

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, DECEMBER 16, 2004**

Invocation: Rev. Rosie Johnson, University United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 16, 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 Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

1. Approval of minutes from the meeting of December 2, 2004.
The minutes from the regular meeting of December 2, 2004 were approved.
2. Approve a resolution adopting an emission allowance policy for the City's municipally-owned electric utility, Austin Energy, in accordance with the utility's long-range Strategic Plan. (Recommended by the Resource Management Commission.)
Resolution No. 041216-2 was approved.
3. Authorize execution of Amendment No. 4 to the contract with SWEETWATER WIND 2 LLC, Palm Beach Gardens, FL, (formerly RES North America LLC) for wind power over a 12-year term to increase the purchase of wind power from 93 Megawatts (MW) to 128 MW for a revised total contract amount not to exceed \$168,000,000. (Funding will be provided through fuel revenue pass through or future Green Choice Power charge revenue.) This contract was 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 Amendment No. 4 to the contract was approved.
4. Approve an ordinance waiving the requirements of Section 25-9-67 (Cost Participation and Cost Reimbursement Payment) of the City Code relating to the schedule for cost reimbursement payments and authorize negotiation and execution of an amendment to the existing Water Cost Reimbursement Agreement with Live Oak Development, Inc. to change the schedule for the cost reimbursement payments for the construction of a 36-inch water main and appurtenances to provide water service to the Pearce Lane Tract located on Pearce Lane at Ross Road. (Recommended by the Water and Wastewater Commission)

Ordinance No. 041216-4 was approved.

5. Authorize negotiation and execution of a cost reimbursement agreement with SIVE Construction Ltd., providing terms and conditions for construction of 24-inch water main and appurtenances to provide water service to proposed developments within the University Neighborhood Overlay District with City cost reimbursement in an amount not to exceed \$1,404,000.00, for actual ("hard") construction costs; cost reimbursement in an amount not to exceed \$250,000 for applicable City of Austin fees related to the construction of the 24-inch water line; cost reimbursement for professional services costs ("soft" costs) for engineering, design and project management only in an amount not to exceed 20% of the actual "hard" construction costs or \$280,800.00, whichever is less for an overall maximum cost reimbursement amount not to exceed \$1,934,800.00; approve an Ordinance waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement; waiving the requirements of Section 25-9-67 of the City Code relating to the schedule for cost reimbursement payments; waiving the requirement for payment of the engineering review and inspection fees related to the review and construction of the 24-inch water main and appurtenances established in Ordinance 040913-05, in an amount not to exceed \$75,000.00. (Funding in the amount of \$1,934,800.00 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)

Ordinance No. 041216-5 was approved.**Item 6 was pulled for discussion**

7. Authorize execution of a contract with TOTAL ROOFING SERVICES INC., Austin, TX, for roof replacement at City of Austin Municipal Building in an amount not to exceed \$117,060. (Funding in the amount of \$117,060 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Financial and Administrative Services Department.) Lowest bid of four received 1.27% MBE and 2.65% WBE subcontractor participation to date.

The motion authorizing the execution of a contract was approved.

8. Authorize an Interlocal Agreement between the City of Austin and Travis County Emergency Services District Number 4 for firefighter certification training at a cost to the City not to exceed \$30,000. (Funding is available through Title IV-A Health and Human Services Department Special Revenue Fund.)

The motion authorizing an Interlocal Agreement was approved.

9. Approve execution of a 12-month Interlocal Agreement with AUSTIN COMMUNITY COLLEGE, Austin, TX, to provide childcare quality improvement and training services in an amount not to exceed \$140,485, with two 12-month renewal options in an amount not to exceed \$140,485 per renewal option, for a total agreement amount not to exceed \$421,455. (Funding in the amount of \$70,717 is included in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department and funding in the amount of \$34,647 is included in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department Special Certification Fund. The term of the Agreement is for the period of January 1, 2005 through December 31, 2005. Funding for the remaining three months of the Agreement and renewal options is contingent upon available funding in future budgets.) (Related Item 10)

The motion authorizing the execution of an Interlocal Agreement was approved.

10. Approve execution of a 12-month contract with AUSTIN FAMILIES, INC. d/b/a FAMILYCONNECTIONS, Austin, TX, to provide childcare quality improvement and training services in an amount not to exceed \$664,375, with two 12-month renewal options in an amount not to exceed \$664,375 per renewal option, for a total contract amount not to exceed \$1,993,125. (Funding in the amount of \$498,281 is included in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department. The term of the contract is for the period of January 1, 2005 through December 31, 2005. Funding for the remaining three months of the contract and renewal options is contingent on available funding in future budgets.) (Related Item 9)

The motion authorizing the execution of a contract was approved.

11. Approve execution of Amendment No. 1 to the Interlocal Agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD), Austin, TX, for services in the public schools to support STEPS for a Healthier Austin, in an amount not to exceed \$248,400, with three 12-month renewal options in an amount of \$300,000 per renewal option, for a total agreement amount not to exceed \$1,148,400 (Funding in the amount of \$248,400 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Special Revenue Fund, U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. (STEPS) grant program. The grant period is from September 22, 2004 through September 21, 2005. Funding for the renewal options is contingent upon available funding in future budgets.)

The motion authorizing the execution of Amendment No. 1 to the Interlocal Agreement was approved.

12. Approve execution of 6-month contracts with two social service agencies: COMMUNITY ADVOCATES FOR TEENS AND PARENTS (CATP), Austin, TX, to provide long-term housing to pregnant and parenting teens and their children, in an amount not to exceed \$28,595, with one 6-month renewal option in an amount not to exceed \$28,594 for the renewal option, for a total contract amount not to exceed \$57,189; PUSH UP FOUNDATIONS, INC., Austin, TX, to provide transitional housing services for men and women, in an amount not to exceed \$103,845, with one 6-month renewal option in an amount not to exceed \$103,845 for the renewal option, for a total contract amount not to exceed \$207,690. (Funding in the amount of \$198,659 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 June 30, 2005. Funding for the remaining three months of each renewal option is contingent upon available funding in future budgets.)

