

AUSTIN CITY COUNCIL AGENDA

THURSDAY, NOVEMBER 18, 2004, THE BOARD ROOM AT THE LOWER COLORADO
RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, AUSTIN,
TEXAS.

AUSTIN CITY CLERK
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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
THURSDAY, NOVEMBER 18, 2004**

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9:55 A.M. Invocation

10:00 A.M. City Council Convenes

THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, NOVEMBER 18, 2004, IN THE BOARD ROOM AT

Posted Date: Friday, November 12, 2004

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 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 November 4, 2004.

Austin Energy

2. Approve execution of a remediation services contract with MARCOR REMEDIATION, INC., Austin, TX, for remediation services at the Seaholm Facility in an amount not to exceed \$1,279,245. (Funding in the amount of \$1,279,245 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Lowest bid of five received. 4.89% MBE and 0.00% WBE subcontractor participation. (Recommended by the Electric Utility Commission.)

Austin Water Utility

3. Authorize execution of Supplemental Amendment No. 1 to the professional services agreement with HDR ENGINEERING, INC., Austin, TX, for litigation assistance services related to the Onion Creek Tunnel litigation in the amount not to exceed \$219,000 for a total contract amount not to exceed \$1,742,182. (Funding in the amount of \$219,000 is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)
4. Authorize negotiation and execution of an amendment to the agreement for Wholesale Wastewater Service between the City of Rollingwood and the City of Austin to permit the property located at 2901 Bee Cave Road to remain connected to the City of Austin wastewater system instead of connecting to wastewater service with the Rollingwood system. (Recommended by the Water and Wastewater Commission)
5. Approve negotiation and execution of an amendment to the 2000 Agreement for Wholesale Water Service between the City of Rollingwood, Texas and the City of Austin to provide Austin with the option to require Rollingwood to provide its own source of untreated water. (Recommended by the Water and Wastewater Commission)

Economic Growth and Redevelopment Services

6. Approve an ordinance setting the assessment rate and proposed 2005 assessment roll for the Austin Downtown Public Improvement District (PID). (The 2005 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,102,034 at a 96% collection rate.) (Related Items 7, 56)
7. Approve a resolution adopting the Service Plan and Budget for 2005-2006 for the Austin Downtown Public Improvement District. (The Downtown Austin Alliance submitted a 2005-2006 budget for the PID in the amount of \$1,227,609. This budget will be funded from a total of \$1,327,609. This amount includes \$1,102,034 in 2005 assessments (at a 96% collection rate), \$75,575 in collections from 2004, interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Appropriation of the \$1,327,609 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 16, 2004. \$100,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll.) (Related Items 6, 56)

Financial and Administrative Services - Telecommunications and Regulatory Affairs

8. Approve a resolution approving a surcharge application filed by Texas Gas Service (TGS) to recover utility relocation costs.

Health and Human Services

9. Approve a resolution authorizing the execution of nine separate 12-month contracts to provide acute treatment/intervention services between the City of Austin and AUSTIN CHILD GUIDANCE CENTER, AUSTIN CHILDREN'S SHELTER, CAPITAL AREA FOOD BANK OF TEXAS, INC., CARITAS OF AUSTIN, CENTER FOR CHILD PROTECTION, MEALS ON WHEELS AND MORE, INC., PATHWAYS COMMUNITY COUNSELING d/b/a LIFE WORKS, SAFEPLACE, and SUSTAINABLE FOOD CENTER for a total cost of \$1,105,474, with six 12-month renewal options in an amount not to exceed \$1,105,474 for each renewal term, for a combined total cost to the City not to exceed \$7,738,318. (Funding in the amount of \$829,105 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department. The term of each contract is for the period of January 1, 2005 through December 31, 2005. Funding for the balance of the contracts and renewal options is contingent on available funding in future budgets.) (Related Items 10, 11)
10. Approve a resolution authorizing execution of separate 12-month contracts to provide coordinated and component social services related to basic needs, early education and child care, homelessness, mental health/developmental disabilities/mental retardation, substance abuse, violence and victimization, workforce development and youth development between the City of Austin and various social service agencies, at a total cost not to exceed \$4,249,117, with three 12-month renewal options in a total amount not to exceed \$4,249,117 for each renewal term, for a combined total cost to the City not to exceed \$16,996,468. (Funding in the amount of \$2,995,550 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department; \$20,000 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Parks and Recreation Department; \$105,000 is included in various Approved Capital Improvement Project (CIP) Budgets of the Parks and Recreation Department; \$50,050 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility; and \$80,000 is included in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. The term of each contract is for the period of January 1, 2005 through December 31, 2005. Funding for the balance of the contracts and renewal options are contingent on available funding in future budgets.) (Related Items 9, 11)

