

AUSTIN CITY COUNCIL AGENDA

THURSDAY, JANUARY 08, 2004, THE BOARD ROOM AT THE LOWER COLORADO
RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, AUSTIN,
TEXAS.



For meeting information, contact the City Clerk, 974-2210

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE
AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND
EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.
FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

WILL WYNN, MAYOR ♦ JACKIE GOODMAN, MAYOR PRO TEM ♦ DARYL SLUSHER
RAUL ALVAREZ ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN ♦ DANNY THOMAS

**NOTICE OF REGULAR MEETING
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9:55 A.M. Invocation

The Rev. Robby Vickery, St. Michael's Episcopal Church

10:00 A.M. City Council Convenes

THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, JANUARY 08, 2004, IN THE BOARD ROOM AT THE LOWER COLORADO RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, AUSTIN, TEXAS.

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land

Posted Date: Friday, January 02, 2004

acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of the Electric Utility Department as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

READING AND ACTION ON CONSENT AGENDA

ACTION ON THE FOLLOWING:

ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Meeting Minutes

1. Approval of minutes from the meeting of December 11, 2003.

Austin Energy

2. Amend Exhibit A of Ordinance No. 030908-4 to add a Batch-3 Green Power Charge for renewable energy sources to the Electric Rate Schedule GreenChoice® Energy Rider. (Recommended by the Resource Management Commission. Recommended by the Electric Utility Commission.) (Related Item 35)

Austin Water Utility

3. Approve an Ordinance repealing Chapter 15-1 of the City Code and adopting a new Chapter 15-1 relating to Cross Connection Control regulations, creating offenses, and approving penalties. The Ordinance addresses connections between the City's water system and other water systems and the use of appropriate connection devices. (Funding for the implementation and operations of the Cross Connection Control Program was included in the Approved Fiscal Year 2003-2004 Operating Budget of the Austin Water Utility.) (Recommended by Water and Wastewater Commission)

4. Authorize negotiation and execution of an amendment to the existing professional services agreement with PBS&J, Austin, TX, for additional design phase engineering services for the Barton Creek Lift Station Force Main Project, in the amount not to exceed \$95,814 for a total amount not to exceed \$1,767,783. (Funding in the amount of \$95,814 is included in the Fiscal Year 1999-2000 Amended Capital Budget of the Austin Water Utility.) 11.6% MBE and 15.92% WBE subcontractor participation to date. (Recommended by Water and Wastewater Commission)
5. Approve Service Extension Request No. 2297 for water utility service not to exceed a peak hour flow of 425 gallon per minute (gpm) for a tract of approximately 44.43 acres owned by TCR South Central 1999, Inc., located within the Drinking Water Protection Zone at 8818 Travis Hill Drive. (Recommended by Water and Wastewater Commission)

Health and Human Services

6. Approve an Ordinance authorizing acceptance of \$491,782 in grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) for renovations to the South Austin Multipurpose Center, and amending Ordinance No. 030908-02, the approved Fiscal Year 2003-2004 Capital Budget of the Health and Human Services Department, by appropriating \$491,782 in HRSA grant funds from the U.S. Department of Health and Human Services for renovations and creek bed stabilization at the South Austin Multipurpose Center. (Funding in the amount of \$491,782 will be available through a grant from the U.S. Health and Human Services Department.)
7. Authorize execution of a 3-month extension to the contract with CAPITAL IDEA, INC. (INVESTING IN DEVELOPMENT AND EMPLOYMENT OF ADULTS), Austin, TX for provision of workforce development social services in an amount not to exceed \$208,008 during the period October 1, 2003 through December 31, 2003, for a total 15-month contract amount not to exceed \$1,040,042. (Funding in the amount of \$208,008 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department.)

Police

8. Approve a resolution authorizing the application for \$31,875 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Fund for the Austin Faith Community Network to increase youth activities and continue hosting the annual conference. (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2004 to August 31, 2005. An in-kind match of \$10,625 is required, and is included in the Fiscal Year 2003-2004 Operating Budget for the Austin Police Department, and will also be proposed in the Fiscal Year 2004-2005 Operating Budget for the Austin Police Department.)

