

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JUNE 7, 2007**

**Invocation:** Father Jayme Mathias, President, San Juan Diego Catholic High School

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, June 7, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:25 a.m.

The Mayor asked Council Members to report on upcoming agenda items; but no upcoming items were mentioned.

**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, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of May 24, 2007.

**The minutes from the meeting of May 24, 2007 were approved.**

2. Authorize reimbursement of costs to PPF AMLI Devco, LLC, a Delaware Corporation, for the purchase and installation of heat exchanger(s) and associated piping needed to interconnect this building to the Austin Energy downtown district cooling system, in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy Recommended by the Electric Utility Commission.

**The motion authorizing the reimbursement of costs to PPF AMLI Devco, LLC was approved.**

**Item 3 was pulled for discussion.**

4. Approve an ordinance authorizing negotiation and execution of an agreement relating to a mediated settlement, and the negotiation and execution of a cost reimbursement agreement with Club Deal 120 Whisper Valley, Limited Partnership for construction of a 500,000 gallon per day wastewater treatment plant and approximately 13,400 linear feet of 30" gravity wastewater main with a cost not to exceed \$11,500,000; waiving the requirements of Sections 25-9-33 and 25-9-64, City Code, relating to submission of a Service Extension Request application for required wastewater improvements and cost reimbursement; waiving the requirements of Sections 25-9-61 and 25-9-63, City Code, relating to the amount of reimbursement for wastewater improvements; and waiving Section 25-9-67 relating to the schedule of cost reimbursement payment. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility.

**Ordinance No. 20070607-004 was approved.**

5. Approve a resolution accepting the recommendations set forth in the 2007 FAR Part 150 Noise Study Update for the Austin-Bergstrom International Airport. Recommended by the Austin Airport Advisory Commission.  
**Resolution No. 20070607-005 was approved.**
6. Approve an ordinance renaming Schlumberger Drive to Concordia University Drive. The processing fee of \$389.70 has been determined for street signs located at the corners of Schlumberger Drive and North FM 620 Road. Petitioners have been advised of the street sign replacement cost, and that they are responsible for payment.  
**Ordinance No. 20070607-006 was approved.**
7. Authorize the City Manager or her designee to submit an application to the United States Bureau of Primary Care, Health Resources Services Administration (HRSA) to transfer the City's Federally Qualified Health Center designation to the Travis County Healthcare District, and to relinquish the City's rights to Section 330 HRSA grants, to be effective on or about February 28, 2009. Reviewed by the Public Health and Human Services Subcommittee.  
**Resolution No. 20070607-007 was approved.**

**Item 8 was pulled for discussion.**

9. Authorize negotiation and execution of an agreement with the Film Society of Austin, Inc., a Texas non-profit organization, for the City to reimburse costs in an amount not to exceed \$5,000,000 for improvements and renovations to the Austin Studios; and authorizing the City Manager to establish best value selection criteria for contract awards using the best value competitive bidding process. Funding in the amount of \$650,000 is included in the Financial and Administrative Services amended Fiscal Year 2006- 2007 Capital Budget. Funding for future appropriation of \$4,350,000 is contingent upon approval in future budgets and will come from Proposition four of the 2006 Bond Program. Reviewed by Council Committee for Emerging Technology and Telecommunications.  
**The motion authorizing the negotiation and execution of an agreement with the Film Society of Austin, Inc. and authorizing the City Manager to establish best value selection criteria for contract awards using the best value competitive bidding process was approved.**
10. Authorize the acceptance of \$140,000 in grant funds from the State Energy Conservation Office (SECO) for installing a compressed natural gas facility. Funding is available from SECO. A match is not required.  
**The motion authorizing the acceptance of \$140,000 in grant funds from the State Energy Conservation Office (SECO) was approved.**
11. Approve an Ordinance amending Title 3 of the City Code relating to the restraint of and enclosures for dogs. Recommended by the Animal Advisory Commission.  
**Ordinance No. 20070607-011 was approved.**
12. Approve an amendment to the legal services agreement with Smith, Robertson, Elliot & Glen L.L.P., Austin, TX, to provide legal services related to Water Treatment Plant 4, in an amount of \$135,000, for a total amount not to exceed \$235,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility.  
**The motion authorizing an amendment to the legal services agreement with Smith, Robertson, Elliot and Glen L.L.P. was approved.**
13. Approve a resolution amending the S.M.A.R.T. Housing Initiative Policy to incorporate staff recommendations on improvements to the policy and program in response to recommendations presented by the Affordable Housing Incentives Task Force report, and repealing Resolution No. 040115-44. No

fiscal impact Reviewed by the Community Development Commission and Planning Commission. Recommended by the Design Commission.

