for power plant maintenance services for an increase to the current term in an estimated amount not to exceed \$1,200,000, for a revised total estimated amount not to exceed \$14,200,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Subcontractor participation to date: 21.32% MBE and 4.18% WBE (PK&L); 3.38% MBE and 1.27% WBE (Pro Serv); & 4.54% MBE and 3.0% WBE (Thielsch). **The motion authorizing the award and execution of amendment number 1 to the contract was approved.**

Item 21 was reconsidered later in the meeting.

22. Authorize award and execution of a 12-month requirements supply contract with NORIT AMERICAS INC., Marshall, TX, for the purchase of powdered activated carbon for the Austin Water Utility in an estimated amount not to exceed \$366,080, with two 12-month extension options in an estimated amount not to exceed \$457,600 per extension option, for a total estimated contract amount not to exceed \$1,281,280. Funding in the amount of \$244,054 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining four months of the original contract period and extension options is contingent upon the available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract was approved.**
23. Authorize negotiation and execution of a 24-month Interlocal Agreement with the AUSTIN/TRAVIS COUNTY MHMR, Austin, TX, for mental health counseling and other related services in an estimated amount not to exceed \$2,014,229, with three 12-month extension options in estimated amounts not to exceed \$1,052,658 for the first extension option, \$1,084,238 for the second extension option, and \$1,116,765 for the third extension option, for a total estimated contract amount not to exceed \$5,267,890. Funding in the amount of \$671,410 is available in the Fiscal Year 2006-2007 Approved Operating Budget of the Community Care Services Department. Funding for the remaining 16 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 Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an interlocal agreement; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. **The motion authorizing the negotiation and execution of an interlocal agreement was approved.**
24. Authorize award and execution of a 52-month requirements supply contract through the U.S. Communities Government Purchasing Alliance to provide non-captive service and repair parts for various

vehicles with AUTOZONE STORES, INC., and its local and surrounding community affiliates in an estimated amount not to exceed \$3,466,666, with two 12-month extension options in an estimated amount not to exceed \$800,000 per extension option, for a total estimated contract amount not to exceed \$5,066,666. Funding in the amount of \$600,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Fleet Services Fund. Funding for the remaining 43 months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved.

25. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>2006 Bond Oversight Committee</u>		
Dave Anderson	Council Member Kim's	Appointment
Michael Casias	Council Member Martinez'	Appointment
Beverly Silas	Council Member Cole's	Appointment
<u>Animal Advisory Commission</u>		
Elaine Acker	Council Member Kim's	Appointment
Tom Oliveri	Council Member McCracken's	Appointment

26. Approve waiver of park rental fees and requirements for the ATXcellent Adventure of the YWCA of Greater Austin to be held at Plaza Saltillo on April 14, 2007. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)
The motion authorizing the waiver of park rental fees and requirements was approved.
27. Approve waiver of fees and certain requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the Sustainable Food Center's Austin Farmer's Market, to be held weekly at Republic Square Park for the 2007 calendar year. (Mayor Pro Tem Betty Dunkerley Mayor Will Wynn)
The motion authorizing the waiver of fees and certain requirements and authorizing payment of certain costs was approved.
28. Approve waiver of park rental fees and authorize payment of certain costs for the Central Texas Bengali Celebration's Saraswati Puja Event to be held on February 3, 2007 at the Danny G. McBeth Recreation Center. (Council Member Jennifer Kim Mayor Will Wynn Council Member Mike Martinez)
The motion authorizing the waiver of park rental fees and payment of certain costs was approved.
29. Set a public hearing to amend Chapter 25-2, Subchapter E, Design Standards and Mixed Use, of the City Code regarding Vertical Mixed Use and the Opt-In/Opt-Out process. (Suggested date and time: February 1, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street.)

The public hearing was set for February 1, 2007 at 6:00 p.m., at the Austin City Hall, 301 West Second Street.

Item 30 was a briefing item set for 10:30 a.m.

Items 31 through 34 were Executive Session items.

Item 35 was an action on Executive Session item.

Item 36 was a briefing item set for 3:00 p.m.

Items 37 through 43 were zoning items set for 4:00 p.m.

