

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, NOVEMBER 17, 2005**

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 17, 2005 in the Council Chambers of City Hall, 301 W. 2<sup>nd</sup> Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:30 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 Leffingwell's second on a 7-0 vote.

**Invocation:** Deacon Ron Walker, St. Mary Cathedral

1. Approval of the minutes from the meeting of November 3, 2005.  
**The minutes from the meeting of November 3, 2005 were approved.**
2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$76,698 to FOUNDATION COMMUNITIES, Austin, TX for the installation of a solar photovoltaic system at their facility located at 7101 North IH-35. (Funding in the amount of \$76,698.00 is available in the 2005-2006 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission Meeting and the Resource Management Commission.)  
**The motion authorizing the issuance of a letter of intent was approved.**
3. Amend the Fiscal Year 2005-2006 Electric Utility Department Operating Budget of Ordinance 20050912-001 to create the Performance Contracting Fund and to appropriate \$5,000,000 in revenues from the LoanSTAR Loan Program and appropriate \$5,000,000 from the performance contracting expenditures to fund the Performance Contracting Fund. (\$5,000,000 in low interest loans through the LoanSTAR Loan Program.) (Recommended by the Electric Utility Commission.) (Related Item 26)  
**Ordinance No. 20051117-003 was approved.**
4. Authorize a change order to increase the spending authorization for the Building Purchase Agreement with DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN (d/b/a SETON HEALTH CARE NETWORK) related to the purchase from Seton of a structure to house energy production equipment to serve the Dell Children's Hospital, for an amount not to exceed \$2,100,000, for a total amount not to exceed \$5,100,000. (Funding in the amount of \$2,100,000 is available in the Fiscal Year 2005-2006 Capital Budget of Austin Energy.) (Recommended by the Electric Utility Commission.)

**The motion authorizing a change order to increase the spending authorization was approved.**

5. Authorize execution of a construction contract with M.B. HOME CONSTRUCTION SERVICE, INC., Cedar Creek, TX, for selective demolition and renovation of approximately 2,550 square feet of building interior space at Town Lake Center in an amount not to exceed \$101,688. (Funding in the amount of \$101,688 is available in the Fiscal Year 2005-2006 Approved Operating Budget for Austin Energy.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 22.71% MBE and 17.29% WBE subcontractor participation. (Recommended by the Electric Utility Commission.)

**The motion authorizing the execution of a construction contract was approved.**

6. Approve execution of a construction contract with SOUTHWEST CONSTRUCTORS, INC., Austin, TX, for the McNeil to Dessau Lattice Tower Demolition Project in an amount not to exceed \$111,110. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of Austin Energy.) 15.75% MBE and 3.15% WBE subcontractor participation. (Recommended by the Electric Utility Commission.)

**The motion authorizing the execution of a construction contract was approved.**

7. Authorize negotiation and execution of Amendment #4 to the contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, for the purchase and installation of equipment and services to upgrade the Austin/Travis County Regional Radio system operating software and extend the City of Austin and Motorola, Inc. contract pricing to Williamson County for radio system infrastructure in an amount not to exceed \$8,056,000 for a revised total contract amount not to exceed \$86,403,376. 5.08% MBE and 6.70% WBE subcontractor participation to date. (Funding in the amount of \$6,000,000 is available from the Fiscal Year 2005-2006 COPS Interoperable Communications Technology Program for the grant period of September 1, 2005 to August 31, 2006. A cash match of \$2,000,000 is required; \$150,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Communications and Technology Management Department -Wireless Office. The remaining \$1,850,000 will be provided by Williamson County. \$56,000 is also available from Travis County.) (Related Items 8, 9, 19)

**The motion authorizing the negotiation and execution of Amendment #4 to the contract was approved.**

8. Approve negotiation and execution of an Interlocal Agreement with Williamson County to upgrade the Austin/Travis County Regional Radio System operating software and purchase of radio system infrastructure for Williamson County under a proposed contract amendment between the City of Austin and Motorola, Inc. in an amount not to exceed \$8,056,000. (Funding in the amount of \$6,000,000 is available from the Fiscal Year 2005-2006 COPS Interoperable Communications Technology Program for the grant period of September 1, 2005 to August 31, 2006. A cash match of \$2,000,000 is required; \$150,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Communications and Technology Management Department - Wireless Office. \$1,850,000 will be provided by Williamson County. An additional \$56,000 (not a grant requirement) is available from Travis County.) (Related Items 7, 9, 19)

