

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, NOVEMBER 8, 2007**

**Invocation:** Mark Heinrich, Systems Support Technician, CTM

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, November 8, 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 Cole announced the Waller Creek Citizen Advisory Committee will meet November 17, 2007 at Noon, Austin City Hall to get public input.

Council Member Leffingwell announced there will be a luncheon for City employees who are veterans on November 9, 2007 at Noon, Austin City Hall at which time the City will announce a new program benefits designed to support the veterans.

Council Member Cole announced she will be bringing a resolution on November 29, 2007 to clarify to the parties of the tri-party agreement in item 24 how Council policy decisions should be made with respect to vertical mixed use, housing and parking in the 11th and 12th Street corridors.

**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 Kim'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 November 1, 2007.  
The minutes from the meeting of November 1, 2007 were approved.
2. Approve a total of \$300,000 in cash awards to: the University of Texas (\$250,000); Texas A&M University (\$30,000); University of Texas (\$10,000); and Morgan State University (\$10,000) for proposals submitted to the National Research Ideas Competition to develop innovative and efficient methods by which urban forest and utility structures may co-exist. Funding in the amount of \$300,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.  
The motion authorizing cash awards to the University of Texas, Texas A&M University and Morgan State University was approved.

3. Approve a resolution authorizing the City Manager to proceed with the planned redevelopment of City property at 2500 Montopolis Drive as a new location for Austin Energy's Energy Control Center. Funding is available in the approved Fiscal Year 2007-2008 Capital Improvement Budget of Austin Energy. The prior Council resolutions on this subject were recommended by the Electric Utility Council.  
**This item was postponed to November 29, 2007.**
4. Authorize execution of a construction contract with T. MORALES CO. ELECTRIC & CONTROLS, LTD (MBE/FH) Florence, TX, for the Hornsby Bend WWTP Gas Detection System - Rebid project in the amount of \$283,000 plus a contingency of \$28,300, for a total not to exceed contract amount of \$311,300. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 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 T. Morales Co. Electric and Controls, Ltd. was approved.**
5. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with LOC 261, LLC, for construction of a 42-inch water main and appurtenances for the Legend's Way Subdivision located east of Bradshaw Road at River Plantation Drive with City cost reimbursement in an amount not to exceed \$2,976,882; and waiving the requirements of Sections 25-9-63 and 25-9-67 of the City Code relating to cost reimbursement. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**Ordinance No. 20071108-005 was approved.**
6. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with The Vistas of Austin, Ltd., for construction of a 42-inch water main and appurtenances for the Vistas Subdivision located in the 10100 block of Old Lockhart Road with City cost reimbursement in an amount not to exceed \$1,372,410; and waiving the requirements of Sections 25-9-63 and 25-9-67 of the City Code relating to cost reimbursement. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**Ordinance No. 20071108-006 was approved.**
7. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with The Vistas of Austin, Ltd., for construction of a 30-inch gravity wastewater main and appurtenances for the Vistas Subdivision located in the 10100 block of Old Lockhart Road with City cost reimbursement in an amount not to exceed \$4,239,360; and waiving the requirements of Sections 25-9-61, 25-9-63 and 25-9-67 of the City Code relating to cost reimbursement. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**Ordinance No. 20071108-007 was approved.**
8. Authorize the City Manager to negotiate and execute an emergency water agreement with Travis County Municipal Utility District No. 4 ("TCMUD #4") for the City's provision of emergency water service to a portion of TCMUD #4's service area. TCMUD #4 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 emergency water agreement with Travis County Municipal Utility District No. 4 was approved.**
9. Authorize the City Manager to negotiate and execute an amendment to the wholesale wastewater agreement (titled "Agreement for Wholesale Wastewater Utility Service for the Comanche Canyon

Extraterritorial Jurisdiction Planned Unit Development") with Travis County Water Control and Improvement District No. 17 ("WCID No. 17") for the City's provision of wholesale wastewater service to a 43-acre tract located within WCID No. 17 and southeast of the intersection of FM 2222 and RM 620. The WCID or 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 amendment to the wholesale wastewater agreement with Travis County Water Control and Improvement District No. 17 was approved.**

**Item 10 was pulled for discussion.**

11. Approve an ordinance amending the Fiscal Year 2007-2008 Police Department Special Revenue Fund of Ordinance No. 20070910-003 to transfer \$4,794,396 to the Communications & Technology Management Capital Budget; and amending the Fiscal Year 2007-2008 Communications & Technology Management Capital Budget of Ordinance No. 20070910-004, to appropriate the \$4,794,396 transfer and \$1,598,132 from interlocal agreements with the City of Lockhart and Bastrop County for a total of \$6,392,528 for the expansion of the Austin/Travis County Regional Radio System project. Funding in the amount of \$4,794,396 is available in the Fiscal Year 2007-2008 Police Special Revenue Fund from a Department of Justice Community Oriented Policing Services (COPS) Grant. Local match funding in the amount of \$1,247,437.50 is available from Bastrop County and \$350,694.50 is available from the City of Lockhart. Related to items #12, #34 and #55.

**Ordinance No. 20071108-011 was approved.**

12. Approve negotiation and execution of an interlocal agreements with the City of Lockhart and Bastrop County for the purchase of radio system infrastructure and subscriber radio equipment to expand the Austin/Travis County Regional Radio System under a contract amendment to be executed by the City of Austin and Motorola, Inc. Funding in the amount of \$4,794,396 is available from the Fiscal Year 2007-2008 Police Department Operating Budget Special Revenue Fund; COPS 2007 Technology Grant; local grant match fund in the amount \$350,694.50 is available from the City of Lockhart and \$1,247,437.50 is available from Bastrop County. Related to items #11, #34 and #55.

**The motion authorizing the negotiation and execution of interlocal agreements with the City of Lockhart and Bastrop County was approved.**

13. Approve negotiation and execution of a Renewal of and Sixth Amendment to the Interlocal Agreement with the Travis County Healthcare District ("District") for a one-year term for the continued operation of the community health clinic system by the Community Care Services Department (CCSD) and continued management by the City of the District's medical assistance programs, charity care programs and related matters. The amendment will also increase the monthly payments made to City by District, change certain provisions regarding release of information to District, and authorize the administrative approval during Fiscal Year 2007-2008 of certain additional clinic services, and adjustments in the number of CCSD FTEs, as well as corresponding adjustments in monthly payments by District. Funding sufficient to satisfy all City obligations under the interlocal agreement will be available in the net transfer of funds from the Travis County Healthcare District to the City of Austin in Fiscal Year 2007-2008.

**The motion authorizing the negotiation and execution of a renewal of and sixth amendment to the interlocal agreement with the Travis County Healthcare District was approved.**

14. Approve an ordinance setting the assessment rate and proposed 2008 assessment roll for the E. 6th Street Public Improvement District (PID). The 2008 assessment rate of \$0.10/\$100 valuation is estimated to produce \$41,772 at an approximately 91% collection rate.

