



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 1, 2007

Invocation: Pastor Doyin Oke, Redeemed Christian Church of God Salvation Center

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, February 1, 2007 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:20 a.m.

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 Martinez' motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was absent.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of January 25, 2007.
The minutes from the regularly scheduled meeting of January 25, 2007 were approved.
2. Authorize negotiation and execution of an Interlocal Agreement with the State of Texas Energy Conservation Office (SECO) for grant funding in the amount of \$10,000 to extend the City's involvement in the Clean Cities program with funding from February 1, 2007 to August 31, 2007. Grant funding is available from the State of Texas Energy Conservation Office. No match is required. Recommended by the Electric Utility Commission. (Related to item #3).
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
3. Approve an ordinance authorizing acceptance of \$10,000 in grant funds from the United States Department of Energy through the State of Texas Energy Conservation Office; and amending the Fiscal Year 2006-2007 Austin Energy Operating Budget of Ordinance No. 20060911-001 to appropriate \$10,000 for the purpose of continuing the Clean Cities Program for the grant period of February 1, 2007 through August 31, 2007. Funding in the amount of \$10,000 in grant funds is available from the State of Texas Energy Conservation Office. No match is required. Recommended by the Electric Utility Commission. (Related to item #2).
Ordinance No. 20070201-003 was approved.
4. Approve a resolution authorizing the purchase of a building and approximately 12 acres of land from TOKYO ELECTRON AMERICA, INC., located at 2510 Grove Boulevard for the relocation of Austin Energy's Energy Control Center (ECC), in an amount not to exceed \$16,520,000, including closing costs.

Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.

Resolution No. 20070201-004 was approved.

Items 5 and 6 were pulled for discussion.

7. Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and Dartagnan Partners, LP, to provide pass-through wastewater service to the "Technopolis" tract located near the intersection of FM 1325 and Merriltown Drive. 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.

8. Approve an ordinance authorizing the negotiation and execution of an agreement between the City and Samsung Austin Semiconductor, L.L.C. reimbursing Samsung for the design and construction of a wastewater meter and appurtenances at the Samsung chip manufacturing facility on Parmer Lane for a total project amount not to exceed \$500,000, and waiving Sections 15-9-272, 15-9-273, 15-9-275 and 15-9-285 of the City Code relating to payment for and maintenance of meters. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

Ordinance No. 20070201-008 was approved.

Items 9 and 10 were pulled for discussion.

11. Authorize execution of a service agreement with BENITEZ CONSTRUCTION, INC. (77.45%), Manor, TX, for the construction of Water Distribution System Improvements (Leaking Mains, Services & Valves) in an amount not to exceed \$356,550. 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 Woman-Owned Business Enterprise Procurement Program) by meeting the goals. 0.00% MBE and 5.61% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a service agreement was approved.

Items 12 and 13 were pulled for discussion.

14. Approve negotiation and execution of an Interlocal Agreement with Austin Independent School District (AISD) for the provision of Emergency Medical Technician (EMT-B) training in two Austin high schools for a term of one year, in an amount not to exceed \$8,000, with two 12-month renewal options, in an amount not to exceed \$8,000 per renewal option, for a total contract amount not to exceed \$24,000. Funding in the amount of \$8,000 was included in the Fiscal Year 2006-2007 Operating Budget of the EMS Department. Funding for the renewal options is contingent upon the available funding in future budgets.

The motion authorizing the negotiation and execution of an interlocal agreement was approved.

15. Adopt an ordinance to establish classifications and positions in the classified service of the Austin Fire Department eliminate a position, and add a position and repeal Ordinance No. 20060911-005. Funding in the amount of \$35,977 is included in the Fiscal Year 2006-2007 Operating Budget of the Austin Fire Department.

This item was postponed indefinitely and withdrawn from the agenda.

