

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 22, 2007**

Invocation: Rev. Jacqueline Baker, Associate Minister, Central Christian 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, March 22, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

Announcement of Proposed Items for Upcoming Council Meetings.

The Mayor asked Council Members to report on upcoming agenda items:

- Council Member Kim and Council Member Leffingwell will bring a policy to develop an environmentally sound way for citizens to dispose of fluorescent light bulbs because they contain mercury.
- Council Member Leffingwell announced the Water Conservation Task Force has concluded their work and will bring their recommendations to Council on April 19.
- Council Member Martinez and McCracken will bring process changes to improve negotiations with future PUDs based on lessons learned with the East Avenue PUD.
- Council Member Cole and Council Member McCracken will be bringing policies forward concerning park and trail improvements based on experiences with the East Avenue PUD.

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 McCracken's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Dunkerley was absent.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meetings of March 1, and March 8, 2007.
The minutes from the regularly scheduled meetings of March 1 and March 8, 2007 were approved.
2. Approve an ordinance amending the Fiscal Year 2006-2007 Financial and Administrative Services Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$500,000 for the Mexican American Cultural Center. Funding in the amount of \$500,000 will be provided by the future issuance of Public Improvement Bonds, approved by the voters on November 7, 2006. (Related to item #3).
Ordinance No. 20070322-002 was approved.
3. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2006 Proposition 4 General Obligation Bonds to be issued for expenditures in the amount of \$500,000 related

to Community and Cultural facility projects. Funding of \$500,000 in General Obligation Public Improvement Bonds to be issued in August 2007 or later. (Related to item #2).

Resolution No. 20070322-003 was approved.

4. Approve an ordinance authorizing execution of an economic development agreement with NBC Universal, Inc., for the Friday Night Lights television program, providing for economic development incentive payments of \$40,000 for each of the first two seasons filmed in the Austin area, and subsequent annual incentive payments for each season filmed in the Austin area, estimated to be between \$40,000 and \$45,000 per year. Funding in the amount of \$40,000 is available in the Fiscal Year 2006-2007 Approved Budget of the General Fund Economic Incentives Reimbursements. Funding for subsequent years is contingent upon approval of future budgets.

Ordinance No. 20070322-004 was approved.

Item 5 was pulled to be heard after the related Executive Session item.

6. Approve an ordinance amending Section 7-1-1(A) of the City Code ("Right of Public to Free Access") to provide free library cards to City employees who are not residents of the City.

Ordinance No. 20070322-006 was approved.

7. Approve an ordinance authorizing the acceptance of \$93,000 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division; and amending the Fiscal Year 2006-2007 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$93,000 for overtime forensic services and to purchase equipment and supplies for DNA analysis. Funding is available from the State of Texas, Office of the Governor, Criminal Justice Division for the grant period of January 1 - June 30, 2007. A match is not required.

This item was postponed to April 5, 2007.

8. Approve a resolution authorizing the extension of line of duty injury leave at full-time pay for Austin Police Department Officer David Erskine. Funding is included in the Fiscal Year 2006 - 2007 Operating Budget for the Police Department.

Resolution No. 20070322-008 was approved.

9. Approve an ordinance authorizing acceptance of \$250,000 in grant funds from the State of Texas, Governor's Division of Emergency Management, Homeland Security Grant Program; and amending the Fiscal Year 2006-2007 Public Safety and Emergency Management Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$250,000 for a total grant amount of \$1,993,870 for the enhancement of local first response capabilities for terrorist incidents. Funding in the amount of \$1,993,870 is available from the State of Texas, Governor's Division of Emergency Management.

Ordinance No. 20070322-009 was approved.

10. Authorize execution of change order #2 to the construction contract with BRH-GARVER CONSTRUCTION, LP, Houston, TX, for the Seaholm Utility Redevelopment Project in the amount of \$191,660.20, for a total contract amount not to exceed \$2,253,520.20. Funding in the amount of \$191,660.20 is included in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. 6.28% MBE and 79.71% WBE subcontractor participation to date.

The motion authorizing the execution of change order number 2 to the construction contract was approved.