**Ordinance No. 20071108-014 was approved.**

15. Approve a resolution adopting the E. 6th Street Public Improvement District (PID) Service Plan and Budget for 2008. The Pecan Street Owners Association (PSOA) submitted a 2008 budget for the PID in the amount of \$112,408. This budget will be funded from a total projected revenue of \$116,408. This amount includes \$41,772 in 2008 assessments (at an approximate 91% collection rate), (\$450) in collections from 2007, \$1,586 interest accrued in the PID Account and late payments; a \$43,500 annual contribution from the City of Austin; and \$30,000 in donations to be raised by the PSOA. Appropriation of the \$86,408 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 6, 2007. An amount of \$4,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll.  
**Resolution No. 20071108-015 was approved.**
16. Approve an ordinance setting the assessment rate and proposed 2008 assessment roll for the Austin Downtown Public Improvement District (PID). The 2008 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,111,544 at an approximate 96% collection rate.  
**Ordinance No. 20071108-016 was approved.**
17. Approve a resolution adopting the Austin Downtown Public Improvement District (PID) Service Plan and Budget for 2008-2009. The Downtown Austin Alliance submitted a 2008-2009 budget for the PID in the amount of \$2,279,261. This budget will be funded from a total of \$2,379,261. This amount includes \$2,111,544 in 2008 assessments (at an approximate 96% collection rate), \$24,829 in collections from 2007; \$92,888 interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Appropriation of the \$2,379,261 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 6, 2007. An amount of \$100,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll.  
**Resolution No. 20071108-017 was approved.**
18. Authorize negotiation and execution of Renewal of and Amendment Three to the Interlocal Cooperation Agreement with Travis County to provide emergency medical services in Travis County to renew the agreement through Fiscal Year 2007-2008 and amend fees payable to City and certain exhibits. Funding from Travis County in the amount of \$10,762,371 was included in the Fiscal Year 2007-2008 Operating Budget of the Emergency Medical Services Department, as amended.  
**The motion authorizing the negotiation and execution of renewal of and amendment three to the interlocal cooperation agreement with Travis County was approved.**
19. Authorize negotiation and execution of Renewal of and Amendment Three to the Interlocal Cooperation Agreement with Travis County to provide STAR Flight air ambulance services to renew the agreement through Fiscal Year 2007-2008 and amend fees payable to City and certain exhibits. Funding from Travis County in the amount of \$1,551,156 was included in the Fiscal Year 2007-2008 Budget of the Emergency Medical Services Travis County Reimbursed Fund.  
**The motion authorizing the negotiation and execution of renewal of and amendment three to the interlocal cooperation agreement with Travis County was approved.**
20. Approve execution of a 15-month Interlocal Agreement between the City and the AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD), Austin, TX to provide funding for four programs: COMMUNITY EDUCATION, \$337,904, VICTORY TUTORIAL PROGRAM \$282,611, AFTER SCHOOL ENRICHMENT \$968,027 and ADULT BASIC EDUCATION/ESL \$137,116 for a total estimated aggregate amount not to exceed \$1,725,658. Funding in the amount of \$1,380,527 is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department. Funding for the final three months of the agreement is contingent upon availability of funding in the next fiscal

year future budget. The contract period for the Interlocal Agreement is October 1, 2007-December 31, 2008.

**The motion authorizing the execution of an interlocal agreement between the City and the Austin Independent School District was approved.**

21. Approve execution of 10-month contracts under Ryan White Part A Minority AIDS Initiative (MAI) Grant Program: THE WRIGHT HOUSE WELLNESS CENTER, INC., Austin, TX in an estimated amount of \$106,102, with two 12-month extension options; and AIDS SERVICES OF AUSTIN, INC., Austin, TX in an estimated amount of \$88,604, with two 12-month extension options, for the continuum of HIV/AIDS care. Funding in the amount of \$194,706 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Part A Minority AIDS Initiative Grant Program. The annual grant period is August 1, 2007 through July 31, 2008. Funding for renewal options is contingent on available funding in future budgets. The initial contract period is October 1, 2007 through July 31, 2008.

**The motion authorizing the execution of contracts under Ryan White Part A Minority Aids Initiative (MAI) grant program was approved.**

22. Approve an ordinance amending Section 2-5-1(D) of the City Code relating to and streamlining council action for payment or reimbursement of a cost or fee associated with a street or special event under Chapter 14-8.

**Ordinance No. 20071108-022 was approved.**

23. Approve an ordinance amending the Fiscal Year 2007-2008 Municipal Court Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to create the Traffic Safety Fund, to appropriate \$1,300,500 in revenue from red light camera program penalties, and appropriate \$1,078,427 for the administration and operation of the red light camera system requirements in the Traffic Safety Fund; and amending the Fiscal Year 2007-2008 Municipal Court Operating Budget of Ordinance No. 20070910-003 to add three full-time equivalent positions to administer the red light camera program. Funding in the amount of \$1,300,500 is estimated as revenue from penalties issued as part of the red light camera program. Recommended by the Public Safety Task Force.

**Ordinance No. 20071108-023 was approved.**

24. Approve execution of Amendment Two to the Acquisition, Development and Loan Agreement between the City, the Urban Renewal Agency of the City of Austin, and the Austin Revitalization Authority, dated effective October 1, 2004, for a period of three years with two one-year extension options. July 24, 2006, the Urban Renewal Agency approved the execution of a restated Acquisition, Development and Loan Agreement; September 17, 2007, approved execution of Amendment One.

**The motion authorizing execution of amendment two to the acquisition, development and loan agreement between the City, the Urban Renewal Agency of the City of Austin and the Austin Revitalization Authority was approved. Council Member Martinez abstained.**

25. Approve an ordinance to annex the Barton Creek Greenbelt annexation area for full purposes (approximately 35 acres in Travis County at the southeast corner of Loop 360 and Loop 1); and approve a service plan. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20071108-025 was approved.**

26. Approve an ordinance to annex the Michener Storage Facility annexation area for full purposes (approximately 21 acres in Travis County west of Harris Branch Parkway and north of Parmer Lane); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and approve a service plan. Funding necessary to provide general

governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20071108-026 was approved.**

27. Approve an ordinance to annex the Morningside annexation area for full purposes (approximately 23 acres in southern Travis County east of Manchaca Road at the intersection of Manchaca Road and Morningside Lane); establish I-SF-4A interim zoning designations for portions of the Morningside Area; waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and approve a service plan. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20071108-027 was approved.**

28. Approve an ordinance to annex the Rancho Alto V annexation area for full purposes (approximately 11 acres in southern Travis County south of Frate Barker Road and west of Rancho Alto Road); establish I-SF-2 interim zoning designations for portions of the Rancho Alto V Area; and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and approve a service plan. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20071108-028 was approved.**

29. Approve an ordinance to annex the Vaught Ranch annexation area for full purposes (approximately 99 acres in Travis County south of FM 2222 east of the intersection of FM 2222 and Vaught Ranch Road); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and approve a service plan. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20071108-029 was approved.**

30. Approve an ordinance to annex the Walnut Creek Parkland annexation area for full purposes (approximately 135 acres in Travis County south of Old Manor Road and west of Daffan Lane); and approve a service plan. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20071108-030 was approved.**

31. Approve an ordinance authorizing acceptance of \$20,896 in grant funds from the State of Texas, Governor's Division of Emergency Management, Homeland Security Grant Program; and amend the Fiscal Year 2007-2008 Public Safety and Emergency Management Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$20,896 for a total grant amount of \$292,896 for the enhancement of local first response capabilities for terrorist incidents. Funding is available from the State of Texas, Governor's Division of Emergency Management.

