

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 6, 2007**

**Invocation:** Pastor Charles Lee, Act Fellowship Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 6, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:19 a.m.

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

Mayor Wynn announced on December 13, 2007 he will bring a proposal from Austin Energy for a process to get public input on an appropriate fuel mix for Austin Energy to help reduce the CO2 output for electricity production.

Council Member Martinez announced on December 13, 2007 he will bring an item directing staff to move forward with the recommendations for the Austin Tomorrow Comprehensive Plan implementation from the Planning Commission.

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

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of November 29, 2007.  
The minutes from the meeting of November 29, 2007 were approved.
2. Approve a contract with PLATIA PRODUCTIONS, Los Angeles, CA, the conference services arm of AltCar Expo, to partner with Austin Energy in planning and conducting a national conference on the subjects of Plug-In Hybrid Vehicles and Vehicle to Grid Technology in an amount not to exceed \$78,500. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.  
The motion authorizing a contract with Platia Productions was approved.
3. Approve an ordinance authorizing acceptance of \$186,930 in cooperative agreement funds from the U.S. Department of Energy (DOE) and amending the Fiscal Year 2007-2008 Austin Energy Operating Budget of Ordinance No. 20070910-003 to appropriate \$186,930 to establish a Solar City Partnership to promote the use of solar energy. Funding is available from the U.S. Department of Energy. Austin Energy will fund an in-kind match in the amount of \$187,000, available in the Fiscal Year 2007-2008 Austin Energy Operating Budget. Recommended by the Resource Management Commission and the Electric Utility Commission.  
Ordinance No. 20071206-003 was approved.

4. Approve the issuance of a Letter of Intent for a rebate in the amount of \$99,792 to ALORI PROPERTIES - CASA DEL RIO APARTMENTS, for the installation of a solar photovoltaic system at their facility located at 3213 Red River Dr., Austin, TX. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.  
**The motion authorizing the issuance of a letter of intent was approved.**
5. Approve the issuance of a Letter of Intent for a rebate in the amount of \$99,792 to ALORI PROPERTIES - SAUSALITO APARTMENTS, for the installation of a solar photovoltaic system at their facility located at 4605 Avenue A, Austin, TX. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.  
**The motion authorizing the issuance of a letter of intent was approved.**
6. Authorize reimbursement of costs to SPRING AUSTIN PARTNERS, LTD., a Texas Limited Partnership, for the purchase and installation of heat exchanger(s), associated piping and modifications to existing building air conditioning equipment needed to interconnect this building to the Austin Energy district cooling system in an amount not to exceed \$200,000. Funding is available in the Fiscal Year 2007-2008 Capital Improvement Budget of Austin Energy. Recommended by the Electric Utility Commission.  
**The motion authorizing the reimbursement of costs to Spring Austin Partners, Ltd. was approved.**
7. Approve a resolution creating a Citizen's Water Conservation Implementation Task Force to review the water conservation implementation process and recommend changes to water conservation policies and strategies to the Resource Management Commission and City Council. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.  
**Resolution No. 20071206-007 was approved with the amendment from Council Member Leffingwell to add a position for a multi-family residential representative and an additional at-large representative.**
8. Approve an ordinance amending Section 13-1-112 of the City Code establishing speed limits on streets at Austin-Bergstrom International Airport to reflect the change of name of portions of New Airport Drive to Freight Lane and Hotel Drive, and provide for emergency passage. There is no unanticipated fiscal impact. A fiscal note is not required.  
**Ordinance No. 20071206-008 was approved.**

**Item 9 was pulled for discussion.**

10. Approve an ordinance authorizing the acceptance of \$1,287,278 in funds from the Travis County Healthcare District; and amending the Fiscal Year 2007-2008 Community Care Services Department Operating Budget of Ordinance No. 20070910-003 to appropriate \$1,666,333 in increased revenue from Medicare, Medicaid, patient fees, and other revenue sources and \$1,287,278 from an interlocal agreement with the District, and to increase the expenditures appropriated in the total amount of \$2,953,611 to add thirty and one-half full-time equivalent positions to expand Community Care Services Department clinic operations and increase the availability of healthcare for unserved and underserved patient populations. This budget amendment is in accordance with the terms of the Interlocal Agreement with the Travis County Healthcare District, as amended. Funding is available from the Interlocal Agreement with the Travis County Healthcare District and increased revenue for services.  
**Ordinance No. 20071206-010 was approved.**
11. Approve a resolution to authorize changing the terms of City Council appointees to the Travis County Healthcare District Board of Managers. There are no expenditures incurred by the City of Austin for this action.  
**Resolution No. 20071206-011 was approved.**

