

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, AUGUST 23, 2007**

**Invocation:** Pastor Abraham Perez, Ebenezer Family Worship Center

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 23, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:18 a.m.

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

Council Member Kim announced she will be talking to the Robert Mueller Municipal Airport Plan Implementation Advisory Commission concerning fitness and wellness subsidies that might be provided to the surrounding neighborhoods by the medical facilities located in this development.

Council Member Leffingwell announced that recommendations for retrofitting water quality features in the Barton Springs area will be presented to groups around the city and brought to Council for consideration on October 11.

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

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of August 9, 2007.  
**The minutes from the meeting of August 9, 2007 were approved.**
2. Authorize the City Manager to negotiate and execute an agreement with Brushy Creek Municipal Utility District ("Brushy Creek") for the provision of out-of-district water and wastewater service to approximately 10 acres located adjacent to Brushy Creek's southern boundary. Brushy Creek and the landowners will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the City Manager to negotiate and execute an agreement with Brushy Creek Municipal Utility District was approved.**
3. Authorize the City Manager to negotiate and execute an agreement with River Place Municipal Utility District ("River Place") for the provision of out-of-district water service to an approximately 9.9 acre tract located near River Place's eastern boundary. River Place and the developer will be responsible for the

necessary infrastructure improvements. No City funding is required for this agreement. Recommended by the Water and Wastewater Commission.

**The motion authorizing the City Manager to negotiate and execute an agreement with River Place Municipal Utility District was approved.**

4. Authorize negotiation of a lease and related documents and agreements with GE Commercial Aviation Services, LLC for up to 40 acres of land at Austin-Bergstrom International Airport for the construction, operation and maintenance of a low cost "no-frills" airport terminal, and associated uses including, but not limited to, car parking, rental car facilities, and ground transportation staging for a term not to exceed thirty years from the date of beneficial occupancy of the new terminal at a rental of not less than \$0.22 per square foot plus a percentage of net revenue. Recommended by the Austin Airport Advisory Commission. **The motion authorizing the negotiation of a lease and related documents and agreements with GE Commercial Aviation Services, LLC was approved.**
5. Approve an ordinance authorizing acceptance of \$2,845 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, Austin, TX; and amending the Fiscal Year 2006-2007 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$2,845 for a total grant amount of \$805,977 for the delivery of basic needs and other self-sufficiency resources for low-income residents. Funding is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant program. The grant period is January 1, 2006 through December 31, 2007. No City match is required. **Ordinance No. 20070823-005 was approved.**
6. Approve an ordinance authorizing acceptance of \$89,059 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, Austin, TX; and amending the Fiscal Year 2006-2007 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$89,059 for a total grant amount of \$368,059 for the Tuberculosis Elimination and Control program to provide basic services for tuberculosis prevention and control. Funding is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch, Austin, TX. The grant period is September 1, 2007 through August 31, 2008. No City match is required. **Ordinance No. 20070823-006 was approved.**
7. Approve an amendment to the outside counsel contract with Foley & Lardner, LLP, Orlando, FL, for legal counsel concerning advice and representation of the Department of Aviation regarding leases and other agreements related to the development of a new low cost terminal at Austin-Bergstrom International Airport, in the amount of \$75,000, for a total contract amount not to exceed \$124,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Department of Aviation. **The motion authorizing an amendment to the outside counsel contract with Foley and Lardner, LLP was approved.**
8. Authorize negotiation and execution of an agreement with Citibank N.A. for the reimbursement of streetscape improvement costs for the project located at 611 West 5th Street (Block 47, Lots 7 & 8, Original City of Austin subdivision), under the Great Streets Development Program, in an amount not to exceed \$100,411. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue. **The motion authorizing the negotiation and execution of an agreement with Citibank N.A. was approved.**

9. Approve an ordinance authorizing the acceptance of \$23,680 in grant funds from the Capital Area Council of Governments (CAPCOG), Austin, TX; and amending the Fiscal Year 2006-2007 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$23,680 for a total grant amount of \$328,680 for the Senior Nutrition Program at various locations within the City of Austin and Travis County. Funding in the amount of \$23,680 is available from the Capitol Area Council of Governments, Austin, TX. The grant period is September 1, 2006 through September 30, 2007. The City's required match is \$6,660.  
**Ordinance No. 20070823-009 was approved.**
10. Approve an ordinance rejecting the 1985 proposed dedication of public right-of-way and accepting a dedication of approximately .63 acres of additional parkland easements and alternate right-of-way access and parking facilities for the Walnut Creek Greenbelt located at the mouth of Walnut Creek at the Colorado River adjacent to Delwau Lane approximately 1/2 mile east of US 183.  
**This item was withdrawn.**