The motion authorizing the execution of the contracts was approved.

13. Approve execution of 12-month contracts for HIV-related housing services under the U.S. Department of Housing and Urban Development Housing Opportunities for Persons with AIDS (HOPWA) grant with AIDS SERVICES OF AUSTIN, Austin, TX, in an amount not to exceed \$782,000, with one 12-month renewal option in an amount not to exceed \$683,105 for the renewal option, for a total contract amount not to exceed \$1,465,105; and PROJECT TRANSITIONS, INC., Austin, TX, in an amount not to exceed \$275,255, with one 12-month renewal option in an amount not to exceed \$275,255 for the renewal option, for a total contract amount not to exceed \$550,510. (Funding in the amount of \$98,895 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, HOPWA-HUD grant and \$958,360 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, HOPWA-HUD grant. The annual grant period is October 1, 2004 through September 30, 2005. Funding for renewal options is contingent on available funding in future budgets.)

The motion authorizing the execution of the contracts was approved.

14. Approve an ordinance authorizing acceptance of \$7,620 in grant funds from the Department of State Health Services, Bureau of HIV and Sexually Transmitted Disease (STD) Prevention Program; and amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$7,620 for a total grant amount of \$656,132 for the Community HIV program to provide HIV counseling and testing prevention activities. (Funding in the amount of \$7,620 is available from the Department of State Health Services, Bureau of HIV and Sexually Transmitted Disease (STD) Prevention Program for the HIV Prevention grant program. The grant period is from January 1, 2004 through December 31, 2004. No City match is required.)
Ordinance No. 041216-14 was approved.
15. Approve an amendment to the legal services contract with ROGERS & WRIGHT, P.C., Dallas, TX, for representation in the acquisition of real property either by negotiation or condemnation from Harry M. Whittington, et al., increase funding by \$54,200 for a total contract limit of \$81,300. (Funding in the amount of \$27,100 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Convention Center Department, and funding in the amount of \$27,100 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.)
The motion authorizing the amendment to the legal services contract was approved.
16. Approve negotiation and execution of professional services contracts to provide state representation services for the 79th Legislative Session and federal representation services for Fiscal Year 2004-2005 for a total amount not to exceed \$961,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Management Services Department, the Solid Waste Services Department, the Austin Water Utility, and Austin Energy.)
The motion authorizing the negotiation and execution of professional services contracts was approved.
17. Approve the negotiation and execution of an agreement with the AUSTIN COMMUNITY DEVELOPMENT CORPORATION in an amount not to exceed \$100,000 to provide financial assistance to small businesses and small commercial development projects that create jobs for low-to-moderate income individuals. (Funding is available in the Fiscal Year 2004-2005 Neighborhood Housing and Community Development Department 30th year Community Development Block Grant (CDBG).)
The motion authorizing the negotiation and execution of an agreement was approved.

Item 18 was pulled for discussion

19. Amend the Fiscal Year 2004-2005 Neighborhood Planning & Zoning Department Operating Budget of Ordinance No. 040913-01 to appropriate \$59,069; to increase expense reimbursements by \$59,069; and to add one full-time equivalent position to support the Capital Area Metropolitan Planning Organization program. (Funding is included in the federal transportation planning funds administered by the Texas Department of Transportation (TxDOT) to fully reimburse the new position. Financial impact to the General Fund is a net of zero)
Ordinance No. 041216-19 was approved.
20. Approve an ordinance on second reading only for the annexation of the Brandt Road Area; establish an interim zoning designation of I-GR (Interim-Community Commercial); and waive zoning application fees for a period of one year. (Approximately 32.85 acres in Travis County east of IH-35 at the northeast corner of the intersection of IH-35 and Brandt Road) (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will providing the services.)
The second reading of the ordinance was approved.

21. Approve negotiation and execution of a Parkland Improvement Agreement with Westminster Falcon/Trinity to allow removal of existing, outdated improvements and to make new parkland improvements on City parkland informally known as Meadows at Trinity Crossing Park. (All costs for improvements are to be paid for by Westminster Falcon/Trinity.)

The motion authorizing the negotiation and execution of a Parkland Improvement Agreement was approved.

Item 22 was pulled for discussion.

23. Approve an ordinance amending Section 12-4-41 of the City Code to add Escarpment Boulevard from State Highway 45 to 345 feet north of La Crosse Avenue to the list of streets having a maximum speed limit of 35 miles per hour and amending Section 12-4-42 of the City Code to add Escarpment Boulevard from 345 feet north of La Crosse Avenue to Slaughter Lane to the list of streets having a maximum speed limit of 40 miles per hour. (Funding in the amount of \$450 is available in Fiscal Year 2004-2005 Operating Budget of the Public Works Department for the installation of necessary signs.)

Ordinance No. 041216-23 was approved.

24. Authorize negotiation and execution of an Interlocal Agreement with the UNIVERSITY OF TEXAS, Austin, TX, in the amount of \$25,000 for construction of crosswalk improvements on Lake Austin Boulevard located 440 feet west of Hearne Street. (Funding is available from the University of Texas.)

The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

25. Authorize acceptance of \$57,552 in Transportation Equity Act for the 21st Century (TEA-21) grant funds for the construction of traffic signal improvements on Far West from Loop 1 to Hart; and amend Ordinance No. 040913-02, the 2004-2005 Amended Capital Budget of the Public Works Department, by appropriating \$57,552 in grant funds and creating a new project called "Far West: Loop 1 to Hart Signals Improvement Project". (Total project cost is \$71,940. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 26)

Ordinance No. 041216-25 was approved.

26. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for construction of traffic signal improvements as the Far West: Loop 1 to Hart Signals Improvement Project to be funded with Transportation Equity Act for the 21st Century (TEA-21) funds and 20% matching City of Austin funds from the Capital Metropolitan Transportation Authority Quarter Cent. (Total project cost is \$71,940. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 25)

The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

27. Authorize acceptance of \$189,354 in Transportation Equity Act for the 21st Century (TEA-21) grant funds for the construction of traffic signal improvements on FM 734 from Neenah Ave to Amherst Dr.; and amend Ordinance No. 040913-02, the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department, by appropriating \$189,354 in grant funds and creating a new project called "FM 734: Neenah Ave to Amherst Dr. Signals Improvement Project". (Total project cost is \$236,693. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 28)
Ordinance No. 041216-27 was approved.
28. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for construction of traffic signal improvements as the FM 734: Neenah Ave to Amherst Dr. Signals Improvement Project to be funded with Transportation Equity Act for the 21st Century (TEA-21) funds and 20% matching City of Austin (City) funds from the Capital Metropolitan Transportation Authority (CMTA) Quarter Cent. (Total project cost is \$236,693. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 27)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
29. Authorize acceptance of \$110,649 in Transportation Equity Act for the 21st Century (TEA-21) grant funds for the construction of traffic signal improvements on LP 360 from US 183 to RM 2222; and amend Ordinance No. 040913-01, the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department, by appropriating \$110,649 in grant funds and creating a new project called "LP 360: US 183 to RM 2222 Signals Improvement Project". (Total project cost is \$138,311. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 30)
Ordinance No. 041216-29 was approved.
30. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for construction of traffic signal improvements as the LP 360 from US 183 to RM 2222 Project to be funded with Transportation Equity Act for the 21st Century (TEA-21) funds and 20% matching City of Austin (City) funds from the Capital Metropolitan Transportation Authority (CMTA) Quarter Cent. (Total project cost is \$138,311. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 29)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
31. Authorize acceptance of \$148,207 in Transportation Equity Act for the 21st Century (TEA-21) grant funds for the construction of traffic signal improvements on RM 2222 from LP 360 to RR 620; and amend Ordinance No. 040913-02, the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department, by appropriating \$148,207 in grant funds and creating a new project called "RM 2222: LP 360 to RR 620 Signals Improvement Project". (Total project cost is \$185,259. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 32)
Ordinance No. 041216-31 was approved.

32. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for construction of traffic signal improvements for the RM 2222: LP 360 to RR 620 Signals Improvement Project to be funded with Transportation Equity Act for the 21st Century (TEA-21) funds and 20% matching City of Austin (City) funds from the Capital Metropolitan Transportation Authority (CMTA) Quarter Cent. (Total project cost is \$185,259. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 31)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
33. Authorize acceptance of \$93,665 in Transportation Equity Act for the 21st Century (TEA-21) grant funds for the construction of traffic signal improvements on US 183 from Pond Springs to RR 620; and amend Ordinance No. 040913-01, the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department, by appropriating \$93,665 in grant funds and creating a new project called "US 183: Pond Springs to RR 620 Signals Improvement Project". (Total project cost is \$117,081. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 34)
Ordinance No. 041216-33 was approved.
34. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for construction of traffic signal improvements as the US 183: Pond Springs to RR 620 Signals Improvement Project to be funded with Transportation Equity Act for the 21st Century (TEA-21) funds and 20% matching City of Austin (City) funds from the Capital Metropolitan Transportation Authority (CMTA) Quarter Cent. (Total project cost is \$117,081. 80% of project costs will be provided from TxDOT grant funds. Funding for the remaining 20% is available in Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) (Related Item 33)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
35. Authorize execution of a construction contract with RODRIGUEZ BARR INC., DBA THE BARR COMPANY, AIA, (MBE-FH 76.11%), Austin, TX, for ADA Sidewalk, Ramp and Bikeway Improvements 2004-2007 Group 2 Re-Bid in the amount of \$1,872,928.80 plus a \$187,292.88 contingency in an amount not to exceed \$2,060,221.67. (Funding in the amount of \$2,060,221.67 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) Lowest bid of four received. 8.74% MBE and 7.77% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
36. Authorize execution of a construction contract with RODRIGUEZ BARR INC., d/b/a THE BARR COMPANY, AIA, (MBE 81.42%), Austin, TX for ADA Sidewalk, Ramp and Bikeway Improvements 2004-2007 Group 3 Re-Bid in the amount of \$1,794,661.24 plus a \$179,466.12 contingency in an amount not to exceed \$1,974,127.36. (Funding in the amount of \$1,974,127.36 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) Lowest bid of four received. 8.05% MBE and 5.48% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

37. Authorize execution of a construction contract with SOUTHLAND CONTRACTING, INC., Fort Worth, TX, for the Austin Clean Water Program: Little Walnut Creek at Quail Creek in the amount of \$5,870,150 plus a \$587,015 contingency, for a total contract amount not to exceed \$6,457,165. (Funding in the amount of \$6,457,165 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) One responsive bidder. 23.84% MBE and 9.35% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
38. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING COMPANY, (MBE/MII 100%), Austin, TX, for the Austin-Bergstrom International Airport Air Cargo Apron Area Holding Pond Improvements Project in an amount not to exceed \$64,320. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Department of Aviation.) Lowest 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 for this solicitation.
The motion authorizing the execution of a construction contract was approved.
39. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Shoal Creek Boulevard Transportation Project in an amount not to exceed \$295,285.50. (Funding in the amount of \$295,285.50 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department.) One responsive bidder. 1.92% MBE and 4.96% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
40. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for the Hornsby Bend Biosolids Management Plant (BMP) Administration Building Reroof, Interior Improvements and Mold Remediation Project in the amount of \$509,101 (Base Bid plus Alternate No.1 for \$200), plus a \$50,901.10 contingency, for a total contract amount not to exceed \$560,002.10. (Funding in the amount of \$560,002.10 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lower bid of two received. 2.2% MBE and 0% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
41. Authorize execution of change order # 8 to the construction contract with SALAS CONSTRUCTORS, INC. (MBE - 86.56%), Buda, TX, for the Austin Clean Water Program South Congress Avenue Wastewater Project in the amount of \$100,000.50, for a total contract amount not to exceed \$833,332.50 (Funding in the amount of \$100,000.50 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) 7.35% MBE and 1.74% WBE overall subcontractor participation to date. (Recommended by the Water and Wastewater Commission)
This item was postponed to January 13, 2005.
42. Authorize execution of change order # 4 to the construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH, for the North Service Center Excavation for Site Clearance in the amount of \$689,957.09, for a total contract amount not to exceed \$2,309,985. (Funding in the amount of \$689,957.09 is available in the Fiscal Year 2002-2003 Capital Budget of the Austin Water Utility.) 7.86% MBE and 0.22% WBE subcontractor participation to date. (Recommended by the Water & Wastewater Commission.)
The motion authorizing the execution of change order #4 was approved.

