

AUSTIN CITY COUNCIL AGENDA

THURSDAY, OCTOBER 20, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST
2ND STREET, 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 ♦ DANNY THOMAS, MAYOR PRO TEM
LEE LEFFINGWELL ♦ RAUL ALVAREZ ♦ JENNIFER KIM ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN

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

Rev. Mark Weaver, Pastor, New Hope Wesleyan Church of Austin

10:00 A.M. City Council Convenes

THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, OCTOBER 20, 2005, IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, 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 Austin Energy 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 the minutes from the meeting of October 6, 2005.

Austin Water Utility

2. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE INC., Austin, TX, for additional construction engineering services for the Walnut Creek Wastewater Treatment 75 MGD Upgrade Phase I project, in an amount not to exceed \$121,000, for a total agreement amount not to exceed \$7,657,501.25. (Funding in the amount of \$121,000 is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Austin Water Utility.) 15.2% MBE and 38.3% WBE subconsultant participation to date. (Recommended by the Water and Wastewater Commission.)
3. Authorize negotiation and execution of a cost reimbursement agreement with MOMARK DEVELOPMENT, LLC, providing terms and conditions for construction of 24 and 36 or 48-inch water mains and appurtenances to provide water service to the Goodnight Ranch located east of Bluff Springs Road and south of Nuckols Crossing Road along the proposed extension of Slaughter Lane with City cost reimbursement in an amount not to exceed \$3,504,000 for actual ("hard") construction costs and professional services costs ("soft") for engineering, design and project management for the 36 or 48-inch water main only in an amount not to exceed 15% of the actual "hard" construction costs of the 36 or 48-inch water main or \$292,500, whichever is less; approve an Ordinance waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement. (Funding in the amount of \$3,796,500 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)
4. Authorize negotiation and execution of an amendment to the existing Water Cost Reimbursement Agreement with LENNAR BUFFINGTON ZACHARY SCOTT, L.P., to increase the amount of City cost reimbursement for construction of a 24-inch water main and appurtenances (Phase One) to provide water service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection by \$299,379, for a new total actual ("hard") construction cost for Phase One Water Improvements identified in the Cost Reimbursement Agreement not to exceed \$1,379,379, and a total hard construction costs for all water improvements identified in the Cost Reimbursement Agreement not to exceed \$3,727,379. (Funding in the amount of \$299,379 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)
5. Approve an ordinance amending Chapter 15-3 of the City Code, relating to the temporary use of fire hydrants and establishing penalties. (Funding for the fire hydrant regulation program was included in the Fiscal Year 2005-2006 Operating Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)

Aviation

6. Authorize negotiation and execution of an amendment to the Facilities Lease Agreement between the City and Austin-Bergstrom Landhost Enterprises, Inc. for the airport hotel at Austin-Bergstrom International Airport, including modifications and clarifications related to the mortgage of Lessee's leasehold interests, payment of rent, default and termination. (Approved by Austin Airport Advisory Commission) (Related Item 44)

Financial and Administrative Services

7. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with Hays County, Travis County, Williamson County, the City of Round Rock, and the Central Texas Regional Mobility Authority, for joint funding and oversight of a Mobility Plan Study for review of the Capitol Area Metropolitan Planning Organization's "Mobility 2030 Plan," including the review of toll roads proposed in the plan. (Funding for the City's share in the amount of \$144,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Neighborhood Planning and Zoning Department.) (Approved by the Land Use and Transportation Subcommittee.)
8. Approve an ordinance authorizing acceptance of grant funds in the amount of \$5,475,240 from the Texas Department of Public Safety, Division of Emergency Management for temporary shelter operations under Presidential Disaster Declaration FEMA 3216 E M resulting from the Hurricane Katrina evacuation; and amending the Fiscal Year 2005-2006 Financial and Administrative Services Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$5,475,240 for costs related to temporary evacuee shelter operations. (Funding in the amount of \$5,475,240 is available from the Texas Department of Public Safety, Division of Emergency Management.)