11. Approve a resolution authorizing the fee simple acquisition of Lot 11, Block H, of Onion Creek Forest, Sec. 4 Re-Subdivision of Lots 11, 12, 13 and 14, Block H and Lots 10, 11, 12, 13, 14 and 15 of Block M,

a subdivision in Travis County, Texas, located at 7100 Onion Crossing Drive from Jose O. and Maria Garza for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$120,000 for the land and improvements and \$5,000 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$135,000. Funding in the amount of \$135,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070322-011 was approved.

12. Approve a resolution to authorize the fee simple acquisition of Lot 10, Block J, Onion Creek Forest, Section 2, a subdivision in Travis County, Texas, located at 6902 Shady Cedar Drive, from Jose and Raquel Lopez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$55,000 for the land and improvements, plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$65,000. Funding in the amount \$65,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070322-012 was approved.

13. Approve a resolution authorizing the fee simple acquisition of Lot 11, Block J, Onion Creek Forest, Section 2, a subdivision in Travis County, Texas, located at 6904 Shady Cedar Drive, from Jose and Raquel Lopez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$50,000 for the land and improvements plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$60,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070322-013 was approved.

14. Approve a resolution authorizing the fee simple acquisition of Lot 5, Block M, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5407 Vine Hill Drive, from John and Linda Reagan for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$70,000 for the land and improvements and \$29,900 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$109,900. Funding in the amount of \$109,900 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070322-014 was approved.

15. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within an area bounded by Loop 360 (Capital of Texas Highway) (North) to the north, Jollyville Road to the east, Mesa Drive to the south, and Spicewood Springs Road to the west. Funding in the amount of \$9,900 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20070322-015 was approved.

16. Approve ratification of a contract with HYUNDAI HEAVY INDUSTRIES, Gardena, CA, for the purchase of four power transformers in an amount not to exceed \$3,758,568. Funding 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 2-9D 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 ratification of a contract was approved.

17. Authorize award and execution of a contract with SQUARE D-SCHNEIDER ELECTRIC, Houston, TX, for the supply and installation of redundant switchgear at the Robert Mueller Energy Center in an amount not to exceed \$800,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin

Energy. Sole Source. 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 contract was approved.

18. Authorize award and execution of a contract with TURBINE AIR SYSTEMS, Houston, TX, for the supply and installation of a water chiller plant at the Robert Mueller Energy Center in an amount not to exceed \$2,772,180. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Sole Source. 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 contract was approved.

19. Authorize award and execution of a contract with ESSCO PUMPS AND CONTROLS INC., Los Angeles, CA, for the purchase of two submersible pumps for the Austin Water Utility in an amount not to exceed \$109,518. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Sole bid 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 contract was approved.

20. Authorize award and execution of a 24-month requirements supply contract with JAE CONSTRUCTION, INC., Austin, TX, for aggregate materials for the Austin Water Utility in an estimated amount not to exceed \$343,259, with two 12-month extension options in an estimated amount not to exceed \$171,630 for each extension option, for a total estimated contract amount not to exceed \$686,519. Funding in the amount of \$85,815 is available in Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 18 months of the original contract period and extension options are contingent upon available funding in future budgets. Sole bid 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.

21. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with L.D. TEBBEN CO. INC., Austin, TX, for installation of roof coating material at Austin-Bergstrom International Airport terminal building in an amount not to exceed \$167,517. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Aviation Department. Cooperative Purchase. 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 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 contract was approved.