43. Approve ratification of change order #9 to the construction contract with AUSTIN ENGINEERING COMPANY, INC., Austin, TX, for street reconstruction and utility improvements on 30th Street from Speedway to Lamar in the amount \$263,875.12, for a total contract amount not to exceed \$2,323,095.78. (Funding in the amount of \$263,875.12 is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department.) 9.72% MBE and 12.54% WBE subcontractor participation including this change order.
The motion authorizing the change order #9 to the construction contract was approved.
44. Authorize negotiation and execution of an amendment to the professional services agreement with EARTHTECH, Austin, TX, for Program Management Services for the Austin Clean Water Program (ACWP) in the amount not to exceed \$5,597,876 for calendar year 2005, with two twelve month extensions in an amount not to exceed \$5,389,485 for the first extension and \$3,780,743 for the second extension, through the completion of the ACWP, for a total contract amount not to exceed \$34,719,609. (Funding in the amount of \$5,597,876 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets.) 28.6% MBE and 19.4 % WBE subcontractor participation to date. (No recommendation by the Water & Wastewater Commission.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.
45. Authorize execution of an amendment to the professional services agreement with the following twenty-five (25) firms: CLAUNCH & MILLER, INC., Houston, TX; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, TX; CARRASQUILLO ASSOCIATES – LOC CONSULTANTS TEAM JOINT VENTURE(MBE/MH), Austin, TX; URBAN DESIGN GROUP (WBE/FR), Austin, TX; MARTINEZ, WRIGHT & MENDEZ, INC. (MBE/MH), Austin, TX; HEJL, LEE & ASSOCIATES, INC., Austin, TX; DAVCAR ENGINEERING SERVICES (MBE/MH), Austin, TX; RATNALA & BAHL, INC., Austin, TX; BROWN AND CALDWELL, Austin, TX; HALFF ASSOCIATES, INC., Austin, TX; KURKJIAN ENGINEERING CORPORATION (WBE/FH), Austin, TX; OTHON, INC. (MBE/MH), Austin, TX; ESPEY CONSULTANTS, INC. - MONTGOMERY WATSON HARZA TEAM JOINT VENTURE, Austin, TX; SUNLAND GROUP (MBE/MH), Austin, TX; WESTON SOLUTIONS, INC., Austin, TX; BLACK & VEATCH CORPORATION, Austin, TX; JASTER-QUINTANILLA & ASSOCIATES, INC. (MBE/MH), Austin, TX; KLOTZ ASSOCIATES, INC., Austin, TX; JOSE I. GUERRA, INC. (MBE/MH), Austin, TX 78741; LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX; VICKREY & ASSOCIATES, Inc., (WBE/FR), Austin, TX; FREESE & NICHOLS, INC., Austin, TX; PBS&J, Austin, TX; BINKLEY & BARFIELD, INC., Austin, TX; HDR ENGINEERING, INC., Austin, TX, for engineering services associated with the Sanitary Sewer Replacement and Rehabilitation Design Services Rotation List (ACWP), in an amount not to exceed \$8,500,000 for a total contract amount not to exceed \$31,000,000 for the twenty-five rotation list firms. (Funding in the amount of \$8,500,000 is available in the Capital Budgets or Operating Budgets for the Austin Water Utility for which services are needed.) 28.4% MBE and 23.8% WBE total participation to date. (Recommended by the Water and Wastewater Commission)
The motion authorizing the execution of an amendment to the professional services agreement was approved.

46. Set a public hearing and approve a resolution authorizing the conveyance of approximately 0.117 acres of City parkland for use as US 183 right-of-way in exchange for access easement rights across Little Walnut Creek at US 183 and authorizing the negotiation and execution of an agreement with the Texas Department of Transportation for such a conveyance and exchange, subject to and in accordance with the public hearing requirements of Section 26.001, et seq., of the Texas Parks & Wildlife Code and the applicable requirements of Sections 253.001(i) and 271.001 of the Texas Local Government Code (Suggested date and time: January 13, 2005 at 6:00 p.m., City Hall Council Chambers) (All costs associated with the construction as well as any parkland restoration will be paid by the requestor.) (Recommended by Parks Board on October 26, 2004.)

The public hearing was set for January 13, 2005 at 6:00 p.m., in the City Hall Council Chambers and Resolution No. 041216-46 was approved.

47. Authorize execution of a 10-month supply/service agreement with THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) Go DIRect Program for the purchase of computer hardware and maintenance in an amount not to exceed \$7,028,067, with one 12-month extension option in an amount not to exceed \$7,000,000, for a total agreement amount not to exceed \$14,028,067. (Funding in the amount of \$2,829,360 is available in the Fiscal Year 2004-2005 Approved Operating Budgets of the various City Departments. Funding in the amount of \$1,564,500 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding in the amount of \$2,526,607 is available in the Fiscal Year 2004-2005 Approved Capital Budget of various other City Departments. Funding in the amount of \$107,600 is available in Fiscal Year 2004-2005 Grant Budgets. Funding for the extension option is contingent upon available funding in future budgets.) Cooperative Purchasing.