Law

9. Approve an amendment to the legal service contract with KEMP SMITH, L.L.P. for legal representation, advice and counsel regarding the November 3, 2003 explosion at the North Service Center located at 10715 Burnet Road in an amount of \$120,000 for a total contract amount not to exceed \$270,000. (Funding in the amount of \$120,000 is available in the Fiscal Year 2005-2006 Approved Operation Budget of the Liability Reserve Fund.) (Related Item 43)

10. Approve an amendment to the legal services agreement with RENEA HICKS regarding Cause No. 2:03CU354; *Walter Sessions, et al. v. Rick Perry, in his Official Capacity as Governor of the State of Texas, et al.*, in an amount not to exceed \$12,500, for a total contract amount not to exceed \$57,500. (Funding in the amount of \$12,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Development Fund.) (Related Item 46)

Library

11. Approve an ordinance amending the Fiscal Year 2005-2006 Financial Services Department Capital Budget of Ordinance No. 20050912-002 to transfer \$800,000 to the Library Department Capital Budget from the CIP Contingency; amending the Fiscal Year 2005-2006 Library Department Capital Budget of Ordinance No. 20050912-002, to appropriate \$800,000 for the Spicewood Springs Branch Library Expansion Project. (Funding is available in the Fiscal Year 2005-2006 CIP Contingency.)

Neighborhood Planning and Zoning

12. Approve a resolution directing the Planning Commission to consider neighborhood plans for the following neighborhoods: South Lamar, Galindo, Zilker, Barton Hills, Windsor Park, University Hills, West Oak Hill, East Oak Hill, and Downtown.

Parks and Recreation

13. Approve an ordinance authorizing acceptance of \$1,500,000 in grant funding from the Economic Development Administration of the U.S. Department of Commerce; amending the Fiscal Year 2005-2006 Financial Services Department Capital Budget of Ordinance No. 20050912-002 to transfer \$1,570,000 to the Parks and Recreation Department Capital Budget from the Fiscal Year 2005-2006 CIP Contingency; and amending the Fiscal Year 2005-2006 Parks & Recreation Department Capital Budget of Ordinance No. 20050912-002, to appropriate \$1,570,000 from a transfer from CIP Contingency and \$1,500,000 from grant funding for a total amount of \$3,070,000 for the Mexican American Cultural Center Project. (Funding in the amount of \$1,570,000 is available in the Fiscal Year 2005-2006 CIP Contingency; funding in the amount of \$1,500,000 is available in grant funds from the Economic Development Administration of the U.S. Department of Commerce.) (Related Items 23, 24)

Police

14. Approve an ordinance amending Sections 12-5-29 and 12-5-89 of the City Code relating to restrictions on parking a motor vehicle in the front yard or side yard of a residential property.
15. Approve an ordinance authorizing acceptance of \$112,809 in grant funds from the U.S. Department of Justice, National Institute of Justice, Fiscal Year 2005 DNA Capacity Enhancement program; and amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$112,809 for equipment and a monitoring system for the Austin Police Department DNA Section. (Funding is available for the grant period October 1, 2005 to September 30, 2006.)
16. Approve an ordinance authorizing acceptance of \$99,992 in grant funds from the U.S. Department of Justice, Office of Justice Programs, Forensic Casework DNA Backlog Reduction Program; and, amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$99,992 for increased DNA casework screening and analysis. (Funding is available for the grant period October 1, 2005 to September 30, 2006.)

Public Works

17. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 4-Manor/Comal/Rosewood Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 717 square foot permanent wastewater line easement out of Outlot 62, Division B, in the City of Austin, Travis County, in the amount of \$1,793. The owner of the property interest is Reynalda Espinosa, of Austin, TX. The property is located at 1134 Northwestern Avenue, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
18. Amend the Interlocal Agreement with Texas Department of Transportation (TxDOT) for the relocation of existing water and wastewater utilities as a part of the FM 969 project, in the amount of \$157,727.65 for a total not to exceed amount of \$3,312,280.65. (Funding in the amount of \$157,727.65 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)
19. Approve an ordinance to amend Section 12-4-24 of the City Code to establish a 25 miles per hour speed limit on Zimmerman Lane from RM 620 to 2,640 feet east of RM 620.

20. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for Spicewood Springs Branch Library Expansion Re-Bid in the amount of \$1,544,640 plus a \$108,124.80 contingency, for a total contract amount not to exceed \$1,652,764.80. (Funding in the amount of \$1,652,764.80 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Library Department.) Lowest bid of four received. 8.00 % MBE and 25.52 % WBE subcontractor participation. (Conditional Use Permit approved by Zoning and Platting Commission.)
21. Authorize execution of a construction contract with MEARS HDD, LLC, Rosebush, MI, for the Davenport Horizontal Directional Drilling (HDD) Improvements Project STAA #9A1 and #9B1 in the amount of \$5,190,787.10 plus a \$300,000 contingency, for a total contract amount not to exceed \$5,490,787.10. (Funding in the amount of \$5,490,787.10 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of two received. 18.16% MBE and 1.20% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
22. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, (84.17%), Austin, TX, for the Austin Clean Water Program: Lower South Boggy Creek Phase III - Wales Way Wastewater Improvements Project in an amount not to exceed \$264,234. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.) Lowest bid of five received. 0.00% MBE and 2.14% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
23. Authorize execution of a construction contract with SOLIS CONSTRUCTORS, INC. (MBE/MH 29.30%), Austin, TX, for Phase I of the Mexican American Cultural Center in the amount of \$12,335,000 plus a \$370,000 contingency, for a total contract amount not to exceed \$12,705,000. (Funding in the amount of \$12,705,000 is available in the Fiscal Year 1999-2000 Approved Capital Budget of the Parks and Recreation Department.) Best proposal of four received. 9.09% MBE and 6.43% WBE subcontractor participation. (Zoning and Planning Commission Approved Site Plan on May 20, 2003.) (Related Items 13, 24)
24. Authorize negotiation and execution of an amendment to the professional services agreement with CASA BELLA+ DEL CAMPO MARU JV, (MBE/MH 32.26%), Austin, TX, for architectural and engineering services for the Mexican American Cultural Center in the amount of \$220,700 for a total contract amount not to exceed \$2,020,700. (Funding in the amount of \$220,700 is available in the Fiscal Year 1999-2000 Approved Capital Budget of the Parks and Recreation Department.) 12.65% MBE and 7.63% WBE subcontractor participation to date. (Related Items 13, 23)

Purchasing

25. Authorize negotiation and execution of a 12-month service agreement with STANDARD AUTOMATIC FIRE ENTERPRISES, INCORPORATED, Round Rock, TX for inspection, testing, and maintenance of fire protection systems at Austin Energy power plants in an amount not to exceed \$75,054, with four 12-month extension options in an amount not to exceed \$75,054 per extension option, for a total agreement amount not to exceed \$375,270. (Funding in the amount of \$75,054 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extensions options is contingent upon available funding in future budgets.) Best evaluated proposal of three 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.
26. Authorize execution of a 4-month interim service agreement with PIKE ELECTIC, Beaumont, TX, for performance of routine and/or emergency distribution and transmission construction and maintenance work in an amount not to exceed \$1,625,184.80. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Critical Business Need. 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 execution of a contract with HARKINS COMPANY, Elgin, TX for the replacement of the heating, ventilation, and air conditioning system at the Decker Power Plant Administration Building an amount not to exceed \$172,394. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Lowest bid of two 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.