Items 44 and 45 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

3. Authorize negotiation and execution of a 12-month service agreement with VELOCITY CREDIT UNION for the Austin Clean Water Program's Private Lateral Repair Low Interest Loan Program in an amount not to exceed \$700,000, with two 12-month extension options in an amount not to exceed \$700,000 per extension option for a total agreement amount not to exceed \$2,100,000. Funding in the amount of \$700,000 is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Extension options are contingent upon available funding in future budgets. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of a service agreement was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote Mayor Wynn was absent.
7. Approve an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines; creating an offense; and repealing Article 10 of Chapter 15-10 of the City Code relating to wastewater leaks. There is no unanticipated fiscal impact. Recommended by the Mechanical, Plumbing, and Solar Board; the Environmental Board; and, the Water and Wastewater Commission.
Ordinance No. 20070125-007 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 5-0 vote with the following amendment. Council Member Kim abstained. Mayor Wynn was absent. Council Member Martinez' amendment was to change the time allowed for homeowners to come into compliance from 60 days to 120 days. Council Member Leffingwell requested a progress report in one year on how the program was working.
21. Authorize award and execution of a 12-month requirements supply contract with LUCIER CHEMICAL INDUSTRIES LTD., dba, LCI, LTD., Jacksonville Beach, FL, for fluorosilicic acid for the Austin Water Utility in an estimated amount not to exceed \$331,100, with two 12-month extension options in an estimated amount not to exceed \$380,765 for the first extension option and \$437,880 for the second extension option, for a total estimated contract amount not to exceed \$1,149,745. Funding in the amount of \$220,734 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract was approved as part of the consent agenda.

A motion to reconsider Item 21 to allow citizens to speak on the item was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.

The motion authorizing the award and execution of a requirements supply contract was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.

BRIEFING

30. Staff briefing to discuss traffic-related fatalities and mitigation efforts to minimize traffic deaths. The presentation was made by Assistant City Manager Michael McDonald and Assistant Police Chief David Carter.

CITIZEN COMMUNICATIONS: GENERAL

Carol Anne Rose Kennedy - FederalIncomeTax & the STUpiDessed thing sense WHITECRACKERS = INFERNAL REVENUE: SERVE U.S. say GOODNIGHT, UNCLE SAM: P.S. you WANT me, BUTT I DO NOT WANT you BACK

Patricia Michael - Representing a neighborhood petition

Matt Ruff - Intense development of single family and condominium housing in my neighborhood

Leslie McCollom - Annexation, land development issues in South Austin

Alfonso Pena - Issues with city employees involved in building code enforcement/inspections

Richard Troxell - Homelessness in Austin

Paul Robbins - City Issues

Joe Zamecai - There is too much crime in our neighborhood and here is a possible solution.

Johnette Mason - Bringing a Recreation Center to the 24 area. She was not present when her name was called.

Mayor Pro Tem Dunkerley recessed the Council Meeting to go into Executive Session at 12:33 p.m.

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.

31. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
32. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
33. Discuss legal issues regarding expansion of the Ullrich Water Treatment Plant Expansion Project and associated construction contract with Archer Western Contractors, Ltd., in connection with project resolution and potential litigation. (Private Consultation with Attorney - Section 551.071)
34. Discuss acquisition of an interest in real property for the Open Space Project. (Real Property - Section 551.072)(Related to item #35)
This item was postponed to February 1, 2007 as part of the Consent Agenda action.

Executive Session ended and Mayor Pro Tem Dunkerley called the Council Meeting back to order at 3:05 p.m.

ACTION ON EXECUTIVE SESSION

35. Approve a resolution authorizing the City Manager to negotiate and execute all documents necessary to acquire an interest in land in Hays County through a conservation easement. (Related to item #34)
This item was postponed to February 1, 2007 as part of the Consent Agenda action.

BRIEFING

36. Briefing on the Seaholm Station Study Report.
The presentation was made by Sue Edwards, Director of Economic Growth and Redevelopment Services, and Thomas G. Shelton, P.E., Carter Burgess.

Mayor Pro Tem Dunkerley recessed the Council Meeting at 3:40 p.m.

Mayor Pro Tem Dunkerley called the Council Meeting back to order at 4:09 p.m.

ZONING CONSENT ITEM

37. C2A-84-002 - Schlumberger PDA Amendment #5 - Approve second reading of an ordinance amending Chapter 25-2 of the City Code by rezoning property locally known as 8311 RR 620 North (Bull Creek Watershed from research and development-planned development area R&D - PDA) combining district zoning to research and development-planned development area (R&D - PDA) combining district zoning to change a condition of zoning with conditions. First reading approved on January 11, 2007. Vote: 7-0. Applicant: USL Austin Reserve, L.P. Agents: Armbrust & Brown, L.L.P. (Richard Suttle) and Consort (Ben Turner). City Staff: Tina Bui, 974-2755.
This item was postponed to February 1, 2007 at the applicant's request on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings on 38, 39 and 41 were closed and consent items were approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.