**Ordinance No. 20071108-031 was approved.**

32. Approve negotiation and execution of a Parkland Improvement Agreement between the City of Austin and Third & Colorado LP. Development Group to enhance approximately 115,500 square feet of Zilker Park, adjacent to the proposed 74 unit condominium development, known as Zilker Residences. Funding will be provided by the developer to fund unfunded infrastructure priorities to Zilker Park. Recommended by Parks Board

The motion authorizing the negotiation and execution of a parkland improvement agreement between the City of Austin and Third and Colorado LP Development Group was approved.

33. Approve a resolution authorizing the extension of line of duty injury leave at full pay for Austin Police Department Officer Adam Adams. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department.  
**Resolution No. 20071108-033 was approved.**
34. Authorize the acceptance of \$4,794,396 in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) and amending the Fiscal Year 2007-2008 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$4,794,396. Grant funding will be used to purchase radio system infrastructure and subscriber radio equipment to expand the Austin/Travis County Regional Radio System to the City of Lockhart and Bastrop County. Funding is available from the Fiscal Year 2007 COPS Technology Program for the grant period of September 1, 2007 to August 31, 2010. Local match funding in the amount of \$1,247,437.50 is available from Bastrop County and \$350,694.50 is available from the City of Lockhart. Related to items #11, #12 and #55.  
**The motion authorizing the acceptance of grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), and Ordinance No. 20071108-034 was approved.**
35. Approve a resolution authorizing the application for and acceptance of grant funds from the Office of the Governor, Criminal Justice Division, in the amount of \$93,000 for the Austin Police Department (APD) Coverdell Project for laboratory personnel overtime, equipment, and supplies. Funding is available in the Fiscal Year 2007-2008 from the Office of the Governor, Criminal Justice Division. A match is not required.  
**Resolution No. 20071108-035 was approved.**
36. Approve a resolution authorizing the fee simple acquisition of Lot 8, Block G, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5402 Thornwood Drive, from Eustolio A. Trevino, for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$60,000 for the land and improvements and \$39,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$109,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20071108-036 was approved.**
37. Approve a resolution authorizing the acquisition for the Fort Branch Reach 6 and 7 Streambank and Flood Control Project for a voluntary fee simple buy out situated in Travis County, Texas, described as Lot 6, Block 1, Lincoln Gardens, Section 1, located at 1314 Fort Branch Boulevard from James Caswell and Martha K. H. Caswell in the amount not to exceed \$77,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20071108-037 was approved.**
38. Approve the negotiation and execution of an 84-month lease renewal for 8,850 square feet of office and laboratory space for the Laboratory Services Division of the Austin Water Utility, located at 14050 Summit Drive, Suite 121, from EQUASTONE AUSTIN I, L.P., Austin TX, in an amount not to exceed \$931,102.32. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the lease term period is contingent upon available funding in future budgets. Recommended by the Water and Wastewater Commission.  
**This item was withdrawn.**
39. Authorize execution of a 6-month lease renewal for 8,000 square feet of office and warehouse space for the Vector Control Program of the Health and Human Services Department, located at 4122 Todd Lane, from MINA PARVEN, Austin, TX, in an amount not to exceed \$31,200 for the initial renewal. Funding

is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department.

**The motion authorizing the execution of a lease renewal for the Vector Control Program of the Health and Human Services Department was approved.**

40. Approve negotiation and execution of a 60-month lease with the possibility of future renewals for approximately 7,675 square feet of retail, office and storage space for the Book Sales Program of the Austin Public Library Department, located at 5335 Burnet Road, from PAJO PROPERTIES, LTD., Georgetown TX, in an amount not to exceed \$684,471.66 for the initial lease term. Funding in the amount of \$88,109.04 is available in the Fiscal Year 2007-2008 Operating Budget of the Library Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of a lease for the Book Sales Program of the Austin Public Library Department was approved.**
41. Approve execution of an 18-month lease renewal with an early termination option for 5,000 square feet of retail space for the North Village Branch Library of the Library Department, located at 2139 West Anderson Lane, Suite 9, from N.V. METRO IV LTD., Austin TX, in an amount not to exceed \$150,000.12. Funding in the amount of \$75,000.06 is available in the Fiscal Year 2007-2008 Operating Budget of the Library Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
**The motion authorizing the execution of a lease renewal for the North Village Branch Library of the Library Department was approved.**
42. Authorize execution of a construction contract with CENTRAL ROAD AND UTILITY, LTD., San Marcos, TX, for Davenport Lift Station STAA #9A3-REBID in the amount of \$3,374,040 plus a \$168,702 contingency, for a total contract amount not to exceed \$3,542,742. Funding in the amount of \$3,542,742 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lower of two compliant 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 with 11.31% MBE and 10.60% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**This item was withdrawn.**
43. Authorize execution of a construction contract with FACILITIES REHABILITATION, INC., (MBE/MH 87.12%) Ft. Worth, TX, for the Austin Clean Water Program: Cross-town Sanitary Sewage Overflow (SSO) - Harris Park Project in the amount of \$888,820 plus a \$44,441 contingency for a total contract amount not to exceed \$933,261. Funding in the amount of \$933,261 is available in the Fiscal Year 2007-2008 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 87.12% MBE and 12.88% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Facilities Rehabilitation, Inc. was approved.**
44. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the Hyde Park Water and Wastewater Line Improvements Project in the amount not to exceed \$10,711,112 plus a \$535,556 contingency for a total contract amount not to exceed \$11,246,668. Funding in the amount of \$11,246,668 is available in the Fiscal Year 2007-2008 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 with 5.24% MBE and 1.42% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.



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

45. Authorize execution of proposed Change Order #3 to the construction contract with SMITH CONTRACTING CO., INC., Austin, TX, for the Austin Clean Water Program: Govalle 5 - Johnson Creek Wastewater Improvements Project in an estimated amount of \$163,423 for a total contract amount not to exceed \$1,036,113.30. Funding in the amount of \$163,423 is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 18.31% MBE and 5.40% WBE subcontractor participation to date. Original Water and Wastewater Commission recommendation received December 20, 2006. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of proposed change order number three to the construction contract with Smith Contracting Co., Inc. was approved.**

46. Authorize negotiation and execution of a professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, TX, for preliminary engineering and program management services for the South IH-35 Water and Wastewater Infrastructure Improvements Program in an amount not to exceed \$3,000,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Best qualification statement of six 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) by meeting the goals with 19.0% MBE and 15.0% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with URS Corporation was approved.**

47. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, in an amount not to exceed \$100,000. The total amount of the authorization consisting of the original agreement and this amendment is \$1,005,381. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Neighborhood Planning and Zoning Department. Original recommendation was based on the best of six qualification statements received. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 9.23% MBE and 0.0% WBE subconsultant participation to date.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Copley Wolfe Design Group was approved.**

48. Authorize negotiation and execution of a professional services agreement with the following six firms (6): URS CORPORATION, Austin, TX, WESTON SOLUTIONS, INC., Austin, TX, SHAW ENVIRONMENTAL & INFRASTRUCTURE, INC. Austin, TX, BAER ENGINEERING AND ENVIRONMENTAL CONSULTING, INC. (WBE/FR), Austin, TX, TERRACON CONSULTANTS, INC., Austin, TX, and GEOMATRIX CONSULTANTS, INC., Austin, TX for environmental consulting services for a period of two years or until financial authorization is expended, each agreement in an amount not to exceed \$2,400,000, with a total amount of the six agreements not to exceed \$2,400,000. Funding is available in the Fiscal Year 2007-2008 Capital and/or Operating Budgets of the various departments for which services are needed. Best six qualification statements of 20 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) by meeting the goals with 16.5% MBE and 14.2% WBE subconsultant participation.