11. Approve a resolution authorizing execution of five separate 12-month contracts to provide food and housing assistance between the City of Austin and ANY BABY CAN OF TEXAS, INC, CARITAS OF AUSTIN, MEALS ON WHEELS AND MORE, INC., AND SAFEPLACE for a total cost of \$758,704. (Funding is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department.) (Related Items 9, 10)

Neighborhood Planning and Zoning

12. Approve an ordinance to annex the Avery Ranch Areas: **Tract One: Avery Ranch East Phase Two, Section One** (Approximately 32.883 acres in Williamson County north of the intersection of Avery Ranch Blvd and Lisi Anne Drive); **Tract Two: Round Rock ISD School Tract Avery Ranch East** (Approximately 14.097 acres in Williamson County north of Avery Ranch Blvd between Lisi Anne Drive and Indina Hills Drive); **Tract Three: Avery South Section Two Phase Two** (Approximately 19.518 acres in Williamson County south of the intersection of Castle Pines Drive and Fernhill Drive); **Tract Four: Resubdivision Plat of Lot 1 Block "B" of the Amended Plat of the Golf Club at Avery Ranch** (Approximately 5.421 acres in Williamson County west of Indina Hills Drive and north of the intersection of Indina Hills Drive and Avery Ranch Blvd); **Tract Five: Avery South Section Two Block H Lots 1 and 2, Block M Lots 18, 29, 30 and 31** (Approximately 2.029 acres in Williamson County south of the intersection of Pasatiempo Drive and Edenderry Drive); and waive zoning application fees for property within the annexed areas 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.)
13. Approve an ordinance to annex the Ferguson Cutoff Area (Approximately 98.7 acres in Travis County south of US Highway 290 East at the intersection of US Highway 290 East and Springdale and at the intersection of US Highway 290 East and Ferguson Cutoff); and waive zoning application fees for property within the annexed area for a period of one year after 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.)
14. Approve an ordinance to annex the Coldwater Area (Approximately 110.6 acres in Travis County southwest of FM 2222 at the intersection of FM 2222 and City Park Road); and waive zoning application fees for property within the annexed area for a period of one year after 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.)

Police

15. Authorize the negotiation and execution of an Agreement between the City of Austin and SafePlace to provide coordination and counseling, safety planning and referrals for family violence cases for the Austin-Travis County Family Violence Protection Team, utilizing grant funding in an amount not to exceed \$674,466. (Funding is available from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office as a part of a grant award received by the City of Austin for the grant period October 1, 2004 through September 30, 2006. There is no unanticipated impact. A fiscal note is not required.)

Public Works

16. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive project to acquire a 0.037 acre permanent wastewater line easement, a 0.350 acre temporary working space easement, and a 0.309 acre temporary ingress and egress easement out of a 24.001 acre tract of land in the John Applegait Survey No. 58, Abs. 29, in Travis County, TX, in the amount of \$21,439. The owner of the property interests sought to be acquired is TEXRUN ENTERPRISES, INC., Austin, TX. The property is located along the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive, and west of IH-35, also known as 0 Longspur Boulevard East. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
17. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive project to acquire a 13,724 square foot permanent wastewater line easement, a 19,299 square foot temporary working space easement, and a 0.298 acre temporary staging area and materials storage site easement out of the John Applegait Survey No. 58, ABS. 29 in Travis County, TX, the same being a portion of Lot 1, Stoney Creek Landing, Phase 2 in the City of Austin, in the amount of \$41,737. The owner of the property interests sought to be acquired is WDOP SUB I, L.P., A DELAWARE LIMITED PARTNERSHIP. The property is located at 9200 North Plaza, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)