12. Approve a resolution confirming the appointment of Gerald Henderson to the Firefighters' and Police Officers' Civil Service Commission.  
**Resolution No. 20071206-012 was approved.**
13. Authorize negotiation and execution of an amendment to the legal services agreement with Webb & Webb, related to franchise negotiations with Atmos Energy Corporation in the amount of \$75,000, for a total contract amount not to exceed \$115,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Financial and Administrative Services.  
**The motion authorizing the negotiation and execution of an amendment to the legal services agreement was approved.**
14. Approve a resolution in accordance with Section 392.017(a) of the Texas Local Government Code declaring a need for the Travis County Housing Authority's purchase of the property at 502 Highland Mall Boulevard and authorizing the city manager to execute a cooperation agreement.  
**Resolution No. 20071206-014 was approved.**
15. Approve a resolution amending the City's Municipal Annexation Plan (MAP) to include the Springwoods Non-MUD annexation area (approximately 359 acres located in Williamson County between Pond Springs Road and Parmer Lane on the north and south sides of Anderson Mill Road). Including an area in the Municipal Annexation Plan does not create an obligation to annex an area and does not have a fiscal impact. It begins a three-year process that may lead to annexation.  
**Resolution No. 20071206-015 was approved.**
16. Approve an ordinance to annex the Cantarra Section One annexation area for full purposes (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) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. 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. 20071206-016 was approved.**
17. Approve first reading of an ordinance to annex the Grand Avenue Parkway annexation area for full purposes (approximately 556 acres in Travis County at the intersection of IH 35 North and Grand Avenue Parkway) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services. Related to item #65.  
**The first reading of the ordinance was approved.**
18. Approve an ordinance to annex the Residences at Onion Creek SMART Housing annexation area for full purposes (approximately 23 acres in Travis County at the northeast corner of the intersection of Brandt Road and East Slaughter Lane). 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. 20071206-018 was approved.**
19. Approve an ordinance to annex the Ribelin Ranch annexation area for full purposes (approximately 201 acres in Travis County north of FM 2222 approximately 205 feet east of the intersection of FM 2222 and McNeil Drive). 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. 20071206-019 was approved.**
20. Approve first reading of an ordinance to annex the Venue at Lake Travis annexation area for full purposes (approximately 48 acres in Travis County at the southwest corner of the intersection of RM 620 and

Bullick Hollow Road). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**The first reading of the ordinance was approved.**

21. Approve first reading of an ordinance to annex the River Hills Road area for the limited purposes of planning and zoning (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). Limited purpose annexation does not have a significant impact on the general fund.

**The first reading of the ordinance was approved.**

22. Approve first reading of an ordinance approving a regulatory plan for the River Hills Road area, which is being annexed for limited purposes. Limited purpose annexation does not have a significant impact on the general fund.

**The first reading of the ordinance was approved.**

23. Approve first reading of an ordinance to annex the Coshena Tracts annexation area for full purposes (approximately 10 acres in Travis County west of the intersection of IH 35 North and Grand Avenue Parkway).

**The first reading of the ordinance was approved.**

24. Approve a resolution authorizing the application for \$93,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division for the operation of the Austin Police Department Coverdell Program. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period January 1 - July 31, 2007. There is no required match.

**Resolution No. 20071206-024 was approved.**

25. Approve a resolution authorizing the fee simple acquisition of a 0.965 acre (42,021 square foot) tract of land out of the Santiago Del Valle Ten League Grant, Abstract No. 24, Travis County, Texas, located at 2601 Highway 71 East, from So Stamey a/k/a So Brooks, for the Airport Noise Mitigation Program, in the amount of \$820,000 for the land and improvements and \$45,700 in owner assisted relocation benefits, plus closing costs and moving related expenses not to exceed \$30,000, for a total not to exceed \$895,700. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) Grants.

**Resolution No. 20071206-025 was approved.**

26. Approve a resolution authorizing the fee simple acquisition of Lot 3 and 4, Block 1, Lincoln Gardens, Section 1, Travis County, Texas, located at 1400 Fort Branch Boulevard, Austin, Texas, from Fidelity Bank for the Fort Branch Reach 6 and 7 Streambank and Flood Control Project, as part of a voluntary buyout for a total amount not to exceed \$78,533. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20071206-026 was approved.**

27. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1 - South 2nd Street Reroute, Phase I, Wastewater Improvement Project, a part of the Austin Clean Water Program, to acquire a 3,658 square foot permanent wastewater line easement and a 4,445 square foot temporary working space easement out of the Isaac Decker League, Survey No. 20, Abstract No. 8, City of Austin, Travis County, Texas, in the amount of \$78,902. The owner of the needed property interests is Realty Associates Fund V, LP. The property is located at 811 Barton Springs Road, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Resolution No. 20071206-027 was approved.**

28. Authorize execution of a construction contract with LAUGHLIN-THYSEN, INC., Austin, TX for the ACWP Govalle 1, South 2nd Street Wastewater Re-Route and Area Improvements, South Phase (Oltorf

to W. Monroe St.) in the amount of \$3,689,295 plus a \$184,465 contingency, for a total contract amount not to exceed \$3,851,965. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest of six bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 10.89% MBE and 9.31% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

29. Authorize execution of a construction contract with SOUTHLAND CONTRACTING, INC., Fort Worth, TX for the ACWP Govalle 2, Harpers Branch Area Wastewater Tunneling Project in the amount of \$6,703,477 plus a \$335,174 contingency, for a total contract amount not to exceed \$7,038,651. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest of 1 bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 5.81% MBE and 6.31% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

30. Authorize execution of a construction contract with OSCAR RENDA CONTRACTING, INC., Roanoke, TX. for the ACWP - Govalle: Blunn Creek Area Wastewater Improvements project in the amount not to exceed \$ 4,780,686 plus a 5% contingency of \$239,034 contingency, for a total contract amount not to exceed \$5,019,720. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of good faith efforts with 6.84% MBE and 2.24% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Oscar Renda Contracting, Inc. was approved.**