**The motion authorizing negotiation and execution of a professional services agreement with the following six firms: URS Corporation, Weston Solution, Inc., Shaw Environmental and**

**Infrastructure, Inc., Baer Engineering and Environmental Consulting, Inc., Terracon Consultants, Inc., and Geomatrix Consultants, Inc. was approved.**

49. Approve an ordinance amending Section 12-4-64 (D) of the City Code to add a portion of South Congress Avenue to the list of streets having a maximum speed of 20 miles per hour in a pedestrian zone during certain times of the day as indicated by flashing light, in accordance with Texas Transportation Code Section 545.356. Funding in the amount of \$27,600 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20071108-049 was approved.**
50. Authorize award, negotiation, and execution of a 24-month requirements service agreement with ATLANTA BUILDING MAINTENANCE, INC., Alpharetta, GA, for janitorial services in an estimated amount not to exceed \$176,832, with three 12-month extension options in an estimated amount not to exceed \$88,416 per extension option, for a total estimated contract amount not to exceed \$442,080. Funding in the amount of \$73,680 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposals of three 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 agreement with Atlanta Building Maintenance, Inc. was approved.**
51. Authorize award and execution of Amendment No. 6 to a 12-month requirement supply agreement with TECHLINE, INC., Austin, TX for galvanized steel streetlight poles to increase the amount of the current contract term in an amount not to exceed \$74,500 for the current term, for a revised total estimated contract amount not to exceed \$1,731,274. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. 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 six to a requirement supply agreement with Techline, Inc. was approved.**
52. Authorize award and execution of three 24-month requirements supply contracts with TECHLINE INC., Austin, TX, in an estimated amount not to exceed \$3,159,948, POWER SUPPLY, Austin, TX, in an estimated amount not to exceed \$149,442, and KBS ELECTRICAL, Austin, TX, in an estimated amount not to exceed \$86,000 for galvanized steel streetlight poles and parts for Austin Energy. Each contract includes two 12-month extension options in estimated amounts equal to one-half of each original contract award. Funding in the amount of \$1,414,746 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bidders meeting specification of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of three requirements supply contracts with Techline Inc., Power Supply and KBS Electrical was approved.**
53. Authorize award and execution of a 36-month requirements service contract with W-S INDUSTRIAL SERVICES, INCORPORATED, Council Bluff, IA, for the cleaning of condenser tubes, cooling systems, and heat exchangers at Austin Energy power stations in an estimated amount not to exceed \$266,682, with one 36-month extension option in an estimated amount not to exceed \$266,682 per extension option, for a total estimated contract amount not to exceed \$533,364. Funding in the amount of \$74,079 is

available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications 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 W-S Industrial Services, Incorporated was approved.**

54. Authorize award and execution of a contract with AMERICAN EUROCOPTER, LLC, Grand Prairie, TX, for the purchase of replacement parts required at the 5000 hour inspection of the Austin Police Department EC120 helicopter in an amount not to exceed \$55,644.83. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with American Eurocopter, LLC was approved.**

55. Authorize award, negotiation, and execution of Amendment No. 7 to a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, to increase the contract in an amount not to exceed \$6,392,528 for the purchase of radio system infrastructure and subscriber radio equipment to expand the Austin/Travis County Regional Radio System to Bastrop County and the City of Lockhart and an amount not to exceed \$1,987,930 for the purchase of add-on radios and related equipment and services for City departments, for a revised total contract amount not to exceed \$96,572,932. Funding for expansion of the Regional Radio System in the amount of \$6,392,528 is available in the Fiscal Year 2007-2008 Capital Budget of Communications and Technology Management, Wireless Division. Funding for add-on radios and related equipment and services for City departments in the amount of \$1,469,930 and \$518,000, respectively is available in the Fiscal Year 2007-2008 Capital and Operating Budgets of Communications and Technology Management, Wireless Division. 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). No goals were established for the equipment portion of this contract. Related to items #11, #12 and #34.

**The motion authorizing the award, negotiation and execution of amendment number seven to a contract with Motorola Communications and Electronics, Inc. was approved.**

56. Authorize award, negotiation, and execution of a contract with VERSATERM INC, Ottawa, Ontario, Canada for the purchase of software licenses and support for transmitting mobile data in an amount not to exceed \$90,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Financial and Administrative Services Department, Communications and Technology Management. Sole Source. 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 contract with Versaterm Inc. was approved.**

57. Approve ratification of payment to the WORLD CONFERENCE ON INFORMATION TECHNOLOGY for the rental of booths during the 2006 conference in an amount of \$57,548. Funding was available in the 2006-2007 Operating Budget of the Financial and Administrative Services Department. Ratification. 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 contract.

**The motion authorizing the ratification of payment to the World Conference on Information Technology was approved. Council Member Martinez voted nay.**

58. Authorize award and execution of Amendment No. 1 to an Interlocal Agreement with Austin/Travis County Mental Health and Mental Retardation Center for the continuation of treatment services for certain Class B enhanced public intoxication offenders in an amount not to exceed \$140,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Downtown Austin Community Court. Interlocal Agreement. 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 an Interlocal agreement; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this contract.

**The motion authorizing the award and execution of amendment number one to an interlocal agreement with Austin/Travis County Mental Health and Mental Retardation Center was approved.**

59. Authorize award, negotiation, and execution of a 28-month requirements service contract with the following vendors: TLI & ENVIRONMENTAL SERVICES, INC., Kempner, TX, JGG INTEGRATED CONSTRUCTION, LLC, San Antonio, TX, OLMOS ABATEMENT, INC., Manor, TX, WATSON CONSOLIDATED, Sugarland, TX and SISK-ROBB, INC., Leander, TX for lead hazard control services in an estimated amount not to exceed \$ 2,807,700 each and combined, with three 12-month extension options in an estimated amount not to exceed \$935,900 each and combined per extension option, for a total estimated contract amount not to exceed \$5,615,400 each and combined. Funding in the amount of \$1,103,025 is available in the Fiscal Year 2007-2008 Grant Operating Budget of the Neighborhood Housing and Community Development Department. Best qualified submittals of nine submittals 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 the following vendors: TLI and Environmental Services, Inc., JGG Integrated Construction, LLC, Olmos Abatement, Watson Consolidated and Sisk-Robb, Inc. was approved.**

60. Authorize award and execution of a contract through the U.S. Communities Government Purchasing Alliance with FURNITURE MARKETING GROUP, INC., Austin, TX, for the purchase and installation of modular and office furniture for the Public Works Department in a total amount not to exceed \$62,702.68. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works 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 791 of the Texas Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the U.S. Communities Government Purchasing Alliance with Furniture Marketing Group, Inc.**

61. Authorize award, negotiation, and execution of a five-year requirements service contract with REDFLEX TRAFFIC SYSTEM, INC., for a red light camera system in an estimated amount not to exceed \$4,482,987.18, with two five-year extension options in estimated amounts not to exceed \$5,221,428.34 for the first extension option and \$6,083,508.93 for the second extension option, for a total estimated contract amount not to exceed \$15,787,924.46. Funding in the amount of \$561,803.20 is available in the Fiscal Year 2007-2008 Traffic Safety Fund of the Municipal Court. Funding for the remaining 52 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise

Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Public Safety Task Force.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Redflex Traffic System, Inc. was approved.**