28. Authorize execution of a contract with BRUGG CABLES, LLC, Rome, GA, for the purchase of optical power ground wire in an amount not to exceed \$318,298.20, with four 12-month extension options in an amount not to exceed \$318,298.20 per extension option, for a total contract amount not to exceed \$1,591,491. (Funding in the amount of \$318,298.20 is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Funding for the 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 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.
29. Authorize execution of a 12-month supply agreement with CARUS CHEMICAL COMPANY, Peru, IL for the purchase of liquid phosphate in an amount not to exceed \$146,000, with two 12-month extension options in an amount not to exceed \$146,000 per extension option, for a total agreement amount not to exceed \$438,000. (Funding in the amount of \$133,833.33 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six 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.
30. Authorize execution of a 12-month supply agreement with MUNICIPAL WATER WORKS SUPPLY, Royce City, TX, for manhole rings and covers for the Austin Water Utility in an amount not to exceed \$50,660, with two 12-month extension options in an amount not to exceed \$50,660 per extension option, for a total contact amount not to exceed \$151,980. (Funding in the amount of \$46,438.26 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining month 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 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 execution of a 12-month service agreement with WASTE MANAGEMENT OF TEXAS, INC., Austin, TX for garbage and recycling collection services in the designated alleyways of Congress Avenue between Cesar Chavez Street and 11th Street, East Sixth Street between Congress Avenue and IH-35, West 5th Street between Guadalupe Street and Colorado Street, West 4th Street between Lavaca Street and Colorado Street, East 5th Street between San Jacinto Boulevard and Trinity Street, and East 7th Street between Neches Street and Red River Street in an amount not to exceed \$1,001,575.40; with four 12-month extension options in an amount not to exceed \$1,001,575.40 per extension option, for a total agreement amount not to exceed \$5,007,877. (Estimated Cost for Fiscal Year 2005-2006 is \$630,000. Funding in the amount of \$630,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Solid Waste Services Department. Funding for the extensions options is contingent upon available funding in future budgets.) Low bid of two 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. (Reviewed by the Solid Waste Advisory Board) (Related Items 34, 63)
32. Authorize execution of a 12-month service agreement with WASTE MANAGEMENT OF TEXAS, INC., Austin, TX for refuse collection services for City departments in an amount not to exceed \$618,319.26, with four 12-month extension options in an amount not to exceed \$618,319.26 per extension option, for a total agreement amount not to exceed \$3,092,596.30. (Funding in the amount of \$618,319.26 is available in the Fiscal Year 2005-2006 Approved Operating Budgets of participating City departments. Funding for the extensions options is contingent upon available funding in future budgets.) Low bid of four 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. (Recommended by the Solid Waste Advisory Board)

33. Authorize execution of a 12-month revenue agreement with THOENE SALES CO., INC., Walburg, TX for snack and beverage vending services for the Austin Police Department, Austin Public Library, Austin Water Utility, Combined Transportation, Emergency and Communication Center, Municipal Court, Neighborhood Housing and Community Development, Finance and Administrative Services (Building Services) and the Emergency Medical Services Department, with an estimated revenue of \$36,025, with four 12-month extension options with an estimated revenue of \$36,025 per extension option, for a total estimated revenue of \$180,125. (Revenue in the amount of \$30,020.83 is estimated for Fiscal Year 2005-2006 for the following departments: Austin Police Department \$12,083.33; Austin Public Library \$6,250; Austin Water Utility \$5,833.33; Combined Transportation, Emergency and Communications Center \$1,041.67; Municipal Court \$375; Neighborhood Housing and Community Development \$1,250; Financial and Administrative Services, Building Services \$2,250; and Emergency Medical Services \$937.50. Revenue for the remaining two months of the original contract period and extension options is contingent on future volume of snack and beverage consumption.) Highest commission rate 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.

Solid Waste Services

34. Amend the Fiscal Year 2005-2006 Solid Waste Services Department Operating Budget of Ordinance 20050912-001 to increase revenues by an amount of \$245,000 and increase expenditures by an amount of \$245,000; and amend the Fiscal Year 2005-2006 Fee Schedule of Ordinance No. 20050912-004 to increase the Central Business District garbage collection fees. (Estimated revenue in the amount of \$245,000 from fee increases.) (Related Items 31, 63)

Watershed Protection and Development Review

35. Approve issuance of a Street Event Permit to Mexic-Arte Museum to close the 100 block of E. 5th Street from October 29, 2005 beginning at 7:00 a.m. through October 29, 2005 at 11:59 p.m., for the Dia de Los Muertos fee paid event.