**Resolution No. 20070607-013 was approved.**

14. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with Ardent Residential, L.P. providing terms and conditions for construction of a 16-inch water main and appurtenances to provide water service to the Stoneridge Apartment located at 1418-1500 South Lamar Boulevard with City cost reimbursement for: (1) an amount not to exceed \$200,000 for actual "hard" construction costs; (2) an amount not to exceed \$197,650 for soft costs, including capital recovery fees, inspection fees, engineering, review, design, platting, plan review, and permitting fees; for a total amount not to exceed \$397,650; waiving the requirements of Section 25-9-61 of the City Code relating to eligible projects; waiving the requirements of Section 25-9-62 of the City Code relating to amount of cost participation; and waiving the requirements of Section 25-9-67 of the City Code relating to the schedule for cost reimbursement payments. Funding in the amount of \$268,075 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. The balance of funding, in the amount of \$129,675, is included in the Fiscal Year 2006-2007 General Fund. Recommended by the Water and Wastewater Commission.  
**Ordinance No. 20070607-014 was approved.**
15. Amend the Fiscal Year 2006-2007 Fee Schedule Ordinance No. 20060911-004 to add fees related to the Mexican American Cultural Center.  
**Ordinance No. 20070607-015 was approved.**
16. Approve negotiation and execution of a Parkland Improvement Agreement with the Austin Parks Foundation (APF) to allow APF to construct and donate to the City specified park improvements at various approved locations. Funding is available from the Austin Parks Foundation.  
**The motion authorizing the negotiation and execution of a parkland improvement agreement was approved.**
17. Approve an ordinance amending the Fiscal Year 2006-2007 Parks and Recreation Department Capital Budget of Ordinance No. 20060911-002 to appropriate \$1,500,000 for the acquisition of a 15.34 acre site located on the west side of Cameron Road at Clear Creek Drive to build the Asian-American Resource Center. Funding is available from the additional sale of city owned right-of-way. (Related to item #26)  
**Ordinance No. 20070607-017 was approved.**
18. Approve a resolution authorizing renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act in the amount of \$71,771 for two Victim Counselors for the Austin Police Department project entitled Assistance to Female Victims of Domestic Violence. Funding in the amount of \$71,771 is available in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act, for the grant period September 1, 2007 - August 31, 2008. The required cash match of \$38,646 is contingent upon available funding in future budgets.  
**Resolution No. 20070607-018 was approved.**
19. Authorize application for \$407,691 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program (JAG), to be equally shared by the City and Travis

County. The City will use its JAG funds to pay for community policing operations by the Austin Police Department. Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program, for the grant period October 1, 2007 to September 30, 2008. A cash match is not required. (Related to item #20)

**The motion authorizing the application for \$407,691 in grant funding was approved.**

20. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to allow the City to accept and administer the Justice Assistance Grant Program (JAG) on behalf of the City and the Travis County Sheriff's Office. Funding in the amount of \$407,691 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program. (Related to item #19)

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

21. Approve an ordinance authorizing the acceptance of \$71,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, State Criminal Justice Planning Program; and amend the Fiscal Year 2006-2007 Police Department Operating Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$71,000 for training, equipment, and contractual services for the Police Department Child Exploitation Project. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, State Criminal Justice Planning Program for the grant period September 1, 2007 to August 31, 2008. This is the first year of a 5-year grant project. There is no required match.

**Ordinance No. 20070607-021 was approved.**

22. Approve an ordinance authorizing the acceptance of \$40,200 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Grant Program; and amending the Fiscal Year 2006-2007 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$40,200 for the operation of the Police Department Gang Prevention Project. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Grant Program for the grant period September 1, 2007 - August 31, 2008. This is the first year of a 5-year grant project. There is no required match.

**Ordinance No. 20070607-022 was approved.**

23. Approve a resolution authorizing renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act in the amount of \$358,215 for eight full-time equivalent (FTE) Victim Counselors for a Comprehensive Victim Services Program. Funding in the amount of \$358,215 is available in the grant period of July 1, 2007 - June 30, 2008 from the State of Texas, Governor's Office, Criminal Justice Division. The required 20% match of \$89,554 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department Victim Services Program.

**Resolution No. 20070607-023 was approved**

24. Approve a resolution authorizing the fee simple acquisition of Lot 12, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5608 Vine Hill Drive from Alfredo D. and Eugenia E. Hernandez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$140,000 for the land and improvements and \$28,900 in owner assisted relocation benefits plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$178,900. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20070607-024 was approved.**

25. Approve a resolution authorizing the fee simple acquisition of Lot 43, Block E, of Yarrabee Bend South Section 1, an Addition in Travis County, Texas, and locally known as 7300 Dixie Drive, Austin, Texas, from Amparo Mendez a.k.a. Jose Amparo Mendez and Maria E. Mendez for the Streambank Restoration

and Erosion Management Program in the amount of \$110,000 for the land and improvements and \$18,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$138,500. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20070607-025 was approved.**

26. Approve a resolution authorizing the City Manager to negotiate and execute a contract to purchase in fee simple approximately 15.34 acres fronting Cameron Road on the west, little Walnut Creek on the east, and adjacent to Rutherford Campus from Joseph, Joseph and Williams Partnership, a Texas General Partnership, in an amount not to exceed \$2,060,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department. (Related to item #17)

**Resolution No. 20070607-026 was approved.**

27. Authorize execution of a construction contract with LAUGHLIN-THYSSEN INC., Houston TX, for the Austin Clean Water Program: Govalle 1- East Lamar Area Wastewater Improvements/ Bouldin Avenue Water Improvements Project in the amount of \$7,758,826 plus a \$387,584 contingency, for a total contract amount not to exceed \$8,146,410. Funding is available in the Fiscal Year 2006-2007 Lower of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts; 8.89% MBE and 5.94% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Laughlin-Thyssen Inc. was approved.**

28. Authorize execution of a construction contract with McLEAN CONSTRUCTION, LTD., Killeen, TX, for the Austin Clean Water Program: Govalle 5 - W. 29th Street/Bowman Avenue Wastewater Improvements and Bonita Street Water Rehabilitation Project in the amount of \$4,733,066 plus a \$236,653.30 contingency, for a total contract amount not to exceed \$4,969,719.30. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Program Budget of the Austin Water Utility. Lowest of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals; 13.75% MBE and 12.68% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with McLean Construction, Ltd. was approved.**

29. Authorize execution of a construction contract with CENTRAL TEXAS UTILITY SERVICES, LLC, (WBE 81.68%), Del Valle, TX, for the Austin Clean Water Program: Webberville Road Wastewater Improvements Project in an amount not to exceed \$546,545. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Program Budget of the Austin Water Utility. Lowest of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals; 15.31% MBE and 3.01% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Central Texas Utility Services, LLC was approved.**

30. Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC., (WBE 81.73), Austin, TX, for the Austin Clean Water Program: Upper Waller Sanitary Sewer Overflow

Abatement Project in the amount of \$2,724,405 plus a \$136,220.20 contingency for a total contract amount not to exceed \$2,860,625.20. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Program Budget of the Austin Water Utility. Lowest of three bids received. This contract will be awarded in compliance with Section 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals; 13.03% MBE and 2.34% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Peabody General Contractors, Inc. was approved.**

31. Authorize execution of a construction contract with JAY-REESE CONTRACTORS INC., Austin, TX, for the Oltorf Street Reconstruction and Utility Adjustment Project from South First Street to South 5th Street in the amount of \$2,970,454, which includes a potential bonus of a maximum of \$120,000, plus a \$445,568.10 contingency, for a total contract amount not to exceed \$3,416,022.10. Funding in the amount of \$2,436,768.35 is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Funding in the amount of \$979,253.75 is available in the Fiscal Year 2006-2007 Capital Improvement Program Budget of the Austin Water Utility. Lower of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals; 3.80% MBE and 18.70% WBE subcontractor participation. Recommended by the Water & Wastewater Commission.

**The motion authorizing the execution of a construction contract with Jay-Reese Contractors Inc. was approved.**

32. Authorize execution of a construction contract with VIKING CONSTRUCTION, INC., Georgetown, TX, for the 2007 Miscellaneous Streets Slurry Seal and Micro-Surfacing Project in an amount not to exceed \$1,610,068.35. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department. Single bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts; 3.64% MBE and 22.52%.

**The motion authorizing the execution of a construction contract with Viking Construction, Inc. was approved.**

33. Authorize execution of a construction contract with CRAWFORD ROOFING INC., Chickasha, OK, for the Walnut Creek Wastewater Treatment Plant Reroof and Laboratory Exhaust Systems Upgrade Rebid in an amount not to exceed \$793,300. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Program Budget of the Austin Water Utility. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Crawford Roofing Inc. was approved.**

34. Authorize negotiation and execution of an amendment to the professional services agreement with WISS, JANNEY, ELSTNER (WJE) ASSOCIATES (formerly EDIS OLIVER), Austin, TX, for the Roofing and Waterproofing Rotation List 2004-2007 in the amount of \$321,000, for a total contract amount not to exceed \$1,321,000, for the participating eight firms. This amendment is for the completion of all current projects with WJE. Funding is available in the Fiscal Year 2006-2007 Capital Budgets of the various departments for which services are needed. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for the original contract or this Amendment.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Wiss, Janney, Elstner (WJE) Associates was approved.**

35. 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 bounded by William Cannon Drive to the north, Congress Avenue to the east, Dittmar Road to the south, and South 1st Street to the west. Funding in the amount of \$6,750 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for installation of necessary signs.  
**Ordinance No. 20070607-035 was approved.**
36. 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 the two areas bounded by (1) East Braker Lane to the north, IH-35 West Frontage Road to the east, East Rundberg Lane to the south, and North Lamar Boulevard to the west, and (2) North Research Boulevard to the north, Duval Road to the east, Jollyville Road to the south, and Barrington Way to the west. Funding in the amount of \$6,820 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20070607-036 was approved.**
37. Authorize award and execution of a contract with ALFRED CONHAGEN, INC. OF TEXAS, La Marque, TX, for the repair of a boiler feedwater pump at Sand Hill Energy Center Combined Cycle Unit 5 in an amount not to exceed \$106,838.70. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract with Alfred Conhagen, Inc. of Texas was approved.**
38. Authorize award and execution of Amendment No. 3 to the contract with GE SUPPLY, Austin, TX for electric meters, metering sockets, and metering transformers to increase the current contract term and the remaining two 12-month extension options in an estimated amount not to exceed \$170,874 per contract year, for a revised total estimated contract amount not to exceed \$700,329. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Funding for the extension options is contingent upon approval of the future budgets. Contract Amendment. This contract was 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 amendment number 3 to the contract with GE Supply was approved.**
39. Approve the ratification of Amendment No. 3 to increase the contract amount with TAS ENVIRONMENTAL SERVICES, LP, Fort Worth, TX, for emergency soil remediation and spill response services in an amount not to exceed \$174,445, for a revised estimated contract amount not to exceed \$1,751,138.80. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Critical Business Need. This contract was 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 ratification of amendment number 3 to increase the contract amount with TAS Environmental Services, LP was approved.**
40. Authorize award and execution of a 24-month requirements supply contract with TECHLINE, LTD, Austin, TX for 3-phase dead front switchgear in an estimated amount not to exceed \$274,944, with two 12-month extension options in an estimated amount not to exceed \$137,472 per extension option, for a

total estimated contract amount not to exceed \$549,888. Funding in the amount of \$34,368 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Energy Department. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of six 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 with Techline, Ltd was approved.**

41. Approve ratification of award and execution of a contract with WAUKESHA-PEARCE INDUSTRIES INC., Houston, TX, for the purchase and installation of a 400kW diesel power backup generator in an amount not to exceed \$90,472. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Critical Business Need. This contract was 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 award and execution of a contract with Waukesha-Pearce Industries Inc. was approved.**

42. Authorize award and execution of a 60-month requirements contract with FMC TECHNOLOGIES INC., Ogden, UT, for the purchase of maintenance and repair parts for the passenger boarding bridges at Austin-Bergstrom International Airport in an estimated amount not to exceed \$750,000. Funding in the amount of \$50,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding for the remaining balance of the original contract and extension options is contingent upon available funding in future budgets. 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 requirements contract with FMC Technologies Inc. was approved.**

