

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 15, 2005**

**Invocation:** Rev. Cheryl Broome, Pastor, Hyde Park 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 15, 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 10:25 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, Mayor Pro Tem Thomas' second on a 7-0 vote.

1. Approval of minutes from the meeting of December 1, 2005, amended to correct item 35 to change the date of the Mobility Plan Study from October 27, 2005 to October 20, 2005.  
**The minutes from the meeting of December 1, 2005, amended to correct item 35, were approved.**
2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$99,423 to COURTYARD TENNIS AND SWIM CLUB, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 5608 Courtyard Drive (Funding in the amount of \$99,423 is available in the Fiscal Year 2005-2006 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission.)  
**The motion authorizing the issuance of a letter of intent was approved.**
3. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with SCA 101 ONION CREEK HOLDINGS L.P., providing terms and conditions for construction of 24 and 36-inch water mains and appurtenances to provide water service to the Alexan Onion Creek development located at 10701 I.H. 35 South with City cost reimbursement in an amount not to exceed \$684,000, for actual "hard" construction costs and professional services "soft" costs in amount not to exceed 15% of the actual "hard" construction costs of the 36-inch water main and appurtenances or \$75,600, whichever is less; waiving the requirements of Section 25-9-63 of the City Code relating to amount of cost reimbursement, Section 25-9-67 of the City Code relating to cost reimbursement payments, and waiving construction inspection and review fees established in Ordinance 20050914-004, in an amount not to exceed \$27,720. (Funding in the amount of \$759,600 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)  
**Ordinance No. 20051215-003 was approved.**

4. Authorize execution of change order # 2 to the construction contract with AUSTIN ENGINEERING COMPANY, INC., Austin, TX, for the Mueller Cameron Road 16-Inch Waterline Phase One North Water Pressure Zone Water Improvements (RMMA Redevelopment) in the amount of \$15,213.51, for a total contract amount not to exceed \$922,007.01. (Funding in the amount of \$15,213.51 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 11.61% MBE and 16.10% WBE subcontractor participation to date.  
**The motion authorizing the execution of change order #2 to the construction contract was approved.**
5. Authorize the negotiation and execution of an amendment to the 2<sup>nd</sup> Street Retail Disposition and Development Agreement with AMLI Austin Retail, L.P., to reimburse AMLI in an amount not to exceed \$142,860 for the installation of Great Streets Program benches, chairs, bike racks and waste bins at 400 and 200 West Cesar Chavez Street (CSC Blocks 2 and 4), 301 West 2<sup>nd</sup> Street (City Hall Block 3), 201 Lavaca Street (AMLI Block 20) and 311 West 5<sup>th</sup> Street (Plaza Lofts). (Funding in the amount of \$142,860 is available in the Fiscal Year 2005-2006 approved Capital Budget of the Neighborhood Planning and Zoning Department, as part of the Great Streets Parking Meter Revenue Fund.) 95.8% MBE/MN subcontractor participation. (Related Item 6)  
**The motion authorizing the negotiation and execution of an amendment was approved.**
6. Approve an ordinance waiving the development fees for AMLI Austin Retail, L.P., in an amount not to exceed \$22,010 for the installation on the City's behalf of Great Streets Program benches, chairs, bike racks and waste bins at 400 and 200 West Cesar Chavez Street (CSC Blocks 2 and 4), 301 West 2<sup>nd</sup> Street (City Hall Block 3), 201 Lavaca Street (AMLI Block 20) and 311 West 5<sup>th</sup> Street (Plaza Lofts). (Related Item 5)  
**Ordinance No. 20051215-006 was approved.**
7. Approve an Interlocal Agreement between the City, Capital Metropolitan Transportation Authority (CMTA) and the Austin-San Antonio Intermunicipal Commuter Rail District for joint funding of a feasibility study on the location of an intermodal transit station in the vicinity of the Seaholm District, bounded on the west by North Lamar Boulevard, on the north by West Fifth Street, on the east by West Avenue and on the south by West Cesar Chavez Street in an amount not to exceed \$51,413.43. (Funding is available in the Capital Budget of the Economic Growth and Redevelopment Services Office, with City and CMTA funding derived from CMTA quarter cent funds previously made available to the City in the Fiscal Year 2002 quarter cent allocation.) (Recommended by the Land Use and Transportation Subcommittee.)  
**The motion authorizing an Interlocal Agreement was approved.**
8. Approve execution of a 12-month contract with CARITAS OF AUSTIN, Austin, TX for the Best Single Source Program, a new delivery system for basic needs assistance, at a total cost of \$300,429 with five 12-month renewal options in a total amount not to exceed \$300,429 per renewal option, for a combined total cost to the City not to exceed \$1,802,574. (Funding in the amount of \$225,322 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Health and Human Services Department. Funding for the balance of the contracts is contingent on available funding in future budgets.)  
**The motion authorizing the execution of a contract was approved.**
9. Approve an ordinance authorizing the acceptance of \$75,000 in grant funds from the ROBERT WOOD JOHNSON FOUNDATION, Princeton, NJ, and amending the Fiscal Year 2005-2006 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$75,000 for the Health Promotion/Disease Prevention Unit to create an infrastructure and long-term strategic plan to explore opportunities for improving patient care and public health through the interactive exchange of health information between the local health department and community