**Item 11 was pulled for discussion.**

12. Approve the negotiation and execution of an exchange agreement for temporary staging and material storage easements on Tract B, approximately 0.151 acres and Tract A being 0.287 acres both Tracts out of and a part of the property known as 1132 Northwestern Drive from the heirs of Allen Harrell Sr. for the release of a wastewater easement and other interests on Tract B, for a net consideration not to exceed \$22,481 for the Austin Clean Water Program: Manor/Comal Project. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an exchange agreement for temporary staging and material storage easements on Tract B and Tract A, 1132 Northwestern Drive, was approved.**
13. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for the Austin Clean Water Program: Govalle SSO - West 5th-6th Street Sanitary Sewer Replacement Project in the amount of \$5,733,318 plus a \$286,666 contingency for a total contract amount not to exceed \$6,019,984. Funding is available in the Fiscal Year 2006-2007 Capital 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 Women-Owned Business Enterprise Procurement Program) by meeting the goals with 13.23% MBE and 12.66% WBE subcontractor participation. Recommended by Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with McLean Construction, Ltd. was approved.**
14. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for the Austin Clean Water Program: Govalle 3 - Parker Lane/Metcalf Road Wastewater Improvements Project Re-Bid in the amount of \$2,958,923 plus a \$147,946 contingency, for a total contract amount not to exceed \$3,106,869. Funding is available in the Fiscal Year 2006-2007 Capital 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 with 14.16% MBE and 12.74% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Austin Filter Systems, Inc. was approved.**

15. Authorize execution of a construction contract with HAEGELIN CONSTRUCTION CO., LTD., Austin, TX, for the Austin Clean Water Program: Govalle 2 - Travis Heights Wastewater Improvements Project in the amount of \$3,160,788.40 plus a \$158,040 contingency, for a total contract amount not to exceed \$3,318,828.40. Funding is available in the Fiscal Year 2006-2007 Capital 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 Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts of 17.78% MBE and 8.39% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Haegelin Construction Company, Ltd was approved.**
16. Authorize execution of a construction contract with PORT ENTERPRISES, LTD., Manchaca, TX, for the Austin Convention Center Roof Replacement Project in the amount of \$3,946,734 plus a \$400,000 contingency, for a total contract amount not to exceed \$4,346,734. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Convention Center Department. 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) through the achievements of Good Faith Efforts of 0% MBE and 0.72% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Port Enterprises, Ltd. was approved.**
17. Authorize negotiation and execution of a professional services agreement with KENNEDY/ JENKS CONSULTANTS, INC., Austin, TX, for engineering services for the Operation and Maintenance Management System (OMMS) for Wastewater Treatment and Biosolids Management Plants Project, in an amount not to exceed \$1,200,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Best qualification statement of seven statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Due to the limited subcontracting opportunities, no MBE/WBE participation goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**This item was withdrawn.**
18. Authorize negotiation and execution of an amendment to the Interlocal Agreement between the City of Austin and the CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY for development and funding of the extensions of Rundberg Lane and Saunders Lane. Recommended by the Urban Transportation Commission.  
**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement between the City of Austin and the Capital Metropolitan Transportation Authority was approved.**

**Items 19 and 20 were pulled for discussion.**

21. Approve an ordinance amending Section 12-4-63 of the City Code and Ordinance No. 20070809-004 to establish a 20 mile per hour school zone on Curlew Drive from 250 feet south of Kentish Drive to 200 feet north of Kentish Drive for Cowan Elementary School; and provide for emergency passage. Funding in the amount of \$13,200 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20070823-021 was approved.**
22. Authorize award and execution of two 24-month requirements supply contracts with ACT PIPE & SUPPLY, Pflugerville, TX and TECHLINE PIPE L.P., Austin, TX for the purchase of ball and gate

valves of various sizes in estimated amounts not to exceed \$255,573 and \$111,678 respectively, with two 12-month extension options in estimated amounts not to exceed \$127,787 and \$55,839 respectively per extension option, for total estimated contract amounts not to exceed \$511,147 and \$223,356 respectively. Funding in the amount of \$30,605 is available in Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 22 months of the original contract periods and extension options is contingent upon available funding in future budgets. Lowest bids of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of two requirements supply contracts with Act Pipe and Supply and Techline Pipe L.P. was approved.**