62. Approve ratification of a contract with FOUNDATION COMMUNITIES, INC., Austin, TX, for income tax preparation services during the 2006 tax season, and continuation of these services and support of community tax centers during the 2007 tax season in amounts not to exceed \$100,000 and \$100,000, respectively. Funding was available in the Fiscal Year 2006-2007 Operating Budget and is included in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Office. Professional Services. 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 exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the ratification of a contract with Foundation Communities, Inc. was approved.**

63. 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:**

**Board/ Appointee**

**Council Member**

Animal Advisory Commission

Frances Jonon

Council Member Kim's Nominee

Electric Utility Commission

Phillip Schmandt

Council Member Kim's Nominee

Library Commission

Rama Garigipati

Council Member Kim's Nominee

64. Approve a resolution directing the city manager to initiate a code amendment to Chapter 25-2 to clarify that residential uses are required in a neighborhood mixed use building, and that a building is ineligible for the parking reductions available to a Neighborhood Mixed Use Building if the building does not contain residential uses. (Council Member Brewster McCracken Council Member Mike Martinez Council Member Lee Leffingwell)

**Resolution No. 20071108-064 was approved.**

**Item 65 was pulled for discussion.**

66. Approve a resolution recognizing the Austin/Travis County Emergency Medical Services Employee Association as the sole and exclusive bargaining agent for all emergency medical services personnel employed by the Austin/Travis County Emergency Medical Services Department other than the Department Director, Assistant Department Director, and other exempt employees, for purposes of engaging in Meet and Confer negotiations under Chapter 142 of the Texas Local Government Code, and determining that the City of Austin may engage in Meet and Confer negotiations under such Chapter. (Council Member Lee Leffingwell Council Member Mike Martinez)

**Resolution No. 20071108-066 was approved.**

67. Approve a resolution directing the City Manager to forward recommendations of the Affordable Housing Incentives Task Force regarding incentives for downtown, multifamily, and single family development to

boards and commissions for review and recommendation. (Council Member Jennifer Kim Mayor Pro Tem Betty Dunkerley )

**Resolution No. 20071108-067 was approved.**

68. Approve waiver of fees and authorize payment of certain costs for the Travis County Veterans Service Office 2007 Veteran's Day Parade to be held on November 11, 2007. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)  
**The motion authorizing the waiver of fees and authorizing payment of certain costs for the Travis County Veterans Service Office 2007 Veteran's Day Parade was approved.**
69. Approve waiver of certain park rental fees for the United in His Love, Inc.'s Power of the Cross Festival to be held on November 17, 2007 at Auditorium Shores. (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole Council Member Brewster McCracken)  
**The motion authorizing the waiver of certain park rental fees for the United in His Love, Inc.'s Power of the Cross Festival was approved.**
70. Set a public hearing to consider an ordinance amending Section 4.3.5 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use) to amend a neighborhood plan to permit a vertical mixed use building when it makes a determination under the opt-in/opt-out process; and establish a zoning map code to reflect that a property may develop a vertical mixed use building and has been granted all or some of the vertical mixed use incentives. (Suggested date and time: November 29, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for November 29, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
71. Set a public hearing to consider the use of parkland for storm water improvements as part of the Cesar Chavez Two Way Conversion Project through dedicated parkland adjacent to Lady Bird Lake, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 6, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) All costs associated with construction, as well as any parkland restoration will be paid by requester. To be reviewed by the Parks Board on November 27, 2007.  
**The public hearing was set for December 6, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
72. Set a public hearing on the E. 6th Street Public Improvement District (PID) 2008 assessments. (Suggested date and time: December 6, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for December 6, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
73. Set a public hearing on the Austin Downtown Public Improvement District (PID) 2008 assessments. (Suggested date and time: December 6, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for December 6, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.**
127. Approve a resolution requiring compliance with the standards and principles of the city's Minority Owned and Women Owned Business Enterprise Procurement Program in third party agreements for the construction of public improvements or improvements to City real property, including developer participation contracts, economic development agreements, ground leases, and other third party agreements, and repealing and replacing Resolution No. 20071018-037.  
**Resolution No. 20071108-127 was approved.**

128. Approve a resolution directing the City Manager to process amendments to City Code Chapter 25-10 ("Sign Regulations") changing the regulations applicable to non-conforming off-premise signs, changing the regulations applicable to the registration of non-conforming, off premise signs, and to establish prohibitions related to mobile advertising signs. (Council Member Mike Martinez and Mayor Pro Tem Betty Dunkerley)  
Resolution No. 20071108-128 was approved.

Items 74 through 78 were Executive Session items.

Item 79 was an action on Executive Session item.

Items 80 and 81 were bond sale items set for 2:00 p.m.

Item 82 was a briefing item set for 2:00 p.m.

Item 83 was a public hearing item set for 2:00 p.m.

Items 84 through 110 were zoning items set for 4:00 p.m.

Items 111 through 126 were public hearing items set for 6:00 p.m.

Item 129 was an addendum item for Executive Session

#### DISCUSSION ITEM

65. Approve a resolution directing the city manager to prepare an ordinance ordering an election on a uniform election date in 2008 to submit to the voters a proposed amendment to Article V, Section 6 of the City Charter relating to the office of the city attorney. (Council Member Lee Leffingwell Council Member Mike Martinez )  
The motion to deny the resolution was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 4-0 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Dunkerley, Council Members Cole and McCracken. Those voting nay were: Council Members Kim, Leffingwell, and Martinez.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:08 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.

74. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).  
This item was withdrawn.

Item 75 was discussed later in Executive Session.

76. Discuss legal issues relating to the proposed agreement with the Lower Colorado River Authority (LCRA) regarding future water supplies and the settlement agreement between the City and LCRA executed June 18, 2007. (Private Consultation with Attorney - Section 551.071) Related to item #10.

Items 77 and 78 were discussed later in Executive Session.

129. Discuss legal issues related to request for release of extraterritorial jurisdiction for “Villa Muse” development, approximately 1,000 acres located in eastern Travis County, east of State Highway 130, at the intersection of FM 969 and Burleson Manor Road (private consultation with attorney-Section 551.071).

Mayor Wynn called the Council Meeting back to order at 12:20 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

County Commissioner Sarah Eckhardt – University of Texas’ Brackenridge Tract

Paul Robbins - City Issues

Anthony Amaro - Middle Income for Newer Development

CarolAnneRose Kennedy - GIVING THANKS. **She was not present when her name was called.**

Richard Viktorin - Balcones Canyonlands Preserve

Diana Castanda - My B-Day. **She was not present when her name was called.**

Gus Pena - City Issues - Crime is on the Increase. Funding for Youth Programs. Help Keep Johnston High School Open. Help provide Mentor's and Tutor's for the Students

Terry McMains with Bushman Rainwater Harvesting- Rainwater Harvesting. **He was not present when his name was called.**

Michael Wagner with Bushman Rainwater Harvesting - Rainwater Harvesting

Philip Russell - Cable TV.

Robert Hageman - Increased Burglaries in the Downtown Area

**DISCUSSION ITEMS CONTINUED**

10. Authorize City Manager to negotiate and execute a long-term water supply agreement between the City of Austin and the Lower Colorado River Authority (LCRA) to increase the firm water available to Austin by an additional 250,000 acre-feet/year through the year 2100 pursuant to the Settlement Agreement executed on June 18, 2007 between the City and LCRA. No fiscal impact. Recommended by the Water and Wastewater Commission; the Environmental Board; and the Resource Management Commission. Related to item #76.