31. Authorize execution of a construction contract with BENITEZ CONSTRUCTION, INC. (MBE/MH 79.19%), Manor, TX, for the Robert Mueller Municipal Airport Redevelopment South Wastewater Improvements (Service Extension Request #2281) in the amount of \$864,842.90 plus a \$43,242.15 contingency, for a total contract amount not to exceed \$908,085.05. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Water Utility. Lowest of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 3.58% MBE and 3.47% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

#### AMENDMENT

**Original language as approved on December 13, 2007.**

32. Authorize execution of a construction contract with NEW POINT ENERGY SOLUTIONS, L.P., Houston, TX, for photovoltaic installations at various City of Austin facilities in an amount not to exceed \$222,391. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Only bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Resource Management Commission and the Electric Utility Commission.

**Resolution No. 20071206-032 was approved.**

Amended language as approved on January 10, 2008.

The motion authorizing the execution of a construction contract with New Point Energy Solutions, L.P. was approved.

33. Authorize negotiation and execution of an Interlocal agreement between the City of Austin and Travis County for relocation of existing water line facilities as part of the Barton Creek Boulevard Improvement in the amount of \$259,759.50 plus a \$64,939.88 contingency, for a total amount not to exceed \$324,699.38. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved.

34. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for construction of a new segment of Braker Lane from the US 290E intersection with Harris Branch Parkway to the SH 130 interchange with Parmer Lane in an amount not to exceed \$2,670,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Recommended by the Urban Transportation Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved.

35. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for improvements to Decker Lake Road from FM 973 east to SH 130 in an amount not to exceed \$1,010,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Recommended by the Urban Transportation Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved.

36. Authorize negotiation and execution of a professional services agreement with MWM DESIGNGROUP, INC. (MBE-MH), Austin TX; LARSON, BURNS AND SMITH, INC., Austin, TX; and CLAUNCH AND MILLER, INC., Austin, TX for architectural and engineering services for parks renovations and improvements for a period of three years or until financial authorization is expended, each agreement in an amount not to exceed \$500,000 with a total amount for the three agreements not to exceed \$1,500,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. Best three (3) qualification statements of twenty-five (25) 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 the negotiation and execution of a professional services agreement with the following three companies, MWM Designgroup, Inc., Larson, Burns and Smith, Inc., and Claunch and Miller, Inc. was approved.

37. Authorize negotiation and execution of Phase B, C and D of the existing professional services agreement with URS CORPORATION, Austin, TX, for engineering services for the decommissioning and deconstruction of the Thomas C. Green Water Treatment Plant (WTP) and related facilities in the amount of \$1,900,000 for a total contract amount not to exceed \$2,900,000. Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 14.96% MBE and 13.64% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of Phase B, C and D of the existing professional services agreement with URS Corporation was approved.

38. Authorize a 24-month extension for the professional services agreement with EARTH TECH, INC., Austin, TX, for the program management services for the Austin Clean Water Program from December 2007 to December 2009. No additional funding is requested as part of this request, only time extension is requested. Available funding will be utilized for services until they are exhausted about mid-year of 2008, at which time the Austin Water Utility will assess the ACWP needs and if additional funding authorization is needed to complete and close out or transfer the program to in-house staff. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 28.85% MBE and 10.91% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the professional services agreement with Earth Tech, Inc. was approved.**
39. Authorize award and execution of a contract with WAGNER-SMITH EQUIPMENT CO., Burleson, TX, for the rebuild of a 1968 PENG0 cable pulling/tensioning unit currently in the Austin Energy Fleet in an amount not to exceed \$91,725. Funding is available in the Fiscal Year 2007 - 2008 Operating Budget of Austin Energy. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract with Wagner-Smith Equipment Company was approved.**
40. Authorize award and execution of a contract with AGILENT TECHNOLOGIES, INC., Wilmington, DE, for the purchase of a gas chromatography mass spectroscopy system (GC/MS) for the Austin Water Utility in an amount not to exceed \$91,298.70. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a contract with Agilent Technologies, Inc. was approved.**
41. Authorize award and execution of a 24-month requirements supply agreement with FERGUSON ENTERPRISES, INC., Austin, TX, for high-efficiency toilets for the Austin Water Utility in an estimated amount not to exceed \$1,382,500, with three 12-month extension options in an estimated amount not to exceed \$691,250 per extension option, for a total estimated contract amount not to exceed \$3,456,250. Funding in the amount of \$576,042 is available in the Fiscal Year 2007-2008 Operating Budget for the Austin Water Utility. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission and Resource Management Commission.  
**The motion authorizing the award and execution of a requirements supply agreement with Ferguson Enterprises, Inc. was approved.**
42. Authorize award and execution of a 36-month requirements supply contract with ALAMO IRON WORKS, INC., San Antonio, TX for alkaline and dry cell batteries, lanterns, and flashlights in an estimated amount not to exceed \$163,421, with three 12-month extension options in an estimated amount not to exceed \$57,197 for the first extension option, \$60,057 for the second extension option, and \$63,060 for the third extension option, for a total estimated contract amount not to exceed \$343,735. Funding in the amount of \$45,395 is available in the Fiscal Year 2007 - 2008 Operating Budget of various City Departments. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Low bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned

Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Alamo Iron Works, Inc. was approved.**