23. Authorize award and execution of a 12-month requirements service contract with KUBCO DECANter SERVICES, INC., Houston, TX for the repair of water treatment centrifuges for the Austin Water Utility in an estimated amount not to exceed \$103,550, with three 12-month extension options in an estimated amount not to exceed \$103,550 per extension option, for a total estimated contract amount not to exceed \$414,200. Funding in the amount of \$8,629 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining eleven months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C 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. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements service contract with Kubco Decanter Services, Inc. was approved.**

24. Authorize award and execution of a 24-month requirements supply contract with MUNICIPAL WATER WORKS SUPPLY, LP, Royse City, TX, for the purchase of ductile iron fittings and pipe joint restraints of various sizes in an estimated amount not to exceed \$100,855, with two 12-month extension options in an estimated amount not to exceed \$50,428 per extension option, for a total estimated contract amount not to exceed \$201,711. Funding in the amount of \$8,405 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 22 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. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements supply contract with Municipal Water Works Supply, LP was approved.**

25. Authorize award and execution of a 24-month requirements service contract with N-LINE TRAFFIC MAINTENANCE (WBE/FR 100%), Austin, TX, for the rental of temporary traffic control devices and roadway pavement marking services in an estimated amount not to exceed \$980,000, with three 12-month extension options in an estimated amount not to exceed \$490,000 per extension option, for a total estimated contract amount not to exceed \$2,450,000. Funding in the amount of \$17,918 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding in the amount of \$6,666 is available in the Operating Budget of the Public Works Department. Funding in the amount of \$8,333 is available in the Operating Budget of Watershed Protection and Development Review Department. Funding in the amount of \$5,000 is available in the Operating Budget of Austin Energy. Funding in the

amount of \$2,916 is available in the Operating Budget of the Parks and Recreation Department. Funding for the remaining 23 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C 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. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements service contract with N-Line Traffic Maintenance was approved.**

26. Authorize award and execution of a 12-month requirements supply contract with SECURITY SAFETY & SUPPLY, Houston, TX, for portable water coolers and associated replacement parts in an estimated amount not to exceed \$72,169, with two 12-month extension options in an estimated amount not to exceed \$75,779 for the first extension option and \$79,567 for the second extension option, for a total estimated contract amount not to exceed \$227,515. Funding in the amount of \$6,014 is available in the Fiscal Year 2006-2007 Operating Budget of the Financial & Administrative Services Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Security Safety and Supply was approved.**

27. Authorize award, negotiation, and execution of a 14-month requirements service contract with ALLIANCE WORK PARTNERS, Austin, TX for professional services in providing an employee assistance program in an estimated amount not to exceed \$174,350, with two 12-month extension options in an estimated amount not to exceed \$174,350 per extension option, for a total estimated contract amount not to exceed \$523,050. Future funding is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award, negotiation and execution of a requirements service contract with Alliance Work Partners was approved.**

28. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PROFESSIONAL TURF PRODUCTS, San Antonio, TX, for the purchase of one riding front-mounted gang mower, and one utility truck in an amount not to exceed \$68,568.21. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Parks and Recreation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 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 Professional Turf Products was approved.**

29. Authorize award and execution of a 24-month requirements service contract with ENTERPRISE RENT A CAR COMPANY OF TEXAS, Austin, TX for the rental of vehicles in an estimated amount not to exceed \$219,132, with two 12-month extension options in an estimated amount not to exceed \$109,566 per extension option, for a total estimated contract amount not to exceed \$438,264. Funding in the amount of \$9,131 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department.

Funding for the remaining 23 months of the original contract period and extension options is contingent upon available funding in future budgets. Best value bid of three 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 Enterprise Rent A Car Company of Texas was approved.**

30. Authorize award and execution of a 24-month requirements supply contract with VULCAN SIGNS, Foley, AL for the purchase of aluminum sign blanks for the Public Works Department in an estimated amount not to exceed \$360,536, with two 12-month extension options in an estimated amount not to exceed \$180,268 for each extension option, for a total estimated contract amount not to exceed \$721,072. Funding in the amount of \$15,022 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department. Funding for the remaining twenty-three 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 Vulcan Signs was approved.**

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

**This item was withdrawn.**

32. Set a public hearing to consider an appeal by Karen McGraw of the Planning Commission's decision to approve a conditional use permit for off-site parking for restaurant (general) use located at 4119 Guadalupe Street (Site Plan Number: SP-2007-0243T). (Suggested date and time: August 30, 2007, at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.) Conditional Use Permit approved by the Planning Commission.