**The motion authorizing negotiation and execution of an interlocal agreement was approved.**

9. Approve an ordinance amending the Fiscal Year 2005-2006 Communication and Technology Management Department Wireless Operating Budget-Communications Services Fund of Ordinance No. 20050912-001 to add a Transfer Out to CIP in the amount of \$206,000 and decreasing expenses for Wireless Communications by the same amount; and amending the Fiscal Year 2005-2006 Communications and Technology Department Capital Budget of Ordinance No. 20050912-002 to add a Transfer In from the Operating Budget of \$206,000 and to appropriate \$8,056,000 to fund the Regional Radio System project. (Funding in the amount of \$206,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Communications & Technology Management Department- Wireless Office; funding in the amount of \$1,850,000 is available from Williamson County, and \$6,000,000 is available in the Police Special Revenue Fund from a Department of Justice grant.) (Related Items 7, 8, 19)  
**Ordinance No. 20051117-009 was approved.**
10. Approve an ordinance denying a proposed interim Gas Reliability Infrastructure Program (GRIP) surcharge submitted by ATMOS Energy Corp., Mid-Tex Division (formerly TXU Gas Co.) for calendar year 2004; approve a resolution authorizing the City Manager to join a coalition of other Texas cities defending the denial of the interim GRIP surcharge.  
**Ordinance No. 20051117-010 and Resolution No. 20051117-010 were approved.**
11. 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 \$33,000. (Funding is included in the Fiscal Year 2005-2006 Operating Budget of the Austin Fire Department)  
**The motion authorizing an interlocal agreement was approved.**
12. Adopt a resolution amending the Personnel Policies on Holidays to observe Christmas Eve as a holiday every year, not just when the day occurs on Monday through Thursday. (Funding is included in the Fiscal Year 2005-2006 Approved Budget.)  
**Resolution No. 20051117-012 was approved.**
13. Approve first reading of an ordinance to annex the Lowe's at Brodie Area (Approximately 35 acres in Travis County west of Brodie Lane approximately three tenths of a mile north of the intersection of Brodie Lane and William Cannon Drive). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**The first reading of the ordinance was approved.**
14. Approve first reading of an ordinance to annex the Scarbrough Subdivision Area for the limited purposes of planning and zoning (Approximately 46 acres in Travis County west of the intersection of North IH-35 and Threc Points Drive between Bratton Lane and North IH-35). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 15)  
**The first reading of the ordinance was approved.**
15. Approve first reading of an ordinance adopting a regulatory plan for the Scarbrough Subdivision Area, which is being annexed for limited purposes. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 14)  
**The first reading of the ordinance was approved.**

16. Approve an ordinance to annex the Maynard Tract Area (Approximately 2 acres in southeastern Travis County north of Burlison Road approximately 970 feet east of the intersection of Burlison Road and US Highway 183 South); grant aviation services (AV) interim zoning designation for the property within the annexation area; and waive zoning application fees for property within the annexed area 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. 20051117-016 was approved.**
17. Approve an ordinance to annex the Rancho Alto Area (Approximately 83 acres in Travis County south of Frate Barker Road approximately three tenths of a mile west of the intersection of Frate Barker Road and Manchaca Road.); establish an interim single-family (I-SF-2) zoning designation for portions of the Rancho Alto Area; and waive zoning application fees for property within the annexed area 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. 20051117-017 was approved.**

**Item 18 was pulled for discussion.**

19. Approve an ordinance authorizing acceptance of \$6,000,000 in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS); amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate a total of \$6,000,000 for the upgrade to the Austin/Travis County Regional Radio System operating software and purchase of radio system infrastructure for Williamson County. (Funding is available from the Fiscal Year 2005-2006 COPS Interoperable Communications Technology Program for the grant period of September 1, 2005 to August 31, 2006. A cash match of \$2,000,000 is required; funding in the amount of \$150,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Communications and Technology Management Department-Wireless Office, and funding in the amount \$1,850,000 is available from Williamson County.) (Related Items 7, 8, 9)  
**Ordinance No. 20051117-019 was approved.**
20. Approve an ordinance to amend Section 12-4-45 of the City Code to establish a 55 mile per hour speed limit on McKinney Falls Parkway from Burlison Road to US HWY 183. (Funding in the amount of \$500 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.)  
**Ordinance No. 20051117-020 was approved.**
21. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-West of Lamar Project, a portion of the Austin Clean Water Program, to acquire an 853 square foot permanent wastewater line easement and a 425 square foot temporary working space easement out of Lot 8, Block Two, Barton Hollow, a subdivision in Travis County, in the amount of \$13,485. The owner of the needed property interests is Jane Eva Bullard, Austin, Texas. The property is located at 1204 Hollow Creek Drive, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20051117-021 was approved.**

22. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-West of Lamar Project, a portion of the Austin Clean Water Program, to acquire a 750 square foot permanent wastewater line easement and a 624 square foot temporary working space easement out of Lot 7, Block Two, Barton Hollow, a subdivision in Travis County, in the amount of \$10,798. The owner of the needed property interests is Jane Eva Bullard, Austin, Texas. The property is located at 1206 Hollow Creek Drive, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20051117-022 was approved.**
23. Approve a resolution authorizing the filing of eminent domain proceedings for the Riverside Drive Utility and Road Reconstruction Project to acquire an 863 square foot street deed out of the Isaac Decker League, Abstract No. 8, Survey No. 20, in Travis County, Texas, in the amount of \$55,000. The owner of the needed property interests is D.J. INTERESTS, LTD, of Austin Texas. The property is located at 501 South Congress Avenue, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Approved Capital Budget of the Public Works Department.)  
**Resolution No. 20051117-023 was approved.**
24. Authorize execution of a construction contract with HAEGELIN CONSTRUCTION CO. LTD., Austin, TX, for Austin Clean Water Program: Little Walnut/Dungan Street Wastewater Improvements in an amount not to exceed \$355,630.80. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of seven received. 9.22% MBE and 9.20% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
25. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for Shoal Creek - Rosedale Stormwater Improvements, Phase I in an amount not to exceed \$2,481,299.25. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Watershed Protection and Development Review Department.) Lowest bid of three received. 44.61% MBE and 1.08% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
26. Approve negotiation and execution of a Performance Contract for funding investment in energy and water efficiency that is based on operational savings with each of the following three firms: TOUR ANDOVER CONTROLS (T.A.C.), Carrollton, TX; CHEVRON ENERGY SOLUTIONS, San Francisco, CA; and AMERESCO INC., Houston, TX to identify, design, implement, and guarantee energy and water conservation measures that reduce operating costs in various City of Austin facilities for an estimated period of three years, or until financial authorization is expended, in an aggregate amount not to exceed \$10,000,000, for the total of three agreements not to exceed a total of \$10,000,000 (estimated payment of approximately \$5,000,000 for the top one ranked firm and \$5,000,000 divided as equally as possible between the next two ranked firms). (Funding in an amount not to exceed \$10,000,000 is available via low interest loans through the LoanSTAR (saving taxes and resources) Loan Program, and the budgets of various departments for which services are needed. Money saved as a result of the energy and water efficiency measures is used to offset the cost of financing, installation and operation of the measures, and the estimated savings are guaranteed over a predetermined time period.) Best qualification statements of seven received. The City has determined that subcontracting opportunities will likely arise after the scope of work is defined. The specific work to be performed cannot be determined until each comprehensive audit is conducted and a Detailed Audit Report submitted for review. During review of the Detailed Audit Report, MBE/WBE participation goals will be established where applicable, based on the proposed scope of work.

The Energy Services Company will be required to complete and submit an MBE/WBE Compliance Plan for review with its final proposal, during negotiation of the implementation phase. Upon approval of the Energy Services Company's MBE/WBE Compliance Plan by the City, the Compliance Plan shall be incorporated into the project and shall be considered part of the Energy Services Company's performance requirements. In accordance with the MBE/WBE Procurement Program Ordinance, the recommended and alternate Energy Service Companies have signed a MBE/WBE Statement of Utilization in which they agree to abide by and follow the rules and regulations of the MBE/WBE Program. (Related Item 3)

**The motion authorizing the negotiation and execution of a performance contract was approved.**

27. Authorize execution of a 12-month service agreement with TEREX UTILITIES, San Antonio, TX, for the rental of truck-mounted crane and bucket aerial devices, in an amount not to exceed \$200,000, with two 12-month extension options in an amount to exceed \$200,000 per extension option, for a total agreement amount not to exceed \$600,000. (Funding in the amount of \$183,333 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

28. Authorize execution of a 12-month service agreement with TRANSMISSION & DISTRIBUTION SERVICES, Glenbrook, NV, for leak repair services of transformers and circuit breakers at Austin Energy in an amount not to exceed \$74,065.30, with three 12-month extension options in an amount not to exceed \$74,065.30 per extension option, for a total agreement amount of not to exceed \$296,261.20. (Funding in the amount of \$61,721.08 is available in the Fiscal Year 2005-2006 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) 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 service agreement was approved.**

29. Authorize negotiation and execution of a 12-month service agreement with JOHN L. WORTHAM AND SON, LLP, Houston, TX for excess liability insurance through Associated Electric & Gas Insurance Services Limited in an amount not to exceed \$456,751, with three 12-month extension options in an amount not to exceed \$502,426 for the first extension, \$552,669 for the second extension, and \$607,936 for the third extension, for a total agreement amount not to exceed \$2,119,782. (Funding in the amount of \$456,751 is included in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Only proposal 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.**

30. Authorize execution of a contract with WAGNER-SMITH EQUIPMENT COMPANY, Burleson, TX, for the rental of conductor stringing blocks and grips for Austin Energy in an amount not to exceed \$106,800. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Only 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.**

31. Authorize execution of Amendment No. 1 to increase the supply/service agreement with AVAYA, Oklahoma City, OK, and its authorized dealers, through GENERAL SERVICES ADMINISTRATION (GSA) Federal Supply Schedule 70, Contract GS-35F-4321D, for Avaya voice systems equipment, software, and services for a fully integrated next generation voice communication system for the City of Austin Customer Service Center and the 311 Citywide Call Center in an amount not to exceed \$837,266, for a revised products and services total amount not to exceed \$6,695,490; and an additional \$357,041 for each of three remaining 12-month maintenance extension options, for a revised maintenance total amount not to exceed \$3,571,123, for revised total agreement amount not to exceed \$10,266,613. (Funding in the amount of \$837,266 is available in the Fiscal Year 2005-2006 CIP Budget of the Electric Utility Department.) Cooperative Purchase.

**The motion authorizing the execution of Amendment No. 1 was approved.**

32. Authorize execution of a four-year supply agreement with ARCH COAL SALES, INC., St. Louis, MO, for coal supplies for the Fayette Power Project in an amount not to exceed \$35,700,000. (Funding will be provided through the Electric Utility Fuel Charge revenue.) Best evaluated proposal as recommended by Lower Colorado River Authority (LCRA).