43. Authorize award and execution of a 36-month requirements supply contract with GEO- SOLUTIONS, Austin, TX, for erosion control materials in an amount not to exceed \$272,955, with three 12-month extension options in an amount not to exceed \$90,985 for each extension option, for a total estimated contract amount not to exceed \$545,910. Funding in the amount of \$75,820 is available in the Fiscal Year 2007-2008 Operating Budget for the Watershed Protection and Development Review Department. 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 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with GEO-Solutions was approved.**

44. 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**

**Nominated By:**

Animal Advisory Commission

David Lundstedt

Council Member Martinez

Citizen's Water Conservation Implementation Task Force

Gene Reagan

(Irrigators -- Long Irrigation)

Rusty Osborne

(Large Governmental Users -- UT., Dept. of Utilities and Energy Management)

Jennifer Walker

(Environmental -- Sierra Club)

Norman Johns

(Environmental -- Wildlife Federation)

Terry Mitchell

(Development -- Momark Development)

Margot Clarke

(At-large -- Highland Park West-Balcones Area)

Richard Hatfield

(At-large -- Rainwater Harvesting)

Nora Mullarkey

(At-large -- LCRA, Water Use and Conservation)

Susan Roth

(At-large -- Civil Engineer - reclaimed water expertise)

Susan Butler

(At-large -- CH2MHill - Water Resources Manager)

Resource Management Commission

Liz Cunningham

Council Member Martinez

Travis County Healthcare District Board of Managers

Dr. Thomas Coopwood

Mayor Wynn

45. Approve an ordinance amending Chapter 2-7 of the City Code relating to anti-lobbying and procurement to prevent applicants from lobbying the Council and other City officials and employees outside the official procurement process and to ensure fairness in this process. (Council Member Lee Leffingwell Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)  
**Ordinance No. 20071206-045 was approved.**
46. Approve a resolution reallocating \$4,950,000 from Austin Children's Museum improvements in Block 21 development to hardscape and streetscape improvements in the downtown area. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)  
**This item was postponed to December 13, 2007.**
47. Approve a resolution regarding consolidation of the law enforcement functions of the Public Safety and Emergency Management Department into the Austin Police Department through the Meet and Confer process with the Austin Police Association, over a 3-year period; achieving a unified command structure at the earliest date possible; and developing options for a modified hiring process for the Austin Police Department to hire experienced police officers from other jurisdictions. (Council Member Lee Leffingwell Council Member Mike Martinez Mayor Will Wynn) Recommended by the Public Safety Task Force.  
**Resolution No. 20071206-047 was approved.**

Items 48 and 49 were pulled for discussion.

50. Approve a resolution directing the City Manager to process an amendment to the City Code regarding the standards for defining the remodel of a residential structure. (Council Member Jennifer Kim Council Member Lee Leffingwell Council Member Mike Martinez)  
**Resolution No. 20071206-050 was approved.**
51. Authorize payment of police costs for the Delores Catholic Church's Virgen de Guadalupe Pilgrimage to be held on December 12, 2007. (Council Member Mike Martinez Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley)  
**The motion authorizing the payment of police costs for the Delores Catholic Church's Virgen de Guadalupe Pilgrimage was approved.**
52. Approve waiver of park rental fees and the signature waiver requirement under Chapter 14 of the Code, for the Mother's Against Drunk Driving Jingle Bell 5K to be held on December 16, 2007. (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole Council Member Mike Martinez)  
**The motion authorizing the waiver of park rental fees and the signature waiver requirement was approved.**
53. Approve waiver of park rental fees and payment of certain costs for the Austin/Salttillo Sister Cities Association's Arias y Armistad event to be held at the Mexican American Cultural Center on January 20, 2008. (Council Member Mike Martinez Council Member Lee Leffingwell Mayor Will Wynn)  
**The motion authorizing the waiver of park rental fees and payment of certain costs for the Austin/Salttillo Sister Cities Association's Arias y Armistad event was approved.**
54. Approve waiver of permit fees and authorize payment of costs not to exceed \$288 for the Holy Martyrs Vietnamese Catholic Church's Lunar New Year Celebration to be held on February 3, 2008. (Council Member Jennifer Kim Council Member Brewster McCracken Council Member Mike Martinez)  
**The motion authorizing the waiver of permit fees and authorizing the payment of costs not to exceed \$288 for the Holy Martyrs Vietnamese Catholic Church's Lunar New Year Celebration was approved.**