16. Approve an ordinance authorizing acceptance of \$30,000 in grant funds from the ROBERT WOOD JOHNSON FOUNDATION, Princeton, NJ; and amending the Fiscal Year 2006-2007 Health and Human Service Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$30,000 for the Health Promotion/Disease Prevention program to partner with the Indigent Care Collaboration to evaluate internal business practices using the Robert Wood Johnson informatics systems within the Disease Surveillance unit. Funding is available from the Robert Wood Johnson Foundation. The grant period is December 1, 2006 through February 28, 2008. No City match is required. **Ordinance No. 20070201-016 was approved.**
17. Approve an amendment to the outside counsel contract with Scott, Douglass & McConnico, LLP, Austin, TX, for legal counsel concerning issues relating to the design and construction issues of the airport parking garage, in the amount of \$130,000, for a total contract amount of \$355,000. Funding in the amount of \$130,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Aviation Department.
The motion authorizing an amendment to the outside counsel contract was approved.
18. Approve an ordinance amending Ordinance No. 20061116-055 to substitute a new future land use map (FLUM) that correctly reflects the determinations made by Council for certain properties in the East Riverside/Oltorf Combined FLUM identified as: Tract 222 (4600 and 4604 Ben White Boulevard East), Tract 35B (2500, 2500 ½, 2510 ½ Willow Hill Drive and 2018 ½ S. Pleasant Valley Road), Tract 37 (2109-2237 E. Riverside Drive; 1700-1702 Willow Creek Drive), Tract 43A (2001 E. Riverside Drive), Tract 45 (1801-1919 E. Riverside Drive), Tract 45A (1805-1909 E. Riverside Drive), Tract 45B (1905 E. Riverside Drive), Tract 47 (1005 and 1007 Summit Street), Tract 21B (2510, 2510 ½, 2512, 2520, 2520 ½ Elmont Drive), Tract 35A (2429-2515 ½ E. Riverside Drive), Tract 38 (2237 E. Riverside Drive), and Tract 42 (2021, 2023 E. Riverside Drive).
Ordinance No. 20070201-018 was approved.
19. Authorize the negotiation and execution of an Interlocal Agreement between the City and the Lower Colorado River Authority (LCRA) to allow parties to locate, maintain and replace buoys at Tom Miller Dam on Lake Austin. Funding will be provided by the Lower Colorado River Authority (LCRA). City will reimburse actual maintenance costs. Recommended by the Parks and Recreation Board.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
20. Approve a resolution authorizing the fee simple acquisition of Lot 6, Block N, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5603 Vine Hill Drive, from Frank and Pamela Webb for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$200,000 for the land and improvements and \$25,000 owner assisted relocation benefits, plus moving related expenses not to exceed \$20,000 for a total amount not to exceed \$245,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070201-020 was approved.
21. Authorize negotiation and execution of a professional services agreement with each of the following 10 firms: HNTB CORPORATION, Austin, TX, HALFF ASSOCIATES, INC., Austin, TX, OTHON, INC., Austin, TX, HVJ ASSOCIATES, INC. (MBE/MB), Austin, TX, FREESE AND NICHOLS, INC., Austin, TX, LOCKWOOD ANDREWS and NEWNAM, INC., Austin, TX, DANNENBAUM ENGINEERING COMPANY, Austin, TX, MARTINEZ, WRIGHT and MENDEZ, INC. (MBE/MH), Austin, TX, S and B INFRASTRUCTURE, LTD, Austin, TX and; KLOTZ ASSOCIATES, INC., Austin, TX, to provide professional engineering services for street reconstruction projects for a period of approximately six years or until financial authorization expended, each agreement in an amount not to exceed \$12,500,000, with

the total amount of the 10 agreements not to exceed \$12,500,000. Funding is available in the Operating and Capital budgets of the various departments for which services are needed. Best 10 qualification statements of 38 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 10 firms was approved.

22. Approve the ratification of the construction contract with KEYSTONE CONSTRUCTION INC., Austin, TX, for emergency construction of the Austin Clean Water Program: Harold Court Wastewater Repair Project in the amount of \$142,128.70. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the ratification of the construction contract was approved.

Items 23 and 24 were pulled for discussion.