18. Authorize the filing of eminent domain proceedings for the Escarpment Right-of-Way Project to acquire fee simple title to 0.467 acre of land in the Samuel Hamilton Survey No. 16, in Travis County, TX, in the amount of \$40,674. The owner of the property interests sought to be condemned is DANIEL J. BRUSTKERN, Austin, TX. The property is located approximately 650 feet north of Slaughter Lane and 650 feet south of the intersection of Salcon Cliff Drive and Escarpment Boulevard, Austin, TX. (Council approved funding by Escarpment Village, L.P. in a Community Facilities Contract and placed it in escrow on May 27, 2004.)
19. Approve a resolution authorizing the filing of eminent domain proceedings for the ABIA Noise Mitigation Project to acquire fee simple title to a tract of land containing 33.893 acres out of the Noel M. Bain Survey No. 1, Abstract No. 61, Travis County, TX, in the amount of \$325,000. The owner of the property interests sought to be acquired is W.A. DENTON also known as WILLIAM ALVIN DENTON. The Property is located at 11506 McAngus Road, Del Valle, TX. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grant.)
20. Approve a resolution to authorize the fee simple acquisition of 1.69 acre tract of land located in the William B Harrison Survey Number 86, Abstract number 382 in Travis County, TX, being a portion of Lot 1 Block A, Center Park Section 3, a portion of Lot 2, Block A, Center Park Section 4, and a portion of Lots 3, 4, and 5, Block A, Center Park Section 5, all of the official Public Records of Travis County, TX, located at the southeast corner of IH 35 at Parmer Lane from TECH RIDGE PHASE I, L.P., a Texas Limited Partnership, in the amount not to exceed \$1,268,000 under the Texas Department of Transportation and Public Works Department Agreement. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department.)
21. Authorize execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for the replacement of an existing bridge on East Martin Luther King, Jr. Boulevard at Waller Creek, in an amount of \$82,234 plus \$7,182 for preliminary engineering previously approved by Council for a total amount not to exceed \$89,416. (Project participation cost is 90% TxDOT, 10% City of Austin. \$89,416 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Department of Public Works.)

22. Approve an ordinance amending Section 12-4-24 of the City Code to add a portion of Rivercrest Drive to the list of streets having a maximum speed limit of 25 miles per hour; and amending Section 12-4-63 of the City Code to relocate the Crockett High School speed zone on a portion of Stassney Lane. (Funding in the amount of \$300 is available in the Fiscal Year 2004-2005 Operating Budget of the Public Works Department for the installation of necessary speed limit signs.)
23. Authorize execution of an agreement with D.R. HORTON-EMERALD, LTD., (a Texas limited partnership) for adding a left turn lane on FM 1826 at the proposed Alta Maria Subdivision in Travis County, TX, in an amount not to exceed \$298,381.04. (D.R. Horton-Emerald, Ltd. has deposited \$298,381.04 in an escrow account with the City of Austin.) (Related Item 24)
24. Authorize execution of an agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for adding a left turn lane on FM 1826 at the proposed Alta Maria Subdivision in Travis County, TX in an amount not to exceed \$209,098.41. (Funding is available from an escrow account collected from the developer to pay for this work.) (Related Item 23)
25. Authorize negotiation and execution of a professional services agreement with CH2M HILL, INC., Austin, TX, for services provided to conduct a planning assessment study for the Green Water Treatment Plant in an amount not to exceed \$300,000. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Best qualification statement of four received. 16.3% MBE and 14.5% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission)

Purchasing

26. Authorize execution of a 12-month service agreement with APPLIANCE RECYCLING CENTERS OF AMERICA, INC., Minneapolis, MN, for appliance recycling services in an amount not to exceed \$402,000, with three 12-month extension options in an amount not to exceed \$469,000 per extension option, for a total agreement amount not to exceed \$1,809,000. (Funding in the amount of \$335,000 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Funding for the remaining two months of the contract period and the extension options is contingent upon available funding in future budgets.) Best proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 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.