55. Approve waiver of park rental fees and authorize payment of certain costs for the Texas Bengali Cultural Alliance's South Asian New Year Festival to be held at the Zilker Hillside Theatre on April 12, 2008. (Council Member Jennifer Kim Council Member Lee Leffingwell Council Member Sheryl Cole)  
**The motion authorizing the waiver of park rental fees and authorizing the payment of certain costs for the Texas Bengali Cultural Alliance's South Asian New Year Festival was approved.**
56. Approve waiver of fees for the Emergency Services Pipes and Drums Association's San Jacinto Day event to be held on April 19, 2008 at Fiesta Gardens. (Council Member Mike Martinez Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)  
**The motion authorizing the waiver of fees for the Emergency Services Pipes and Drums Association's San Jacinto Day event was approved.**
57. Approve reimbursement of park rental fees for the Austin Filipino American Association's Annual Holiday Party to be held on December 1, 2007, at the McBeth Recreation Center. (Council Member Jennifer Kim Council Member Sheryl Cole Council Member Mike Martinez)  
**The motion authorizing the reimbursement of park rental fees for the Austin Filipino American Association's Annual Holiday Party was approved.**
58. Set public hearings for the full purpose annexation of the SH-130/US-290 Retail Area (Approximately 86 acres in Travis County approximately 1,000 feet west of the intersection of State Highway 130 and US Highway 290). (Suggested dates and times: January 10, 2008, 6:00 p.m.; and January 17, 2008 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearings were set for January 10 and 17, 2008 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**
59. Set a public hearing to discuss and receive public comments regarding amending Exhibit A of Ordinance No. 20070910-008, the Electric Rate Schedule GreenChoice(r) Energy Rider, to add a Batch-5 Green Power Charge for renewable energy sources. (Suggested date and time: December 13, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for December 13, 2007 at 6:00 p.m., Austin, City Hall, at 301 W. Second Street, Austin, Texas.**
60. Set a public hearing to consider an appeal by Steven Nacamuli of a decision by the Residential Design and Compatibility Commission denying a modification request for a proposed single family residence located at 2006 Hopi Trail to increase the floor-to-area ratio by 25 percent and to increase the side wall length before articulation is required to 61 feet. (Suggested date and time: December 13, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.) Modification request denied by the Residential Design and Compatibility Commission.  
**The public hearing was set for December 13, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**
61. Set a public hearing to consider floodplain variances requested by Mr. Matt McCormack on behalf of Mr. James and Ms. Elizabeth Chipman to allow construction of a single-family residence at 5607 Jim Hogg Avenue in the 25-year and 100-year floodplains of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the proposed structure. (Suggested date and time: December 13, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for December 13, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

Item 62 was a briefing item set for 10:30 a.m.

Items 63 through 71 were Executive Session items.

Item 72 was action on an Executive Session item.

Item 73 was a public hearing set for 2:00 p.m.

Items 74 through 98 were zoning items set for 4:00 p.m.

Items 99 through 103 were public hearings set for 6:00 p.m.

#### **DISCUSSIONITEM**

49. Approve a resolution updating the city's procedures and criteria for negotiating economic development agreements. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)

Resolution No. 20071206-049 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

#### **BRIEFING**

62. Presentation of the Downtown Austin Alliance Bi-Annual Survey.  
The presentation was made by Charlie Betts, Executive Director of the Downtown Austin Alliance; and Marie Crane of Crane and Associates, Inc.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:50 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.

63. Discuss legal issues related to arbitration of annexation issues under Texas Local Government Code Chapter 43, including arbitration of the annexation service plan for the Peninsula Annexation area (approximately 432 acres located west of Lake Austin, north of Bee Creek, and south of the intersection of Westlake Drive and Trailview Mesa).(Private Consultation with Attorney - Section 551.071).

This item was withdrawn.

64. Discuss legal issues related to the proposed ordinance amending the requirement for construction of sidewalks. (Private consultation with Attorney - Section 551.071)Related to item #103.

This item was withdrawn.

65. Discuss legal issues relating to annexation of the Grand Avenue Parkway Area (approximately 556 acres in Travis County at the intersection of IH 35 North and Grand Avenue Parkway). (Private consultation with Attorney - Section 551.071). Related to item #17.

Item 66 was discussed later in Executive Session.

67. Discuss lease of land at Austin-Bergstrom International Airport to GE Commercial Aviation Services LLC for a low cost airport terminal (Real Property - Section 551.072).

68. Discuss acquisition of a leasehold estate on Block 4 of the Original City of Austin, locally known as 200 W. Cesar Chavez, from Computer Sciences Corporation (CSC). (Real Property-Section 551.072).

Item 69 was discussed later in Executive Session.

70. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).  
**This item was withdrawn.**
71. Discuss legal issues related to the search for a new City Manager. (Private Consultations with Attorney - Section 551.071).  
**This item was withdrawn.**

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:05 p.m.

#### **CITIZEN COMMUNICATION: GENERAL**

CarolAnneRose Kennedy - MILLENNIUM CHRISTMAS

Cid Galindo - Planning Commission Resolution to initiate interim update of comprehensive plan

Gus Pena - (1) Crime is on the increase. Appropriate funding for overtime to have more Police on the streets. (2) City Issues. (3) Bridge the gap between the haves, and have nots. (4) Advocate for Veterans who need Housing, Jobs, Healthcare, etc.

Jennifer Gale - What has the Austin Council done to the downtown area

Richard Halpin - Return on Investment of COA Funds

Luis Mata and Jorge Aleman spoke for Ted Roan - Return on Investment

Monica O. Nwevo - The City of Austin set of security social circle, etc. are threaten to harm me since they can take me away from where. **She was not present when her name was called.**

Paul Avina - Prostitution

Cyrus Reed - Nuclear Energy. **He was not present when his name was called.**

#### **Action on Executive Session**

72. Approve a resolution authorizing negotiation and execution of an agreement to acquire the leasehold estate on Block 4 of the Original City of Austin, locally known as 200 W. Cesar Chavez, from Computer Sciences Corporation (CSC).  
**The motion to deny the resolution was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:34 p.m.