**The motion authorizing the City Manager to negotiate and execute a long-term water supply agreement between the City of Austin and the Lower Colorado River Authority (LCRA) was approved with the following friendly amendment on Council Member McCracken’s motion, Council Member Cole’s second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais. The friendly amendment from Council Member Leffingwell was to amend Section 4.1 on page 24 of the Supplemental Water Supply agreement to include, 1. The stakeholder group meetings should be publicly noticed in advance through each entity’s website (LCRA and City of Austin) with agendas and supporting documentation provided in advance to the public. 2. A specific item should be set**



on each agenda to receive public comment and public comments should be heard before any decisions are made. 3. The stakeholder group should be comprised of a balanced and diverse group of organizations and individuals interested in the parties' water supply discussions.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:19 p.m.

#### EXECUTIVE SESSION CONTINUED

- 75. Discuss legal issues related to the search for a new City Manager (Private Consultations with Attorney - Section 551.071).
- 77. Discuss the acquisition of real property for Open Space Project, to be funded by November 2006 bonds (Real Property - Section 551.072).
- 78. Discuss acquisition of real property for park land to be funded with November 2006 bonds (Real Property - Section 551.072).

Mayor Wynn called the Council Meeting back to order at 2:11 p.m.

#### PUBLIC HEARINGS

- 83. Conduct a public hearing to adopt an ordinance providing incentives for developers of S.M.A.R.T. (safe, mixed-income, accessible, reasonably-priced, transit-oriented) Housing and compliant with the City's green building standards; waiving fees; amending Section 25-9-347 of the code (Exemption for Certain Affordable Housing); and adding new Article 15 to Chapter 25-1 of the Land Development Code implementing recommendations of the Affordable Housing Incentive Task Force. Recommended by the Mayor's Committee for People with Disabilities; the Codes and Ordinances subcommittee of the Planning Commission; the Water and Wastewater Commission; and, the Planning Commission. Reviewed by the Community Development Commission.  
This item was postponed to November 29, 2007 at 6:00 p.m. on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

#### ACTION ON EXECUTIVE SESSION

- 79. Approve a resolution authorizing the City Manager to execute all documents necessary to acquire approximately 2 acres in South Central Austin for park land. Funding is available in the 2006 bond funds.  
Resolution No. 20071108-079 in the amount of \$475,000 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

#### BOND SALES

- 80. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2007, in the approximate amount of \$135,000,000, and authorizing the execution of all related documents. Funding of \$3,637,500 estimated debt service requirement and \$400 annual paying agent/registrant fee is available in the Fiscal Year 2007-2008 Budget of the Utility Revenue Bond Redemption Fund.  
Ordinance No. 20071108-080 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.
- 81. Approve an ordinance authorizing the issuance of City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2007A, in an amount not to exceed \$250,000,000 and authorizing and

approving related documents. Funding of \$3,577,500 estimated debt service requirement and \$400 annual paying agent/registrar fee is available in the Fiscal Year 2007-2008 Budget of the Utility Revenue Bond Redemption Fund.

**Ordinance No. 20071108-081** was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

### **BRIEFING**

82. Presentation by the Design Commission regarding its Density Bonus report.  
The presentation was made by Erica Leak, Planner for Neighborhood Planning and Zoning Department; Eleanor McKinney, Chair of Design Commission; and Gerard Kinney, Vice Chair of Design Commission.

Mayor Wynn recessed the Council Meeting at 2:50 p.m.

Mayor Wynn called the Council Meeting back to order at 4:16 p.m.

### **ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

84. C14-2007-0065 - Bassford 44 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8437 W. U.S. Hwy. 71 (Williamson Creek Watershed) from rural residence (RR) district zoning to single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading approved on October 11, 2007. Vote: 7-0. Applicant: Marvin Bassford Trust (Marvin Bassford). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.  
The second reading of the ordinance for single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved.
85. C14-2007-0098 - Wasatch LLC - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9011 Brown Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to limited industrial-conditional overlay (LI-CO) combining district zoning with conditions. First reading approved on September 27, 2007. Vote: 5-0 (Dunkerley-absent: Kim-off the dais). Applicant: Wasatch, LLC (Morgan Mills). Agent: A.E.C. Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20071108-085** for limited industrial-conditional overlay (LI-CO) combining district zoning with conditions was approved.
86. C14-2007-0139 - Barton Creek Child Care Development Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5805 Travis Cook Road (Williamson Creek Watershed - Barton Springs Zone) from rural residence (RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. First reading approved on October 11, 2007. Vote: 7-0. Applicant: Elizabeth Wheatley. Agent: Vincent Gerard and Associates (Vincent Huebinger). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20071108-086** for limited office-conditional overlay (LO-CO) combining district zoning was approved.
88. NPA-2007-023 - University Hills / Windsor Park Combined Neighborhood Plan (Tract 202, Tract 220, and Tract 220a) - Approve second/third readings of an ordinance amending the Austin Tomorrow

Comprehensive Plan by establishing a land use designation on the future land use map of civic for 7506 & 7560 Ed Bluestein Blvd (Tract 202), single family residential for 5301 Loyola Lane (Tract 220) and mixed use for a portion of 5301 Loyola Lane (Tract 220a). First reading approved October 18, 2007. Vote 6-0 (Martinez - off the dais). 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.

**Ordinance No. 20071108-088 establishing a land use designation on the future land use map of civic for 7506 and 7560 Ed Bluestein Blvd (Tract 202), single family residential for 5301 Loyola Lane (Tract 220) and mixed use for a portion of 5301 Loyola Lane (Tract 220a) was approved.**

89. C14-2007-0006 - University Hills Neighborhood Plan Combining District (Tract 202) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning one tract locally known as 7506 & 7650 Ed Bluestein Blvd (Tract 202) from Family Residence (SF-3) to Limited Office-Conditional Overlay-Neighborhood Plan (LO-CO-NP). First reading approved October 18, 2007. Vote 6-0 (Martinez - off the dais). 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. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

**Ordinance No. 20071108-089 rezoning one tract locally known as 7506 and 7650 Ed Bluestein Blvd (Tract 202) to Limited Office-Conditional Overlay-Neighborhood Plan (LO-CO-NP) was approved.**

90. C14-2007-0006.01 - University Hills Neighborhood Plan Combining District (Tracts 220 & 220A) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning two tracts known locally as 5301 Loyola Lane (Tract 220) from Family Residence (SF-3) and Limited Industrial Service (LI) to Family Residence-Neighborhood Plan (SF-3-NP) with the Residential Infill option; and a portion of 5301 Loyola Lane (Tract 220a) from Family Residence (SF-3) to Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan (GR-MU-CO-NP). First reading approved October 18, 2007. Vote 6-0 (Martinez - off the dais). 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. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

**Ordinance No. 20071108-090 rezoning two tracts known locally as 5301 Loyola Lane (Tract 220) to Family Residence-Neighborhood Plan (SF-3-NP) with the Residential Infill option; and a portion of 5301 Loyola Lane (Tract 220a) to Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan (GR-MU-CO-NP) was approved.**

91. 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 December 6, 2007 at staff's request.**

92. 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 December 6, 2007 at the staff's request.**

### ZONING DISCUSSION ITEM

87. C14-2007-0049 - Palm Square - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6004 Webberville Road (Walnut Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 2 and 3. First reading approved on October 11, 2007. Vote: 6-0 (Martinez - off the dais). Applicant: New Century Properties (Jennifer Tran). Agent: AEC, Inc. (Phil Moncada). City Staff: Robert Heil, 974-2330.