25. Authorize award and execution of 12 contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: RDO EQUIPMENT CO., Pflugerville, TX, for the purchase of two articulated wheeled loaders, five tractor/loader/backhoes, one mini hydraulic excavator, and four skid steer loaders in an amount not to exceed \$829,072.28; LANDMARK EQUIPMENT, INC., Irving, TX, for the purchase of one agricultural tractor with mower in an amount not to exceed \$60,955; VERMEER OF TEXAS, Round Rock, TX for the purchase of one tractor-mounted rock wheel in an amount not to exceed \$90,171; TYMCO INTERNATIONAL, LTD., Waco, TX, for the purchase of five street sweepers in an amount not to exceed \$687,361.50; HEIL OF TEXAS, Houston, TX, for the purchase of one rear loading refuse collection body in an amount not to exceed \$69,125; INTERSTATE TRAILERS, INC., Mansfield, TX, for the purchase of six equipment trailers in an amount not to exceed \$92,856; RUSH TRUCK CENTER, Houston, TX, for the purchase of two cab and chassis for loader/dump trucks, and four cab and chassis for dead-end refuse collection trucks in an amount not to exceed \$356,066; EQUIPMENT SOUTHWEST, INC., Irving, TX, for the purchase of two dump bodies with front loader attachments, and four dead-end refuse collection bodies in an amount not to exceed \$354,474.64; COOPER EQUIPMENT COMPANY, San Antonio, TX, for the purchase of two live-bottom trailers, one paver special trailer, one compost turner, and one asphalt distributor body in an amount not to exceed \$588,947.64; KINLOCHEQUIPMENT COMPANY, Arlington, TX, for the purchase of five catch basin cleaner bodies, and two street sweepers in an amount not to exceed \$896,580.26; UNDERGROUND, INC., Houston, TX, for the purchase of one sewer cleaning body with TV inspection camera in an amount not to exceed \$171,092. Funding in the amount of \$58,114.54 is available in the Fiscal Year 2006-2007 Vehicle Acquisition Fund. Funding in the amount of \$163,965.11 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding in the amount of \$135,834.21 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding in the amount of \$1,729,023.38 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Funding in the amount of \$18,880 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding in the amount of \$858,748.90 is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Funding in the amount of \$1,157,106.14 is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$75,029.04 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department. Cooperative Purchase.

The motion authorizing the award and execution of 12 contracts was approved.

26. Authorize award and execution of a 36-month requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with TCI TIRE CENTERS, LLC., Austin, TX, for the purchase of tires and

tubes in an estimated amount not to exceed \$1,080,000, with three 12-month extension options in an estimated amount not to exceed \$360,000 per extension option, for a total estimated contract amount not to exceed \$2,160,000. Funding in the amount of \$240,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase.

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

- 27. Authorize award, negotiation, and execution of a 36-month requirements service contract with SPANISH LANGUAGE SOLUTIONS, Austin, TX, for language proficiency exam services in an estimated amount not to exceed \$363,740, with three 12-month extension options in an estimated amount not to exceed \$129,580 per extension option, for a total estimated contract amount not to exceed \$752,480. Funding in the amount of \$104,580 is included in the Fiscal Year 2006-07 Operating Budget of various city departments. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals 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, negotiation, and execution of a requirements service contract was approved.

- 28. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with DAKTRONICS, San Antonio, TX, for the purchase of new scoreboards in an amount not to exceed \$83,000.56. Funding is available in the Fiscal Year 2006-2007 Capital Budget for the Parks and Recreation Department. 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). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

- 29. Authorize award and execution of a contract through the Texas Building and Procurement Commission with TOTER INC., Statesville, NC, for the purchase of garbage carts in an amount not to exceed \$791,186.76. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Solid Waste Services Department. Cooperative Purchase.

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

- 30. 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> Rick Burciaga	Mayor Wynn's	Appointment
<u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u> Dee Copeland	Consensus <i>(Real Estate Developer/Professional representative)</i>	Appointment

Urban Transportation Commission
Richard MacKinnon

Council Member Kim’s

Appointment

- 31. Approve a resolution directing the City Manager to develop a direct marketing campaign to further promote Austin Energy’s energy audit, rebate and loan-buy down programs to the most energy inefficient residential households in the City to achieve better energy efficiency and reduce energy costs for those households. (Council Member Jennifer Kim Council Member Lee Leffingwell Mayor Will Wynn)
Resolution No. 20070201-031 was approved.
- 32. Approve a resolution renaming the Northeast Park to the Davis-White Northeast Park and waiving any applicable requirements of Chapter 14-1 of the City Code. (Council Member Sheryl Cole Council Member Mike Martinez)
Resolution No. 20070201-032 was approved.
- 33. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by amending the future land use map of the East Riverside/Oltorf Combined Neighborhood Plan, for property located at 1818 South Lakeshore Boulevard. The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east, and Ben White/SH-71 on the south. (Suggested date and time: March 1, 2007 at 4:00 PM, Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for March 1, 2007 at 4:00 p.m., at the Austin City Hall, 301 West Second Street, Austin, Texas.
- 34. Set public hearings for the full purpose annexation of the following annexation areas: (1) Avery Ranch Area, Group 2: Approximately 45 acres in Williamson County south of the intersection of Avery Ranch Boulevard and Nearabout Road.; and (2) Blazier Elementary School Area: Approximately 16 acres in southern Travis County south of the intersection of Thaxton Road and Nuckols Crossing Road. Suggested dates and times: March 1, 2007 at 6:00 PM, and March 8, 2007 at 6:00 PM, Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearings were set for March 1 and 8, 2007 at 6:00 p.m. at the Austin City Hall, 301 West Second Street, Austin, Texas.