stakeholders. (Funding in the amount of \$75,000 is available from the Robert Wood Johnson Foundation. The grant period is from December 1, 2005 through November 31, 2006. No City match is required.)

**Ordinance No. 20051215-009 was approved.**

10. Approve an ordinance amending Chapter 5-1 of the City Code (*Housing Discrimination*), Chapter 5-3 of the City Code (*Discrimination In Employment Generally*) and Chapter 5-4 of the City Code (*Discrimination In Employment By City Contractors*) to unify requirements and to clarify the responsibilities of the Austin Human Rights Commission and the Human Resource Department's Equal Employment /Fair Housing Office (EE/FHO). (Recommended by the Austin Human Rights Commission.)

**Ordinance No. 20051215-010 was approved.**

11. Approve second/third readings of an ordinance to annex the Lowe's at Brodie Area (approximately 35 acres located 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.) (Related items Z-8 & Z-9)

**Ordinance No. 20051215-011 was approved.**

12. Approve a resolution amending the City's Municipal Annexation Plan (MAP) to include the following areas: **Anderson Mill Road Annexation Area** (approximately 183 acres) located along Anderson Mill Road in Williamson County and Travis County approximately two thirds of a mile east of the intersection of Anderson Mill Road and FM 620); **North Acres Annexation Area** (approximately 381 acres) in northeast Travis County located between North IH 35 and Dessau Road just south of East Braker Lane); **Peninsula Annexation Area** (approximately 432 acres) in Travis County located west of Westlake Drive approximately 210 feet south of the intersection of Westlake Drive and Trailview Mesa Drive); and **Lost Creek MUD Annexation Area** (approximately 789 acres) in Travis County located west of Capital of Texas Highway west of the intersection of Lost Creek Boulevard and Capital of Texas Highway. (Including an area in the Municipal Annexation Plan does not create an obligation to annex an area and does not have a fiscal impact. It begins a three-year process that may lead to annexation.)

**Resolution No. 20051215-012 was approved.**

13. Approve issuing a free lifetime swim pass for Barton Springs Pool to Wayne Holtzman. (On November 9, 1993 the Parks and Recreation Advisory Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs pool.)

**The motion issuing a free lifetime swim pass for Barton Springs Pool was approved.**

14. Authorize an Interlocal Agreement between the City of Austin and the City of Dallas to allow the City of Austin to participate in the Internet Crimes Against Children Task Force and to receive up to \$15,000 in reimbursement costs associated with the investigation of Internet crimes against children. (Funding is available from the City of Dallas through the Department of Justice grant fund, Internet Crimes Against Children Task Force for the period April 1, 2005 through September 30, 2006.)