ITEMS FROM COUNCIL

36. Appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.

37. Authorize the City Manager to accept a donation of earthwork services from Ranger Excavation for the Town Lake Park Project. (Mayor Will Wynn and Council Member Betty Dunkerley)
38. Authorize waiver of certain fees related to the 2005 Texas Book Festival to be held October 27 – October 31, 2005. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Lee Leffingwell)
39. Approve an ordinance waiving the requirements of Section 2-1-51(C)(5) of the City Code to allow an individual who is not a real estate appraiser to serve on the Austin Airport Advisory Commission. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
40. Approve an ordinance waiving certain fees and authorizing payment of certain costs for the continuation of the City co-sponsored Sustainable Food Center's Austin Farmer's Market from November 1, 2005 through December 31, 2005. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Brewster McCracken)
41. Approve an ordinance waiving certain fees and requirements, and authorizing payment of costs for the Military Services Coalition 2005 Veteran's Day Parade. (Mayor Pro Tem Danny Thomas, Council Member Raul Alvarez and Council Member Betty Dunkerley)
42. Discussion and possible action on a recommendation from the City Council Judicial Subcommittee regarding the establishment of a City, Travis County, and Austin Independent School District joint subcommittee on juvenile justice issues. (Council Member Raul Alvarez and Mayor Will Wynn)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Paul Robbins - City Issues

Pat Johnson - Wrecker Enforcement Unit's Lack of Working Equipment Required to Perform Duties to Serve the Taxpayers. No different than issuing a handgun to an officer that does not work properly

David Flentge - Bussing, Traffic, Lobbying, Bicycle Safety, and Parks

Marvin Rodriguez - Day Laborers on St. John's Ave. - Home Depot Corner Committee

Oscar Perez - Day Laborers on St. John's Ave. - Home Depot Corner Committee

Rosemary Follis - New Labor Source for Ex-Offender's and New Parolee's

Larry Ernst - Zoning

Matt Ketrtta - Feeding the Whitetail Deer

Cindy Layton - Day Laborers on St. John's Ave.

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

43. Discuss legal issues regarding the November 3, 2003 explosion at the North Austin Service Center located at 10715 Burnet Road and the legal service contract with Kemp Smith LLC. (Related Item 9)
44. Discuss legal issues related to proposed amendments to the Austin Airport Hotel Facilities Lease Agreement and other bond documents. (Related Item 6)
45. Discuss legal issues related to drainage on the property located at the northeast corner of Pleasant Valley and Elmont Drive, Austin, Texas. (Related Item 50)
46. Discuss legal issues in *Walter Sessions, et al, et al. v. Rick Perry, in his Official Capacity as Governor of the State of Texas, et al.*, Cause No. 2:03CU354, in the United States District Court of the Eastern District of Texas -- Marshall Division and the outside legal contract with Renea Hicks. (concerns congressional redistricting) (Related Item 10)

47. Discuss legal issues related to Cause No.713701; *State of Texas v. John Francis Curran III*, in the County Court at Law No. 1 of Travis County, Texas, and proposed amendments to the City's public order ordinances. (involves constitutional challenge to City's road-side solicitation ordinance)
48. Discuss legal issues related to *City of Austin v. FPL Energy Upton Wind I, L.P.*, Cause No. GN403274 in the 345th Judicial District of Travis County, Texas. (involves contractual dispute over payment for wind power)
49. Discuss legal issues related to water quality and impervious cover regulations.

Action on Executive Session

50. Approve a settlement agreement related to drainage on the property located at the northeast corner of Pleasant Valley and Elmont Drive, Austin, Texas.(Related Item 45)

2:00 P.M. Bond Sales

51. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2005A, in the approximate amount of \$142,000,000 and approval of all related documents. (\$3,666,241 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale was included in the Fiscal Year 2005-2006 Approved Budget of the Utility Revenue Bond Redemption Fund.)