**The public hearing was set for August 30, 2007, at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

33. Set a public hearing to consider floodplain variances requested by Mr. Robert E. Mebane to allow construction of an addition to a single-family residence at 700 Park Boulevard in the 100-year floodplain of Waller Creek and to waive the requirement to dedicate drainage easement to the full limit of the 100-year floodplain, thereby excluding the footprint of the existing and proposed structure. (Suggested date and time: August 30, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set for August 30, 2007, at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

34. Set a public hearing to consider an ordinance to amend Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (the "McMansion Ordinance") of the City Code to authorize the Residential Design and Compatibility Commission to waive or modify the side wall articulation requirement. (Suggested date and time: August 30, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission.

**The public hearing was set for August 30, 2007, at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

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

Items 36 through 40 were Executive Session items.

Item 41 was an action on Executive Session item.

Item 42 was a briefing item set for 2:00 p.m.

Item 43 was a public hearing item set for 3:00 p.m.

Items 44 through 55 were zoning items set for 4:00 p.m.

Items 56 through 61 were public hearing and possible action items set for 6:00 p.m.

### **DISCUSSION ITEMS**

19. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the extension of Parmer Lane from US 290 to SH 130 at Blue Bluff Road (future Braker Lane). Funding in the amount of \$2,902,465 is available in the 2006-2007 Capital Budget of the Public Works Department. Recommended by the Urban Transportation Commission.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.**
20. Adopt a resolution approving recommendations for transportation improvement projects funded by the 2000 Transportation Bond Program. Recommended by the Urban Transportation Commission.  
**Resolution No. 20070823-020 was approved with the following amendments on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote. The amendment was to delete the Nueces Street and Second Street Green Water Treatment street extensions, making such funds available for utilization for the Brazos Street project. Council Member Leffingwell noted the remainder of the staff and the Urban Transportation Commission recommendations remain in the resolution.**
11. Authorize execution of an Agreement for Temporary Construction Access with SpawGlass Contractors and the Covenant Presbyterian Church for the temporary use of 20,000 square feet of cemetery land in the Austin Memorial Park as a staging area located at the southeast corner of the intersection of MoPac (Loop 1) and RR 2222 (Koenig Lane) from October 1, 2007 to October 1, 2008 for consideration from Covenant Presbyterian in an amount of \$55,000.  
**The motion authorizing the execution of an agreement for temporary construction access with SpawGlass Contractors and the Covenant Presbyterian Church was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.**

### **Briefing**

35. Presentation of the highlights and statistics of the Office of the Police Monitor.  
**The presentation was made by Cliff Brown, Police Monitor.**

### **CITIZEN COMMUNICATIONS: GENERAL**

Julia Dworschack - City Retaliation for Speaking Out



**Jackie Moore spoke for Blanco Anchondo - Support of Southwest Key**

**Diana Castaneda - (1) Charter Revision (2) City Budget. She was not present when her name was called.**

**David Kobierowski - Sign Pollution. Success Stories about Public Television - Public Access**

**CarolAnneRose Kennedy - III SAFE BLIND MOUTHS PRESIDENTIAL VISE ASPIRIN. ATIONS**

**Dr. Sanchez spoke for Catherine Pena - In Support of Southwest Key**

**Jimmy Castro - Back to School for A.I.S.D.**

**Cynthia Valadez - City Budget Regarding Neighborhood & Community Development Money. She was not present when her name was called.**

**Martin Tower - Observation of Austin**

**Kenneth Koym - CDBG Funds & Immigration. He was not present when his name was called.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:59 p.m.**

#### **EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

36. Discuss legal issues related to City of Austin v. Village of Creedmoor, Cause No. D-1-GV-03-000903 in the 53rd Judicial District, Travis County, Texas.(Private Consultation with Attorney - Section 551.071)
37. Discuss legal issues concerning Brian Rogers v. City of Austin, Cause No. D-1-GN-07-00806, in the 353rd Judicial District Court of Travis County, (concerns issues related to Open Records request); and discuss legal issues related to The Domain Economic Development Agreement. (concerns issues related to economic development agreement for "The Domain" project, approximately 55 acres in the vicinity of Loop 1 and Burnet Road) (Private consultation with Attorney - Section 551.071).
38. Discuss the acquisition of real property for Open Space Project, to be funded by November 2006 bonds (Real Property - Section 551.072).
39. Discuss legal issues related to the search for a new City Manager. (Private Consultations with Attorney - Section 551.071).  
**This item was withdrawn.**
40. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).  
**This item was withdrawn.**

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:26 p.m.