**This item was postponed to November 29, 2007 at the staff's request on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.**

### 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 Cole's second on a 7-0 vote.

93. NPA-2007-0009.01 - Central East Austin NPA McMansion Ordinance Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to modify the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR) for development subject to the City's Land Development Code, Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (the new "Residential Standards," also referred to as the "McMansion Ordinance"). Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on November 27, 2007. Applicant & Agent: Neighborhood Planning and Zoning Department, on behalf of the Central East Austin Neighborhood Plan Contact Team. City Staff: Katie Halloran, 974-3509.

**This item was postponed to December 13, 2007 at the staff's request.**

94. C14-01-0148.005 - Central East Austin NPA McMansion Ordinance Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code to modify the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR) for development subject to the City's Land Development Code, Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (the new "Residential Standards," also referred to as the "McMansion Ordinance"). Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on November 27, 2007. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Katie Halloran, 974-3509.

**This item was postponed to December 13, 2007 at the staff's request.**

95. C14-2007-0108 - Camden North Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5300, 5304 and 5400 North Lamar Boulevard (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit vertical mixed use on the site. Staff Recommendation: To grant general commercial services-mixed use-

conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit vertical mixed use on the site. Planning Commission Recommendation: To be reviewed on November 27, 2007. Applicant: 5400 Lamar Ltd. (Abe Zimmerman). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 13, 2007 at the applicant's request.**

96. C14-2007-0105 - Springdale - conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1032 and 1036 Springdale Road (Boggy Creek and Tannehill Branch Watersheds) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Planning Commission Recommendation; To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Applicant: Elizabeth Hastings. Agent: LOC Consultants (Danae Robertson). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20071108-096 for townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved.**
97. C14-2007-0141 - Cresent Stonelake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10011 and 10015 Stonelake Boulevard (Shoal Creek Watershed) from general commercial services (CS) district zoning to multi-family residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning with conditions. Applicant: Estates of Fred C. Morse (Scott Morse). Agent: Bury & Partners, Inc. (Melissa Matthiesen). City Staff: Jorge Rousselin, 974-2975.  
**Ordinance No. 20071108-097 for multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning with conditions was approved.**
98. C14-2007-0148 - Beaver Brook Children Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11726 Jollyville Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning and limited office (LO) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Raymond H. Roark. Agent: Shaw Hamilton. City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20071108-098 for limited office-conditional overlay (LO-CO) combining district zoning was approved.**
100. NPA-2007-0015.02 - Rogge Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to neighborhood mixed use for the property located at 2906 Rogge Lane (Fort Branch Watershed). Staff Recommendation: To approve neighborhood mixed use designation. Planning Commission Recommendation: To approved neighborhood mixed use designation. Applicant: Willie Hays, Virginia Conley and Jody Self. Agent: Reg Inc. (Stephen Jensen). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance changing the land use designation to neighborhood mixed use designation was approved.**
101. C14-2007-0130 - Rogge Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2906 Rogge Lane (Fort Branch

Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-neighborhood plan (LO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: Willie Hays, Virginia Conley and Jody Self. Agent: Reg Inc. (Stephen Jensen). City Staff: Robert Heil, 974-2330.

**The first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved.**

102. C14-84-361(RCT) - Smart Mail - Conduct a public hearing and approve termination of the restrictive covenant for the property located at 2200 Tillery Street (Tannehill Branch Watershed). Staff Recommendation: To approve termination of the restrictive covenant. Planning Commission Recommendation: To approve termination of the restrictive covenant. Applicant and Agent: Smart Mail of Austin (Lawrence Mathis). City Staff: Robert Heil, 974-2330.

**This item was postponed indefinitely and removed from the agenda per the applicant's request.**

103. C14-2007-0076 - Smart Mail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2200 Tillery Street (Tannehill Branch Watershed) from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant and Agent: Smart Mail of Austin (Lawrence Mathis). City Staff: Robert Heil, 974-2330.

**This item was postponed indefinitely and removed from the agenda per the applicant's request.**

105. C14-05-0124 - Dessau Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12317 Dessau Road (Harris Branch Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Dessau 21, Ltd. (Mary Ann Joseph). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

**The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

99. C14-2007-0016 - Stoney Ridge Phase D - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Elroy Road and Kellam Road (Dry Creek East Watershed) from public (P) district zoning and single-family residence-standard lot (SF-2) district zoning to single-family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Planning Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: MC Joint Venture (William Gurasich). Agent: Doucet & Associates, Inc. (Ted McConaghy). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20071108-099 for single-family residence-small lot (SF-4A) district zoning was approved on Council Member McCracken's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was off the dais.

104. C14-2007-0115 - Midbar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 853 Airport Boulevard (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to change a condition of zoning. Applicant and Agent: Investment Co. LLC (Claire Brooks). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the motion to deny the rezoning request was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:29 p.m.

#### LIVE MUSIC

Power of the Cross Festival

#### PROCLAMATIONS

Proclamation -- Texas Recycles Day -- to be presented by Mayor Will Wynn and to be accepted by Jill Mayfield and Certificates of Congratulations -- Texas Recycles Day Contest Winners -- to be accepted by the honorees

Proclamation -- GIS Day -- to be presented by Mayor Will Wynn and to be accepted by LeeAnne Pacatte

Proclamation -- Municipal Court Week -- to be presented by Mayor Will Wynn and to be accepted by Judge Evelyn McKee

Plaque from the Environmental Protection Agency to be presented by EPA Chief Michael Michaud and to be accepted by Mayor Will Wynn and City Manager Toby Hammett Futrell

Proclamation -- Veterans Day -- to be presented by Council Member Lee Leffingwell and to be accepted by Moses Saldana

Mayor Wynn called the Council Meeting back to order at 6:31 p.m.

#### ZONING DISCUSSION ITEMS CONTINUED

106. C14-2007-096.SH - Georgian Acres - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8837, 8839, 8841 East Drive (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To deny townhouse and condominium residence (SF-6) district zoning. Planning Commission Recommendation: To deny townhouse and condominium residence (SF-6) district zoning. Applicant: Ron Chitsey. Agent: Vaughn & Associates (Rick Vaughn). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and the motion to deny the rezoning request was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

107. C14-2007-0123 - 11701 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 11701 Jollyville Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant: Bell Avenue 11700, Ltd. (Tom McKay). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057. The public hearing was closed and the first reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Kim voted nay.
108. C14-2007-0161 - 5350 Burnet Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5350 Burnet Road (Shoal Creek watershed) from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to permit vertical mixed use on the site. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to permit vertical mixed use on the site. Planning Commission Recommendation: to grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: 5350 Burnet Ltd. (Ken Carr). Agent: Drenner+Golden, Stuart, Wolff, LLP. (Michele Rogerson). City Staff: Jorge E. Rousselin, 974-2975. The motion to close the public hearing and adopt Ordinance No. 20071108-108 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved with two friendly amendments on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. The two friendly amendments from Council Member Leffingwell that were accepted by the maker of the motion and Council Member Cole who made the second were -- there would be no access to Lawnmont and set a cap on the number of units at 175 units.
109. C14-95-0183(RCA) - Vina Plaza Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 12801 Harris Ridge Boulevard (Harris Branch Watershed). Staff Recommendation: To deny the amendment to the restrictive covenant. Zoning and Platting Commission Recommendation: Forward to Council without recommendation. Applicant: Ly & Nguyen, L.L.C. (Kevin Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057. There was a motion by Council Member Leffingwell to close the public hearing and deny the restrictive covenant amendment. This failed due to the lack of a second. The motion to close the public hearing and approve the restrictive covenant amendment was approved on Council Member McCracken's motion, Council Member Martinez' second on a 5-1-1 vote. Council Member Leffingwell voted nay. Council Member Kim abstained.
110. C14-2007-0087 - Vina Plaza - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12801 Harris Ridge Boulevard (Harris Branch Watershed) from rural residence (RR) district zoning to community commercial (GR) district zoning. First reading approved on November 1, 2007. Vote: 6-0



(Mayor Wynn - absent). Applicant: Ly & Nguyen, L.L. C. (Kevin Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps. City Staff: Sherri Sirwaitis, 974-3057.