#### **EXECUTIVE SESSION CONTINUED**

66. Discuss legal issues related to use of the City's right-of-way by ATMOS Energy Corporation, Inc. and the related franchise agreement (Private Consultation with Attorney - Section 551.071).
69. Discuss real estate development options related to the sale or lease of the Green Water Treatment Plant site (Real Property - Section 551.072).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:20 p.m.

Mayor Pro Tem Dunkerley recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:21 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 3:29 p.m.

### PUBLIC HEARING

73. Conduct a public hearing and consider an amendment to City Code Sections 9-4-13 and 12-1-27 related to solicitation.

This item was tabled with direction to staff to bring back within 90 days a plan for gathering information needed over the next year on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

### DISCUSSION ITEM CONTINUED

48. Approve a resolution directing the City Manager to prioritize services for the homeless and for day laborers. (Council Member Jennifer Kim Council Member Lee Leffingwell)

Resolution No. 20071206-048 was approved on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote.

### ZONING CONSENT ITEM

74. C14-2007-0065 - Bassford 44 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8437 W. U.S. Hwy. 71 West (Williamson Creek Watershed-Barton Springs Zone) 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. Second Reading approved on November 8, 2007. Vote: 7-0. Applicant: Marvin Bassford Trust (Marvin Bassford). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.

Ordinance No. 20071206-074 for single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved including a 60 foot pedestrian access easement along the creek on Council Member Leffingwell's motion, Council Member Martinez' 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 Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.

77. C14-2007-0112 - Najib 11 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 423 Thompson Lane (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: 423 Thompson Lane, LLC (Najib Wehbe). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20071206-077 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.

78. C14-2007-0189.SH - Residences at Onion Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2500 Brandt Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Applicant: 22.55 Acres Limited (Kenny Dryden). Agent: Brown McCaroll, LLP (Alison Gardner). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20071206-078 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning was approved.**
79. C14H-06-0041 - Schenken-Oatman House - Conduct a public hearing and Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 311 W. 41st Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Staff recommendation: To grant family residence-historic- neighborhood conservation combining district zoning (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood conservation combining district zoning (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant family residence-historic-neighborhood conservation combining district zoning (SF-3-H-NCCD) combining district zoning. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky 974-6454.  
**Ordinance No. 20071206-079 for family residence-historic-neighborhood conservation combining district zoning (SF-3-H-NCCD) combining district zoning was approved.**
80. C14H-07-0023 - Walter and Mae Simms House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 906 Mariposa Drive (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic, neighborhood plan (SF-3-H-NP) combining district zoning. Applicant and Agent: Elana Einhorn and Will Andrews. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20071206-080 for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved.**
81. C14H-07-0024 - Hume-Rowe House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4002 Avenue C (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic- neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant family residence-historic- neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Applicant and Agent: Aryn Sullivan. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20071206-081 for family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning was approved.**
82. C14H-07-0025 - Granger House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 W. 16th Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining

district zoning. Staff Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicant and Agent: Jeffrey Harper and Mark Seeger. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20071206-082 for family residence-historic (SF-3-H) combining district zoning was approved.**

83. C14H-07-0026 - Benjamin F. Lee House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1178 San Bernard Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff recommendation: To grant family residence-historic- neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic- neighborhood plan (SF-3-H-NP) combining district zoning. Applicant and Agent: Aaron Reisfield. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20071206-083 for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved.**

84. C14H-07-0027 - Joseph Renfro, Jr. House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3707 Gilbert Street (Lake Austin Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicant and Agent David Hurchalla. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20071206-084 for family residence-historic (SF-3-H) combining district zoning was approved.**

85. C14H-07-0029 - Sweet Home Missionary Baptist Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1725 W. 11th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic- neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Sweet Home Missionary Baptist Church; City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20071206-085 for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved.**

86. C14-2007-0192 - Habibi's Hutch Day Care - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2006 Bert Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Belinda Campos-Calhoun. Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning was approved.**

88. C14-2007-0156 - 8422 Spicewood Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8422 Spicewood Springs Road (Bull Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To deny limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny limited office-mixed use (LO-MU) combining district zoning. Applicant and Agent: Xiamin Wu. City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.  
**This item was withdrawn.**
90. C14-2007-0142 - Omega Building Company - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 Rio Grande Street (Waller Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant and Agent: Omega Building Company of Austin (Sandra W. Hauser). City Staff: Jorge E. Rousselin, 974-2975.  
**The first reading of the ordinance for multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**
91. C14-2007-0113 - Tejas - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2600 Rio Grande Street (Shoal Creek Watershed) from multi-family residence-limited density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Tejas Foundation (Douglas Batson). Agent: Bankers Capital Corporation (Douglas Batson). City Staff: Jorge E. Rousselin, 974-2975.  
**The first reading of the ordinance for multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**
92. C14-2007-0110 - Sigma Chi Fraternity - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 Nueces Street (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Nu Chapter of Sigma Chi (Linden Welsh). Agent: Aynesworth Project Management (Tim Aynesworth). City Staff: Jorge E. Rousselin, 974-2975.  
**The first reading of the ordinance for multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**
93. C14-2007-0117 - Alpha Chi Omega Sorority - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2420 Nueces Street (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP)

combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Chi Omega House Corporation (Deborah Rosenquest). Agent: Dell Incorporated (Welsch Leslie). City Staff: Jorge E. Rousselin, 974-2975.