#### ACTION ON EXECUTIVE SESSION

41. Approve a resolution authorizing the City Manager to execute all documents necessary to purchase approximately 30 acres in Hays County, Barton Springs Contributing Zone, using November 2006 Bond Funds.

Resolution No. 20070823-041 purchasing approximately 30 acres for \$690,000 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

Item 42 was discussed later in the meeting.

#### PUBLIC HEARINGS AND POSSIBLE

43. Conduct a public hearing to receive comment on the profile of a new City Manager.  
The public hearing was closed without objection.

#### 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 McCracken's motion, Council Member Cole's second on a 7-0 vote.

44. C14-04-0030 - Time Insurance 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First Reading approved on January 11, 2007. Vote: 7-0. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.  
This item was postponed to September 27, 2007 at the staff's request.
45. C14-06-0117 - Time Insurance 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning with conditions. First reading approved on January 11, 2007. Vote: 7-0. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.  
This item was postponed to September 27, 2007 at the staff's request.

#### 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 Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

46. NP-2007-023 - University Hills / Windsor Park Combined Neighborhood Plan (Tracts 202, 220, 220a) - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan

by establishing a land use designation on the future land use map for the following tracts: 7650 & 7658 Ed Bluestein Blvd (Tract 202), 5301 Loyola Lane (Tract 220), and a 967x367 portion of 5301 Loyola Lane (Tract 220a). 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. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

**This item was postponed to September 27, 2007 at the staff's request.**

47. C14-2007-0006 - University Hills Neighborhood Plan Combining District (Tracts 202, 220, 220A) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning three tracts locally known as 7650 & 7658 Ed Bluestein Blvd (Tract 202), 5301 Loyola Lane (Tract 220), and a 967x367 portion of 5301 Loyola Lane (Tract 220a). The proposed zoning change would create the University Hills Neighborhood Plan Combining District and implement the applicable land use recommendations of the University Hills/Windsor Park Combined Neighborhood Plan. The City Council may approve a zoning change to any of the following: Single Family Standard Lot (SF-2); Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

**This item was postponed to September 27, 2007 at the staff's request.**

48. C14-2007-0078 - 5513 Southwest Parkway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5513 Southwest Parkway (Barton Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Applicant: Southwest Parkway Partners L.P. (Kent Smith). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20070823-048 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved.**

49. C14-02007-0060 - Edelman .6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15533 North IH-35 Service Road Northbound (Gilleland Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: 1908 Howard Lane, Ltd. (David B. Edelman). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20070823-049 for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved granting the waiver of the right of way reservation.**

50. C14-2007-0081 - 11625 Jollyville Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11625 Jollyville Road (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to limited office (LO) district zoning for Tract 1 and community commercial-mixed use (GR-MU) combining district zoning for Tract 2. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2. Applicant: Rox B. Covert, Duke M. Covert and Danny Covert. Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20070823-050 for limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2 was approved.**
51. C14-2007-0082 - 11603 Jollyville - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11603 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning and neighborhood commercial (LR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant 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: David F. Henges and Judith G. Henges. Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20070823-051 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.**
52. C2-66-001 (RCA) - Verde Ladera - Conduct a public hearing and approve a restrictive covenant amendment to terminate the restrictive covenant as it applies for the property located at 7312, 7340, 7420, 7520 and 7700 South IH-35 Service Road Southbound (South Boggy Creek Watershed). Staff Recommendation: To terminate the restrictive covenant. Zoning and Platting Commission Recommendation: To terminate the restrictive covenant. Applicant: Commemorative Brands, Inc. (Sherice P. Bench). Agent: Drenner & Golden Stuart Wolff, L.L.P. (John Donisi). City Staff: Wendy Walsh, 974-7719.  
**The motion authorizing the termination of a portion of the restrictive covenant pertaining to the properties listed was approved.**
53. C14-2007-0032 - Verde Ladera - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7312, 7340, 7420, 7520 and 7700 South IH-35 Service Road Southbound (South Boggy Creek Watershed) from limited industrial service (LI) district zoning to multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density- conditional overlay (MF-4-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Applicant: Commemorative Brands, Inc. (Steven J. Bauer). Agent: Drenner & Golden Stuart Wolff, L.L.P. (John Donisi). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20070823-053 for multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved.**