Public Works

9. Authorize execution of a construction contract with TEXAS ROAD & UTILITIES, INC., (WBE/FR - 53.45%) Buda, TX for Del Valle Service to Annexed Areas Water & Wastewater Improvements Area 2B Project in the amount of \$3,199,183.75 plus a \$319,918 contingency, for a total contract amount not to exceed \$3,519,101.75. (Funding in the amount of \$3,519,101.75 is included in Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) Lowest bid of four received. 23.40% MBE and 1.98% WBE subcontractor participation. (Recommended by Water and Wastewater Commission.)
10. Authorize execution of a construction contract with AUSTIN ENGINEERING COMPANY, INC., Austin, TX, for street reconstruction and utility improvements on 30th Street from Speedway to Lamar in the amount of \$1,927,069.65 plus a \$96,354 contingency, for a total contract amount not to exceed \$2,023,423.65. (Funding in the amount of \$1,521,964.13 is available in the Fiscal Year 2003-2004 Capital Budget of the Public Works Department; \$501,459.52 is available in Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of five received. 11.72% MBE and 12.36% WBE Subcontractor Participation.
11. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD, Pflugerville, TX for the Austin Clean Water Program - Little Walnut/Buttermilk @ Centre Creek Project in the amount of \$3,009,857 plus a \$300,985.70 contingency, for a total contract amount not to exceed \$3,310,842.70. (Funding in the amount of \$3,310,842.70 is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.) Lowest bid of seven received. 18.39% MBE and 3.20% WBE subcontractor participation.

12. Authorize execution of a construction contract with HAEGELIN CONSTRUCTION COMPANY, LTD., Austin, TX for the Austin Clean Water Program: West University Area Overflow Abatement Project Phase II and Lamar Boulevard Sidewalk (West 24th to West 29th St) in the amount of \$1,496,729.80 plus a \$149,672.98 contingency, for a total contract amount not to exceed \$1,646,402.78. (Funding in the amount of \$1,457,902.66 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility, and \$188,500.12 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning, and Sustainability Department.) Lowest bid of 5 received 21.90% MBE and 8.64% WBE subcontractor participation

Purchasing

13. Authorize execution of a 12-month service agreement with GLOVES, INC., Austell, GA for the cleaning and repair of bunker gear in an amount not to exceed \$70,000, with two 12-month extension options in an amount not to exceed \$70,000 per extension option, for a total agreement amount not to exceed \$210,000. (Funding in the amount of \$46,667 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Fire Department. Funding for the remaining 4 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 2 bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
14. Authorize execution of a 12-month supply agreement with CARBONITE FILTER CORPORATION, Delano, PA for anthracite filter material for the Austin Water Utility, in an amount not to exceed \$74,700, with two 12-month extension options in an amount not to exceed \$74,700 per extension option, for a total contract amount not to exceed \$224,100. (Funding in the amount of \$56,025 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

15. Authorize negotiation and execution of a contract through the Interlocal Agreement with Fairfax County, Virginia as part of the U.S. Communities Government Purchasing Alliance, with HERMAN MILLER, AUSTIN, TX, for the purchase and installation of furniture for George Washington Carver Museum and Cultural Center and Carver Branch Public Library in an amount not to exceed \$130,627.35. (Funding in the amount of \$130,627.35 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Library Department and Parks and Recreation Department.) Purchasing Cooperative.

Transportation, Planning and Sustainability

16. Approve an ordinance amending City Code Section 12-4-24 by repealing the subsection relating to Highview Drive and adding Spring Lake Drive/Highview Drive, Glass Mountain Trail and Asmara Drive/High Hollow Drive to the list of streets having a maximum speed limit of 25 miles per hour; amending Section 12-4-41 by adding a portion of River Place Boulevard to the list of streets having a maximum speed limit of 35 miles per hour; and Section 12-4-43 by adding portions of River Place Boulevard and McNeil Drive to the list of streets having a maximum speed limit of 45 miles per hour. (Funding in the amount of \$3000 is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department for the installation of the appropriate speed limit signs.)
17. Authorize execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for a High Occupancy Vehicle (HOV) Study. (Funding in the amount of \$160,000 is available from TxDOT in Federal Surface Transportation Program (STP) 4C funds and is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department.. The City's match is \$40,000; funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.)