**The first reading of the ordinance for multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**

94. C14-2007-0118 - Beta Alpha Chapter of Alpha Xi Delta Sorority - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2508 Rio Grande Street (Shoal Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning and multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Xi Delta Building Corporation (Christina Lynch). Agent: Beta Alpha Chapter of Alpha Xi Delta (Christina Lynch). City Staff: Jorge E. Rousselin, 974-2975.

**The first reading of the ordinance for multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**

95. C14-2007-0119 - Texas Alpha House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 San Antonio Street (Waller Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Texas Alpha House Corporation of Pi Beta Phi (Betty Knight). Agent: Brown McCarroll, LLP (Andrew Martin). City Staff: Jorge E. Rousselin, 974-2975.

**The first reading of the ordinance for multi-family residence-conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**

96. C14-2007-0128 - Sigma Alpha Epsilon Texas Rho Fraternity - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2414 Pearl Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Sigma Alpha Epsilon Alumni Association of Austin (Jody Lane); Sigma Alpha Epsilon Texas Rho House. Agent: Reynolds + Franke, PC (Steve Franke). City Staff: Jorge E. Rousselin, 974-2975.

**The first reading of the ordinance for multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved.**

97. C14-2007-0132 - Kappa Alpha Theta Sorority - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2401 Pearl Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-

moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Kappa Alpha Theta Facility Board (Karla Wagner). Agent: Meredith Landry. City Staff: Jorge E. Rousselin, 974-2975.

**The first reading of the ordinance for multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved**

98. C14-02007-0195 - Delta Delta Delta Sorority House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 503 West 27th Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant and Agent: Theta Zeta House Corporation (Leanne Heldenfels). City Staff: Jorge E. Rousselin, 974-2975.

**The first reading of the ordinance for multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved**

### ZONING DISCUSSION ITEMS

89. C14-2007-0191 - Anderson Mill Children's Courtyard Day Care - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9706 Anderson Mill Road (Bull Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) 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: Sundance Southwest Development, LLC (Carl E. Greer). Agent: Vaughn & Associates (Rick Vaughn). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was closed and the first reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning was approved with the following prohibited uses and conditions on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote. Prohibit uses are: urban farm; club or lodge; college and university facilities; community events; community recreation (private); community recreation (public); congregate living; group home, class I (general); group home, class I (limited); group home, class II; hospital services (limited); private secondary educational facilities; public primary educational facilities; public secondary educational facilities; residential treatment; and safety services. The conditions are as follows: Require a sound retarding fence to be constructed along the north property line adjacent to the single family residential property. (The applicant will be seeking a Board of Adjustment variance to provide a ten foot sound retarding fence at this location. This requirement will be noted in a private restrictive covenant between the applicant and the neighborhood.) Require an eight foot sound retarding fence to be constructed along the side property lines for a minimum distance of 150-feet.**

87. C14-2007-0083 - Lamar/Manchaca Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2711-2715 S. Lamar Blvd.; 2803-2901 Manchaca Road; and 2806-3000 Del Curto (West Bouldin and Barton Creek Watersheds) from general commercial services-conditional overlay (CS-CO) combining district zoning; and family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning; townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning; and family residence-conditional overlay (SF-3-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning; townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning; and family residence-conditional overlay (SF-3-CO) combining district

zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning; townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning; and family residence-conditional overlay (SF-3-CO) combining district zoning. Applicant: Various. Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tracts 2 and 3; and family residence-conditional overlay (SF-3-CO) combining district zoning for Tract 4 was approved with the following additions on Council Member Cole's motion, Council Member Kim's second on a 7-0 vote. The additions are as follows: 1) bicycle/pedestrian linkage between Del Curto and Lamar; 2) requesting staff to work with the applicant to further clarify the language on construction access from Del Curto; and 3) approve reduction of the setback required by compatibility standards between tracts 3 and 4, reducing the setback to five feet.

75. 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.

The second reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions and the following amendments was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendments are as follows:

In the ordinance.

1. Remove Part 2(A) and renumber the remaining paragraphs in this section.
2. Part 2(B)(4) should read "The number of residential units may increase to 65 if development complies with Chapter 25-2, Subchapter E, Article 4.3 (Vertical Mixed Use Buildings).";
3. Remove section (a) through (c) in Part 2(B)(4).;

In the covenant.

1. Number 5 should read "A 25-foot wide heavily vegetated buffer shall be provided and maintained along the property lines that run along the adjacent residential areas to the Property. Improvements permitted within the buffer zone are limited to landscaping, screening, underground utility and drainage improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this covenant. Within the buffer Class I trees shall be planted 20 feet on center, with modifications permitted to accommodate improvements as defined in this paragraph. A tree may be omitted where existing trees remain.
2. Delete number 12 and renumber the remaining paragraphs.
3. The new number 15 should read, "Vertical mixed use building means the Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (Vertical Mixed Use Buildings)."
4. The new number 17 should read, "A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day, unless a traffic impact analysis (t.i.a.) is submitted and approved by the director of Watershed Protection Development Review."
5. The new number 18 should read, "All residential and commercial development shall comply with Austin Energy Green Building Program for a minimum two-star rating. Certification shall be met as specified by the version of the rating system current at the time of design."