22. Authorize award and execution of a 24-month requirements supply contract with BECKER-PARKIN DENTAL SUPPLY CO., New York, NY, for dental supplies in an estimated amount not to exceed \$200,000, with two 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 \$400,000. Funding in the amount of \$50,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three 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 award and execution of a contract with ROY C. GARRETT, INC., Cibolo, TX, for the purchase and installation of replacement fill media in the Marley Cooling Tower in an amount not to exceed \$55,815. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Convention Center Department. Sole Source. 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 contract was approved.
24. Authorize award and execution of a contract with WHITE WAY SIGN, Chicago, IL, for the purchase of upgrades, installation and integration services for eight marquee signs in an amount not to exceed \$498,407. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Convention Center Department. Sole Source. 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 contract was approved.
25. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 47 service body trucks in an amount not to exceed \$2,438,925.44. Funding in the amount of \$38,995.99 is available in the Fiscal Year 2006-2007 Vehicle Acquisition Fund. Funding in the amount of \$1,392,878.04 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Funding in the amount of \$874,951.72 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding in the amount of \$44,421.49 is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$87,678.20 is available in the Fiscal Year 2006-2007 Capital Budget of the Department of Public Works, Street & Bridge Division. Cooperative Purchase.
The motion authorizing the award and execution of a contract was approved.
26. Approve an ordinance authorizing the issuance of City of Austin, Texas Electric Utility System Revenue Refunding Bonds, Series 2007 (Delayed Delivery), in the approximate amount of \$145,045,000, and authorizing and approving related documents. There is no debt service requirement in Fiscal Year 2007. The Fiscal Year 2008 debt service requirement will be included in the 2007-2008 Proposed Budget of the Utility Revenue Bond Redemption Fund.
Ordinance No. 20070322-026 was approved.
27. Approve an ordinance authorizing the extension of the Letter of Credit and Reimbursement Agreement between the City and JPMorgan relating to the "\$350,000,000 City of Austin, Texas Combined Utility Systems Commercial Paper Notes, Series A" program, and the approval of all related documents. The \$794,800 Letter of Credit fee will be included in the Fiscal Year 2007-2008 Proposed Operating Budget of the Austin Water Utility and Electric Utility Department.
Ordinance No. 20070322-027 was approved.
28. Approve an ordinance authorizing the issuance of City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2007 A and B, in the approximate amount of \$220,000,000, and authorizing and approving related documents. There is no debt service requirement in Fiscal Year 2007. The Fiscal Year 2008 debt service requirement will be included in the Fiscal Year 2007-2008 Proposed Budget of the Utility Revenue Bond Redemption Fund.

Ordinance No. 20070322-028 was approved.

29. 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>Building and Fire Code Board of Appeals</u> John Soteriou	Consensus	Appointment
<u>Child Care Council</u> Rescind the reappointment of Dr. Avis Jones Wallace made on March 8, 2007.		
<u>Child Care Council</u> Betty Jo Hudspeth	Mayor Pro Tem Dunkerley's	Reappointment
<u>Community Development Commission</u> Myron Smith	Consensus (representative – South Austin Neighborhood)	Reappointment

Items 30 and 31 were pulled to be heard after the related Executive Session items.

32. Approve a resolution to amend the City's Legislative Program to support the passage of House Bill 1318 and its Senate counterpart, amending the Act governing the Austin Police Retirement System. (Council Member Sheryl Cole, Council Member Mike Martinez, and Council Member Lee Leffingwell)
Resolution No. 20070322-032 was approved.
33. Approve a resolution amending the City's Legislative Program to seek passage of legislation to allow municipalities to create a small business procurement program (Council Member Jennifer Kim Council Member Sheryl Cole)
Resolution No. 20070322-033 was approved.
34. Approve a resolution amending the City's Legislative Program to show support for Senate Bill 1324, House Bill 3758, and House Bill 2714, which pursues changes necessary in state law to allow the City of Austin to require recycling of electronic waste by the producers of electronic equipment particularly computers and televisions, and direct the City Manager to inform the members of the Austin area delegation of the City's position. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Mike Martinez)
Resolution No. 20070322-034 was approved.
35. Approve waiver of park rental fees in an amount not to exceed \$120 for the Network of Asian American Organizations Leader's Picnic and Awards Ceremony to be held at Emma Long Park on May 5, 2007. (Council Member Jennifer Kim Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)
The motion authorizing the waiver of park rental fees in an amount not to exceed \$120 was approved.
36. Approve waiver of park rental fees for the Texas Bengali Cultural Alliance's Bengali and South Asian New Year Festival to be held on April 14, 2007, at Zilker Hillside Theatre. (Council Member Jennifer Kim Council Member Sheryl Cole Mayor Will Wynn)

The motion authorizing the waiver of park rental fees was approved.