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

33. Authorize negotiation and execution of a contract with PRINCIPAL DECISION SYSTEMS INTERNATIONAL, Orange, CA, for the supply, installation, and implementation of a Personnel Scheduling System for the Austin/Travis County Emergency Medical Services Department in an amount not to exceed \$89,750, with four 12-month extension options for maintenance services in an amount not to exceed \$19,826.50 per extension option, for a total contract amount not to exceed \$169,056. (Funding in the amount of \$89,750 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin/Travis County EMS Department. Funding for the extension options is contingent upon available funding in future budgets.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Woman-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 contract was approved.**

34. Authorize execution of a 12-month service agreement with SUN LIFE ASSURANCE COMPANY OF CANADA, Houston, TX for a group life insurance program in an amount not to exceed \$3,109,000, with two 12-month extension options in an amount not to exceed \$3,263,000 for the first extension option and \$3,424,000 for the second extension option, for a total agreement amount not to exceed \$9,796,000. (Funding in the amount of \$2,332,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Employee Benefits Fund of the Human Resources Department. 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 eight 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.**

35. Authorize execution of a 12-month Interlocal Agreement with the Texas Department of State Health Services (DSHS), Bureau of Vital Statistics, Austin, TX, for remote certification of vital records in an amount not to exceed \$45,000, with four 12-month extension options in an amount not to exceed \$45,000 per extension option, for a total agreement amount not to exceed \$225,000. (Funding in the amount of \$37,500 is available in the Fiscal Year 2005-2006 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.) Interlocal Agreement.

**The motion authorizing the execution of an interlocal agreement was approved.**

36. Authorize execution of a 12-month contract with LONE STAR READY MIX L.P., (MBE/FH 100%), Austin, TX, for ready mix concrete for the Public Works Department in an amount not to exceed \$295,041.25, with two 12-month extension options in an amount not to exceed \$295,041.25 per extension option, for a total agreement amount not to exceed \$885,123.75. (Funding in the amount of \$270,454.47 is available in Fiscal Year 2005-2006 Approved Operating Budget of the Public Works Department. Funding for the remaining one month of the original contract period and the extension options is contingent upon available funding in future budgets.) Lowest 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 contract was approved.**

37. Authorize execution of a 12-month supply agreement with VULCAN ALUMINUM, Foley, AL, for aluminum sign blanks for the Public Works Department in an amount not to exceed \$146,614.50, with two 12-month extension options in an amount not to exceed \$146,614.50 per extension option, for a total agreement amount not to exceed \$439,843.50. (Funding in the amount of \$134,396.57 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Public Works Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) 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 supply agreement was approved.**

38. Authorize execution of a 12-month supply agreement with ENNIS PAINT INC., Ennis, TX, for white and yellow thermoplastic marking material for the Public Works Department in an amount not to exceed \$178,200, with two 12-month extension options in an amount not to exceed \$178,200 per extension option, for a total contract amount not to exceed \$534,600. (Funding in the amount of \$148,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Public Works 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 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 supply agreement was approved.**



39. Authorize execution of a 12-month supply agreement with TRAFFIC PARTS INC, Spring, TX, for traffic signal mounting hardware in an amount not to exceed \$105,950.50, with two 12-month extension options in an amount not to exceed \$105,950.50 per extension option, for a total agreement amount not to exceed \$317,851.50. (Funding in the amount of \$97,121.20 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Public Works Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) 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 supply agreement was approved.**

40. Authorize execution of a 12-month service agreement with LOOMIS FARGO & CO, Austin, TX, for armored car services in an amount not to exceed \$63,840, with two 12-month extension options in an amount not to exceed \$63,840 per extension option, for a total agreement amount not to exceed \$191,520. (Funding in the amount of \$58,520 is available in the Fiscal Year 2005-2006 Approved Operating Budgets of various City departments. Funding for the remaining one month of the original contract period and the extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

**Item 41 was pulled for discussion.**

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

**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Community Development Commission</u>		
Cynthia Riley	Consensus	Reappointment
<u>Mexican American Cultural Center Advisory Board</u>		
Mary Martinez	Consensus	Appointment
<u>MBE/WBE Advisory Committee</u>		
Jesus Lowenberg	Consensus	Appointment
Elizabeth McKay	Consensus	Appointment

43. Appoint Ms. Julie Jenkins as the Environmental Board Representative to serve on the Citizens Advisory Committee for the Balcones Canyonlands Conservation Plan Coordinating Committee. (Mayor Will Wynn and Council Member Lee Leffingwell)

**The motion authorizing appointment of Julie Jenkins was approved.**

44. Approve a resolution authorizing the Austin Commission for Women to actively work with, participate in and promote the 37th Annual National Association of Commissions for Women's National Conference to be held in Austin in 2006. (Council Member Jennifer Kim, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
**Resolution No. 20051117-044 was approved.**
45. Approve a resolution declaring May, 2006 as "Latino Music Month". (Council Member Raul Alvarez, Mayor Pro Tem Danny Thomas and Council Member Lee Leffingwell)  
**Resolution No. 20051117-045 was approved.**