The motion authorizing the execution of a supply/service agreement was approved.

48. Authorize execution of Amendment No.1 to three 24-month supply agreements with TECHLINE, INC., Austin, TX; POWER SUPPLY, Austin, TX; and KBS ELECTRICAL DISTRIBUTORS, Austin, TX, to increase the agreements for padmount transformers in an amount not to exceed \$1,137,316, \$734,570, and \$259,028 respectively; and to increase the three 12-month extension options in amounts not to exceed \$568,658, \$367,285, and \$129,514 respectively, for revised total agreement amounts not to exceed \$3,996,292, \$6,179,350, and \$1,480,680 respectively. (Funding in the amount of \$1,065,457 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining 12-months of the original contract term and the extension options is contingent upon available funding in future budgets.) This contract was 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.

This item was postponed indefinitely and withdrawn from the agenda.

49. Authorize negotiation and execution of a 12-month service agreement with FOX SMOLEN & ASSOCIATES INC., (WBE/FR-100%), Austin, TX, for a part time Hearings Officer in an amount not to exceed \$76,080, with three 12-month extension options in an amount not to exceed \$76,080 per extension option, for a total agreement amount not to exceed \$304,320 (Funding in the amount of \$63,400 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of four 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.

50. Authorize execution of a 12-month supply agreement with KBS ELECTRICAL DISTRIBUTORS, Austin, TX, for fault indicators in an amount not to exceed \$133,000, with four 12-month extension options in an amount not to exceed \$133,000 per extension option, for a total agreement amount not to exceed \$665,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget (Inventory Fund) of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specifications 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.
The motion authorizing the execution of a supply agreement was approved.
51. Authorize execution of a 12-month supply agreement with FSTI , a/k/a Fluid Solution Technology, Incorporated (WBE/ FR), Manor, TX, for liquid sodium hydroxide (caustic soda) in an amount not to exceed \$116,910, with three 12-month extension options in an amount not to exceed \$116,910 per extension option, for a total agreement amount not to exceed \$467,640. (Funding in the amount of \$87,682.50 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid 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 for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
52. Approve the ratification of a contract with BJ PROCESS & PIPELINE SERVICES, Houston, TX, for services to clean and dry gas piping network at Sandhill Power Plant in an amount not to exceed \$120,922. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) Lowest bid of three bids received. This contract was 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 a contract was approved.
53. Authorize execution of a 12-month service agreement with MASTEC NORTH AMERICA, INC., Austin, TX, for underground transmission/distribution construction and maintenance service in an amount not to exceed \$5,609,522.63, with four 12-month extension options in an amount not to exceed \$5,609,522.63 per extension option, for a total agreement amount not to exceed \$28,047,613.15. (Funding in the amount of \$420,392 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding in the amount of \$5,049,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. 11.89% MBE and 6.67% WBE Subcontracting Participation.
The motion authorizing the execution of a service agreement was approved.

54. Authorize negotiation and execution of a contract with the ELECTRIC POWER RESEARCH INSTITUTE, Palo Alto, CA, for the lease of a plug-in hybrid electric vehicle and related participation in an alliance project to test the potential of new hybrid drive technology, in an amount not to exceed \$200,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) 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. (Recommended by the Resource Management Commission.)
The motion authorizing the negotiation and execution of a contract was approved.
55. Authorize execution of a contract with CLEANOLOGY SERVICE & SUPPLY, San Antonio, TX, for the purchase of painting services in an amount not to exceed \$68,550. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Convention Center Department.) 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.
The motion authorizing the execution of a contract was approved.

Item 56 was pulled for discussion.

57. Authorize execution of a 12-month supply agreement with COVERT CHEVROLET OLDSMOBILE, Bastrop, TX, for the purchase of captive repair parts for General Motors light duty vehicles in an amount not to exceed \$150,000, with three 12-month extension options in an amount not to exceed \$150,000 per extension option, for a total agreement amount not to exceed \$600,000. (Funding in the amount of \$125,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications 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.
The motion authorizing the execution of a supply agreement was approved.
58. Authorize execution of a 12-month supply agreement with EQUIPMENT SOUTHWEST, INC., Irving, TX, for the purchase of captive repair parts for Perkins can tippers in an amount not to exceed \$60,000, with two 12-month extension options in an amount not to exceed \$60,000 per extension option, for a total agreement amount not to exceed \$180,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 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.

59. Authorize execution of a contract with LONE STAR BMW TRIUMPH, Austin, TX, for the purchase of 20 police motorcycles in an amount not to exceed \$394,320. (Funding is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund of the Financial and Administrative Services Department.) One bid 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.
60. Authorize execution of a 12-month service agreement with MAJESTIKLEEN, INC., Austin, TX, for janitorial services at the south branch libraries in an amount not to exceed \$68,700, with two 12-month extension options in an amount not to exceed \$68,700 per extension option, for a total agreement amount not to exceed \$206,100. (Funding in the amount of \$45,800 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest 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.
The motion authorizing the execution of a service agreement was approved.
61. Authorize execution of a 12-month service agreement with MAJESTIKLEEN, INC., Austin, TX, for janitorial services at the north branch libraries in an amount not to exceed \$58,230, with two 12-month extension options in an amount not to exceed \$58,230 per extension option, for a total agreement amount not to exceed \$174,690. (Funding in the amount of \$38,820 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest 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.
The motion authorizing the execution of a service agreement was approved.
62. Authorize execution of a 12-month service agreement with ARCO IRIS PAINTING CONTRACTORS, Austin, TX, for residential painting services for the Neighborhood Housing and Community Development Department in an amount not to exceed \$100,000, with two 12-month extension options in an amount not to exceed \$100,000 per extension option, for a total agreement amount not to exceed \$300,000. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy and administered by the Neighborhood Housing and Community Development Department for the Holly Good Neighbor Program. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of six 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.