43. Authorize award and execution of a 12-month requirements supply contract with PATHMARK TRAFFIC PRODUCTS, San Marcos, Texas for airport traffic striping paint, in an estimated amount not to exceed \$65,643, with two 12-month extension options in an estimated amount not to exceed \$65,643 per each extension option, for a total estimated contract amount not to exceed \$196,929. Funding in the amount of \$21,880 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four 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 with Pathmark Traffic Products was approved.**

44. Authorize award, negotiation, and execution of a contract with SECURITY DESIGN, INC., dba EO INTEGRATED SYSTEMS, INC., San Antonio, TX, for a security system upgrade at Austin Bergstrom



International Airport in an amount not to exceed \$6,672,617.80 with a contingency amount of \$235,000, with two 24-month extension options for maintenance and support in amounts not to exceed \$312,500 for the first extension option and \$350,000 for the second extension option, for a total contract amount not to exceed \$7,570,117.80. Funding in the amount of \$6,907,617.80 is available in the Fiscal Year 2006-2007 Capital Improvement Program Budget of the Department of Aviation. Funding for the extension options is contingent upon available funding in future budgets. The City will be reimbursed by the Federal Aviation Administration up to 75% of the cost for the purchase and installation of the security upgrade. Sole proposal 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); with 17.1% DBE subcontractor participation. Recommended by the Airport Advisory Commission.

**The motion authorizing the award, negotiation and execution of a contract with Security Design, Inc. was approved.**

45. Authorize award and execution of a 36-month requirement service contract with PRINT LOGICS, INC., Austin, TX for printing of medical forms, labels, patient identification cards, business cards, and flat sheet printing in an estimated amount not to exceed \$900,000, with three 12-month extension options in an estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed \$1,800,000. Funding in the amount of \$100,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining 32 months of the original contract period and the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirement service contract with Print Logics, Inc. was approved.**

46. Authorize execution of a 12-month requirements service contract ST. DAVID'S COMMUNITY HEALTH FOUNDATION LEADERSHIP, Austin, TX for the provision of dental care to low-income children who attend various Title I schools in Austin and Del Valle, as well as eligible students and residents at other Travis County locations, in an estimated amount not to exceed \$60,000, with one 12-month extension option in an estimated amount not to exceed \$62,100, for a total estimated contract amount not to exceed \$122,100. Funding in the amount of \$20,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining balance of the original contract and extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Public Health & Safety Exemption; 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 execution of a requirements service contract with St. David's Community Health Foundation Leadership was approved.**

47. Authorize award and execution of Amendment No. 6 to a contract with the UNIVERSITY OF TEXAS MEDICAL BRANCH DEPARTMENT OF OB/GYN, Galveston, TX, to purchase additional obstetrical/gynecological services and increase the current contract period in an estimated amount not to exceed \$43,472, and increase the remaining two 12-month extension options in an estimated amount not to exceed \$86,944 per extension option, for a revised estimated total contract amount not to exceed \$2,056,663. Funding in the amount of \$86,944 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Public Health & Safety Exemption; therefore, it is

exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for the solicitation.

**The motion authorizing the award and execution of amendment number 6 to a contract with the University of Texas Medical Branch Department of OB/GYN was approved.**

48. Authorize award and execution of a 31-month requirements supply contract through U. S. Communities Government Purchasing Alliance with OFFICE DEPOT, Austin, TX, for the purchase of office supplies, printer equipment and supplies, recycled office paper, and small office equipment in an estimated amount not to exceed \$1,162,500, with two 12-month extension options in an estimated amount not to exceed \$450,000 per extension option, for a total estimated contract amount not to exceed \$2,062,500. Funding in the amount of \$150,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining 27 months of the original contract period and the two extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through U.S. Communities Government Purchasing Alliance with Office Depot was approved.**

49. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with GRANDE TRUCK CENTER, San Antonio, TX, for the purchase of two specialized workshop/cargo trucks in an amount not to exceed \$300,000. Funding is amount of \$300,000 is available in the Fiscal year 2006-2007 Operating Budget of the Department of Public Safety and Emergency Management through the State of Texas Governor's Division of Emergency Management State Administrative Agency (GDEM-SAA) Homeland Security Grant Program (HSGP). Cooperative purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Grande Truck Center was approved.**

50. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with WILLIAMS SCOTTSMAN, Selma, TX, for the purchase and installation of a mobile modular office building in an amount not to exceed \$77,925. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Fleet Services Division of the Finance and Administrative Services 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). 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 through the Texas Local Government Purchasing Cooperative (Buyboard) with Williams Scottsman was approved.**

51. Authorize award and execution of a two-month requirements service contract with SUMA/ORCHARD SOCIAL MARKETING, INC., Austin, TX for marketing services for pandemic flu awareness in an estimated amount not to exceed \$63,500, 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 \$263,500. Funding in the amount of \$63,500 is available in the Fiscal Year 2006-2007 Operating Budget of the Health & Human Services Department Special Revenue Fund through a special federal grant for pandemic influenza preparedness. Funding for the extension options is contingent upon available funding in future budgets. Best value bid of two bids received. This contract will be awarded in compliance with

Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with Suma/Orchard Social Marketing, Inc. was approved.**