Item 35 was a briefing item set for 10:30 a.m.

Items 36 through 44 were Executive Session items.

Item 45 was action on an Executive Session item.

Item 46 was a briefing item set for 2:00 p.m.

Items 47 through 61 were zoning items set for 4:00 p.m.

Items 62 through 66 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

- 9. Approve Service Extension Request No. 2524 with CENTEX HOMES, INC. for wastewater service not to exceed a peak wet weather flow of 179 gallons per minute (gpm) for a tract of approximately 93.1 acres located within the Drinking Water Protection Zone in the City’s extraterritorial jurisdiction along

U.S. Highway 290 West. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.

The motion authorizing service extension request number 2524 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote with the following direction to staff. Council Member McCracken was absent. Staff should develop a Service Extension Request (SER) framework and incorporate it in both the water and energy conservation items as part of the requirement for the SER.

10. Approve an ordinance authorizing negotiation and execution of a cost participation agreement, Service Extension Request No. 2523, with CENTEX HOMES, INC., providing terms and conditions for construction of 12-inch water main and appurtenances to provide water service to the Ridgeview Subdivision located along U.S. Highway 290 West, east of South View Road with City cost reimbursement in an amount not to exceed 33% of the actual construction costs ("hard costs") or \$165,082, whichever is less, and approve an Ordinance waiving the requirements of Section 25-9-62 of the City Code relating to amount of cost participation. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. Recommended by the Environmental Board.
The motion authorizing service extension request No. 2523 and adopting Ordinance No. 20070201-010 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote with the following direction to staff. Council Member McCracken was absent. Staff was directed by Council Member Leffingwell to develop a proposal for water and energy conservation measures to be considered in the approval of a service extension request.
12. Approve an ordinance amending the Fiscal Year 2006-2007 Public Works Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$9,000,000 for street reconstruction, and \$1,000,000 for sidewalks, for a total increase of \$10,000,000; amending the Fiscal Year 2006-2007 Watershed Protection and Development Review Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$7,000,000 for Watershed Protection Master Plan projects and \$30,000,000 for open space, for a total increase of \$37,000,000; amending the Fiscal Year 2006-2007 Parks and Recreation Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$5,850,000 for park facilities, facility improvements and facility renovations, and by \$4,650,000 for parkland acquisition and development, for a total increase of \$10,500,000; amending the Fiscal Year 2006-2007 Neighborhood Housing and Community Development Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$5,000,000 for affordable housing programs; amending the Fiscal Year 2006-2007 Municipal Court Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$16,000,000 for a new municipal courthouse facility; amending the Fiscal Year 2006-2007 Health and Human Services Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$450,000 for a Animal Shelter facility; amending the Fiscal Year 2006-2007 Financial and Administrative Services Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$650,000 for the Austin Film Studios, by \$400,000 for the African-American Heritage Facility, and by \$5,000,000 for the Public Safety Training Facility project, for a total increase of \$6,050,000. Funding in the amount of \$85,000,000 will be provided by the future issuance of Public Improvement Bonds, approved by the voters on November 7, 2006. (Related to item #13).
This item was postponed to March 1, 2007 on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was absent. The postponement will allow staff to make a presentation to the Bond Oversight Committee and to get the Committee's and public input.

- 13. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2006 Proposition 1 General Obligation Bonds to be issued for expenditures in the amount of \$10,000,000 related to street reconstruction and sidewalk reconstruction and improvements; to reimburse itself from November 2006 Proposition 2 General Obligation Bonds to be issued for expenditures in the amount of \$37,000,000 related to Watershed Protection Master Plan Projects and Open Space preservation and; to reimburse itself from November 2006 Proposition 3 General Obligation Bonds to be issued for expenditures in the amount of \$10,500,000 related to park facilities, facility improvements and facility renovations and parkland acquisition and development; to reimburse itself from November 2006 Proposition 4 General Obligation Bonds to be issued for expenditures in the amount of \$1,050,000 related to Community and Cultural facility projects; to reimburse itself from November 2006 Proposition 5 General Obligation Bonds to be issued for expenditures in the amount of \$5,000,000 related to affordable housing programs; and to reimburse itself from November 2006 Proposition 7 General Obligation Bonds to be issued for expenditures in the amount of \$21,450,000 related to public safety facility projects. Funding of \$85,000,000 in General Obligation Public Improvement Bonds to be issued in August 2007 or later. (Related to item #12).