2:00 PM BRIEFINGS

52. Presentation from Downtown Works, a division of Economics Research Associates (ERA) on the implementation of the Downtown Retail Strategy, focusing on Congress Avenue.
53. Presentation on proposed amendments to the City's public order ordinances, including schedule for future public hearings.

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. The AHFC Board may go into a closed session on any item on the AHFC agenda under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, or for other reasons permitted by law as specifically listed on this agenda. Following adjournment of the AHFC Board meeting the City Council will re-convene.

- AHFC- 1 Approve the minutes of the September 29, 2005 Board meeting of the Austin Housing Finance Corporation.
- AHFC- 2 Approve a resolution authorizing the execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin TX, to install infrastructure improvements in the Montopolis subdivision for a total contract amount not to exceed \$2,314,737.90. (Funding is available from the Grant Operating Budget from Community Development block Grant program income for Fiscal Year 2005-2006.)

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

Zoning Ordinances / Restrictive Covenants

54. C14-05-0103 - Jefferson Unit 101 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3500 Jefferson Street, Unit 101 (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning. First reading approved on September 29, 2005. Vote 7-0. Applicant: Live Oak Development, Inc. (Daniel W. Herd). Agent: Joe Wyman. City Staff: Jorge Rousselin, 974-2975.
55. C14-05-0106.01 - West Congress Neighborhood Plan Rezoning, Tract 2B - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4105-4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. First reading approved on September 29, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

56. C14-05-0107.01 - East Congress Neighborhood Plan Rezoning, Tract A - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Industrial Boulevard; 908-932 East St. Elmo Road and 4100-4336 Santiago Street (Blunn Creek Watershed; Williamson Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. First reading approved on September 29, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
57. C14-05-0025 - 1706 & 1708 West 6th Street - Old West Austin Neighborhood Plan rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 West 6th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. First reading approved on September 1, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975. Note: A valid petition has been filed in opposition to this zoning request.

Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants

- Z- 1 C14H-05-0010 – Hart House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Forest Trail from family residence (SF-3) district to family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicants: Robin and Frances Thompson. City Staff: Steve Sadowsky, 974-6454.
- Z- 2 C14-00-2062 (RCA) - Robertson Hill - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 900-1000 San Marcos Street (Waller Creek Watershed). Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Robertson Hill Land, Ltd. Agent: Robertson Hill Land Ltd. (David Armbrust). City Staff: Robert Heil, 974-2330.

- Z- 3 C14-00-2047 (RCT) - The Grove - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 900 Grove Boulevard (Country Creek Watershed). Planning Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Grief-Yount Partnership. Agent: Grief-Yount Partnership (Bill Grief). City Staff: Robert Heil, 974-2330.
- Z- 4 NPA-05-0005.01 - Alcance de Restauracion - Conduct a public hearing and approve an ordinance to amend Ordinance No. 010927-05 (the Montopolis Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan to change the Future Land Use Map from single-family land use designation to civic use designation for 1007 Montopolis Drive (Carson Creek Watershed). Planning Commission Recommendation: To grant civic use designation. Applicant: Alcance de Restauracion. Agent: Oscar Gonzalez. City Staff: Alex Koenig, 3515 and Robert Heil, 974-2330. (Related Item Z-5)
- Z- 5 C14-05-0095 - Alacance de Restauracion - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 Montopolis Drive (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Applicant: Alacance de Restauracion. Agent: Oscar Gonzalez. City Staff: Robert Heil, 974-2330. (Related Item Z-4)
- Z- 6 C14-05-0110 - Bouldin Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Forest Cove Ltd. Agent: John Hussey. City Staff: Robert Heil, 974-2330.