52. Approve negotiation, award, and execution of a 60-month revenue generating contract with PLAYER'S CONCESSIONS, 300 W. Martin Luther King Jr., Blvd., Austin, Texas 78701 for food and beverage concessions at Morris Williams Golf Course with estimated revenue of \$150,000, with two 24-month extension options with estimated revenue of \$60,000 per extension option, for a total estimated revenue of \$270,000; and at Jimmy Clay/Kizer Golf Course with estimated revenue of \$600,000, with two 24-month extension options with estimated revenue of \$240,000 per extension option, for a total estimated revenue of \$1,080,000 and a combined total estimated revenue for both courses of \$1,350,000. Revenues will be included in Operating Budget of the Parks and Recreation Department. Sole proposal 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 negotiation, award, and execution of a revenue generating contract with Player's Concessions was approved.**
53. Approve an ordinance amending Ordinance No. 20060622-125 extending the expiration date to June 22, 2008 for the floodplain variance granted for construction of a residential condominium at 1605 Houston Street.  
**Ordinance No. 20070607-053 was approved.**
54. 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>Animal Advisory Commission</u> Larry Tucker	Consensus (Travis County Commissioners' Court – nominee)	Appointment
<u>Child Care Council</u> Dr. Avis Jones Wallace	Council Member Cole's	Appointment
<u>Commission on Immigrant Affairs</u> Ramey Ko	Consensus	Appointment
<u>Community Development Commission</u> Rob Hanna	Council Member Kim's	Reappointment
<u>Ethics Review Commission</u> Jody Hughes	Council Member Leffingwell's	Appointment
<u>Library Commission</u> Brenda Thompson	Council Member Kim's	Reappointment
<u>Parks and Recreation Board</u>		

Linda Guerrero

Council Member Martinez'

Reappointment

**Appointment and Replacement of a Council Member  
to an Intergovernmental Body**

**Resolution No. 20070607-054 appointing Council Member Martinez to serve as a City of Austin board representative on the Capital Metropolitan Transportation Authority Board in the position being vacated by Council Member Leffingwell.**

**Item 55 was pulled for discussion.**

56. Approve a resolution initiating amendments to Section 12-5-29(D) of the City Code regarding appropriate process changes including the time for Council consideration of an application establishing limitations on parking in a front yard. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)  
**Resolution No. 20070607-056 was approved.**
57. Approve a resolution initiating amendments to Section 25-2-812(L) of the City Code regarding appropriate process changes including the time for Council consideration of an application establishing limitations on mobile food establishments. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)  
**Resolution No. 20070607-057 was approved.**
58. Approve a resolution initiating an amendment to Subchapter F of Chapter 25-2 of the City Code amending wall articulation requirements in Subchapter F by authorizing an applicant to submit a request for approval of a proposal for alternative equivalent compliance of the wall articulation requirements to the Residential Design and Compatibility Commission and giving the Residential Design and Compatibility Commission jurisdiction to consider any requests for alternative compliance of the articulation requirements and the authority to approve, deny or approve with conditions any such applications. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)  
**Resolution No. 20070607-058 was approved.**
59. Approve a resolution directing the City Manager to take action related to staff recommendations in response to the Affordable Housing Incentive Task Force report. Recommended by the Design Commission. (Council Member Jennifer Kim Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)  
**Resolution No. 20070607-059 was approved.**
60. Approve a resolution creating a task force to make recommendations regarding potential modification of Chapter 25-2 to provide for occupancy limits in residential zoning districts. (Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken and Council Member Sheryl Cole)  
**Resolution No. 20070607-060 was approved.**
61. Approve a resolution naming the Lott Park pavilion as the "Nobles Pavilion" and waiving any applicable requirements of Chapter 14-1 of the City Code. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)  
**Resolution No. 20070607-061 was approved.**
62. Approve a resolution giving the City's consent to the San Leanna Education Facilities Corporation to issue revenue bonds and lend the proceeds to St. Edward's University to finance or refinance the construction, renovation, and equipping of educational and housing facilities located at the St. Edward's University campus at 3001 South Congress Avenue, Austin, Texas, and to refund a portion of the City of

Austin, Texas, Higher Education Authority, Inc., University Revenue Bonds for the Saint Edward's University Project, Series 1998 and Series 2001, that were issued to finance or refinance educational and housing facilities. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell Council Member Brewster McCracken)

**Resolution No. 20070607-062 was approved.**

63. Approve waiver of certain fees and requirements, and authorize payment of certain costs for the City's annual co-sponsorship of the Greater East Austin Youth Association's 2007 Juneteenth Run, Parade and Celebration to be held on June 19, 2007, at Rosewood Park. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)  
**The motion authorizing the waiver of certain fees and requirements and authorizing payment of certain costs for the City's annual co-sponsorship of the Greater East Austin Youth Association's 2007 Juneteenth Run, Parade and Celebration was approved.**
64. Approve waiver of fees and requirements under Chapter 14 of the Code, and authorize payment of certain costs for the 2007 Eastside Story Foundation's Pre-Juneteenth Parade to be held on Friday, June 15, 2007. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)  
**The motion authorizing the waiver of fees and requirements under Chapter 14 of the Code and authorizing payment of certain costs for the 2007 Eastside Story Foundation's Pre-Juneteenth Parade was approved.**
65. Set a public hearing to amend Chapter 25-2, Subchapter E, of the City Code (Design Standards and Mixed Use) regarding Vertical Mixed Use and the Opt-In/Opt-Out process. (Suggested date and time: June 21, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set for June 21, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
66. Set a public hearing to amend Title 25 of the City Code to add sign regulations related to building signage in the University Neighborhood Overlay area. (Suggested date and time: June 21, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set for June 21, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
67. Set a public hearing to consider floodplain variances to allow construction of an eight-story mixed-use building, a five-story mixed use building, and a three-level underground parking structure at 835 West 6th Street in the 25-year and 100-year floodplains 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 structures. (Suggested date and time: June 21, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set for June 21, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
68. Set a public hearing to approve an ordinance amending Section 25-2-943 of the City Code relating to substandard lots. (Suggested date and time: June 21, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX) Recommended by Planning Commission.  
**The public hearing was set for June 21, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**

69. Set a public hearing on the creation on the Tax Increment Financing Reinvestment Zone for the Waller Creek tunnel project generally located in the vicinity of Waller Creek between 12<sup>th</sup> Street and Town Lake. (Suggested date and time: June 21, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set for June 21, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street, Austin, Texas.