This item was postponed to March 1, 2007 on Council Member Martinez’ motion, Council Member Cole’s second on a 6-0 vote. Council Member McCracken was absent. The postponement will allow staff to make a presentation to the Bond Oversight Committee and to get the Committee’s and public input.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:49 a.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.

- 36. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.

- 37. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.

Item 38 was discussed later in Executive Session.

- 39. Discuss legal issues related to governmental and official immunity. (Private Consultation with Attorney - Section 551.071)

Items 40 through 44 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:18 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Craig Plackis - Plumbing Ordinance. He was not present when his name was called.

Jeff Jack - Code Enforcement

Lori C-Renteria - Concerns about Residential Programs for Felon's in TDCJ Facilities

Pat Johnson - The Public has the right to know who the Registered Sex Offender is that APD was forced to issue a Wrecker License to

Paul Robbins - City Issues

Susana Almanza - School Board, County Commissioners and State Representatives are all single member district representatives. Why can't the Austin City Council have Single Member Districts? **She was not present when her name was called.**

Randy Chupik - Waste Water Service Extension Request for 2413 Spring Lane. **He was not present when his name was called.**

Tom Risher - Traffic fatalities and solutions in traffic management.

CarolAnneRose Kennedy - KNEE REPLACEMENT: COMMEND-HER-CHIEF

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:50 p.m.

EXECUTIVE SESSION CONTINUED

- 38. Discuss legal issues concerning annexation of Lost Creek Municipal Utility District. (Private Consultation with Attorney - Section 551.071)

- 40. Discuss solar power purchases by Austin Energy. (Public Power Utility Competitive Matters - Section 551.086)(Related to items #6, 23 and 24)

- 41. Discuss Austin Energy's generation resource strategic plan. (Public Power Utility Competitive Matters - Section 551.086)

- 42. Discuss and take action on Austin Energy generation resource planning issues. (Public Power Utility Competitive Matters - Section 551.086)(Related to item #5)

- 43. Discuss tariff strategies. (Public Power Utility Competitive Matters - Section 551.086)

- 44. Discuss acquisition of an interest in real property for the Open Space Project. (Real Property - Section 551.072) (Related to item #45)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:47 p.m.

ACTION ON EXECUTIVE SESSION

45. 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 #44)
Resolution No. 20070201-045 was approved in the amount of \$562,500 from a \$1.5 million grant on Council Member Kim's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was absent.

BRIEFINGS

35. Seaholm Conceptual Design
The presentation was made by Laura Huffman, Assistant City Manager; John Rosato, Seaholm Power LLC Managing Partner; Scott Vieth, Senior Associate for Design Collective; and Earl Broussard, President of TBG Partners.
46. Presentation on the Families with Children Report.
This item was postponed to February 15, 2007 by Mayor Wynn without objection.

DISCUSSION ITEMS CONTINUED

5. Approve a resolution authorizing (1) the negotiation and execution of an agreement with the City Public Service Board of San Antonio ("CPSE") to jointly acquire land, options for land, and related water rights at a site in Matagorda County, Texas, (2) the purchase, whether jointly with CPSE or otherwise, of such land, interests in land, and related water rights, and (3) such other agreements as may be necessary to accomplish these transactions. Request for funding confidential pursuant to Texas Government Code Sections 551.086 and 552.133, and Council Resolution 20051201-002. The Electric Utility Commission was briefed, no vote was taken or recommendation made. (Related to item #42)
Resolution No. 20070201-005 was approved on Council Member Cole's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was absent.
6. Approve negotiate and execution of an agreement between the City and the Texas General Land Office for an option to lease state lands in west Texas for a solar power suitability study and to lease state lands for an optional production period for a solar-generated electricity project over a 50-year term in an amount not to exceed \$1,048,770. Funding is available in the Fiscal Year 2006-2007 Approved Operating Budget of Austin Energy. Funding for future years is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission. (Related to items #23, 24 and 40)
The motion authorizing the negotiation and execution of an agreement was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was absent.
23. Authorize award, negotiation, and execution of a 12-month requirements service contract with SUNEDISON, Baltimore, MD, for the purchase of up to 500 kilowatts (kW) of solar-generated power at the Austin Convention Center rooftop in an estimated amount not to exceed \$215,000, with 19 12-month extension options in an estimated amount not to exceed \$215,000 per extension option, for a total estimated contract amount not to exceed \$4,300,000. Funding will be provided through the Electric Fuel Charge revenue. Best evaluated proposal of 12 proposals 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. (Related to items #6, 24 and 40)