27. Authorize negotiation and execution of a 12-month service agreement with CREDIT SYSTEMS INTERNATIONAL, INC., Ft. Worth, TX, for the collection of delinquent utility services accounts in an amount not to exceed \$1,572,000, with three 12-month extension options in an amount not to exceed \$1,572,000 per extension option, for a total agreement amount not to exceed \$6,288,000. (Funding in the amount of \$917,000 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining 5-months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of nine proposals received. This contract will be awarded in compliance with Chapter 2-9 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.
28. Authorize execution of a 60-month supply/service agreement with INVENSYS SYSTEMS, INCORPORATED, Foxboro, MA, for power plant boiler control system parts and maintenance services in an amount not to exceed \$2,000,000. (Funding in the amount of \$333,333 is available in the Approved Fiscal Year 2004-2005 Operating Budget of Austin Energy. Funding for the remaining 50-months of the original contract period is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 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.
29. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SIDDONS FIRE APPARATUS, INC., Houston, TX, for one Quint combination pumper and ladder truck and three pumper fire trucks for the Austin Fire Department in an amount not to exceed \$1,938,738.99. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Fire Department.) Purchasing Cooperative.
30. Authorize execution of a 12-month supply agreement with MWI VETERINARY SUPPLY, Meridian, ID, for veterinary supplies and equipment in an amount not to exceed \$200,000, with three 12-month extension options in an amount not to exceed \$200,000, for a total agreement amount not to exceed \$800,000. (Funding in the amount of \$166,666 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of six bids received. This contract will be awarded in compliance with the Chapter 2-9 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.

31. Authorize negotiation and execution of a 12-month service agreement with AUSTIN WOMEN'S HEALTH CENTER, Austin, TX; REPRODUCTIVE SERVICES, Austin, TX, and WHOLE WOMAN'S HEALTH OF AUSTIN, Austin, TX, for women's health services in an amount not to exceed \$450,000 with four extension options in an amount not to exceed \$517,500 for the first extension option, \$595,125 for the second extension option, \$684,394 for the third extension option and \$787,053 for the fourth extension option, for a combined total contract amount not to exceed \$3,034,072. (Funding in the amount of \$337,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Community Care Department, which will be reimbursed by the Travis County Hospital District Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Best three qualification statements of three received. This contract will be awarded in compliance with Chapter 2-9 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.
32. Authorize execution of 12-months service agreement with SIRSI CORPORATION, Huntsville, AL, for the upgrade and maintenance of software for the Austin Public Library in an amount not to exceed \$195,466, with four 12-month extension options in an amount not to exceed \$80,891 per extension option, for a total agreement amount not to exceed \$519,030. (Funding in the amount of \$195,466 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 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.
33. Authorize execution of a purchase through the State of Texas, Texas Building & Procurement Commission with TEXAS HIGHWAY PRODUCTS, Round Rock, TX, for video detection and ancillary camera equipment for the Public Works Department in an amount not to exceed \$112,225. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department.) Cooperative Purchasing.

34. Authorize execution of a contract with CONTROL TECHNOLOGIES, INC., Tomball, TX. for, Type 170, Model 332 traffic signal cabinets for the Public Works Department, in an amount not to exceed \$134,425. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 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.
35. Authorize negotiation of a landfill contract with IESI, Fort Worth, TX, for the operation of the City of Austin FM 812 Landfill facility for a term up to the maximum life of the landfill. Best proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 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. (Reviewed by the Solid Waste Advisory Commission)

ITEMS FROM COUNCIL

36. Board and Commission appointments.
37. Approve an ordinance amending Ordinance No. 040624-52 related to the Interim Development Regulations for a Two-Family Residential Use and Secondary Apartment Special Use to extend the expiration date to December 20, 2004. (Related Item 59)(Council Member Betty Dunkerley)
38. Approve waiver or reimbursement of certain street event permit fees under Chapter 14-8 of the City Code for the Mothers Against Drunk Driving's Jingle Bell 5K and Kids K Fun Run to be held Saturday, December 4, 2004. (Council Member Danny Thomas, Council Member Betty Dunkerley and Council Member Brewster McCracken)
39. Approve an ordinance appointing Domingo Villarruel to the Mexican American Cultural Center Board, and waiving the residency requirement under Section 2-1-1 of the City Code, for that appointment. (Council Member Raul Alvarez and Mayor Pro Tem Jackie Goodman)

40. Approve a resolution directing the City Manager to develop a goal statement for the code compliance division within Solid Waste Services, and establish policies and procedures to be followed by City inspectors when communicating with, and noticing members of the public on code compliance issues, and to report back to Council within ninety (90) days. (Council Member Raul Alvarez, Council Member Danny Thomas and Council Member Brewster McCracken)

Item(s) to Set Public Hearing(s)

41. Set a public hearing to consider the Austin Downtown Public Improvement District (PID) 2005 assessments. (Suggested date and time: December 16, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Michelle Segovia - Organ Donation

Jimmy Castro - Organ Donation

Bill Wigmore - TCADA cut in funding for Detox Program and the Salvation Army Outpatient Program and its effects