Item 70 was a briefing item set for 10:30 a.m.

Item 71 was an Executive Session item.

Item 72 was an action on Executive Session item.

Items 73 through 94 were zoning items set for 4:00 p.m.

Items 95 through 100 were public hearing items set for 6:00 p.m.

### DISCUSSION ITEMS

55. Approve a resolution directing the City Manager to create an Energy Depletion Risks Task Force to assess Austin's exposure to diminishing supplies of oil and natural gas and make recommendations to address vulnerabilities. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Mike Martinez)

Resolution No. 20070607-055 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

8. Approve an ordinance authorizing the negotiation and execution of an economic development loan agreement and related documents providing for a loan with Las Manitas, Inc. in an amount not to exceed \$750,000, for the redevelopment of property located at 227 Congress Avenue, under the City's Business Retention and Enhancement (BRE) Program. Funding in the amount of \$750,000 is included in the Business Retention and Enhancement Fund.

Ordinance No. 20070607-008 was approved on Council Member Martinez' motion, Council Member Kim's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Dunkerley, and Council Members Kim, Martinez, and McCracken. Those voting nay were: Council Members Cole and Leffingwell. The amendment to Part 2, page 1, 4<sup>th</sup> line is to insert the following after "Exhibit A." "...with an additional requirement that in the event the property is transferred, the ownership of Las Manitas, Inc. changes, or restaurant operations cease, at any time between years 5 and 20, an adjusted principal amount based on the number of years remaining in the twenty year period is reinstated and payable in full." The City Manager was directed to include similar restrictions in the guidelines for awarding future loans.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:40 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.

71. Discuss the sale of an interest in real property located at the northeast corner of West Third Street and Lamar, commonly known as 301 North Lamar. (Real Property - Section 551.072)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:59 a.m.

**ACTION ON EXECUTIVE SESSION**

72. Approve an ordinance authorizing the City Manager to accept or reject sealed bid offers for the sale of a tract of land consisting of 11,376 square feet located at the northeast corner of West Third Street at Lamar, commonly known as 301 North Lamar.  
**Ordinance No. 20070607-072, accepting the highest bid of \$1,301,000, was approved on Council Member Kim's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

**CITIZEN COMMUNICATIONS: GENERAL**

Daniel Llanes - Town Lake Animal Shelter

Valorie Joiner spoke in place of Erica Mason - Budget

Brian Leonard - Barton Springs

Ron Coldiron - Northcross Mall

Susan Fein - Barton Springs

Rick Franklin - Police Chief Selection

Erica Mason spoke in place of Elizabeth Gonzales - Budget

Diana Castaneda - Police Chief

Lisa Waddell - Northcross Mall Redevelopment. She declined to speak when her name was called.

Sean Heydin - Development of Northcross Mall

Mayor Wynn recessed the Council Meeting at 12:55 p.m.

Mayor Wynn called the Council Meeting back to order at 1:47 p.m.

**BRIEFING**

70. Discussion of policy direction for the Fiscal Year 2007-2008 Budget  
The presentation was made by City Manager Toby Futrell; Greg Canally, Budget Officer, Financial and Administrative Services Department; Bert Lumbreras, Assistant City Manager; Laura Huffman, Assistant City Manager; John Stephens, Chief Financial Officer, Financial and Administrative Services Department; Michael McDonald, Assistant City Manager; Juan Garza, General Manager, Austin Energy; Rudy Garza, Assistant City Manager; and Kristen Vassallo, Assistant City Manager.

Mayor Wynn recessed the Council Meeting at 4:09 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation.

**BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:18 p.m.

### DISCUSSION ITEMS

3. Approve an Ordinance authorizing negotiation and execution of a settlement agreement between the City of Austin and the Lower Colorado River Authority (LCRA) to settle disputes concerning the use of return flows and pending applications for water rights determinations before the Texas Commission on Environmental Quality (TCEQ) involving the Colorado River and to establish a water partnership between the parties for cooperation on water supply matters.  
**Ordinance No. 20070607-003 was approved on Council Member McCracken's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was off the dais.**

### 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 Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was off the dais.

73. C14-2007-0013 - Caswell Lofts - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 North Lamar Boulevard and 2209 Shoal Creek Boulevard (Shoal Creek Watershed) from general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning. First reading approved on May 17, 2007. Vote: 7-0. Applicant: Caswell Lofts, LP (Allen Cowden). Agent: Smith, Robertson, Elliott, Glen, Klein (David Hartman). City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20070607-073 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning was approved.**
74. C14-06-0220 Thornton Bungalows - Approve second/third readings of 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. First reading approved on March 1, 2007. Vote: 7-0. Applicant: Thornton Cottages Austin, L.P. (James Austin). Agent: Stansberry Engineering (Blayne Stansberry). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20070607-074 for single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning, limiting the development to 14 units, 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 Martinez' second on a 7-0 vote.

