



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 18, 2004**

Invocation: Timothy B. Tutt, Pastor, United Christian Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 18, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 10:08 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

1. Approval of minutes from the meeting of November 4, 2004.
The minutes from the regular meeting of November 4, 2004 were approved.
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.)
The motion authorizing the execution of a remediation services contract was approved.
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)
The motion authorizing the execution of Supplemental Amendment No. 1 to the professional services agreement was approved.

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)
The motion authorizing the negotiation and execution of an amendment to the agreement for Wholesale Wastewater Service was approved.
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)
The motion authorizing the negotiation and execution of an amendment to the 2000 Agreement for Wholesale Water Service was approved.
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)
Ordinance No. 041118-6 was approved.
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)
Resolution No. 041118-7 was approved.
8. Approve a resolution approving a surcharge application filed by Texas Gas Service (TGS) to recover utility relocation costs.
Resolution No. 041118-8 was approved.
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)
Resolution No. 041118-9 was approved.

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)
Resolution No. 041118-10 was approved.
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)
Resolution No. 041118-11 was approved.
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.)
Ordinance No. 041118-12 was approved.
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.)
Ordinance No. 041118-13 was approved.

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.)
Ordinance No. 041118-14 was approved.
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.)
The motion authorizing the negotiation and execution of an Agreement was approved.
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.)
Resolution No. 041118-16 was approved.
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 a located at 9200 North Plaza, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 041118-17 was approved.
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.)
Resolution No. 041118-18 was approved.

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.)
Resolution No. 041118-19 was approved.
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.)
Resolution No. 041118-20 was approved.
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.)
The motion authorizing the execution of an Interlocal Agreement was approved.
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.)
Ordinance No. 041118-22 was approved.
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)
The motion authorizing the execution of an agreement was approved.
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)
The motion authorizing the execution of an agreement was approved.

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)
The motion authorizing the negotiation and execution of a professional services agreement was approved.
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.
The motion authorizing the execution of a service agreement was approved.
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.
The motion authorizing the negotiation and execution of a service agreement was approved.
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.
The motion authorizing the execution of a supply/service agreement was approved.

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.
The motion authorizing the execution of a contract was approved.
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.
The motion authorizing the execution of a supply agreement was approved.
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.
The motion authorizing the execution of a negotiation and execution of a service agreement was approved.
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.
The motion authorizing the execution of a service agreement was approved.

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.
The motion authorizing the execution of a purchase through the State of Texas was approved.
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.
The motion authorizing the execution of a contract was approved.

Item 35 was pulled for discussion.

36. Board and Commission appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Board</u> Babette Ellis	Council Member Slusher's	Reappointment
<u>Arts Commission</u> Bruce Willenzik	Council Member Slusher's	Reappointment
<u>Commission for Women</u> Perla Cavazos Valerie Malone	Council Member Slusher's Mayor Pro Tem Goodman's	Reappointment Reappointment
<u>Commission on Immigrant Affairs</u> Stanley Main	Consensus	Reappointment
<u>Ethics Review Commission</u> Mina Brees Ronnie Jones Catherine Kyle (Austin Bar Association Rep.)	Mayor Pro Tem Goodman's Council Member Thomas' Consensus	Appointment Appointment Nomination
<u>Human Rights Commission</u> Sandra Serna	Council Member Slusher's	Appointment
<u>Mexican American Cultural Center Advisory Board</u> Domingo Villarruel	Consensus	Appointment

Resource Management Commission

Grace Hsieh

Council Member Slusher's

Reappointment

Zoning and Platting Commission

Clarke Hammond

Council Member Slusher's

Reappointment

Item 37 was pulled for discussion.

38. Approve waiver or reimbursement of certain 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)
The motion authorizing the waiver was approved.
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)
Ordinance No. 041118-39 was approved. Council Member Slusher voted no.
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)
Resolution No. 041118-40 was approved.
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)
The public hearing was set for December 16, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 42 through 48 were Executive Session items.

Item 49 was action on an Executive Session item.

Items 50 through 51 were briefings set for a time certain of 2:00 p.m.

Items AHFC-1 through AHFC-2 were set for a time certain of 3:00 p.m.

Items 52 through 55 and Z-1 through Z-7 were zoning items set for 4:00 p.m.

Items 56 through 60 were public hearings set for 6:00 p.m.