**The motion authorizing an Interlocal Agreement was approved.**

15. Approve an ordinance authorizing the acceptance of \$40,786 in supplemental grant funding from the U.S. Department of Justice, Project Safe Neighborhoods (PSN); and amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$40,786 for the PSN program to reduce gun-related crime in Austin. (Funding is available for the grant period April 1, 2004 to August 31, 2007. A cash match is not required.)

**Ordinance No. 20051215-015 was approved.**

16. Approve a resolution authorizing application for \$750,000 in continuation grant funds from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office, "Grants to Encourage Arrest Policies and Enforcement of Protection Orders" to provide comprehensive services to the victims of domestic violence. (Funding is available from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office "Grant to Encourage Arrest Policies and Enforcement of Protection Orders" for the 24-month grant period September 1, 2006 through October 31, 2008.)

**Resolution No. 20051215-016 was approved.**

**Item 17 was pulled for discussion**

18. Approve an ordinance amending Section 12-4-24 of the City Code by adding Caddo Street from North Lamar Boulevard (Loop 275) to Hornsby Street to the list of streets having a maximum speed limit of 25 miles per hour at all times.

**Ordinance No. 20051215-018 was approved.**

19. Approve an ordinance amending Section 12-4-42 of the City Code by adding Old Bee Caves Road from West US Highway 290/State Highway 71 to the Austin City Limits Line (2,075 feet from State Highway 71) to the list of streets having a maximum speed limit of 40 miles per hour.

**Ordinance No. 20051215-019 was approved.**

20. Approve an ordinance amending Section 12-4-63 of the City Code to extend the existing school zone on Mesa Drive from 91 feet north of Austin Woods Drive to 250 feet south of Greenflint Lane. (Funding in the amount of \$3,900 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Public Works Department.)

**Ordinance No. 20051215-020 was approved.**

21. Approve a resolution to amend an interlocal agreement between the City of Austin and the Texas Department of Transportation (TxDOT) for improvements to FM 1826 at Alta Mira Subdivision. (Funding in the amount of \$294,323 has been provided by D R Horton-Emerald Ltd. The escrow account for this project has a \$298,381.04 balance.)

**Resolution No. 20051215-021 was approved.**

22. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3- Carson Creek at Montopolis Drive Project of the Austin Clean Water Program to acquire a permanent wastewater easement comprised of 15,397 square feet of land, a permanent access easement comprised of 10,570 square feet of land, a temporary work space easement comprised of 18,409 square feet of land and a temporary staging area and material storage site easement comprised of 20,000 square feet of land out of a portion of the Santiago Del Valle Grant, Abstract 24, City of Austin, in the amount of \$39,541. The owner of the property sought to be condemned is LEIGH ACRES, LTD., a Texas Limited Partnership. The property is located at 7119 East Ben White Boulevard, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)

**Resolution No. 20051215-022 was approved.**

**Item 23 was pulled for discussion.**

24. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MH 78.36%), Austin, TX, for South Austin Transfer Station - Water Quality Pond and Lift Station Project in an amount not to exceed \$174,680. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Solid Waste Services Department.) Lowest bid of two responsive bids received. 0.00% MBE and 1.90% WBE subcontractor participation.