63. Authorize execution of a purchase through the Texas Building and Procurement Commission with their contract vendor TOTER INC., Statesville, NC for the purchase of garbage carts for the Solid Waste Services Department in an amount not to exceed \$382,439.16. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste Services Department.) Cooperative Purchasing.
The motion authorizing the execution of a purchase through the Texas Building and Procurement Commission was approved.
64. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, Inc., Austin, TX, for construction of the Tanglewood Forest Detention Pond Retrofit project in the amount of \$407,932.50 plus a \$101,983.13 contingency, for a total contract amount not to exceed \$509,915.63. (Funding in the amount of \$509,915.63 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Watershed Protection and Development Review Department.) Lowest bid of four received. 21.57% MBE and 5.88% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
65. Board and Commission appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u> Bettie Taylor	Consensus	Appointment
<u>Arts Commission</u> Sue Graze Kathleen Harman	Mayor Wynn's Council Member McCracken's	Reappointment Reappointment
<u>Child Care Council</u> Jill McRae	Council Member Slusher's	Reappointment
<u>Community Development Commission</u> Ivan Javier Naranjo	Council Member Alvarez'	Reappointment
<u>Downtown Commission</u> Perry Lorenz Beth Ann Sprengel (Chamber of Commerce Rep.)	Consensus Consensus	Reappointment Reappointment
<u>Environmental Board</u> Rodney Ahart	Council Member Slusher's	Appointment
<u>Resource Management Commission</u> Richard Amato	Mayor Wynn's	Appointment
<u>Telecommunications Commission</u> Stephen Martin	Council Member Dunkerley's	Appointment
<u>Travis Central Appraisal District Board of Directors</u> Eleanor Powell	Consensus	Reappointment
<u>Urban Renewal Board</u> Dr. Floyd Davis	Mayor Wynn's	Appointment

Water and Wastewater Commission

Chien Lee

Mayor Pro Tem Goodman's

Reappointment

Housing Authority of the City of Austin

Henry Flores

Mayor Wynn's

Reappointment

66. Approve an ordinance waiving of certain fees and requirements and authorizing payment of certain costs under Chapter 14 of the City Code associated with the Candlelight Holiday at the Governor's Mansion to be held December 19, 2004 from 3:00 pm until 9:00 pm. (Mayor Will Wynn and Council Member Betty Dunkerley)
Ordinance No. 041216-66 was approved.
67. Approve an ordinance authorizing negotiation and execution of a contract between the City of Austin and the First Night Austin 2006 organization to co-sponsor the First Night Austin Event to be held on December 31, 2005. (Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Ordinance No. 041216-67 was approved. Council Members Slusher and Thomas voted no.
68. Set a public hearing to consider an ordinance amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Suggested time and date: Thursday, January 13, 2005, at 6:00 p.m., City Hall Council Chambers) (Council Member Betty Dunkerley, Council Member Danny Thomas and Council Member Brewster McCracken)
The public hearing was set for Thursday, January 13, 2005, at 6:00 p.m., City Hall Council Chambers. Mayor Pro Tem Goodman and Council Members Alvarez and Slusher voted no.
69. Approve a resolution amending the schedule established by Resolution No. 041007-48 for review of the proposed East Austin Community Preservation and Revitalization Zone. (Council Member Raul Alvarez and Council Member Danny Thomas)
Resolution No. 041216-69 was approved.
70. Approve the waiver of certain development fees for the construction of a building that is approximately 31,000 sq. ft. by Southwest Key - East Austin Community Development Project on property located in the 6000 block of Jain Lane. The property is bounded by Jain Lane at Perry Road on the southwest, Boggy Creek on the north, and by residential properties on the southeast. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Raul Alvarez)
The motion authorizing the waiver of certain development fees for the construction of a building was approved.

Items 71 through 75 were Executive Session items.

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

Items 76 through 81 and Z-1 through Z-12 were zoning items set for 4:00 p.m.

Items 82 through 84 were public hearings set for 6:00 p.m.

CITIZEN COMMUNICATION

Judy Leary - Pan-Handling

DISCUSSION ITEM

56. Authorize execution of a 12-month supply agreement with PHILIPS MEDICAL SYSTEMS, Seattle, WA. for the purchase of automated external defibrillators and supplies for the Austin/Travis County Emergency Medical Services Department and the Austin Water Utility Department in an amount not to exceed \$139,000, with four 12-month extension options in an amount not to exceed \$139,000 per extension option, for a total agreement amount not to exceed \$695,000. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin/ Travis County Emergency Medical Services Department and \$39,000 is available in the Fiscal Year 2004-0005 Approved Operating Budget of the Austin Water Utility. 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 agreement.

The motion authorizing the execution of a supply agreement was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

22. Approve an ordinance amending Section 12-1-32 (Use of Skates and Toy Vehicles on Roadway or Sidewalk) of the City Code relating to the use of skates, skateboards, and toy vehicles or other similar devices at the new City Hall and creating an offense.

Ordinance No. 041216-22 was approved with the following amendment on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote. The amendment should read as follows: Part 1, add a new Subsection 12-1-32(D) to read: (D) A person may not ride a bicycle motocross bicycle on an architectural feature in the area bounded by Cesar Chavez Street on the south, Lavaca Street on the east, Second Street on the north, and Guadalupe Street on the west.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:10 a.m.

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

71. Discuss legal issues regarding anticipated legislation in the Texas 79th Legislative Session that affect the City of Austin.

No discussion was held on this item.

75. Discuss legal issues regarding City of Sunset Valley, Save Our Springs, et al. v. City of Austin and Lowe's; Cause No. GV-400101; in the 201st Judicial District of Travis County, Texas. (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved)

No discussion was held on this item.

No items were completed during this Executive Session but were discussed later in the meeting.

Executive Session ended and Mayor Wynn recessed the Council Meeting at 12:11 p.m.

Mayor Wynn called the Council Meeting back to order and recessed to go into Executive Session at 2:30 p.m.