76. C12M-07-0001(RCA) - Camden Property - Conduct a public hearing and approve a restrictive covenant amendment to allow multi-family use for the property located at State Farm Way at West Parmer Lane (Lake Creek Watershed). Staff Recommendation: To approve the restrictive covenant amendment to allow multi-family use. Planning Commission Recommendation: To approve the restrictive covenant amendment to allow multi-family use. Applicant: North Austin Utility District No. 1. Agent: Bury+Partners (Melissa Matthiesen). City Staff: Robert Heil, 974-2330.  
**The motion authorizing a restrictive covenant amendment to allow multi-family use was approved.**



78. C14-07-0020 - North Park Suites/Wood Fin Suite - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7685 North Cross Drive (Shoal Creek Watershed) from community commercial (GR) district zoning and commercial-liquor sales (CS-1) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Wood Park Executive Suites, Ltd. (William Hale). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20070607-078 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.**
79. NPA-07-0011.01 - 502 Green Homes - Conduct a public hearing to approve an ordinance amending Ordinance No. 020523-30, the North Loop Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to multi-family for the property located at 502 W. 55th Street (Waller Creek Watershed). Staff Recommendation: To approve a land use designation of multi-family. Planning Commission Recommendation: To approve a land use designation of multi-family. Applicant: Jules Caplan. Agent: Mark Kaderli. City Staff: Paul DiGiuseppe, 974-2865.  
**Ordinance No. 20070607-079 to change the land use designation to multi-family use on the Future Land Use Map was approved.**
80. C14-07-0026 - 502 Green Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 502 West 55th Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Applicant: Jules Caplan. Agent: Mark Kaderli. City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20070607-080 for multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning was approved.**
81. C14-2007-0008 - Zimmerman Lane Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11121 Zimmerman Lane (Bull Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To deny townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Kailey Development L.P. (Marc Chase); Clarion Development, Inc./DBA Ed Hamel Homes. Agent: C.C.A.M. Engineering (Charlie Davis). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20070607-081 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.**
82. C14-2007-0017 - CSMI - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15639 North IH-35 Service Road

Northbound (Gilleland Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant and Agent: Ronald Schwierking. City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20070607-082 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**

83. C14-2007-0047 - Child Development Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 Cedar Bend Drive (Walnut Creek Watershed) from family residence (SF-3) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Austin Diagnostic Clinic (Robert Spureck). Agent: Clark, Thomas & Winters, PC (John Joseph). City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20070607-083 for general office-conditional overlay (GO-CO) combining district zoning was approved.**

84. C14-2007-0050 - Austin Diagnostic Clinic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12201, 12203 and 12301 Tomanet Trail; 2312, 2316, 2400, 2402 and 2404 Cedar Bend Drive (Walnut Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning to change a condition of zoning. Applicant: Austin Diagnostic Clinic (Robert Spureck). Agent: Clark, Thomas & Winters, PC (John Joseph). City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20070607-084 for general office-conditional overlay (GO-CO) combining district zoning to change a condition of zoning was approved.**

85. C14-82-091(RCT) - 21 Rio - Conduct a public hearing and approve termination of the restrictive covenant for the property located at 2103 and 2105 Rio Grande Street (Shoal Creek Watershed). Staff Recommendation: To approve termination of the restrictive covenant. Planning Commission Recommendation: To approve termination of the restrictive covenant. Applicant: David M. Fender Family Partnership (David M. Fender). Agent: Mike McHone. City Staff: Jorge E. Rousselin, 974-2975,  
**This item was postponed to June 21, 2007 at the staff's request.**

86. C14-87-111(RCT) - Northcross Condos - Conduct a public hearing and terminate the restrictive covenant for the property located at 7685 Northcross Drive (Shoal Creek Watershed). Staff Recommendation: To approve termination of the restrictive covenant. Zoning and Platting Commission Recommendation: To approve termination of restrictive covenant. Applicant: Wood Park Executive Suites Ltd. (William Hale). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Jorge E. Rousselin, 974-2975.  
**The motion terminating the restrictive covenant was approved.**

87. C14-06-0208 - Eastbourne Crossing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400-3517 Block of South FM 973 (Colorado River Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant:

Eastbourne Crossing Limited Partnership. Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Tina Bui, 974-2755.

**The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved.**

88. C14-07-0009 - South Urban Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4367 South Congress Avenue (Williamson Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning and limited industrial service-neighborhood plan (LI-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. Applicant: Urban Lofts (Mitch Ely). Agent: Mike McHone Real Estate (Mike McHone). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20070607-088 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning was approved.**

89. C14-07-0004 - Burger King/Shell Food Store Scofield Ridge Parkway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13205 Burnet Road (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Tiger Creek Partners. Agent: A.J. Ghaddar, P.E. & Associates (A.J. Ghaddar). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to August 23, 2007 at the Council's request.**

91. C14-2007-0017 - Stassney Office Condos - Conduct a public and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1210 Gobi Drive (Williamson Creek Watershed) from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2 with conditions. Applicant: Hind T. Salman. Agent: Ned McDaniel. City Staff: Wendy Walsh, 974-7719.

**This item was postponed to June 21, 2007 at the staff's request.**

92. C14-07-0019 - South Lamar Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3508 South Lamar Blvd. (Barton Creek Watershed - Barton Springs Zone) from community commercial (GR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff

Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: ASC Management (Peter Barlin). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Robert Heil, 974-2330.

**This item was postponed to June 21, 2007 at the applicant's request.**

93. C14-06-0188 - Parker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406-1506 Parker Lane (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Staff Recommendation: To deny multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Applicant: J. Ryan Dinepenbrok, Julia Schleber, Michael Hackett and Bryant Colman. Agent: Sergio Lozano-Sanchez (LOC Consulting). City Staff Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to June 21, 2007 by consensus.**

94. C14-2007-0014 - Webb Estates - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 City Park Road, north of the intersection of City Park Road and Westminster Glen (Turtle Creek and West Bull Creek Watersheds) from development reserve (DR) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: 4914 City Park Road (Letha Webb) and James Boanerges. Agent: Longaro and Clark (James McCann). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to June 21, 2007 at the neighborhood's request.**

### **ZONING DISCUSSION ITEMS**

75. C14-2007-0011 - Lamar/Manchaca Mixed Use - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2711-2715 South Lamar and 2803-2901 Manchaca (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site. First reading approved on May 24, 2007. Vote: 6-0 (Cole absent). Applicant: Alexander Madison Land Co. (Robert Watts); JBS Holdings, L.P. (Winston Krause). Agent: Drenner & Golden Stuart Wolff (Michele Rogerson). City Staff: Robert Heil, 974-2330.