**Item 46 was pulled for discussion.**

47. Set a public hearing to consider an ordinance repealing and replacing Division 1 of Article 1 (*Building Code*) of Chapter 25-12 of the City Code to adopt the 2003 International Building Code and readopt the 2000 International Energy Code and local amendments. (Suggested date and time: December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street). (Approved by the Building and Fire Code Board)  
**The public hearing was set for December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
48. Set a public hearing to consider an ordinance repealing and replacing Article 5 of Chapter 25-12 of the City Code (*Mechanical Code*) to adopt the 2003 Uniform Mechanical Code and local amendments. (Suggested Date and Time: December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street). (Approved by the Mechanical, Plumbing and Solar Board.)  
**The public hearing was set for December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
49. Set a public hearing to consider an ordinance repealing and replacing Article 6 of Chapter 25-12 of the City Code (*Plumbing Code*) to adopt the 2003 Uniform Plumbing Code and local amendments. (Suggested Date and Time: December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street). (Approved by the Mechanical, Plumbing and Solar Board.)  
**The public hearing was set for December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
50. Set a public hearing to consider an ordinance repealing and replacing Article 4 of Chapter 25-12 of the City Code (*Electrical Code*) to adopt the 2005 National Electrical Code and local amendments. (Suggested date and time: December 15, 2005, at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.) (Approved by the Electrical Board.)  
**The public hearing was set for December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
51. Set a public hearing to consider an ordinance repealing and replacing Article 7 of Chapter 25-12 of the City Code (*Uniform Fire Code*) to adopt the 2003 International Fire Code with local amendments. (Suggested date and time: December 15, 2005 at 6:00 p.m. at City Hall Council Chambers, 301 West 2nd Street) (Approved by the Building & Fire Code Board of Appeals.)  
**The public hearing was set for December 15, 2005 at 6:00 p.m. at City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**

52. Set a public hearing to receive public comment regarding the proposed amendment to the Fuel Adjustment Clause in the Electric Rate Schedule in Exhibit A of Ordinance 20050912-004. (Suggested date and time: December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)  
**The public hearing was set for December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
53. Set a public hearing on an appeal by Lumbermen's Investment, Inc. of the Zoning and Platting Commission's decision to deny site plan approval of the Village of Western Oaks, Section 20, located at 5301 Davis Lane (site plan no. SPC-05-0005C). This appeal concerns development in an area subject to the Save Our Springs Initiative, Chapter 25-8 of the City Code. (Suggested date and time: December 1, 2005, at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street) (Site plan approval was denied by the Zoning and Platting Commission.)  
**The public hearing was set for December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**

Items 54 through 59 were Executive Session items.

Item 60 was a Bond sales set for a time certain of 2:00 p.m.

Items 61 through 63 were briefings set for a time certain of 2:00 p.m.

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

Items 64 through 69 and Z-1 through Z-22 were zoning items set for 4:00 p.m.

Item 70 was an item from Council set for a time certain of 6:00 p.m.

Items 71 and 72 were public hearings set for 6:00 p.m.

### **DISCUSSION ITEMS**

18. Approve an ordinance to annex the COA Parkland Areas: Tract One: Johnny Morris Road: (Approximately 192 acres in Travis County west of Johnny Morris Road approximately seven tenths of a mile south of the intersection of Johnny Morris Road and US Highway 290 East.); Tract Two: Morrison Ranch: (Approximately 304 acres in Travis County south of FM 969 approximately one half mile east of the intersection of FM 969 and Decker Lane.) (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. 20051117-018 was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.**
46. Approve revisions to the City's Design Standards Policy Document approved May 12, 2005, "Raising the Design Standards in Austin, Texas." (Council Member Brewster McCracken, Council Member Lee Leffingwell and Council Member Betty Dunkerley)  
**The motion authorizing the revisions to the City's Design Standards Policy Document was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote. Staff was directed by Council Member McCracken to bring back guidelines allowing application of vertical mixed use.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:53 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**

- 54. Discuss legal issues regarding the November 3, 2003 explosion at the North Austin Service Center located at 10715 Burnet Road and the legal service contract with Kemp Smith LLC.
- 55. Discuss legal issues related to the proposed amendments to the City's public order ordinances. (Related Item 71)

**Item 56 was discussed later in Executive Session**

- 57. Discuss legal issues relating to request for electric rate reclassification from the federal General Services Administration.

**Items 58, 59 and 73 were discussed later in Executive Session.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:20 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

Barb Fox - East Riverside - Oltorf Combined Neighborhood Plan

Wayne Gronquist - East Riverside - Oltorf Combined Neighborhood Plan

Ray Cason - Abuse Intervention

CarolAnnRose Kennedy - The Declaration of Dependence

Pat Johnson - EXCESSIVE SPEEDING, TRAFFIC FATALITIES, DRIVER DISTRACTION, AND APD'S HIGHWAY ENFORCEMENT SAVES LIVES!