EXECUTIVE SESSION CONTINUED

72. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:01 p.m.

CITIZEN COMMUNICATIONS: GENERAL CONTINUED

Jimmy Castro - 79th Legislative Session

Michelle Huang - Falun Dafa in Austin

Pat Johnson - Lack of Direction by Council to Police regarding Towing Companies whom molest our Citizens. **He was not present when his name was called.**

Patricia Brady - Percussions Falun Gong

Laura Chen - Falun Gong - Human Rights

Richard Troxell - Homelessness in Austin

Pat Valls Trelles - Animal Issues

Jennifer L. Gale - "Silver Bells". Christmas Day Lunch at Charlies at 1:00p.m.

Mary Lehmann - Mueller Property. **She was not present when her name was called.**

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at p.m. 3:25 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 3:47 p.m.

18. Approve a resolution authorizing the release of two tracts totaling approximately 48.112 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Dripping Springs (One of the proposed release tracts is approximately 630 feet west of the intersection of US 290 W and Nutty Brown Road, and the other proposed release tract is at the intersection of Nutty Brown Road and Kit Carson Drive).
This item was postponed to January 13, 2005 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:49 p.m.

EXECUTIVE SESSION CONTINUED

74. Discuss legal issues regarding the location of the Austin Museum of Arts, located on the jail-house block.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:25 p.m.

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 Dunkerley's motion, Council Member Alvarez' second on a 6-0 vote. Council Member McCracken was off the dais.

76. C14II-04-0017 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Costley-Goins House, 1157 San Bernard Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. First reading on December 2, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: Lloyd and Libby Doggett, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
Ordinance No. 041216-76 for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved.
77. C14-04-0163 - Crestview Tract 133 - Approve second/third readings of 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. First Reading on November 18, 2004. Vote 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041216-77 for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved.
78. C14-04-0063 - 2222 Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700 RM 2222 (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on December 2, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council on first ordinance reading. Applicant: International Bank of Commerce (Dennis Nixon). Agent: Urban Design (Laura Toups). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 041216-78 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

80. C14-04-0071 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8423 State Highway 71 West. (Williamson Creek Watershed) from interim-rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Council approved limited office-conditional overlay (LO-CO) combining district zoning at first ordinance reading. First reading on September 2, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.
The second reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning was approved.

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 Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

- Z-2 C14-04-0175 - 403-413 Bastrop Highway - 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 403-413 Bastrop Highway (Colorado River Watershed) from interim-single family residence standard lot (I-SF-2) district zoning, rural residence (RR) district zoning and general commercial services (CS) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services -conditional overlay (CS-CO) combining district zoning. Applicants: Glenda Jean Burkland Bearden, Bobby Ray Burkland, Barbara Jean Burkland and Mark Bearden. Agent: Glenda Jean Burkland Bearden. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041216-Z-2 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-3 C14-04-0176 - Comfort Suites Austin Airport - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7501 East Ben White Boulevard (Carson Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Applicant: Spirit Development IV, Ltd. (Gary R. Stillwell). Agent: CTG Enterprises (Carole Terry-Gonynor). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041216-Z-3 for commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning was approved.
- Z-4 C14-04-0134 - Kingdom Hall Zoning 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West St. Elmo Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with conditions. Applicant: Westlake Congregation of Jehovah's Witnesses (Tad A. Curtis). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
The first reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with conditions was approved.

- Z-5 C14-04-0151 - The Domain - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11400 Burnet Road & 3300 W. Braker Lane (Shoal Creek and Walnut Creek Watersheds) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning in order to change a condition of zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning with conditions. Applicant: The Domain Center, L.P., Multek Community Center, L.P. (James M. Barkley). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041216-Z-5a and Ordinance No. 041216-Z-5b for major industrial-planned development area (MI-PDA) combining district zoning with conditions was approved.
- Z-6 C14-04-0159 - Blackstone Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2910 Medical Arts Street (Waller Creek Watershed) from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: Austin Management Group (Steven Moore). Agent: City of Austin-NPZD. City Staff: Glenn Rhoades, 974-2775.
The first reading of ordinance for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved.
- Z-7 C14H-04-0019 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Padgett-Painter House, 105 W. 32nd Street (Waller Creek Watershed) from Family Residence, Neighborhood Conservation, Neighborhood Plan (SF-3-NCCD-NP) combining district zoning to Family Residence – Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Ross and Suzanne Pringle, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
Ordinance No. 041216-Z-7 for Family Residence-Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning was approved.
- Z-8 C14H-04-0023 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Del Curto-Nowotny House, 102 Laurel Lane (Waller Creek Watershed) from Family Residence, Neighborhood Conservation, Neighborhood Plan (SF-3-NCCD-NP) combining district zoning to Family Residence – Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Laurie Aroch, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
Ordinance No. 041216-Z-8 for Family Residence-Historic, Neighborhood Conservation, Neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning was approved.

- Z-9 C14H-04-0024 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Old Golf Club House, 512 E. 39th Street (Waller Creek Watershed) from Family Residence, Neighborhood Plan (SF-3-NP) combining district zoning to Family Residence-Historic-Neighborhood Plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence-Historic, Neighborhood Plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Historic, Neighborhood Plan (SF-3-H-NP) combining district zoning. Applicant: Mary Ann Osborne, owner. Agent: Maverick F. Fisher. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
Ordinance No. 041216-Z-9 for Family Residence-Historic, Neighborhood Plan (SF-3-H-NP) combining district zoning was approved.
- Z-10 C14-04-0056 - Fish Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13600-14224 Dessau Road (Harris Branch Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence standard lot (SF-2) district, townhouse & condominium residence (SF-6) district, multi-family residence medium density (MF-3) district, and general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) district, townhouse & condominium residence (SF-6) district, multifamily residence medium density (MF-3) district, neighborhood commercial (LR) district, neighborhood commercial-mixed use (LR-MU) combining district, community commercial (GR) district, and community commercial-mixed use (GR-MU) combining district zoning. Applicant: John Fish. Agent: Land Strategies, Inc. (Paul W. Linchan). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041216-Z-10 for single family residence standard lot-conditional overlay (SF-2-CO) district, townhouse & condominium residence (SF-6) district, multifamily residence medium density (MF-3) district, neighborhood commercial (LR) district, neighborhood commercial-mixed use (LR-MU) combining district, community commercial (GR) district, and community commercial-mixed use (GR-MU) combining district zoning was approved.
- Z-11 C14-04-0147 - J.D.'s Conoco - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Southeast corner of Decker Lane and Decker Lake Road (Elm Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: J.D.'s Conoco A.M. Petroleum Inc. Agent: Land Answers (Jim Whitliff). City Staff: Tom Bolt, 974-2755.
Ordinance No. 041216-Z-11 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.