Rachel Dyke - Tissue Donation

Jennifer Gale - Candidate - Austin City Council - "Let's Keep Austin - Austin"

EXECUTIVE SESSION (No Public Discussion On These Items)

Private Consultation with Attorney - Section 551.071

42. Discuss legal issues regarding amendments to Chapters 25, 2 and 11 of the City Code and the repeal of certain provisions of Chapter 2 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits. (Related Items 51, 58)
43. Discuss legal issues concerning relocation of wastewater line in the 1600 block of Watch Hill Road, Austin, Texas. (Related Item 49)

44. Discuss legal issues regarding the terms of a lease, irrigation, and maintenance agreement assumed by the City of Austin between Northwest Travis County Municipal Utility District No. 2, Balcones Country Club Membership Association, Inc., and Technology Hydraulics, Inc.
45. Discuss legal issues concerning the proposed Second Amended and Restated Lease Agreement with the Greater Austin Performing Arts Center, Inc. d/b/a/ The Long Center on the new performing arts center known as the Long Center.
46. Discuss legal issues in Cause No. GN3-00901; *Ryan-O Excavating, Inc. v. City of Austin v. Bankers Insurance Company, et al.*, in the 53rd Judicial District Court of Travis County, Texas. (concerns the Barton Springs Road utility construction project)
47. Discuss legal issues regarding anticipated legislation in the Texas 79th Legislative Session that affects the City of Austin.

Real Property - Section 551.072

48. Discuss terms of sale for the Mueller site (formerly Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.

Action on Executive Session

49. Approve negotiation and execution of a settlement regarding cost reimbursement for construction of sewer service laterals for 1606, 1610, and 1612 Watch Hill Road, Austin, Texas.(Related Item 43)

2:00 PM BRIEFINGS

50. Presentation on the upcoming event, First Night Austin 2005, a non-alcoholic community celebration of the New Year through the arts.
51. Presentation of the recommendations of Historic Preservation Task Force.(Related Items 42, 58)

3:00 P.M. BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION. The Mayor will recess the City Council meeting. A Board meeting of Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting the City Council will reconvene.

- AHFC- 1 Approve the minutes of the November 4, 2004 Board meeting of the Austin Housing Finance Corporation.
- AHFC- 2 Approve the negotiation and execution of three one-year price agreements, each with two one-year extensions with DIAMONDHEAD INTERNATIONAL SALES CORPORATION, INC., Crosby, TX; JETT BUILDERS, INC., San Antonio, TX; and OLMOS ABATEMENT, INC., Manor, TX, to provide lead abatement and rehabilitation services for the Homeownership Rehabilitation Loan Program in a total amount not to exceed \$750,000 for the initial twelve-month period, and in an amount not to exceed \$750,000 for each two one-year extension periods. (Funding is available in the Fiscal Year 2004-2005 Operating Budget of the Austin Housing Finance Corporation, through HOME funds.)

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

Zoning Ordinances / Restrictive Covenants

52. C14-04-0158 - Guadalupe Flats - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Guadalupe Street (Waller Creek Watershed) from multifamily residence moderate-high density (MF-4) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on November 4, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant and Agent: Codney Group (Mike Rhodes). City Staff: Glenn Rhoades, 974-2775.

53. C14-04-0123 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5524 U.S. Highway 290 West (Barton Creek Watershed-Barton Springs Zone) from development reserve district (DR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading September 30, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: 5524 Invetsors, L.P. (Keith Pool). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil.
54. C14-04-0102 - Eskew Place Commercial - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3512-3610 South Lamar Boulevard (West Bouldin Creek and Barton Creek Watersheds-Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First Reading on October 21, 2004. Vote: 7-0. Second Reading on November 4, 2004. Vote 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate the conditions imposed or accepted by Council at second ordinance reading. Applicant: Eskew Place Ltd. (Marcus Whitfield). City Staff: Wendy Walsh, 974-7719.
55. C14-04-0118 - 204-206 West Stassney Lane - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 204-206 West Stassney Lane (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning and family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First Reading on November 4, 2004. Vote 6-1, Goodman - Nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Felix Michael Estrada and Felix A. Estrada. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Wendy Walsh, 974-7719.

Zoning Hearings and Approval of Ordinances / Restrictive Covenants

- Z- 1 C14-04-0127 - Wright Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1624 East Howard Lane (Harris Branch Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Mitch Wright. City Staff: Sherri Gager, 974-3057.