The motion authorizing the award, negotiation, and execution of a requirements service contract was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was absent.

- 24. Authorize award, negotiation, and execution of a 12-month requirements service contract with SUNEDISON, Baltimore, MD, for the purchase of up to 210 kilowatts (kW) of solar-generated power at the Austin Building Services Office Warehouse rooftop in an estimated amount not to exceed \$100,000, with 19 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$2,000,000. Funding will be provided through the Electric Fuel Charge revenue. Best evaluated proposal of 12 proposals 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. (Related to items #6, 23 and 40)
 The motion authorizing the award, negotiation, and execution of a requirements service contract was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was absent.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 5:26 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

LIVE MUSIC

Dana Falconberry

PROCLAMATIONS

Proclamation -- Renaming Northeast Park as Davis-White Northeast Park -- to be presented by Council Member Sheryl Cole and to be accepted by Capt. Louie White and Mrs. Ray Davis

Proclamation -- Black History Month -- to be presented by Mayor Will Wynn and to be accepted by Council Member Sheryl Cole.

Distinguished Service Award -- David Gruell -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Proclamation -- Engineering Week -- to be presented by Mayor Will Wynn and to be accepted by Rich McMaster and Katie Kizziar

Proclamation -- Love Austin Music Month -- to be presented by Mayor Will Wynn and to be accepted by Suzanne Quinn

Proclamation -- KMFA's 40th Anniversary -- to be presented by Mayor Will Wynn and to be accepted by Mandy Dealey, Jack Allen and Steve Moore

AHFC adjourned and Mayor Wynn called the Council Meeting back to order at 7:05 p.m.

PUBLIC HEARINGS

65. Conduct a public hearing and approve an ordinance amending 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. Recommended by Planning Commission.
This item was postponed to February 15, 2007 on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was absent.
66. 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 the Planning Commission on January 30, 2007.
This item was postponed to February 15, 2007 on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken 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 consent items were approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

47. 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.
The second reading of the ordinance for research and development-planned development area (R&D - PDA) combining district zoning to change a condition of zoning and allow an additional use of congregate living on Tract 1 was approved.
48. C14-05-0206 - 5100 Commercial Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5100 Commercial Drive (Walnut Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning. First reading approved on February 16, 2006. Vote: 7-0. Applicant and Agent: Jim Galemore. City Staff: Robert Heil, 974-2330.
Ordinance No. 20070201-048 for limited industrial service-conditional overlay (LI-CO) combining district zoning was approved.

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 were closed and consent items were approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was absent.

52. 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 15, 2007 at the neighborhood's request.

53. C14-04-0196.01 - Horn Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Guadalupe Street and Avenue A (Waller Creek Watershed) from neighborhood conservation combining district (NCCD) district zoning to neighborhood conservation combining district (NCCD) district zoning to change a condition of zoning. Staff Recommendation: To grant neighborhood conservation combining district (NCCD) district zoning to change a condition of zoning. Planning Commission Recommendation: To be reviewed on February 13, 2007. Applicant and Agent: Horn Building Partnership (Richard Horn). City Staff: Glenn Rhoades, 974-2775.

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

54. C14-06-0205 - 2003 South Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2003 South Lamar (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant and Agent: Johnny Cuchia. City Staff: Robert Heil, 974-2330.

Ordinance No. 20070201-054 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved.

55. C14-06-0227 - 5103 Commercial Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5103 Commercial Park (Walnut Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited-industrial service-conditional overlay (LI-CO) combining district zoning. Applicant and Agent: Texcal Properties (Michael E. Lackey). City Staff: Robert Heil, 974-2330.

Ordinance No. 20070201-055 for limited-industrial service-conditional overlay (LI-CO) combining district zoning was approved.