76. 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.

The second reading of the ordinance for community commercial-mixed use conditional overlay (GR-MU-CO) combining district zoning with conditions with the following amendments was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendments are as follows:

In the ordinance.

1. The heading of the ordinance should read "An ordinance rezoning and changing the zoning map for the property located at 1317 East Riverside Drive and 1220 IH-35 South from community commercial-mixed use (GR-MU) combining district to community commercial-mixed use conditional overlay (GR-MU-CO) combining district."
2. Part 1 should read "The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial -mixed use (GR-MU) combining district to community commercial-mixed use conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-06-0117, on file at the Neighborhood Planning and Zoning Department, as follows:"
3. Delete Part 2(A) and renumber the remaining paragraphs in this section.
4. Delete a, b and c in the new Part 2(A)(5).

In the covenant.

1. Number 5 should read "A 25-foot wide heavily vegetated buffer shall be provided and maintained along the property lines that run along the adjacent residential areas to the Property. Improvements permitted within the buffer zone are limited to landscaping, screening, underground utility and drainage improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this covenant. Within the buffer Class I trees shall be planted 20 feet on center, with modifications permitted to accommodate improvements as defined in this paragraph. A tree may be omitted where existing trees remain.
2. Delete number 12 and renumber the remaining paragraphs.
3. The new number 15 should read, "Vertical mixed use building means the Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (Vertical Mixed Use Buildings)."
4. The new number 17 should read, "A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day, unless a traffic impact analysis (t.i.a.) is submitted and approved by the director of Watershed Protection Development Review."
5. The new number 18 should read, "All residential and commercial development shall comply with Austin Energy Green Building Program for a minimum two-star rating. Certification shall be met as specified by the version of the rating system current at the time of design."

Mayor Wynn recessed the Council Meeting at 5:43 p.m.

### LIVE MUSIC

Suzanna Choffel

### PROCLAMATIONS

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

Certificate of Appreciation – Melisa Miller – to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation -- Ronald McDonald House Grand Opening -- to be presented by Mayor Will Wynn and to be accepted by Danny Reyna and Lou Bifano

Proclamation -- Edible Austin's "Eat Local Week" -- to be presented by Council Member Mike Martinez and to be accepted by Marla Camp

Proclamation – Austin Latino Theater Aliance’s “La Pastorela” – to be presented by Council Member Mike Martinez and to be accepted by Perla Cavazos

Mayor Wynn called the Council Meeting back to order at 6:36 p.m.

### PUBLIC HEARINGS

99. Conduct a public hearing and approve a resolution authorizing the use of parkland for storm water improvements as part of the Cesar Chavez Two Way Conversion Project through dedicated parkland known as Town Lake Park adjacent to 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 and Recreation Board.  
The public hearing was closed and Resolution No. 20071206-099 was approved on Council Member Leffingwell’s motion, Council Member McCracken’s second on a 6-0 vote. Council Member Kim was off the dais.
100. Conduct a public hearing and approve an ordinance on the East 6th Street Public Improvement District (PID) 2008 assessments, adopting the assessment roll and levying assessments. Funding at the approved 2008 assessment rate of \$0.10/\$100 valuation is estimated to produce \$41,772 at a 91% collection rate.  
The public hearing was closed and Ordinance No. 20071206-100 was approved on Mayor Pro Tem Dunkerley’s motion, Council Member McCracken’s second on a 6-0 vote. Council Member Kim was off the dais.
101. Conduct a public hearing and approve an ordinance on the Downtown Austin Public Improvement District (PID) 2008 assessments, adopting the assessment roll and levying assessments. Funding at the approved 2008 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,111,544 at an approximate 96% collection rate.  
The public hearing was closed and Ordinance No. 20071206-101 was approved on Council Member Cole’s motion, Council Member McCracken’s second on a 6-0 vote. Council Member Kim was off the dais.
102. Conduct a public hearing to receive public comment on the City's intent to continue to tax tangible personal property in transit, which would otherwise be exempt from taxation under Texas Tax Code Section 11.253, as enacted by House Bill 621. Related to item #9.  
The public hearing was closed on Council Member Leffingwell’s motion, Council Member Cole’s second on a 6-0 vote. Council Member Kim was off the dais.
9. Approve an ordinance electing to continue to tax tangible personal property in transit, which would otherwise be exempt from taxation under Texas Tax Code Section 11.253, as enacted by House Bill 621. Related to item #102.  
Ordinance No. 20071206-009 was approved on Council Member Leffingwell’s motion, Council Member Cole’s second on a 6-0 vote. Council Member Kim was off the dais.
103. Conduct a public hearing and consider an amendment to Chapter 25-6 of the Austin City Code, relating to sidewalks, to include a new variance process, new building permit requirements, and proposed fee-in-lieu

**COUNCIL MEETING MINUTES**

**THURSDAY, DECEMBER 6, 2007**

process. Recommended by the Planning Commission. Recommended by the Planning Commission. Related to item #64.

This item was postponed to January 10, 2008 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was off the dais.

Mayor Wynn adjourned the meeting at 6:40 p.m. without objection.

The minutes for the Regular Meeting of December 6, 2007 were approved on this the 13th day of December, 2007 on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.

The minutes for the regular meeting of December 6, 2007 were amended and approved on January 10, 2008 on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote. See item 32.