37. Approve waiver of the street permit fee under Chapter 14 of the City Code for the Austin American Statesman's Capitol 10,000, to be held on March 25, 2007, in an amount not to exceed \$1,100. (Council Member Lee Leffingwell Council Member Jennifer Kim Mayor Will Wynn)

The motion authorizing the waiver of the street permit fee was approved.

38. Approve waiver of park rental fees in an amount not to exceed \$1000 for the Azteca America event, to be held on April 29, 2007, at Fiesta Gardens. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Sheryl Cole)

The motion authorizing the waiver of the park rental fees in an amount not to exceed \$1,000 was approved.

39. Approve waiver of fees and requirements under Chapter 14 of the Code for the Anderson High School Parent Teacher and Student Association's Shattered Dream's Project, located in the 4000 block of Steck Avenue, to be held on March 28, 2007. (Council Member Mike Martinez Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)

The motion authorizing the waiver of fees and requirements was approved.

40. Approve reimbursement of fees in an amount not to exceed \$250 for the Young Women's Christian Association of Greater Austin's Event held at the Carver Museum on February 24, 2007. (Council Member Lee Leffingwell Council Member Jennifer Kim Council Member Mike Martinez)

The motion authorizing the reimbursement of fees in an amount not to exceed \$250 was approved.

41. Set a public hearing to consider an amendment to Chapter 25-2, Subchapter E, Article 5, of the Land Development Code (Design Standards & Mixed Use) to add roadways in the University Hills/Windsor Park Combined Neighborhood Planning Area to the list of Core Transit Corridors. (Suggested date and time: May 3, 2007 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.)

The public hearing was set for May 3, 2007 at 6:00 p.m., City Hall Council Chambers, at 301 West Second Street.

42. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the University Hills/Windsor Park Combined Neighborhood Plan. The combined planning area is bounded by IH-35 on the west, Highway 290 on the north, Highway 183 on the east, and Manor Road and East 51st Street on the South. (Suggested date and time: May 3, 2007 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.)

The public hearing was set for May 3, 2007 at 4:00 p.m., City Hall Council Chambers, at 301 West Second Street.

43. Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) which requires 300 feet between a business that proposes to sell alcoholic beverages at 11220 North Lamar Boulevard ("Hong Duc Supermarket") and a public school, McBee Elementary School, at 1001 West Braker Lane. (Suggested date and time: April 5, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set for April 5, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

67. Authorize negotiation and execution of a Lease Amendment with M.E. Ruby, Jr., Inc. (Ranger Excavation, L.P.) for operation of a stone quarry located immediately south of the intersection of FM 1431, along Lime Creek Road in Cedar Park, TX.

The motion authorizing the negotiation and execution of a lease amendment was approved.

68. Approve waiver of park rental fees for the Texas Hill Country Food and Wine Festival's From Farm to Table event to be held on March 31, 2007, at Republic Square Park. (Mayor Pro Tem Betty Dunkerley and Mayor Will Wynn).

The motion authorizing the waiver of park rental fees was approved.

Items 44 through 50 were Executive Session items.

Items 51 through 65 were zoning items set for 4:00 p.m.

Item 66 was a public hearing set for 6:00 p.m.

Item 67 was an addendum item for Austin Water Utility.

Item 68 was an addendum for Items from Council.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:41 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.

Item 45 was discussed later in Executive Session.

45. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)

This item was withdrawn as part of the Consent Agenda action.

46. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Safety Officers Association. (Private Consultation with Attorney - Section 551.071)

This item was withdrawn as part of the Consent Agenda action.

47. Discuss legal issues concerning City of Austin v. Reichhold Inc.; Cause No. A-06-CA-0015SS; in the U.S. District Court, Western District, Austin Division. (Concerns the North Service Center) (Private Consultation with Attorney - Section 551.071) (Related to item #5)

48. Discuss legal issues concerning Savetownlake.Org v. City of Austin; Cause No. D-1-GN-0700596; in the 353rd Judicial District Court, Travis County, Texas. (Concerns injunctive and declaratory relief regarding City Code Chapter 25 regulations for the Waterfront Overlay Combining District and subdistricts) (Private Consultation with Attorney - Section 551.071)

Items 49 and 50 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:08 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Alfred Stanley - The use of City Council Chambers by Citizens. He was not present when his name was called.