56. C14-06-0183 - CLB/7th and Rio Grande - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605 and 615 West 7th Street (Shoal Creek Watershed) from community commercial (GR) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning with conditions. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Michael J. McGinnis. Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele M. Rogerson). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to February 15, 2007 at the adjacent property owner's request.

57. C14-72-015(RCA) - 1517 E. Anderson Ln. - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 1517 E. Anderson Lane (Buttermilk Creek Watershed). Staff

Recommendation: To deny the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To deny the restrictive covenant amendment. Applicant: American Condominium Corporation. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

This item was postponed to March 1, 2007 at the staff's request.

58. NPA-06-0009.01 - University Enterprises - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single family to mixed use for the property located at 1901-1903 E. 11th Street. Staff Recommendation: To deny community commercial designation. Planning Commission Recommendation: To deny community commercial designation. Applicant: University Enterprises (Bertha Means). Agent: Carter Design Group (Donna Carter). City Staff: Robert Heil, 974-2330.

This item was postponed to February 15, 2007 at 6:15 p.m. at Council's request.

59. C14-06-0159 - University Enterprises - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901-1903 E. 11th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To deny community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Applicant: University Enterprises (Bertha Means). Agent: Carter Design Associates (Donna Carter). City Staff: Robert Heil, 974-2330.

This item was postponed to February 15, 2007 at 6:15 p.m. at Council's request.

60. NPA-06-0015.01 - Springdale Road -East MLK Combined Neighborhood Plan - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from open space to mixed use for the property located at O (21.2 Ac. of Abs 22 Sur 29 Tannehill JC) Springdale Road. Staff Recommendation: To grant mixed use designation. Planning Commission Recommendation: to grant mixed use designation. Applicant: Neighborhood Planning and Zoning Department; Seiders Family Trust, Et.Al. Agent: Peter Cesaro. City Staff: Kathleen Welder, 974-2856.

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

61. C14-06-0221 - Springdale Road-East MLK Combined Neighborhood Plan - conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as O (21.2 Ac. of Abs 22 Sur 29 Tannehill JC) Springdale Road (Little Walnut Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: to grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, and townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Applicant: Neighborhood Planning and Zoning Department; Seiders Family Trust, Et. Al). Agent: Peter Cesaro. City Staff: Jerry Rusthoven, 974-3207.

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

ZONING DISCUSSION ITEMS

49. C14-05-0111 – Parker Lane Neighborhood Plan Combining District (PART) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning two tracts (total of 18.88 acres) locally known as 2600, 2600 ½ S. Pleasant Valley Road (Tract 203) and; 4600, 4604 E. Ben White Blvd. (Tract 222). These tracts lie within the Country Club Watershed. The proposed zoning change will create the Parker Lane Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan. Under the proposed Parker Lane NPCD, “Small Lot Amnesty”, “Garage Placement”, “Impervious Cover and Parking Placement Restrictions”, and “Prohibited Parking in the Front Yard” may apply. The City Council may approve a zoning change to any of the following: Rural Residential (RR); Single-Family Residence – Large Lot (SF-1); Single-Family Residence—Standard Lot (SF-2); Family Residence (SF-3); Single-Family – Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence – Moderate-High Density (MF-4); Multi-family Residence - High Density (MF-5); Multi-family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. First reading approved on October 19, 2006. Vote: 7-0. Second reading approved on November 16, 2006. Vote 6-0-1. (Kim abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil 974-2330 and Melissa Laursen 974-7226

Ordinance No. 20070201-049 was approved for Tracts 203 and 222 on Council Member Leffingwell’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member McCracken was absent.