The motion to close the public hearing and approve Ordinance No. 20071108-110 for LR-CO zoning with the following conditions was approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote. The conditions include construction of a solid wood fence with masonry columns, buffers as recommended by the Zoning and Platting Commission and two access points on Harris Ridge Boulevard -- one with a thirty foot driveway and one with a twenty-six foot driveway that must be constructed prior to approval of the site plan.

### PUBLIC HEARINGS

117. Conduct a public hearing for the full purpose annexation of the Grand Avenue Parkway Area (Approximately 562 acres in Travis County at the intersection of IH 35 North and Grand Avenue Parkway).

The public hearing was closed on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The City Manager was directed to negotiate an Annexation and Development Agreement with Mr. Niemann providing for a delay in annexation of 10 years for the Coshena Tracts, TCAD parcel numbers 0276261001 and 0276261101, a total of approximately 10.217 acres and return to Council for approval of the Agreement by December 13; and return to Council for approval of the full purpose annexation of the remaining 552 acres on December 6, 2007.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Leffingwell was off the dais.

118. Conduct a public hearing to receive citizen input regarding draft revised land management plans for the Balcones Canyonlands Preserves.

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

119. Conduct a public hearing to receive comments regarding proposed changes to the City's board and commission system. The provisions of the proposed ordinance related to financial reporting requirements and conflict of interest disclosure were recommended by the Ethics Review Commission.

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

121. Conduct a public hearing and consider an ordinance amending Chapter 25-8 of the City Code to add a new section 25-8-27 relating to redevelopment in the Barton Springs Zone. Recommended by the Environmental Board and the Planning Commission.

The public hearing was closed and Ordinance No. 20071108-121 was approved with the following amendments on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote. The amendments were as follows:

1. Amend 25-8-27 (C) to read, "Development may comply with this section instead of complying with Section 25-8-26 (*Redevelopment Exception*)."
2. Add a new paragraph (4) to 25-8-27 (F). "(4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided."
3. Add a new paragraph (3) to 25-8-27 (G) and renumber the remaining paragraphs in this section, "(3) is proposed on property with an existing industrial or civic use."
4. Change Part 4 to Part 5 and add a new Part 4, "The City Manager is directed to present to City Council a report regarding the effectiveness of Section 25-8-27 not later than two years after the

effective date of this ordinance. The report to City Council is to include information regarding applications submitted, progress of redevelopments, purchase or restriction of mitigation land, and status of the Barton Springs Zone Mitigation Fund.

122. Conduct a public hearing and consider an ordinance granting variance requests by David Burnett and Dwane Ideker to allow construction of an addition to the single-family residence at 1111 Berger Street 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 existing and proposed structures.  
The public hearing was closed and Ordinance No. 20071108-122 was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Dunkerley and Council Members Cole, Kim, Martinez and McCracken. Those voting nay were: Mayor Wynn and Council Member Leffingwell.
123. Conduct a public hearing and consider a request by Yves Macias, the owner of property located at 5001 Airport Boulevard, for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.  
The public hearing was closed and the request was denied on Council Member Leffingwell's motion, Council Member Kim's second on a 7-0 vote.
124. Conduct a public hearing and consider an appeal by The Creek at Riverbend Homeowners' Association, of the Zoning and Platting Commission's decision to approve a Site Plan Extension for SPC-99-0227A and SP-03-0031B, located at 4339 Westlake Drive, Austin, TX. The Zoning and Platting Commission approved staff recommendation to extend the life of the site plans three years on July 17, 2007. The site plans had already received a three year commission-approved site plan extension.  
The public hearing was closed and the motion to deny the appeal was approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.
111. Conduct a public hearing for the full purpose annexation of the Cantarra Section One Area (Approximately 62 acres in Travis County north of Gregg Lane approximately 4,356 feet west of the intersection of Harris Branch Parkway and Gregg Lane).  
The public hearing was closed on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
112. Conduct a public hearing for the full purpose annexation of the Coopers Meadow Area (Approximately 80 acres in southeastern Travis County south of State Highway 71 East approximately 606 feet west of the intersection of State Highway 71 East and Ross Road).  
The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote.
113. Conduct a public hearing for the full purpose annexation of the Residences at Onion Creek SMART Housing Area (Approximately 23 acres in Travis County at the northeast corner of the intersection of Brandt Road and East Slaughter Lane).  
The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote. Staff was directed to address the traffic flow issue prior to the annexation.
114. Conduct a public hearing for the full purpose annexation of the Ribelin Ranch Area (Approximately 201 acres in Travis County north of FM 2222 approximately 205 feet east of the intersection of FM 2222 and McNeil Drive).  
The public hearing was closed on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.

115. Conduct a public hearing for the limited purpose annexation of the River Hills Road Area (Approximately 2 acres in Travis County located east of River Hills Road approximately 400 feet north of the intersection of River Hills Road and Taylor Road).  
**The public hearing was closed on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
116. Conduct a public hearing for the full purpose annexation of the Venue at Lake Travis Area (Approximately 48 acres in Travis County at the southwest corner of the intersection of RM 620 and Bullick Hollow Road).  
**The public hearing was closed on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.**
125. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.008 acres (362 square feet) for a wastewater line, and 0.187 acres (8,148 square feet) for temporary work space to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Govalle 2 Harper's Branch Wastewater Improvement Project through dedicated parkland known as Norwood Park on Lady Bird Lake, in accordance with Sec. 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.  
**The public hearing was closed and Resolution No. 20071108-125 was approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.**
126. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.568 acres for a wastewater line and a 10-foot temporary work space adjacent and parallel to the permanent easement to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Manor/Comal/Rosewood Avenue Wastewater Improvement Project through dedicated parkland known as the Boggy Creek Greenbelt, in accordance with Sec. 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.  
**The public hearing was closed and Resolution No. 20071108-126 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**
120. Conduct a public hearing and approve an ordinance amending Sections 25-2-766.04, 25-2-766.12, 25-2-766.21, and 25-2-766.22 of the City Code to allow Neighborhood Plans to be amended at any time to include Station Area Plans (SAPs), to allow SAPs to adjust Transit Oriented Development District boundaries, and to provide for participation in SAPs by persons affected by boundary adjustments. Recommended by Land Use and Transportation Subcommittee and Planning commission.  
**The public hearing was closed and Ordinance No. 20071108-120 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

**Mayor Wynn adjourned the meeting at 1:14 a.m. without objection.**

**The minutes for the Regular Meeting of November 8, 2007 were approved on this the 29th day of November, 2007 on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.**