- Z- 7 C14-05-0044 - Cella 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10933 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single-family residence standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Cella Investment Group (Terry Gregoricka). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
- Z- 8 C14-05-0094 - Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Rutherford Lane (Walnut Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Sokna Loeung. Agent: Austin American Property (Kim Xong Tran). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 9 C14-05-0114 - 7109 Bethune - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7109 Bethune (Buttermilk Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Eddy Flores. Agent: Nash Gonzalez. City Staff: Robert Heil, 974-2330.

- Z- 10 NP-05-0022.001 - Greater South River City Neighborhood Plan - Conduct a public hearing and approve an ordinance amending the Greater South River City Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for properties locally known as 118-134 East Riverside Drive (Tract 1), 201-309 East Riverside Drive (Tract 3), 2100 South IH-35 (Tract 28), 2016 South IH-35 (Tract 29a), 2000 South IH-35 (Tract 29b) and 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). The City Council may approve a land use change to any of the following categories: office, commercial, mixed-use office, mixed use, high density mixed use, or industrial. Planning Commission recommendation: To recommend a change in the Future Land Use Map with conditions. City Council action of September 29, 2005: Approved the Greater South River City Combined Neighborhood Plan and future land use map with the exception of secondary apartment and small lot amnesty special uses, and Tracts 1, 3, 28, 29a&b & 35. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685. (Related Items Z-11, Z-12)
- Z- 11 C14-05-0138.001 – Greater South River City Combined Neighborhood Plan (St. Edward's Neighborhood) - 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 the St. Edward's Neighborhood, bounded by Town Lake on the north, Oltorf Street on the south, South IH-35 on the east and South Congress Avenue on the west (Blunn Creek; West Bouldin Creek; Harpers Branch & Country Club Creek Watersheds). The proposed zoning change will amend the Neighborhood Plan (NP) combining district to add "Secondary Apartment" and "Small Lot Amnesty" as permitted special uses to the entire area. Planning Commission Recommendation: To include Secondary Apartment in the NP and to not include Small Lot Amnesty. City Council action of September 29, 2005: approved uncontested cases in the St. Edward's Neighborhood as recommended by Planning Commission and postponed action on the secondary apartment and small lot amnesty special uses. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685 & Sherri Sirwaitis, 974-3057. (Related Items Z-10, Z-12)

Z- 12

C14-05-0139.001 – Greater South River City Combined Neighborhood Plan (South River City neighborhood) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property within South River City Neighborhood bounded by Town Lake on the north, East Oltorf Street on the south, South IH-35 on the east, and South Congress on the west. The proposed zoning changes will amend the Neighborhood Plan (NP) combining district to add “Secondary Apartment” and “Small Lot Amnesty” as permitted special uses within the Travis Heights-Swisher Subdistrict. The Travis Heights-Swisher Subdistrict is generally bounded by Town Lake on the north, IH-35 on the east, Oltorf Street on the south, South Congress Avenue on the west, save and except the Fairview Park Subdistrict which is generally bounded by Riverside Drive and Music Lane on the north, Sunset Lane on the east, Monroe Street on the south and South Congress Avenue on the west. The proposed zoning changes would also rezone properties locally known as 118-134 E. Riverside Dr. (Tract 1), 201-309 E. Riverside Dr. (Tract 3), 2100 S. IH-35 (Tract 28), 2016 S. IH-35 (Tract 29a), 2000 S. IH-35 (Tract 29b) and 0 S. IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35) (Blunn Creek, East Bouldin Creek, Harpers Branch & Town Lake watersheds). The City Council may approve a base district zoning change to any of the following: neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO) combining district, planned development area (PDA) combining district, mixed use (MU) combining district; neighborhood plan (NP) combining district or neighborhood conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To recommend the addition of Secondary Apartment to the NP, to not include Small Lot Amnesty in the NP and to grant the requested zonings with conditions. City Council action of September 29, 2005: Approved uncontested cases in the South River City Neighborhood as recommended by Planning Commission and postponed action on Tracts 1, 3, 28, 29a& 29b & 35. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685, Sherri Sirwaitis, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request. (Related Items Z-10, Z-11)