50. C14-05-0112 – Riverside Neighborhood Plan Combining District (PART) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 11 tracts (total of 23.34 acres) locally known as 2109-2237 E. Riverside Drive and 1700-1702 Willow Creek Drive (Tract 37); 1701-1713 Burton Drive (Tract 39); 2001 E. Riverside Drive (Tract 43A); 2019, 2021, 2023 E. Riverside Drive (Tract 43B); 1801-1919 E. Riverside Drive (Tract 45); 1805-1909 E. Riverside Drive (Tract 45A); 1905 E. Riverside Drive (Tract 45B); 1605 E. Riverside Drive (Tract 46); 1005, 1007 Summit Street (Tract 47); 1301 S. IH-35 Service Road NB (Tract 49) and; 1301 S. IH-35 Service Road NB (Tract 50). These tracts lie within the Harpers Branch and Town Lake Watersheds. The proposed zoning change will create the Riverside Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan. Under the proposed Riverside NPCD, “Small Lot Amnesty”, “Garage Placement”, “Impervious Cover and Parking Placement Restrictions” and “Prohibited Parking in the Front Yard” may apply. The Neighborhood Mixed Use Building special use is proposed for Tracts 37, 43A, 45, 45A, 45B, and 47. The Neighborhood Urban Center special use is proposed for Tracts 37, 43A, 45, 45A and 45B. The City Council may approve a zoning change to any of the following: Rural Residential (RR); Single-Family Residence – Large Lot (SF-1); Single-Family Residence—Standard Lot (SF-2); Family Residence (SF-3); Single-Family – Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence – Moderate-High Density (MF-4); Multi-family Residence - High Density (MF-5); Multi-family Residence - Highest Density (MF-6);

Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. First reading approved on October 19, 2006. Vote: 7-0. Second reading approved on November 16, 2006. Vote 6-0-1. (Kim abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil 974-2330 and Melissa Laursen 974-7226

Ordinance No. 20070201-050 was approved except for tracts 43b, 45, and 45b on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was absent.

Tract 43b was approved on third reading for staff recommendation of Community Commercial-Neighborhood Plan Combining District (GR-NP) with Neighborhood Mixed Use Building Special Use and Neighborhood Urban Center Special Use on Council Member Leffingwell's motion, Mayor Pro-tem Dunkerley's second on a 6-0 vote.

Tracts 45 and 45b were postponed to March 1, 2007 on Council Member Martinez' motion, Council Member Leffingwell's' second on a 5-0 vote. Council Member Cole was off the dais. Council Member McCracken was absent.

51. NPA-05-0021 - East Riverside/Oltorf Neighborhood Plan - Approve third reading of an ordinance amending Ordinance 20061116-055, adopting the East Riverside/Oltorf Combined Neighborhood Plan, to establish a land use designation on the future land use map for the following 12 tracts: 2600, 2600 ½ S. Pleasant Valley Road (Tract 203); 2109-2237 E. Riverside Drive and 1700-1702 Willow Creek Drive (Tract 37); 1701-1713 Burton Drive (Tract 39); 2001 E. Riverside Drive (Tract 43A); 2019, 2021, 2023 E. Riverside Drive (Tract 43B); 1801-1919 E. Riverside Drive (Tract 45); 1805-1909 E. Riverside Drive (Tract 45A); 1905 E. Riverside Drive (Tract 45B); 1605 E. Riverside Drive (Tract 46); 1005, 1007 Summit Street (Tract 47); 1301 S. IH-35 Service Road NB (Tract 49) and; 1301 S. IH-35 Service Road NB (Tract 50). The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east and State Highway 71 (Ben White Boulevard East) on the south. First reading approved on October 19, 2006. Vote: 7-0. Second reading approved on November 16, 2006. Vote: 6-0-1 (Kim-abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen 974-7226
- Ordinance No. 20070201-051 was approved except for tracts 45 and 45b on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was absent.**

Tracts 45 and 45b were postponed to March 1, 2007 on Council Member Martinez' motion, Council Member Leffingwell's' second on a 5-0 vote. Council Member Cole was off the dais. Council Member McCracken was absent.

PUBLIC HEARINGS

62. Conduct a public hearing and approve an ordinance adopting local standards of care for the Parks and Recreation Department's children's recreation program. Approved by the Parks and Recreation Board.

The public hearing was closed and Ordinance No. 20070201-062 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 5-0 vote. Council Member Cole was off the dais. Council Member McCracken was absent.

- 63. Conduct a public hearing and consider action on an appeal by Michelle Snider and Charlie Palmer of the Zoning and Platting Commission's decision to deny a Conditional Use Permit for Shady Oaks Dog Kennel located at 5604 Travis Cook Road (Site Plan Number: SPC-06-0027A). Denied by Zoning and Platting Commission.

This item was withdrawn per the applicant's request.

- 64. 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 March 1, 2007 on Council Member Martinez motion, Mayor Wynn's second on a 5-0 vote. Council Member Cole was off the dais. Council Member McCracken was absent.

Mayor Wynn adjourned the meeting at 8:21 p.m. without objection.

The minutes for the Regular Meeting of February 1, 2007 were approved on this the 15th day of February, 2007 on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.