Paul Robbins - City Issues

Venappa Gani - Presentation from Austin Organic Gardener's Club to Mayor Will Wynn

Ana Villalobos - Addressing Gentrification and the Broken Promises of Affordable Housing

Susana Almanza - Let the poor and the working poor communities of color live in the urban core. Stop gentrification/displacement! We don't need high priced \$\$\$\$ condos and lofts for East Austin - we can't afford them and they are not compatible to our current housing

Max Rangel - Justice for Daniel Rocha

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:55 p.m.**

**EXECUTIVE SESSION CONTINUED**

56. Discuss legal issues regarding an amendment to Chapter 25-10 of the City Code relating to non-conforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Related Item 41)

#### **Real Property – Section 551.072**

59. Discuss acquisition and use of property for Austin Water Utility water treatment facilities.

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:42 p.m.**

#### **Bond Sales**

60. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Forward Delivery Revenue Refunding Bonds, Series 2006, in the approximate amount of \$65,000,000 and authorizing and approving all related documents. (There is no debt service requirement in Fiscal Year 2005-2006. The Fiscal Year 2006-2007 debt service requirement will be included in the Fiscal Year 2006-2007 proposed budget of the Utility Revenue Bond Redemption Fund.)

**Ordinance No. 20051117-060 in the amount of \$63,100,000 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.**

#### **BRIEFINGS**

61. Update to Council from the Robert Mueller Municipal Airport Plan Implementation Advisory Commission.  
**The presentation was made by Jim Walker, Chair, RMMA Plan Implementation Advisory Commission.**
63. Presentation on Potential Decommissioning and Possible Relocation of Green Water Treatment Plant.  
**The presentation was made by Chris Lippe, Director of Austin Water Utility; Sandra Creighton, Director of Public Works Department; and Austan Librach, Assistant Director of Economic Growth and Redevelopment Services.**
62. Staff presentation regarding the status of the East Austin Community Preservation and Revitalization Zone Program approved by Council Resolution No. 200504280-43.  
**The presentation was made by Paul Hilgers, Director of Housing and Community Development.**

#### **BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

**Mayor Wynn recessed the Council Meeting at 3:58 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.**

**AHFC adjourned and Mayor Wynn called the Council Meeting back to order at 4:10 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

41. Approve an ordinance on third reading amending Chapter 25-10 of the City Code relating to nonconforming off-premise signs permitting relocation of off-premise signs under certain conditions. (Planning Commission voted for no change to the current code.) (Related Item 56)

Ordinance No. 20051117-041 was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Thomas and Council Members Dunkerley, Leffingwell and McCracken. Those voting nay were: Mayor Wynn and Council Members Alvarez and Kim.

### 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 Dunkerley's second on a 7-0 vote.

64. NPA-05-0005.01 - Alcance de Restauracion - Approve second/third readings of an ordinance to amend Ordinance No. 010927-05 (the Montopolis Neighborhood Plan) an element of the Austin Tomorrow Comprehensive Plan to change the Future Land Use Map from single-family land use designation to civic use designation for 1007 Montopolis Drive (Carson Creek Watershed). First reading approved on October 20, 2005. Vote: 7-0. Applicant: Alcance de Restauracion. Agent: Oscar Gonzales. City Staff: Robert Heil, 974-2330. (Related Item 65)  
**Ordinance No. 20051117-064 for civic use designation was approved.**
65. C14-05-0095 - Alcance de Restauracion - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 Montopolis Drive (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. First reading approved on October 20, 2005. Vote: 7-0. Applicant: Alcance de Restauracion. Agent: Oscar Gonzales. City Staff: Robert Heil, 974-2330. (Related Item 64)  
**Ordinance No. 20051117-065 for limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning was approved.**
66. C14-05-0100 - Lake Creek Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 10101-10113 Lake Creek Parkway (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning, single-family-standard lot (SF-2) district zoning, limited office (LO) district zoning, and limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning for Tract 1, townhouse and condominium residence (SF-6) district zoning for Tract 2, and single-family residence-small lot (SF-4A) district zoning for Tract 3. First reading approved on September 29, 2005. Vote: 7-0. Applicant: Ardennes, L.P. By CGA Ardennes GP, LLC (David E. Castilla and Paula Vangrieken). Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to December 1, 2005 at the neighborhood association's request.**
67. C814-99-0001.04 - Avery Ranch PUD Amendment #4 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14900 Avery Ranch Boulevard and 10550 Parmer Lane (Brushy Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning (amendment to allow additional permitted uses). First reading approved on October 6, 2005. Vote: 7-0. Applicant: Shoal Creek, Ltd. Robert D. Wunsch. Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to December 15, 2005 at staff's request.**

68. C14-05-0144 - Longhorn International - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 16235, 16301, 16321, and 16330 North Interstate Highway 35 Service Road (Gilleland Creek Watershed) from community commercial (GR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on October 27, 2005. Vote: 6-0. Council Member Alvarez off the dais. Applicant: Security Land Investment Venture (J. Waymon Levell). Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20051117-068 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved including a prohibition of salvage operations.**

### 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 Leffingwell's second on a 7-0 vote.**

- Z-1 C14-05-0084 - Manor Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7700 Old Manor Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Daniel Herd. Agent: Bury & Pittman (Jim Gallegos). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.**
- Z-2 C14-05-0142 - Corners II Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2919 Manchaca Road (West Bouldin Creek Watershed) from neighborhood commercial (LR) district zoning and limited office (LO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Lily Saad. Agent: Monica Moore. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.**
- Z-3 C14-05-0147 - Miravue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1704 South Lamar Boulevard (West Bouldin Creek Watershed) from general commercial services (CS) 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. Applicant: Captivity Investments One (Darin Davis). Agent: QMET (Gordon Bohmfalk). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved.**
- Z-4 C14-05-0148 - SCI Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Interstate Highway 35 North and West Howard Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) 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. Applicant: CSI Texas Funeral Services, Inc./Capital Parks Land Investments, Inc. (Ray A. Gipson). Agent: Bury & Partners, Inc. (Jon C. Kanak). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20051117-Z004 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved.**