David Butts - The use of City Council Chambers by Citizens

Jackie Goodman - The Public Use and Access of City Hall by Citizens

Paul Robbins - Citizen Use of City Hall

Mary Arnold - Citizen Use of City Hall

Kathie Tovo - Public Use of City Hall

Susana Almanza - Celebrate the Life of Cesar E. Chavez - Open City Hall to the Public - The People's City Hall

Sylvia Benini - City policy

Spencer Crawl - City Policy

Sara E. Frisco - City Policies

DISCUSSION ITEM

5. Approve an amendment to the legal service contract with Kemp Smith, L.L.P. for legal counsel regarding City of Austin v. Reichhold Inc., et al.; Cause No. A-06-CA-0015SS; in the U.S. District Court, Western District, Austin Division, in an amount of \$300,000, for a total contract amount not to exceed \$1,025,000. Funding in the amount of \$300,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Liability Reserve Fund. (Related to item #47)

The motion authorizing an amendment to the legal service contract was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem was absent.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:03 p.m.

EXECUTIVE SESSION CONTINUED

44. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
49. Evaluate the performance of and consider compensation and benefits for the City Clerk. (Personnel Matters - Section 551.074) (Related to item # 30)
50. Evaluate the performance of and consider compensation and benefits for the City Auditor. (Personnel Matters - Section 551.074) (Related to item #31)

Executive Session ended and Mayor Wynn recessed the Council Meeting at 2:43 p.m.

Mayor Wynn called the Council Meeting back to order at 3:57 p.m.

DISCUSSION ITEMS CONTINUED

30. Approve a resolution relating to the compensation and benefits for the City Clerk. (Related to item #49) (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
Resolution No. 20070322-030 was approved with the following additions to the City Clerk's annual salary and benefits on Council Member Kim's motion, Council Member Martinez' second on a 5-0 vote. Mayor Pro Tem Dunkerley was absent. Council Member Cole was off the dais. To increase the salary of the City Clerk to \$112,484 annually, with an increase of personal leave to 7.67 hours per pay period with a maximum accrual limit of 400 hours.
31. Approve a resolution relating to the compensation and benefits for the City Auditor. (Related to item #50) (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
Resolution No. 20070322-031 was approved with the following additions to the City Auditor's annual salary and benefits on Council Member Kim's motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Dunkerley was absent. Council Member Cole was off the dais. To increase the salary of the City Auditor to \$123,592 annually with an increase of personal leave to 7.67 hours per pay period with a maximum accrual limit of 400 hours.

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, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Dunkerley was absent.

51. NP-05-0021 (Part) - East Riverside/Oltorf Combined Neighborhood Plan - 1818 South Lakeshore Boulevard - Approve second/third readings of an ordinance amending Ordinance 20061116-055, adopting the East Riverside/Oltorf Combined Neighborhood Plan, to establish a land use designation of Mixed Use on the future land use map for the property located at 1818 South Lakeshore Boulevard. First reading approved on March 1, 2007. Vote: 7-0. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen 974-7226
Ordinance No. 20070322-051 was approved.
52. C14-05-0112 - Riverside Neighborhood Plan Combining District - 1818 S. Lakeshore Blvd. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1818 S. Lakeshore Blvd. (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. 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. First reading approved on March 1, 2007. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20070322-052 for multi-family residence-medium density-neighborhood plan (MF-3-NP) 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 Council Member Cole's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Dunkerley was absent.