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

25. Authorize execution of a construction contract with FACILITIES REHABILITATION, INC. (MBE, 96.55%), Fort Worth, TX for Austin Clean Water Program: Govalle 3-Montopolis Drive Area-Country Club Creek Stabilization in an amount not to exceed \$194,510. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 0.00% MBE and 3.45% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
26. Authorize execution of a construction contract with McLEAN CONSTRUCTION, LTD., Killeen, TX, for Del Valle Service to Annexed Area 3B in an amount not to exceed \$184,307. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 14.20% MBE and 3.52% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
27. Authorize execution of a contract with THE DOMAIN SHOPPING CENTER, L.P., a Delaware limited partnership, to receive funds from this company and apply them towards construction of an auxiliary acceleration/deceleration lane on Loop 1 frontage roads. (\$619,555.06 has been provided by The Domain Shopping Center, L.P., to be deposited into an escrow account for this project.) (Related Item 28)  
**The motion authorizing the execution of a contract was approved.**
28. Approve a resolution authorizing execution of an Interlocal Agreement with the Texas Department of Transportation to provide funds received from the Domain Shopping Center, L.P., for construction of an auxiliary acceleration/deceleration lane on the Loop 1 frontage road. (\$602,148.89 has been provided by The Domain Shopping Center, L.P., to be deposited into an escrow account for this project.) (Related Item 27)  
**Resolution No. 20051215-028 was approved.**
29. Authorize execution of a contract with POWER SUPPLY, INC. Austin, TX, for transformer bushings in an amount not to exceed \$47,350. (Funding is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
30. Authorize execution of an Interlocal Agreement with THE LOWER COLORADO RIVER AUTHORITY, Austin, TX, for technical services in an amount not to exceed \$1,000,000 per year and which shall continue on a year-to-year basis until either party chooses to terminate the agreement. (Funding in the amount of \$833,333 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and future years is contingent upon available funding in future budgets.) Interlocal agreement  
**The motion authorizing the execution of an Interlocal Agreement was approved.**
31. Authorize execution of Amendment No. 4 to the supply contract for spot coal supply with ARCH COAL SALES INC., St. Louis, MO, CABALLO COAL COMPANY, St. Louis, MO, DUKE ENERGY MERCHANTS LLC, Houston, TX, FOUNDATION ENERGY COMPANY, Gillette, WY, MIDAMERICAN ENERGY COMPANY, St. Louis, MO, WESTERN FUELS ASSOCIATION, Westminster, CO, and WESTERN RESOURCES INC., Topeka, KS, to increase the annual authorization in an amount not to exceed \$13,400,000, for a revised annual contract amount not to exceed \$25,500,000. (Funding in the amount of \$13,400,000 will be provided through the Electric Fuel 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 was approved.**

32. Authorize execution of Amendment No. 4 to the service agreement with REMEDY INTELLIGENT STAFFING, Austin, TX, for temporary customer contact center personnel services, to increase the first extension option in an amount not to exceed \$310,800, for a revised total agreement not to exceed \$5,650,815. (Funding in the amount of \$310,800 is available in the Fiscal Year 2005-2006 Approved Operating Budget Austin Energy.) 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 service agreement was approved.**

33. Authorize execution of a 12-month supply agreement with PENCCO, INC., San Felipe, TX for fluorosilicic acid for the Austin Water Utility in an amount not to exceed \$218,225 with two 12-month extension options in an amount not to exceed \$218,225 per extension, for a total contract amount not to exceed \$654,675. (Funding in the amount of \$163,668.75 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining three months of the initial 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.**

34. Authorize execution of a contract through the United States General Services Administration 1122 Program with MPRI, INC., Alexandria, VA, for the purchase of a driver training simulator for the Austin Police Department in an amount not to exceed \$116,700. (Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Police Department through the COPS 2004 Technology Grant.) Purchasing Cooperative.

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

35. Authorize execution of a 12-month supply agreement with BACOU-DALLOZ PROTECTIVE APPAREL, LTD., Montreal, Quebec, Canada, for the purchase of fire fighting bunker coats and pants for use by the Austin Fire Department in an amount not to exceed \$260,543.52, with two 12-month extension options in an amount not to exceed \$260,543.52 per extension option, for a total agreement amount not to exceed \$781,630.56. (Funding in the amount of \$195,407.54 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Fire Department. 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 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 supply agreement was approved.**

36. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 112 emergency service light duty vehicles for a total contract amount not to exceed \$2,540,689.57. (Funding in the amount of \$1,959,468.17 is available in the Fiscal Year 2005-2006 Approved Vehicle Acquisition Fund. Funding in the amount of \$38,943.03 is available in the Fiscal Year 2005-2006 Approved Police Federal Seized Fund. Funding in the amount of \$347,282.04 is available in the Fiscal Year 2005-2006 Approved Austin Police Department One-Time Expenditure Fund. Funding in the amount of \$134,185.88 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Police Department. Funding in the amount of \$60,810.45 is available in the Fiscal Year 2005-

2006 Approved Operating Budget of the Public Safety and Emergency Management Department.)  
Purchasing Cooperative

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

37. Authorize execution of a contract with LONE STAR BMW TRIUMPH, Austin, TX, for the purchase of 20 replacement police motorcycles in an amount not to exceed \$378,780. (Funding is available in the Fiscal Year 2005-2006 Approved Vehicle Acquisition Fund of the Financial and Administrative Services Department.) 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.**

38. Authorize execution of a contract through the State of Texas Multiple Awards Schedule (TXMAS) with HAWORTH, INC., c/o FURNITURE MARKETING GROUP, INC., Austin, TX, for the disassembly, inventory, storage and reconfiguration of modular furniture at the Emerson Building for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$67,642. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Finance and Administrative Services Department.) Purchasing Cooperative.

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

39. Authorize execution of Amendment No. 10 to the contract with SKILLPOINT ALLIANCE, Austin, TX, to add three 12-month extension options for the continuation of the Community Technology and Training Center Program in an amount not to exceed \$278,100 per extension option, for a revised total contract amount not to exceed \$2,554,300. (Funding in the amount of \$278,100 is available in the Fiscal Year 2005-2006 Approved Sustainability Fund of the Finance and Administrative Services Department. Funding for 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. (4/9/97-Austin Telecommunications Commission adopted the CTTC (fka TPI). Reviewed and recommended for award to Skillpoint Alliance (fka CATF) by the Telecommunications Commission on 5/27/98.)

**The motion authorizing the execution of Amendment No. 10 to the contract was approved.**

**Item 40 was pulled for discussion.**

41. Authorize execution of a 12-month service agreement with PAMPERED LAWNS, INC., Austin, TX, for median mowing services in an amount not to exceed \$60,960, with two 12-month extension options in an amount not to exceed \$60,960 per extension option, for a total agreement amount not to exceed \$182,880. (Funding in the amount of \$45,720 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications 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.**

42. Authorize execution of a 12-month contract with SUPERIOR SEPTIC, Round Rock, TX, for rental and maintenance of portable toilets in an amount not to exceed \$68,078, with three 12-month extension options in the amount not to exceed \$68,078 per extension option, for a total contract amount not to exceed \$272,312. (Funding in the amount of \$51,058.50 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining three months of the original contract period and extension periods is contingent upon available funding in

future budgets.) Low bid of two bids received. This contract will be awarded in accordance 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.**

43. Authorize execution of Amendment No. 5 to the contract with MASTEC OF NORTH AMERICA - AUSTIN DIVISION, Austin, TX, to increase the contract in an amount not to exceed \$305,430.46, for traffic signal installation and related services for the Public Works Department, Traffic Signal & Control Division, for a revised total contract amount not to exceed \$3,970,595.98. (Funding in the amount of \$38,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Public Works Department. Funding in the amount of \$267,430.46 is available in the Fiscal Year 2005-2006 Approved Capital Budget for the Public Works Department.) 48.09% MBE and 6.88% WBE subcontractor participation to date.