ZONING DISCUSSION ITEMS

- Z-1 C14-04-0167 - Euers Office/Retail Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 135 West Slaughter Lane (Onion Creek Watershed) from rural residence (RR) district zoning and single family residence standard lot (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. Applicant: Lester Euers. Agent: The Brown Group (Martin Brown). City Staff: Wendy Walsh, 974-7719.

This item was postponed to January 13, 2005 on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

79. C14-04-0100 - Old Lampasas Trail, Lot 20 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9001 Old Lampasas Trail (Bull Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to limited office (LO) district zoning. Council approved neighborhood office-conditional overlay (NO-CO) combining district zoning on first ordinance reading. Conditions met as follows: Conditional overlay incorporates the conditions imposed at first ordinance reading. First reading on November 4, 2004. Vote: 7-0. Applicant: Joseph G. Wheeler. City Staff: Sherri Gager, 974-3057.

Ordinance No. 041216-79 for neighborhood office-conditional overlay (NO-CO) combining district zoning was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

81. C14-04-0101 - S. Lamar Boulevard-Evergreen Avenue-West Mary Street Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the area bounded by South Lamar Boulevard on the northwest, Evergreen Avenue on the east, and West Mary Street on the south (West Bouldin Creek Watershed) from family residence (SF-3) district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, and 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. Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. First reading on November 18, 2004. Vote: 5-1, Goodman-nay, D. Slusher-off dais). Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department (Sherri Gager). City Staff: Sherri Gager, 974-3057.

The ordinance for 1707 S. Lamar Boulevard and 1704 & 1706 Evergreen Avenue were approved on second reading for general commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

- Z-12 C14-04-0152 - 4607 Manchaca Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4607 Manchaca Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Applicant: Jolico Family Ltd. (Liliana R. Cohen). Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

The first reading of the ordinance for limited office-conditional overlay (LO-CO) district zoning with the following amendments was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

- 1. Prohibiting all LO uses except medical offices.**
- 2. Allow NO uses and no site development regulations.**
- 3. Limit vehicle trips to 300 per day.**
- 4. Limit square footage to the current/existing footprint.**

Mayor Wynn recessed the Council Meeting at 5:37 p.m.

LIVE MUSIC

Andrea Whaley

PROCLAMATIONS

Distinguished Service Award - Dorothy L. Freeman - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - LCRA Appreciation Day - and Certificates of Appreciation to be presented by Mayor Will Wynn and to be accepted by Joe Beal and LCRA employees

Distinguished Service Awards - Austin Fire Department - to be presented by Mayor Will Wynn and to be accepted by Captain Keith Johnson and the crew of Station 31-B

Proclamation - Claim and Save Community Tax Center Day - to be presented by Council Member Betty Dunkerley and to be accepted by Walter Moreau

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

PUBLIC HEARINGS AND POSSIBLE ACTION

82. Conduct a public hearing and approve an ordinance on the Downtown Austin Public Improvement District (PID) 2005 assessments, adopting the assessment roll and levying assessments. (Funding at the approved 2005 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,102,034 at a 96% collection rate.) (Related Item 6)
The public hearing was closed and Ordinance No. 041216-82 was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
6. Amend the Fiscal Year 2004-2005 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to adopt a budget for the Downtown Improvement District with a beginning balance in the amount of \$422,322, Revenue in the amount of \$1,327,609, and Requirements in the amount of \$1,227,609. (Funding is available through \$1,102,034 in 2005 assessments (at a 96% collection rate); \$46,935 in collections from 2004, \$28,640 from interest accrued in the PID account and late payments; a \$150,000 annual contribution from the City of Austin (\$75,000 from Austin Convention Center Fund, and \$75,000 from Water and Wastewater Utility Fund). Revenue adjustments may be made as a result of the Council's action on the assessment roll Public Hearing.) (Related Item 82)
The public hearing was closed and Ordinance No. 041216-06 was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
83. Conduct a public hearing and approve an ordinance creating a reinvestment zone under Chapter 311, Texas Tax Code (the Tax Increment Financing Act) for Mueller Property (formerly the Robert Mueller Municipal Airport), establishing a Board of Directors for the zone and approving related matters. The tax increment financing zone will be known as "Reinvestment Zone Number Sixteen, City of Austin, Texas."
Ordinance No. 041216-83 was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

84. Conduct a public hearing and approve an ordinance for a variance from the Land Development Code Section 25-7-92 (B) (Encroachment on Floodplain Prohibited) to allow construction of a single-family residence at 10027 Wild Dunes Drive (Lot 23) and 4514 Wild Dunes Court (Lot 22) in the 100-year floodplain of Onion Creek and to waive requirement to dedicate a drainage easement to the limits of the 100-year floodplain.

The public hearing was closed and Ordinance No. 041216-84 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the Council meeting to go into Executive Session at 7:12 p.m.

EXECUTIVE SESSION CONTINUED

73. 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.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 8:16 p.m.

The meeting was adjourned without objection at 8:17 p.m.

The minutes for the Regular Meeting of December 16, 2004 were approved on this the 13th day of January, 2005 on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.