53. C14-06-0200 - Kingswood Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4318 Bull Creek Road (Shoal Creek Watershed) from multi-family residence-moderate high density (MF-4) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: Alori Properties (Lawrence Aldridge). Agent: Ardent Residential (Brett Denton). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070322-053 for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved.
54. C14-06-0214 - Brentwood Church of Christ - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11908 North Lamar Boulevard (Walnut Creek Watershed) from urban family residence (SF-5) district zoning and neighborhood office (NO) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning. Applicant: Brentwood Church of Christ (Wallace R. Beasley). Agent: Vaughn & Associates (Rick Vaughn). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070322-054 for urban family residence-conditional overlay (SF-5-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning was approved.
55. C14-06-0234 - The Mohawk - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 912 Red River Street (Waller Creek Watershed) from commercial-liquor sales (CS-1) district zoning to central business district (CBD) district zoning. Staff Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Applicant: Joe J. Joseph. Agent: Jim Bennett Consultant (Jim Bennett). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070322-055 for central business district-conditional overlay (CBD-CO) combining district zoning was approved.
56. C14-06-0235 - Zone Swap - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3424 Greystone Drive (Bull Creek Watershed) from neighborhood commercial (LR) district zoning and commercial-liquor sales (CS-1) district zoning to commercial-liquor sales (CS-1) district zoning and neighborhood commercial (LR) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning and neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning and neighborhood commercial (LR) district zoning. Applicant: Chieu H. Ly (Michael) and RJ Kelly Dum. Agent: Chieu H. Ly (Michael). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070322-056 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning and neighborhood commercial (LR) district zoning was approved.
57. C14H-06-0034 - North Austin Sub-Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3701 Grooms Street (Waller Creek Watershed) from public-neighborhood conservation combining district-

neighborhood plan (P-NCCD-NP) combining district zoning to public-historic-neighborhood conservation combining district-neighborhood plan (P-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant public-historic-neighborhood conservation combining district-neighborhood plan (P-H-NCCD-NP) combining district zoning. Historic Landmark Commission recommendation: To grant public-historic-neighborhood conservation combining district-neighborhood plan (P-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant public-historic-neighborhood conservation combining district-neighborhood Plan (P-H-NCCD-NP) combining district zoning. Applicant: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20070322-057 for public-historic-neighborhood conservation combining district-neighborhood Plan (P-H-NCCD-NP) combining district zoning was approved.

58. C14H-06-0040 - Kreisle Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 412 Congress Avenue (Town Lake Watershed) from central business district (CBD) district zoning to central business district-historic (CBD-H) combining district zoning. Staff Recommendation: To grant central business district-historic (CBD-H) combining district zoning. Historic Landmark Commission recommendation: To grant central business district-historic (CBD-H) combining district zoning. Planning Commission recommendation: To grant central business district-historic (CBD-H) combining district zoning. Applicant: Bears and Sons USA, LLC. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20070322-058 for central business district-historic (CBD-H) combining district zoning was approved.
59. C814-88-0001.09 - Davenport West Ranch PUD Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3300-3328 Block of North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Robert D. Wunsch. Agent: Waterstone Development (Theresa Canchola). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070322-059 for planned unit development (PUD) district zoning with conditions was approved.
60. C14-06-0191 - Fox Hill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11421-11717 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to rural residence-conditional overlay (RR-CO) combining district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2. Staff Recommendation: To grant rural residence-conditional overlay (RR-CO) combining district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant rural residence (RR) district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions. Applicant: Onion Associates, Ltd. (Bruce T. Morrison). Agent: Vaughn & Associates, Ltd. (Rick Vaughn). City Staff: Wendy Walsh, 974-7719.
This item was postponed to April 19, 2007 per the homeowner association's request.
61. C14-06-0222 - A.C.S. Corrections - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3148 S.H. 71 East (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant public (P) district zoning with conditions. Applicant: McDuff Family Limited

Partnership (Jeanne E. Loar). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20070322-061 for public (P) district zoning with conditions was approved.

62. C14-07-0012 - Post Office - Mixed Use Project (Phase I) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 506 W. 5th Street (Shoal Creek Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Applicant: Block 51 L.P., (Billy R. Holley). Agent: DLA Piper US, LLP (Jay Hailey). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20070322-062 for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions was approved.

63. C14-07-0013 - Post Office - Mixed Use Project - Phase II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 417 W. 6th Street (Shoal Creek and Town Lake Watersheds) from central business district (CBD) 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 central business district-central urban redevelopment (CBD-CURE) combining district zoning with conditions. Applicant: United States Postal Service (Michael D. Wolfe). Agent: DLA Piper US, LLP (Jay Hailey). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20070322-063 for central business district-central urban redevelopment (CBD-CURE) combining district zoning with conditions was approved.

Mayor Wynn recessed the Council Meeting at 4:15 p.m.