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS**LIVE MUSIC**

The Weary Boys

PROCLAMATIONS

Certificates of Appreciation - Ministers involved in the Black Church Outreach Project - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Dyslexia Awareness Day - to be presented by Mayor Will Wynn and to be accepted by Linda Gladden

Proclamation - Commute Solutions Month - to be presented by Mayor Will Wynn and to be accepted by Dwight Ferrell

Distinguished Service Award - Former Council Member Betty Himmelblau - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Neighborhood Planning and Zoning**

58. Conduct a public hearing for the full purpose annexation of the Maynard Tract (Approximately 1.7 acres in southeastern Travis County north of Burleson Road, approximately 970 feet east of the intersection of Burleson Road and U.S. Highway 183 South.)
59. Conduct a public hearing for the full purpose annexation of the COA Parkland Areas: (a) Tract One: Johnny Morris Road (Approximately 195 acres in Travis County east of Johnny Morris Road, approximately seven tenths of a mile south of the intersection of Johnny Morris Road and U.S. Highway 290 East); (b) Tract Two: Morrison Ranch (Approximately 321 acres in Travis County south of FM 969, approximately one half mile east of the intersection of FM 969 and Decker Lane.)

60. Conduct a public hearing on the full purpose annexation of the Rancho Alto Area (Approximately 83 acres in Travis County south of Frate Barker Road, approximately three tenths of a mile west of the intersection of Frate Barker Road and Manchaca Road.)
61. Conduct a public hearing for the full purpose annexation of the Lowe's at Brodie Area (approximately 35 acres in Travis County west of Brodie Lane, approximately three tenths of a mile north of the intersection of Brodie Lane and William Cannon Drive.)
62. Conduct a public hearing for the full purpose annexation of the Scarbrough Subdivision area (Approximately 46 acres located in Travis County west of the intersection of IH-35 North and Three Points Drive between Bratton Lane and IH-35 North).

Solid Waste Services

63. Conduct a public hearing and approve an ordinance amending Section 15-6-14 of the City Code to expand the downtown contract service area and amending Ordinance No. 20050912-004 in the Fiscal Year 2005-2006 Fee Schedule of the Solid Waste Services Department to increase the downtown contract service rates. (Reviewed by the Solid Waste Advisory Commission.) (Related Items 31, 34)

Watershed Protection and Development Review

64. Conduct a public hearing and approve an ordinance amending City Code Section 25-8-514 (Save Our Springs Initiative) to allow for the construction of a pollution prevention pond project in the Critical Water Quality Zone (CWQZ) upstream of Barton Springs Pool. (Recommended by Parks and Recreation Board. Informational Presentation to Environmental Board.)
65. Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) between a restaurant at 1123 S. Congress and a school located at 1102 S. Congress.

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.

A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar en la sesión del Consejo.

Council Meetings

January 13, 2005
January 27, 2005

February 3, 2005
February 10, 2005
February 17, 2005

March 3, 2005
March 10, 2005
March 24, 2005

April 7, 2005
April 14, 2005
April 28, 2005

May 12, 2005
May 19, 2005
May 26, 2005

June 9, 2005
June 23, 2005

July 28, 2005

August 4, 2005
August 18, 2005
August 25, 2005

September 1, 2005
September 12,13,14
(Budget Readings)
September 29, 2005

October 6, 2005
October 20, 2005
October 27, 2005

November 3, 2005
November 17, 2005

December 1, 2005
December 15, 2005

Cancelled Meetings

January 6, 2005

January 20, 2005

February 24, 2005

March 17, 2005
March 31, 2005

April 21, 2005

May 5, 2005

June 2, 2005
June 16, 2005
June 30, 2005

July 7, 2005
July 14, 2005
July 21, 2005

August 11, 2005

September 8, 2005

September 15, 2005
September 22, 2005

October 13, 2005

November 10, 2005
November 24, 2005

December 8, 2005
December 22, 2005
December 29, 2005