61. Approve a resolution approving issuance by Northwest Austin Municipal Utility District No. 1 of its Unlimited Tax Refunding Bonds, Series 2004, in an amount not to exceed \$2,900,000; and approving a substantial draft of the proposed Bond Order and Preliminary Official Statement. (Council Member Brewster McCracken)
This item was postponed to December 2, 2004.

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"

Akwasi Evans - He was not present when his name was called.

Pat Johnson – Downtown Mobility, Parking and Signage.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:35 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

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.
47. Discuss legal issues regarding anticipated legislation in the Texas 79th Legislative Session that affects the City of Austin.
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:37 p.m.

BRIEFINGS

50. Presentation on the upcoming event, First Night Austin 2005, a non-alcoholic community celebration of the New Year through the arts.
The presentation was made by Ann Graham, Anne Elizabeth Wynn and Tina Fisher.
51. Presentation of the recommendations of Historic Preservation Task Force. (Related Items 42, 58)
The presentation was made by Steve Sadowsky, Historic Preservation Office and Betty Baker.

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)
The motion authorizing the negotiation and execution of a settlement in an amount not to exceed \$151,145 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:23 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 3:30 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:31 p.m.

EXECUTIVE SESSION CONTINUED

The Mayor announced that Council would discuss item number 35 on the regular agenda during Executive Session.

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.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 5:08 p.m.

DISCUSSION ITEM

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)
The motion to approve negotiations of a contract for management of a Type 4 landfill to include a detailed environmental plan, a wildlife control plan, and a provision for closure of the landfill prior to the end of the contract if, in the development of a long range plan for this area it calls for closure, was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-2 vote. Those voting aye were Mayor Wynn and Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were Mayor Pro Tem Goodman and Council Member Alvarez.

ZONING CONSENT ITEMS

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

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.
Ordinance No. 041118-52 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
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 Investors, L.P. (Keith Pool). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil.
Ordinance No. 041118-53 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
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.
Ordinance No. 041118-54 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
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.
Ordinance No. 041118-55 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved. Mayor Pro Tem Goodman voted nay.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

- 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.

Ordinance No. 041118-Z-1 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- 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.

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

- 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

This item was postponed to January 27, 2005.

- 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.

This item was postponed to January 27, 2005.

- 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.
Ordinance No. 041118-Z-5 for family residence-conditional overlay (SF-3-CO) combining district zoning was approved.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

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 Anangnos

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

Mayor Wynn called the Council Meeting back to order at 6:34 p.m.

ZONING DISCUSSION ITEMS

- 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.
The public hearing was closed and the first reading of the ordinance for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was

approved on Council Member McCracken's motion, Council Member Thomas' second on a 5-1 vote. Mayor Pro Tem Goodman voted nay. Council Member Slusher was off the dais.

- 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.**

The public hearing was closed and the first reading of the ordinance was approved for commercial-liquor sales (CS-1) district zoning with the condition that the owner execute a Restrictive Covenant that says if CS-1 use ceases for ninety days, the owners would not object to a zoning rollback. This was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-2 motion. Mayor Wynn and Council Member Slusher voted nay.

PUBLIC HEARINGS AND POSSIBLE ACTION

- 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)**
This item was withdrawn.
- 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.)**
The public hearing was closed and Ordinance No. 041118-57 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
- 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.**
The public hearing was closed and Ordinance No. 041118-60 was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

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)
The public hearing was closed and Ordinance No. 041118-59, as recommended by the Planning Commission, was approved on emergency passage making it effective November 18, 2004 on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.
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)
This item was withdrawn.
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)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

See below for action on Item 58.

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 9:55 p.m.

EXECUTIVE SESSION CONTINUED

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)

Executive Session ended and Council Member Slusher called the Council Meeting back to order at 10:24 p.m.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Wynn and Mayor Pro Tem Goodman were off the dais.

Item 58 Continued

The first reading of the ordinance was approved as follows on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn abstained.
The ordinance will incorporate the latest recommendations from the Task Force with the following exceptions: those properties currently designated as historic will be grandfathered. New properties or when the current properties change ownership, then

Section 11.1.22 will be changed to delete (B), (C) and (D), which would leave 100% on the structure and 50% on the land.

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 10:30 p.m.

EXECUTIVE SESSION CONTINUED

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)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:51 p.m.

The motion to adjourn the meeting at 11:52 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The minutes for the Regular Meeting of November 18, 2004 were approved on this the 2nd day of December, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.