LIVE MUSIC

Lamar Middle School Choir

PROCLAMATIONS

Proclamation -- Flood Safety Awareness Week -- to be presented by Mayor Will Wynn and to be accepted by George Oswald and Gary Kosut and Certificates of Congratulations to be accepted by the Turn Around, Don't Drown poster contest winners.

Distinguished Service Awards -- Outgoing Citizens Review Task Force members -- to be presented by Mayor Will Wynn and to be accepted by Carla Nickerson, J. D. Martinez and Veronica Delgado-Savage

Proclamation -- SBDP's Opening a Restaurant Conference -- to be presented by Mayor Will Wynn and to be accepted by Rosy Jalifi

Proclamation -- Developmental Disability Awareness Month --to be presented by Mayor Will Wynn and to be accepted by Frank McCamant

Proclamation -- Austin Architecture Month -- to be presented by Council Member Brewster McCracken and to be accepted by Toni Thomasson

Proclamation -- Cesar Chavez Day -- to be presented by Council Member Mike Martinez and to be accepted by Susana Almanza

Mayor Wynn called the Council Meeting back to order at 6:24 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

66. Conduct a public hearing and consider an appeal by Nicki Mebane and Walter Olenick of the Planning Commission's decision to approve a revision to a conditional use permit (Section 25-2-491 of the City Code) to increase the number of beds from 35 to 58 for a transitional housing use in CS-CO, Commercial Services, for Bannum, Inc. located at 1109 East 52nd Street. (Site Plan Number: SPC-05-0027A). Conditional Use Permit approved by Planning Commission. Parking variance denied by Board of Adjustment.

This item was postponed to April 12, 2007 on Council Member Cole's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Dunkerley was absent.

The Mayor recessed the Council Meeting at 6:45 p.m. until 1:30 p.m. on March 23, 2007 without objections. The Mayor called the recessed meeting to order at 1:43 p.m. on March 23, 2007.

The Mayor called the meeting to order at 1:43 p.m. on March 23, 2007.

ZONING DISCUSSION ITEMS

64. NPA-06-0019.01 - East Avenue PUD - Conduct a public hearing and approve third reading of an ordinance amending Ordinance No. 040826-56, the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish high density-mixed use designation on the future land use map (FLUM) for the property located at 3400 N. IH. 35 (Concordia University). First reading approved on March 1, 2007. Vote: 6-0 (Kim off the dais). Second reading approved on March 8, 2007. Vote: 6-0 (McCracken absent). Applicant: Concordia University (David Lugh). Agent: Alice Glasco Consulting (Alice Glasco), and Armbrust and Brown, L.L.P. (Richard Suttle). City Staff: Mark Walters, 974-7695.

Motion was made by Council Member Martinez and seconded by Council Member Leffingwell to postpone this item to April 5, 2007. This motion was withdrawn by Council Member Martinez.

This item was postponed to a Special Called meeting on March 26, 2007 at 4:00 p.m. and the public hearing was held open on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

65. C814-06-0175 - East Avenue PUD - Conduct a public hearing and approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 Service Road (Waller Creek and Boggy Creek Watersheds) from general office-neighborhood plan (GO-NP) combining district zoning; limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning; and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. First reading approved on March 1, 2007. Vote 6-0 (Kim off the dais). Second reading approved on March 8, 2007. Vote: 6-0 (McCracken absent). Applicant: Concordia University (David Kluth). Agent: Alice Glasco Consulting (Alice Glasco), and Armbrust and Brown, L.L.P. (Richard Suttle). City Staff: Jorge Rousselin, 974-2975.

Motion was made by Council Member Martinez and seconded by Council Member Leffingwell to postpone this item to April 5, 2007. This motion was withdrawn by Council Member Martinez.

This item was postponed to a Special Called meeting on March 26, 2007 at 4:00 p.m. and the public hearing was held open on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

Mayor Wynn adjourned the meeting at 3:32 p.m. on March 23, 2007 without objection.

The minutes for the Regular Meeting of March 22, 2007 were approved on this the 5th day of April, 2007 on Council Member Cole's motion, Council Member Kim's second on a 7-0 vote.