**The motion authorizing the execution of Amendment No. 5 to the contract was approved.**

44. Authorize execution of a 12-month service agreement with COOPER EQUIPMENT COMPANY, Austin, TX, for the purchase of captive repair parts, and repair and preventive maintenance services for street maintenance equipment in an amount not to exceed \$190,000, with three 12-month extension options in an amount not to exceed \$190,000 per extension option, for a total agreement amount not to exceed \$760,000. (Funding in the amount of \$142,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Public Works Department. Funding for the remaining three months of the original contract period and the extension options is contingent upon available funding in future budgets.) 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 service agreement was approved.**

45. Authorize negotiation and execution of a five-year contract with ZURICH NORTH AMERICA INSURANCE COMPANY, Chicago, IL, for the purchase of workers' compensation, general liability and excess liability insurance coverage in an amount not to exceed \$10,086,800, to provide coverage for all tiers of contractors working on construction improvement projects participating in the Rolling Owner Controlled Insurance Program IV. (Funding for the current year is included in the various Fiscal Year 2005-2006 Capital Budgets of Austin Water Utility, Parks and Recreation Department, Public Works Department, and Library Department. Funding for future years will be contingent upon available funding of future CIP budgets.) Best evaluated proposal of three proposals received.

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

46. Authorize execution of a 12-month supply agreement with CAREFREE UNIFORMS, Scottsdale, AZ, for the purchase of uniform work trousers and shirts in an amount not to exceed \$73,155, with two 12-month extension options in an amount not exceed \$73,155 per extension option, for a total agreement amount not to exceed \$219,465. (Funding in the amount of \$54,866.25 is included in the Fiscal Year 2005-2006 Approved Operating Budgets for various City departments. 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 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 supply agreement was approved.**

47. Authorize execution of an Interlocal Agreement with TRAVIS COUNTY, TX, to establish a cooperative purchasing agreement authorizing Travis County to purchase traffic safety vests from the City's supply contract number C040282. Cooperative Purchasing.

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



48. Approve an ordinance amending Section 2-9-27 of the City Code to extend the Minority-Owned and Women-Owned Business Enterprise Procurement Program.  
**Ordinance No. 20051215-048 was approved.**
49. Approve a resolution authorizing execution of a license agreement with the Texas Department of Transportation to temporarily close state roadways for special events that utilize both city streets and state roadways in 2006.  
**Resolution No. 20051215-049 was approved.**
50. Approve an ordinance amending Ordinance No. 040527-72, to amend the Settlement Agreement with John S. Lloyd and the Bunny Bend Condominium Unit Owner's Association, Inc. to substitute a new buffer zone map.  
**Ordinance No. 20051215-050 was approved.**
51. Approve 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>Commission for Women</u> María C. Hernandez	Council Member Alvarez'	Reappointment
<u>Commission on Immigrant Affairs</u> Mary Jo Rodríguez Julien Ross	Consensus Consensus	Reappointment Reappointment
<u>Community Development Commission</u> Dorothy Patton	Consensus (Dove Springs Neighborhood)	Appointment
<u>Historic Landmark Commission</u> Dan Leary Laurie Limbacher John Rosato	Consensus Consensus Consensus	Reappointment Reappointment Appointment

52. Approve a resolution re-establishing a day labor advisory committee to advise City Council about day labor issues. (Council Member Raul Alvarez Council Member Betty Dunkerley and Jennifer Kim)  
**Resolution No. 20051215-052 was approved.**

**Item 53 was pulled for discussion.**

54. Set a public hearing to consider an amendment to City Code Section 25-10-6, "Scenic Roadways Described," to add State Highway 130 to the list of scenic roadways. (Suggested date and time: January 12, 2006 at 6:00 p.m. in City Hall Council Chambers, 301 West 2<sup>nd</sup> Street) (Council Member Lee Leffingwell and Council Member Betty Dunkerley)  
**The public hearing was set for January 12, 2006 at 6:00 p.m. in City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**