- Z-5 C14-05-0156 - 4909 Commercial Park Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4909 Commercial Park Drive (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant and Agent: Travis County Shoe Hospital (Carroll Kelly). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.**
- Z-6 C14-05-0154 - Gold A&A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1826 Rutherford Lane (Walnut 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 in order to change a condition of zoning. Applicant: Gold A & A, Inc. (Adam Ahmad). Agent: The Faust Group (Bill Faust). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20051117-Z006 for community commercial-conditional overlay (GR-CO) combining district zoning in order to change a condition of zoning was approved.**
- Z-7 C14-05-0155 - Vivas Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4009, 4021 and 4025 Vivas Lane (Barton Creek Watershed - Barton Springs Zone) from interim-rural residence (I-RR) district zoning to single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot (SF-1) district zoning. Applicant: Gene Sheppard. Agent: Mike McLone. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for single family residence-large lot (SF-1) district zoning was approved.**
- Z-8 C14-05-0167 - Rizing Star - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8668 Spicewood Springs Road (Rattan Creek Watershed) from community commercial (GR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Nelson H. Puett. Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20051117-Z008 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-9 C14-05-0016 - Running Bird Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12251 Running Bird Lane (Walnut Creek Watershed) from rural residence (RR) district zoning to townhouse and condominium residence (SF-6) district zoning for Tracts A & B; and limited office (LO) district zoning for Tract C. Zoning and Platting Commission Recommendation: To



grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tracts A and B; limited office-conditional overlay (LO-CO) combining district zoning for Tract C; and Tract D to remain zoned rural residence (RR) district zoning. Applicant: Ghassan A. Karim. Agent: Tier One Commercial (Susan D. London). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20051117-Z009 for townhouse and condominium residence (SF-6) district zoning for Tracts A and B; limited office-conditional overlay (LO-CO) combining district zoning for Tract C; and Tract D to remain zoned rural residence (RR) district zoning was approved.**

- Z-11 C814-82.006.01(83) - Lake Austin Commons, AKA Hartland Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1717 West 6<sup>th</sup> Street and 1711 West 5<sup>th</sup> Street from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning in order to allow a change in the permitted uses. Planning Commission Recommendation: Postponed to November 8, 2005. Applicant: Lake Austin Commons Ltd. (William F. Burrow, Jr. Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Jerry Rusthoven, 974-3207.

**This item was postponed to December 15, 2005 at staff's request.**

- Z-12 C14-05-0157 - Champion Tract - City Park Road East (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 6011-6411 City Park Road and 5801-6507 FM 2222 Road (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Property Owner: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. (Related Items Z-13, Z-14)

**This item was postponed to December 1, 2005 at the neighborhood association's request**

- Z-13 C14-05-0158 - Champion Tract - City Park Road West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 (West Bull Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Property Owner: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. (Related Items Z-12, Z-14)

**This item was postponed to December 1, 2005 at the neighborhood association's request**

- Z-14 C14-05-0159 - Champion Tract - Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-6802 FM 2222 and 6100-6172 Loop 360 and 6507 Winterberry Drive (West Bull Creek Watershed) from multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, neighborhood commercial-conditional overlay (LR-CO) combining district zoning, general office-conditional overlay (GO-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-

conditional overlay (GO-MU-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning. Property Owners: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. (Related Items Z-12, Z-13)

**This item was postponed to December 1, 2005 at the neighborhood association's request**

- Z-19 C14-05-0115 - Valley Vista - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1804 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial (LR) district zoning to limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning. Applicant: Sarah Vondeharr. Agent: Bill Howell. City Staff: Robert Heil, 974-2330.

**This item was postponed to December 1, 2005 at the neighborhood association's request.**

- Z-20 C14-05-0137 - 1109 South Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor-sales-conditional overlay (CS-1-CO) combining district zoning. Applicant and Agent: Bobbie Lemmond. City Staff: Robert Heil, 974-2330.

**This item was postponed to December 1, 2005 at the applicant's request.**

- Z-21 C14-05-0080 - CTVS Offices - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3919 and 3921 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract, and to deny commercial services (CS) district zoning. Applicant: Thoracic & Cardiovascular Realty (Tom Johnston). Agent: Bryant, Campbell & Swartz, LLP (Henry Gilmore). City Staff: Jorge Rousselin, 974-2975.

**This item was postponed to December 1, 2005 at the neighborhood association's request. Council Member McCracken recused.**

- Z-22 C14-05-0150 - Fairfield at Woodland Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning to multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning in order to change conditions of zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning in order to change conditions of zoning. Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Wendy Walsh, 974-7719.

**This item was postponed to December 1, 2005 at the applicant's request.**

**ZONING DISCUSSION ITEMS**

- Z-17 C14-05-0110 - Bouldin Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Forest Cove Ltd. Agent: John Hussey. City Staff: Robert Heil, 974-2330.