ITEMS FROM COUNCIL

18. Board and Commission Appointments.
19. Consider an ordinance appointing the Presiding Judge, Associate Judges, Downtown Austin Community Court Judge and Substitute Judges to the City of Austin Municipal Court for the 2004-2005 judicial term, and setting compensation and benefits. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)

20. Authorize the City Manager to negotiate and execute an amendment to the Fiscal and Personnel Management Agreement and the related Letter of Agreement concerning staff management with the Capital Area Metropolitan Planning Organization (CAMPO) to remove the position of Executive Director from the City staff assigned to work on CAMPO matters. (Council Member Brewster McCracken)
21. Approve a resolution authorizing co-sponsorship by the City of Austin, waiving and authorizing reimbursement of various fees under Chapter 15-11 of the City Code, and authorizing payment of barricade, police and solid waste services costs associated with the Austin Area Heritage Council's 2003 Martin Luther King, Jr. Parade to be held on January 19, 2004. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Danny Thomas)

Item(s) to Set Public Hearing(s)

22. Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 8-3-4(A) between a proposed bar at 121 East 5th Street and a school located at 216 East 4th Street. (Suggested date and time: January 29, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
23. Set a public hearing to consider and approve an ordinance amending Chapter 25-10-152 of City Code relating to Nonconforming Sign technology and Sign area. (Suggested date and time: January 29, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by the Codes and Ordinances Committee of the Planning Commission, and the Planning Commission.)
24. Set a public hearing on the proposed Brentwood/Highland Combined Neighborhood Planning Area, a proposed amendment to the Austin Tomorrow Comprehensive Plan. (Suggested date and time: March 25, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building)
25. Set a public hearing on a proposed amendment to the Montopolis Neighborhood Plan for a portion of 900 Bastrop Hwy and 7300-7320 Riverside Drive, to change the Future Land Use Map designation from commercial to residential. (Suggested date and time: January 15, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (Planning Commission hearing for this case is set for January 15, 2004.)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Morgan Little - Veteran's Day Parade - Thank you Council for your support.
Military Service Coalition representation.

Mary Lehmann - All-Lease Estimate for Mueller, An Update

Robert Singleton - Leasing Mueller

Pat Johnson - Molestation of motorists and property owners by towing companies.

EXECUTIVE SESSION (No Public Discussion On These Items)**Private Consultation with Attorney - Section 551.071**

26. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
27. Discuss legal issues in *Nolan Lujan, et al. v. City of Austin*, Cause No. A-03-CA-56 SS; U.S. District Court, Western District of Texas-Austin Division. (concerns Emergency Medical Services employees seeking to recover overtime compensation) (Related Item 33)
28. Discuss legal issues in *Susan M. Murray v. the City of Austin and Channy Soeur*, Cause No. A-02-CA-784SS; U.S. District Court, Western District of Texas-Austin Division. (concerns alleged employment discrimination and retaliation) (Related Item 34)
29. Discuss legal issues related to *Northwest Austin Municipal Utility District No. 1, et al. v. City of Austin*, Cause No. GN203378, in the 53rd Judicial District Court of Travis County, Texas. (concerns tax issues in this particular municipal utility district)
30. Discuss legal issues related to *Eli Garza, et al. v. the City of Austin*, Cause No. 03-03-00307-CV in the Third Court of Appeals at Austin. (concerns development rights of property at William Cannon and MoPac Boulevard)
31. Discuss legal issues related to *Brian Rodgers v. City of Austin and Endeavor Real Estate Group, L.L.C.*, Cause No. GN30466 in the 345th Judicial District Court of Travis County, Texas. (concerns the City's Economic Development Agreement with Endeavor Real Estate)

32. Discuss legal issues in *Walter Session, et al. v. Rick Perry, et al.*, Cause No. 2:03-CV-254 in the U.S. District Court, Eastern District of Texas. (concerns Legislative redistricting)

Action on Executive Session

33. Approve settlement in *Nolan Lujan, et al. v. City of Austin*, Cause No. A-03-CA-56 SS; U.S. District Court; Western District of Texas-Austin Division. (concerns Emergency Medical Service employees seeking to recover overtime compensation)(Related Item 27)
34. Approve a settlement in *Susan M. Murray v. the City of Austin and Channy Soeur*; Cause No. A-02-CA-784SS; U.S. District Court; Western District of Texas-Austin Division (concerns alleged employment discrimination and retaliation) (Related Item 28)

4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS

Neighborhood Plans - Hearings and Approval

- Z- 1 Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish the areas within the planning area in which special uses and lot reduction option will be allowed. (December 9, 2003 - Four members of the Planning Commission voted in favor of this amendment and two voted against the amendment. Under the Commission rules, however, the affirmative vote of five commissioners is required for the Commission to take action.) (Related Items Z-2, Z-3)
- Z- 2 Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan , an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential land use designation to a multi-family residential land use designation for 2017 & 2101 E. 8th Street. (To be considered by Planning Commission on December 3, 2003.) (Related Items Z-1, Z-3)