- Z- 2 C14-04-0163 - Crestview Neighborhood Plan Rezoning Tract 133 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2207 - 2211 Pasadena Drive (Shoal Creek Watershed) from neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning, in order to change a condition of zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719 and Scott Whiteman, 974-2865.
- Z- 3 C814-99-0001.03 - Avery Ranch PUD, Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning.. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) amendment. Applicant: Pebble Creek Joint Venture (Edward Rathgeber, President), Developers of Avery Ranch (Robert D. Wunsch), Continental Homes of Texas, L.P. (Richard Maier). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057
- Z- 4 C814-99-0001(RCA) - Avery Ranch PUD Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Avery Ranch at Parmer Lane (Brushy Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, President), Continental Homes of Texas, L.P. (Richard Maier), Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.), Developers of Avery Ranch (Robert D. Wunsch, President). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057.
- Z- 5 C14-04-0142 - Dry Creek – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 639 West Dittmar Road (Boggy Creek Watershed) from single family residence standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Owner and Applicant: Larry Chabira. City Staff: Wendy Walsh, 974-7719.

- Z- 6 C14-04-0101 - South Lamar Boulevard-Evergreen Avenue-West Mary Street Rezoning (City Initiated)- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as area bounded by South Lamar Boulevard on the northwest, Evergreen Drive on the east, and West Mary Street on the south (West Bouldin Creek Watershed) from family residence (SF-3) district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department (Sherri Gager). City Staff: Sherri Gager, 974-3057.
- Z- 7 C14-04-0058 - Sahara Club Extension - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 East Braker Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales (CS-1) district zoning. Applicant: Walnut Ridge Shopping Center (Thomas C. Calhoon). Agent: Turnkey Properties (Victorious B. Giraud). City Staff: Sherri Gager, 974-3057.

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

LIVE MUSIC

Jelly Jar

PROCLAMATIONS

Proclamation - COPD Awareness Week - to be presented by Mayor Will Wynn and to be accepted by Cecil Jones and Laura Chapman

Proclamation - National Epilepsy Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Larry Swain

Distinguished Service Award - Tommy Eden - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - Juvenile Diabetes Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Christos Anagnos

Distinguished Service Award - Roberto Chapa, Sr. - to be presented by Council Member Daryl Slusher and to be accepted by the honoree

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Economic Growth and Redevelopment Services**

56. Conduct a public hearing and approve a resolution amending the Five-Year Service Plan of the Austin Downtown Public Improvement District (PID) and the PID plan of assessment by increasing the maximum assessment from \$.10 to \$.13 per \$100 valuation, and a resolution reauthorizing the PID in accordance with the revised Service Plan and plan of assessment. (PID Assessments, City of Austin annual contributions not to exceed \$150,000, and DAA memberships.) (Related Items 6, 7)

Neighborhood Housing and Community Development

57. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to permit additional residential uses in a Mixed Use Combining District, including single-family attached residential, small lot single-family residential and two-family residential, urban home special uses, cottage special uses and secondary apartment special uses, to permit small lot single-family residential use in SF-4, SF-5 and SF-6 districts, to require that single-family residential uses in multi-family districts comply with SF-3 regulations, and to provide development standards for small lot single-family residential uses; and repealing Section 25-2-557 and 25-2-558 (M) of the City Code. (Recommended by the Planning Commission and the Codes and Ordinance Subcommittee of the Planning Commission.)

Neighborhood Planning and Zoning

58. Conduct a public hearing and approve an ordinance amending Chapters 2-1, 11-1, 25-2, 25-3, 25-6, 25-10, and 25-11 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits; and repealing Sections 2-1-292 and 2-1-295 of the City Code. (Reviewed by Historic Landmark Commission and the Planning Commission.) (Related Items 42, 51)
59. Conduct a public hearing and approve an ordinance amending Sections 25-2-511, 25-2-774, and 25-2-1463 of the City Code relating to dwelling unit occupancy limits, two-family residential uses, and secondary apartment special uses. (Recommended by the Planning Commission) (Related Item 37)

Watershed Protection and Development Review

60. Conduct a public hearing to consider an ordinance waiving the development regulations of Ordinance No. 040624-52 to allow the construction of a two-family residential use at 2302 Arpdale Street. Ordinance No. 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy two-family residential use or secondary apartment special use.

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