**Items 55 and 56 were pulled for discussion.**

57. Approve an ordinance waiving certain fees and requirements under Chapter 14-8 of the Code, and authorizing payment of certain costs for the Austin Area Heritage Council's 2006 Martin Luther King Jr. Parade to be held on January 16, 2006. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Jennifer Kim)  
**Ordinance No. 20051215-057 was approved.**
58. Approve an ordinance waiving certain fees and requirements under Chapter 14-8 and authorizing payment of certain costs for the Southwest Key's fifth Annual Go For the Gold 10K and Fiesta 5K Fun Run charity races being held on Saturday, March 6, 2006. (Council Member Betty Dunkerley, Council Member Raul Alvarez and Council Member Jennifer Kim)  
**Ordinance No. 20051215-058 was approved.**
59. Approve an ordinance waiving certain fees and requirements under Chapter 14-8 of the Code, and authorizing payment of certain costs for the 2006 Austin Farmers Market, a City co-sponsored event. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Jennifer Kim)  
**Ordinance No. 20051215-059 was approved.**
60. Approve an ordinance waiving certain fees and requirements under Chapter 14-8 of the Code, and authorizing payment of certain costs for the 2005 Candlelight Holiday at the Governor's Mansion to be held December 26 and 27, 2005. (Mayor Will Wynn and Council Member Betty Dunkerley)  
**Ordinance No. 20051215-060 was approved.**
61. Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 4-9-4(A) which requires 300 feet between a proposed business that will sell alcoholic beverages at 4800 Burnet Road and a public school, Texas School for the Blind and Visually Impaired, at 1100 West 45<sup>th</sup> Street. (Suggested date and time: January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.)  
**The public hearing was set for January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
62. Set a public hearing to consider variance requests by Dan and Cristina Self to allow construction of an addition to a single-family residence at 4512 Avenuc D in the 25-year and 100-year floodplains of Waller Creek and to limit the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprints of the residence and garage apartment. (Suggested date and time: at January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street).  
**The public hearing was set for January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**
63. Set a public hearing to consider variance requests by Mark and Renee Keeney to allow construction of an addition to a single-family residence at 3000 Vinewood Cove in the 25-year and 100-year floodplains of Shoal Creek and to limit the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the residence. (Suggested date and time: at January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street)  
**The public hearing was set for January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street.**

Items 64 through 70 were Executive Session items.

Items 71 and 72 were briefings set for a time certain of 2:00 p.m.

Items 73 through 99 and Z-1 through Z-27 were zoning items set for 4:00 p.m.

Items 100 through 109 were public hearings set for 6:00 p.m.

### DISCUSSION ITEMS

56. Approve a resolution directing the City Manager to (1) prepare a scope of work for hiring a consultant to develop the Downtown Austin Plan, including but not be limited to, land use, transit, funding, infrastructure and environmental recommendation, and (2) prepare an ordinance integrating the Downtown Neighborhood Plan and Convention Center Station Area Planning efforts into a comprehensive plan (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)  
**Resolution No. 20051215-056 was approved, with the following amendments, on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote. Council Member Leffingwell's amendments were: Paragraph three should read, "Whereas, the City of Austin is pursuing a fiscal policy of strengthening the tax base by selling government-owned land and developing this land to its best community use." Paragraph "d." on page three was amended to read, "Work with stakeholders, including, but not limited to . . ." Council Member McCracken's amendments were; 2. a. on page two would read "Town Lake" and not "Cesar Chavez". On page three, "d", would read, "Work with stakeholders, including but not limited to, the State of Texas, Travis County, the federal government, Capital Metro, the Downtown Austin Alliance, Downtown Austin Neighborhood Association, Austin Neighborhood Council, Old West Austin Neighborhood Association, Judges Hill Neighborhood Association, affordable housing advocates, parks groups and environmental organizations on process and substantive issues; and"**
23. Authorize negotiation and execution of a professional services agreement with each of the following six firms: TURNER COLLIE & BRADEN, INC., Austin, TX; CAMP DRESSER & MCKEE, INC., Austin, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; BLACK & VEATCH CORPORATION, Austin, TX; WESTON SOLUTIONS, INC., Austin, TX; and CH2M HILL, INC., Austin, TX for engineering design services for the Water Transmission Main Rotation List 2005-2007 for an estimated period of two years or until financial authorization is expended in an amount not to exceed \$5,500,000 with a total of six agreements not to exceed \$5,500,000 (estimated approximately \$1,000,000 each of the first four top ranked firms and \$750,000 for each of the next two ranked firms). (Funding in the amount of \$5,500,000 is available in the Fiscal Year 2005-2006 Capital and/or Operating Budget of the Austin Water Utility for which services are needed.) Best qualification statements of 37 received. 16.5% MBE and 14.2% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the negotiation and execution of a professional services agreement was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**
40. Authorize negotiation and execution of a five-year revenue concession contract with ROWING DOCK, INC. DBA ZILKER PARK CANOE AND KAYAK, Austin, TX for the operation and management of a canoe rental concession at Town Lake for an estimated amount of \$93,526, with two five-year extension options for an estimated revenue amount of \$108,422 and \$124,700 respectively, for an estimated total revenue amount of \$326,648. (Revenue in the amount of \$13,212 will be included in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Revenue for the remaining 51 months will be included in future budgets.) Best proposal of five 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. (Approved by the Parks and Recreation Board)  
**The motion authorizing the negotiation and execution of a revenue concession contract was approved with Zilker Park Boat Rentals on Council Member Alvarez' motion, Council Member**