Zoning Hearings and Approval of Ordinances / Restrictive Covenants

- Z- 3 C14-03-0096 - Central East Austin Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2017 and 2101 East 8th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence moderate-high density (MF-4) district zoning. Planning Commission Recommendation: To deny multi-family residence moderate-high density (MF-4) district zoning. Applicant: Louree Atkins. Agent: Bernice Butler. City Staff: Annick Beaudet, 974-2975 (Related Items Z-1, Z-2)
- Z- 4 C14-03-0090.SH - KB Sheldon 230 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as southeast of Thaxton Road at Salt Springs Drive (Marble Creek and Onion Creek Watersheds) from interim-single family residence standard lot (I-SF-2) district zoning, family residence (SF-3) district zoning, and interim-single family residence small lot (I-SF-4A) district zoning to single family residence standard lot (SF-2) district zoning for Tracts 1 and 7; rural residence (RR) district zoning for Tracts 2 and 3; and single family residence small lot (SF-4A) district zoning for Tracts 4, 5 and 6. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning for Tracts 1 and 7; rural residence (RR) district zoning for Tracts 2 and 3; and single family residence small lot (SF-4A) district zoning for Tracts 4, 5 and 6, with conditions. Applicant: KB Home Lone Star, LP (John Zinsmeyer). Agent: Longaro & Clarke, Inc. (Alex Clarke). City Staff: Wendy Walsh, 974-7719.
- Z- 5 C14-03-0151 - Allen Samuels Dodge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12301 Interstate Highway 35 North (Walnut Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant to community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Solo Star Realty, Inc. (William O. Welch). Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Gager, 974-3057.

- Z- 6 C14-00-2112.SH (RCA) - Austin-Century Park Ltd. - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 13601 & 13605 Ida Ridge Drive and 2700, 2800, and 2900 Century Park Drive (Walnut Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Austin-Century Park Ltd. Agent: Mike McHone Real Estate (Mike McHone). City Staff: Sherri Gager, 974-3057.
- Z- 7 C14-03-0159 - Beeco Property - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1603 Century Street (Gilleland Creek Watershed) from single family residence standard lot (SF-2) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Beeco Equipment Corporation (J. Randy Bean). Agent: Erik Solmundson. City Staff: Sherri Gager, 974-3057.
- Z- 8 C14-03-0141 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1505 Bouldin Avenue (West Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Mayhen, L.L.C. Agent: Vincent Gerard & Associates, Inc. (Vincent Huebinger). City Staff: Annick Beaudet, 974-2975.

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

LIVE MUSIC

Byrd & Street

PROCLAMATIONS

Distinguished Service Award - Jody Hamilton - to be presented by Mayor Will Wynn and to be accepted by the honoree

Honorary Citizen Certificates - Japanese Delegation - to be presented by Mayor Will Wynn and to be accepted by the honorees

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Austin Energy**

35. Conduct a public hearing to receive public comment regarding the proposed amendment to Exhibit A of Ordinance 030908-4 affecting the GreenChoice® Energy Rider. (Related Item 2)

ADJOURN

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

Council Meetings

January 8, 2004
January 15, 2004

January 29, 2004
February 5, 2004
February 12, 2004

February 26, 2004
March 4, 2004
March 11, 2004

March 25, 2004
April 1, 2004

April 15, 2004
April 22, 2004

May 6, 2004
May 13, 2004

May 27, 2004

June 10, 2004
June 17, 2004
June 24, 2004

July 29, 2004
August 5, 2004
August 12, 2004

August 26, 2004
September 2, 2004

September 13, 14, 15
(Budget)

September 30, 2004
October 7, 2004

October 21, 2004
October 28, 2004
November 4, 2004

November 18, 2004

December 2, 2004

December 16, 2004

Cancelled Meetings

January 1, 2004

January 22, 2004

February 19, 2004

March 18, 2004

April 8, 2004

April 29, 2004

May 20, 2004

June 3, 2004

July 1, 2004
July 8, 2004
July 15, 2004
July 22, 2004

August 19, 2004

September 9, 2004
September 16, 2004

September 23, 2004

October 14, 2004

November 11, 2004

November 25, 2004

December 9, 2004

December 23, 2004
December 30, 2004