38. C14-06-0212 - 620/183 Limited Partnership - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-10724 Lakeline Mall Drive (Lake Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Applicant: 620/183 Limited Partnership (Fred Thomas). Agent: Smith, Robertson, Elliot, Glen, Klein & Bell, L.L.P. (David Hartman). City Staff: Tina Bui, 974-2755.
Ordinance No. 20070125-038 for community commercial-mixed use (GR-MU) combining district zoning was approved.
39. C14-06-0217 - Smith 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11912 North Lamar Boulevard, Building A (Little Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Staff Recommendation: to grant general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office (GO) district zoning. Applicant: Clay Chip Smith. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070125-039 for general office (GO) district zoning was approved.
40. C14-06-0220 - Thornton Bungalows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2206-2210 Thornton Road (West Bouldin Creek Watershed) from urban family residence-conditional overlay (SF-5-CO) combining district zoning to single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning. Staff Recommendation: To grant single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning. Planning Commission Recommendation: To be reviewed on January 30, 2007. Applicant: Thornton Cottages Austin, L.P. (James Austin). Agent: Stansberry Engineering (Blayne Stansberry). City Staff: Robert Heil, 974-2330.
This item was postponed to February 1, 2007 at the staff's request.
41. C14-06-0172 - 11601 Jollyville Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11601 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial -mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1; and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Staff Recommendation: To grant community commercial -mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1; and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial -mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1; and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Applicant: JV Road Limited, Texas Limited Partnership (Michael R. Young). Agent: Land Strategies (Paul Linehan). City Staff: Tina Bui, 974-2755.
Ordinance No. 20070125-041 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1; and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2 with the following amendment was approved. The conditional overlay of the trip limitation of 2,000 trips per day was removed and at the time of the site plan review, the owner will either agree to limit the trips to 2,000 trips per day or submit a traffic impact analysis.

42. C14-06-0112 - Slaughter 2-458 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Block of West Slaughter lane (Slaughter Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Applicant: Herby's Joint Venture (Jimmy Nassour). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

This item was postponed to February 15, 2007 at the applicant's request.

Mayor Pro Tem Dunkerley recessed the Council Meeting at 5:41 p.m.

LIVE MUSIC

Brennen Leigh

PROCLAMATIONS

Distinguished Service Award -- Vance Kirkhuff -- to be presented by Mayor Pro Tem Betty Dunkerley and City Manager Toby Hammett Futrell and to be accepted by the honoree.

Certificate of Congratulations -- Stephanie Neely, Austin Public Library -- to be presented by Council Member Jennifer Kim and to be accepted by the honoree

Mayor Pro Tem Dunkerley called the Council Meeting back to order at 5:58 p.m.

ZONING DISCUSSION ITEM

43. C814-06-0106 - 208 Barton Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 208 Barton Springs Road (Town Lake Watershed) from commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and lake commercial-neighborhood planning (L-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Applicant and Agent: Graves, Dougherty, Heaton & Moody, P.C. (Michael Whellan). City Staff: Jorge E. Rousselin, 974-2975.

The motion made by Council Member Kim to postpone the item to February 15, 2007 failed due to the lack of a second.

The public hearing was closed and the first and second readings of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn was absent.

PUBLIC HEARINGS

44. Conduct a public hearing and approve an ordinance amending Title 25 of the City Code to establish additional requirements for the location of large retail uses ("Big Box retail") in permitted zoning

districts. There is no unanticipated fiscal impact. A fiscal note is not required. To be reviewed by Planning Commission on January 16, 2007.

This item was postponed to February 1, 2007 at the staff's request on Council Member Kim's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was off the dais.

45. Conduct a public hearing and consider floodplain variances requested by Mr. Mickey Bentley on behalf of Mr. William Sisco and Ms. Elizabeth Sisco to allow construction of a duplex at 5613 Joe Sayers Avenue in the 100-year and 25-year floodplains of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the proposed duplex.

This item was postponed to February 1, 2007 on Council Member Martinez' motion, Council Member McCracken's second on a 5-0 vote. Council Member Cole was off the dais. Mayor Wynn was absent. Law will prepare a restrictive-covenant requiring compliance with the McMansion ordinance if it is determined the proposed project qualifies.

Mayor Pro Tem Dunkerley adjourned the meeting at 7:07 without objection.

The minutes for the Regular Meeting of January 25, 2007 were approved on this the 1st day of February, 2007 on Council Member Martinez' motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was absent.