**There was a motion by Council Member McCracken, seconded by Council Member Cole to close the public hearing and approve the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site.**

**There was a substitute motion to close the public hearing and approve the ordinance on second reading only that was made by Council Member Leffingwell. This motion failed due to the lack of a second.**

**The public hearing was closed and Ordinance No. 20070607-075 for general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site was approved on Council Member McCracken's motion, Council Member Cole's second on a 6-1 vote. Council Member Leffingwell voted nay.**

77. C14-2007-0015 - Reserve at Westhill Estates - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7902 Texas Plume (Bull Creek Watershed) from development reserve (DR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Ind. Executrix Estate of Virginia Pool (Carol Anna Nichols). Agent: Waterloo Development, Inc. (Chris Blackburn). City Staff: Sherri Sirwaitis, 974-3057. The public hearing was closed and Ordinance No. 20070607-077 for single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning and limiting the development to twelve units was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

### LIVE MUSIC

Gary Graves

### PROCLAMATIONS

Proclamation -- Homeownership Month -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Paul Hilgers

Proclamation -- Esther's Follies 30th Anniversary -- to be presented by Mayor Will Wynn and to be accepted by Shannon Sedwick

Proclamation -- Austin's Juneteenth Celebration -- to be presented by Mayor Will Wynn and to be accepted by the Greater East Austin Youth Association Juneteenth Committee

Proclamation -- River City Youth Foundation Fathers' Day Parade -- to be presented by Mayor Will Wynn and to be accepted by Mona Gonzales

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

Proclamation -- Entertainment Ratings and Labeling Awareness Month -- to be presented by Council Member Jennifer Kim and to be accepted by Bala Kumar

### ZONING DISCUSSION ITEMS CONTINUED

90. C14-07-0011 - Russell Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4405, 4407 and 4411 Russell Drive (Williamson Creek Watershed) from limited office (LO) district zoning and multi-family residence-medium density (MF-3) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny general commercial services (CS) district zoning. Applicant: Boniuk Interests Ltd. (Milton Boniuk). Agent: Vickrey & Associates, Inc. (Dean Thomas). City Staff: Tina Bui, 974-2755. The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning with a trip limitation of 300 trips per day was approved with the following friendly amendment on Council Member Cole's motion, Council Member Kim's second on a 7-0 vote. The friendly amendment from Council

Member Leffingwell was to limit (LR) uses to general retail sales (convenience) use only. This was accepted by the maker of the motion and Council Member Kim, who seconded the motion.

#### PUBLIC HEARINGS AND POSSIBLE ACTIONS

95. Conduct a public hearing to consider an ordinance amending Chapter 25-1, Subchapter E of Chapter 25-2, and Chapter 25-4 of the City Code relating to parkland dedication, and establishing the parkland cost for each dwelling unit. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended with minor revisions by the Parks and Recreation Board; Downtown Commission; the Design Commission; and the Planning Commission.  
The public hearing was closed on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
96. Conduct a public hearing and consider an amendment to Section 25-2-713 (B) of the City Code to provide that an interested party may appeal a decision by the Land Use Commission to grant or deny a variance requested under that section for property in any Waterfront Overlay subdistrict. Recommended by the Planning Commission.  
The public hearing was closed and Ordinance No. 20070607-096 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
97. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.271 acres of parkland for a wastewater line, 0.341 acres for temporary work space and 0.285 acres for a temporary staging area and material storage site to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Manor/Comal/Rosewood Avenue Project through dedicated parkland known as Kealing Park, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration, will be paid by requester. Recommended by the Parks Board and the Water and Wastewater Commission.  
The public hearing was closed and Resolution No. 20070607-097 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.
98. Conduct a public hearing and approve a resolution authorizing the use of approximately 7.07 acres out of an 820 acre tract to allow for construction and the relocation of the Reicher Ranch driveway through dedicated Balcones Canyonland Preserve (BCP) tract known as Reicher Ranch located at 3635 RR 620 South in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. Recommended by BCCP Citizens Advisory Committee, BCCP Scientific Advisory Committee, BCCP Coordinating Committee, US Fish and Wildlife Service, Environmental Board and the Water and Wastewater Commission.  
The public hearing was closed and Resolution No. 20070607-098 was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
99. Conduct a public hearing and 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 800 Brazos Street ("Brazos Place") and a church, Central Presbyterian, at 200 E. 8th Street.  
The public hearing was closed and Resolution No. 20070607-099 was approved on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote. The business has agreed to the church's stipulation that a minimum of 50% of their sales must be for food.

100. Conduct a public hearing and consider variance requests by Mr. Matt Worrall to allow construction of a single-family residence at 1104 Richardine Avenue in the 25-year and 100-year floodplains of Tannehill Branch and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence.

The public hearing was closed and Ordinance No. 20070607-100 was approved on Council Member Martinez' motion, Council Member Kim's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

Mayor Wynn adjourned the meeting at 8:17 p.m. without objection.

The minutes for the Regular Meeting of June 7, 2007 were approved on this the 21st day of June, 2007 on Council Member Kim's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.