54. C14-2007-0067 - Clawson - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3608 and 3706 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Claria Riccobono, Richard Roberts and James Barnett. Agent: Jay Dupont. City Staff: Robert Heil, 974-2330.  
**This item was postponed to September 27, 2007 at the neighborhood's request.**
55. 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 withdrawn.**

Mayor Wynn recessed the Council Meeting at 4:45 p.m.

#### LIVE MUSIC

LeeAnn Atherton

#### PROCLAMATIONS

Proclamation -- COA Boards & Commissions Recognition Event -- to be presented by Mayor Will Wynn and to be accepted by Dave Sullivan and Dave Anderson

Proclamation -- 5th Anniversary of the Brain & Spine Center at Brackenridge Hospital -- to be presented by Mayor Will Wynn and to be accepted by Ashton Cumberbatch

Certificate of Congratulations -- Firefighter Tim LaFuentes -- to be presented by Council Member Mike Martinez and to be accepted by the honoree

Certificates of Congratulations -- East Austin Slam T-Ball Team -- to be presented by Council Member Mike Martinez and to be accepted by team members and coaches

Certificate of Congratulations -- Allen Ruiz -- to be presented by Council Member Jennifer Kim and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:16 p.m.

#### PUBLIC HEARINGS AND POSSIBLE ACTIONS

56. Conduct a public hearing for the full purpose annexation of the Thaxton Place Annexation Area (approximately 31 acres in southern Travis County south of the intersection of Thaxton Road and Salt Springs Drive).

The public hearing was closed on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

57. Conduct a public hearing for the full purpose annexation of the Watersedge Annexation Area (Approximately 985 acres in southeastern Travis County at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive.)

The public hearing was closed on Council Member Cole's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.

58. Conduct a public hearing to receive comment on the proposed ad valorem tax rate for Fiscal Year 2007-2008.

The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

59. Conduct a public hearing to receive comment on the City of Austin Fiscal Year 2007-2008 Proposed Budget.

The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

#### **BRIEFING**

42. Presentation of the City of Austin Fiscal Year 2007-2008 Proposed Budget for the Public Safety Departments, including the Municipal Court; the Public Safety and Emergency Management Department; the Austin Fire Department; the Emergency Medical Services Department and, the Austin Police Department.

The presentation was made by Michael McDonald, Assistant City Manager; Rebecca Stark, Municipal Court Clerk; Evelyn McKee, Presiding Judge; Greg Toomey, Court Administrator; Bruce Mills, Director of Public Safety and Emergency Management; J.J. Adame, Fire Chief; Ernie Rodriguez, Acting Director of Emergency Medical Services; and Art Acevedo, Police Chief.

This item was reconsidered so David Lurie, Director of Health and Human Services, could do a presentation entitled, "No-Kill Update."

#### **PUBLIC HEARINGS CONTINUED**

60. Conduct a public hearing and consider an appeal by Gavino Fernandez of the Planning Commission's decision to approve a conditional use permit for a cultural center located at 209 Pedernales St. (Site Plan Number: SPC-06-0039A). Planning Commission recommended conditional use permit and compatibility waiver.

The public hearing was closed and the appeal was denied on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.

61. Conduct a public hearing and consider an appeal of a decision of the Building and Fire Code Board of Appeals upholding the approval and issuance of a building permit relating to property located at 2104 Stamford Lane. Motion to grant the appeal received 3 votes, and 1 vote against the appeal from the Building and Fire Code Board of Appeals. In order to overturn a Building Official decision, 4 votes in favor are required.

The public hearing was closed and the appeal was approved on Council Member McCracken's motion, Council Member Martinez' second on a 4-3 vote. Those voting aye were: Mayor Wynn

and Council Members Cole, Martinez and McCracken. Those voting nay were: Mayor Pro Tem Dunkerley and Council Members Kim and Leffingwell.

Mayor Wynn adjourned the meeting at 8:47 p.m. without objection.

The minutes for the Regular Meeting of August 23, 2007 were approved on this the 30th day of August, 2007 on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.