**This item was postponed to December 15, 2005 at the neighborhood association's request on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.**

- Z-15 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant and Property Owner: Schuler Family Trust 1998 (John Schuler) Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to December 15, 2005 at staff's request on Mayor Pro Tem Thomas' motion; Council Member McCracken's second on a 7-0 vote.**

**The meeting was recessed at 5:33 p.m. for Live Music and Proclamations and for Executive Session.**

**EXECUTIVE SESSION CONTINUED**

58. Discuss legal issues concerning the Chapter 245 grandfathering process on development in the area subject to the Save Our Springs Initiative, Chapter 25-8 of the City Code.
73. Discuss legal issues related to the Austin Clean Water Program

**LIVE MUSIC**

Cienfuegos

**PROCLAMATIONS**

Proclamation - Nurse Practitioner Week - to be presented by Mayor Will Wynn and to be accepted by Sandra Ransom

Proclamation - Hunger & Homelessness Awareness - to be presented by Mayor Pro Tem Danny Thomas and to be accepted by Richard Troxell

Proclamation - Spaghetti Warehouse Day - to be presented by Mayor Will Wynn and to be accepted by a Spaghetti Warehouse representative

**Executive Session ended at 7:06 p.m.**

**Mayor Wynn called the Council Meeting back to order at 7:08 p.m.**

**ZONING DISCUSSION ITEMS CONTINUED**

- Z-16 C14-05-0094 - Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Rutherford Lane at Furness Street (Walnut Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Sokna Loeung. Agent: Austin American Property (Kim Xong Tran). City Staff: Sherri Sirwaitis, 974-3057.

**This item was withdrawn from the agenda.**

69. C14-05-0034.SH - Peaceful Hill Subdivision - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (South Boggy Creek Watershed; Onion Creek Watershed) from townhouse and condominium residence (SF-6) district zoning; warehouse-limited office (W/LO) district zoning; limited industrial services (LI) district zoning; and development reserve (DR) district zoning to single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning with conditions. First reading approved on September 29, 2005. Vote: 7-0. Applicant: Southwest Strategies Group (John Rosato). Agent: Main Street Homes (Ken Blaker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**The second reading for single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning with a wooden fence on the eastern property line was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' motion on a 7-0 vote. Staff and the applicant were directed to contact all nine neighborhood associations involved with this project to discuss concessions made by the developer.**

- Z-10 C14-05-0165 - Condos at 3<sup>rd</sup> and Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 Nueces Street (Shoal Creek Watershed) from central business district (CBD) district zoning to central business district-central urban development (CBD-CURE) combining district zoning with conditions. Zoning and Platting Commission recommendation: To grant central business district-central urban development (CBD-CURE) combining district zoning with conditions. Applicant: NOVARE - AU Nueces, L.P. (John W. Long). Agent: Doucet & Associates (Ted McConaughy). City Staff: Jorge E. Rousselin, 974-2975.

**The public hearing was closed and Ordinance No. 20051117-Z010 for central business district-central urban development (CBD-CURE) combining district zoning with conditions was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.**

- Z-18 C14-05-0136 - Spring Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West 3<sup>rd</sup> Street and Bowie Street (Town Lake Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning with conditions. Applicant: Third Street Offices, Ltd. (Diana G. Zuniga). Agent: Perry Lorenz. City Staff: Jorge Rousselin, 974-2975.

**The motion to waive the rules to allow 45 minutes for presentations from each side, including the agent presentation, was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member Alvarez was off the dais.**

The public hearing was closed and Ordinance No. 20051117-Z018 for downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning with conditions was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-1 vote. Mayor Pro Tem Thomas voted no.

The motion to waive the rules and allow Council to meet past 10:00 p.m. was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais.

#### **Item from Council**

70. Presentation from staff and approval of an ordinance amending the City Code to add a new Chapter 6-6 banning the use and sale of Coal Tar Pavement products. (Council Member Lee Leffingwell, Mayor Will Wynn and Council Member Brewster McCracken)  
The presentation was made by Nancy McClintock.

The motion to waive the rules and limit the public hearing to thirty minutes per side was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais.

Ordinance No. 20051117-070 was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 7-0 vote.

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

71. Conduct a public hearing relating to the adoption of an ordinance amending Section 9-4-13 (Aggressive Solicitation Prohibited), Section 9-4-14 (Sitting or Lying Down on Public Sidewalks in the Downtown Area Prohibited), Section 9-4-22 (Solicitation between Certain Hours Prohibited), and Section 12-1-27 (Solicitations Between an Occupant of a Motor Vehicle and a Pedestrian) of the City Code. (Related Item 55)  
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
72. Conduct a public hearing and approve an ordinance amending City Code Section 25-8-514 (Save Our Springs Initiative) to allow for the construction of a pollution prevention pond project in the Critical Water Quality Zone (CWQZ) upstream of Barton Springs Pool. (Recommended by Parks and Recreation Board, the Environmental Board and the Planning Commission.)  
The public hearing was closed and Ordinance No. 20051117-072 was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 2:00 a.m. without objection.

The minutes for the Regular Meeting of November 17, 2005 were approved on this the 1st day of December, 2005 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