Leffingwell's second on a 5-1 vote. Council Member Kim voted no. Mayor Pro Tem Thomas was off the dais.

**CITIZEN COMMUNICATIONS: GENERAL**

Jimmy Castro - New downtown library

CarolAnneRose Kennedy - Millennium Christmas

Gavino Fernandez Jr. - JUSTICE FOR EAST AUSTIN CHICANOS. QUE PASO TO THE HOLLY NEIGHBORHOOD PLANNING TEAM ISSUE?

Paul Hernandez - JUSTICE FOR EAST AUSTIN CHICANOS

Marcos De Leon - JUSTICE FOR EAST AUSTIN CHICANOS

Frances Martinez - JUSTICE FOR EAST AUSTIN CHICANOS

Gloria Moreno - JUSTICE FOR EAST AUSTIN CHICANOS. She was not present when her name was called.

Leon Hernandez - JUSTICE FOR EAST AUSTIN CHICANOS. He was not present when his name was called.

Pat Johnson - APD on the side, Cold Case Unit

Jennifer L. Gale - "It's the most wonderful time of the year" Sing-A-Long

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:49 p.m.

**EXECUTIVE SESSION**

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

**Private Consultation with Attorney - Section 551.071**

64. Discuss legal issues related to the proposed amendments to the City's public order ordinances.
65. Discuss legal issues in Cause No. A-04-CA-340-LY; *Velma Pickens, as Next Friend of KH and JH, Jr., in Their Individual Capacities and as Representatives of Sophia King's Estate v. The City of Austin, The Housing Authority of the City of Austin and John Coffey*; filed in the U.S. District Court, Western District, Austin Division. (concerns an allegation of use of force and an allegation of a violation of Title II of the Americans with Disabilities Act)
66. Discuss legal issues relating to state law alternatives available to promote land banks, land trusts and funding options including the Homestead Preservation Act (HB 525).

67. Discuss legal issues related to proposed amendments to the Land Standards Development Agreement between the City and Austin Independent School District. Certain provisions of the agreement amend Chapter 25-8, Article 12 (*Save Our Springs Initiative*) as it applies to the development of school facilities in the Barton Springs Zone.
68. Discuss legal issues related to the sale of Block 21 to Stratus/Trammel Crow.

**Item 69 was taken up later in Executive Session.**

**Personnel Matters - Section-551.074**

70. Discuss the appointment of City of Austin Municipal Court Judges including appointment of the Presiding Judge, individual Associate Judges including the Downtown Community Court Judge, and individual Substitute Judges; and discuss the compensation and benefits of each individual judge. (Related Item 53)  
**No discussion was held on this item.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:00 p.m.**

**DISCUSSION ITEMS CONTINUED**

17. Approve 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.  
**Ordinance No. 20051215-017 was approved, with the following amendments, on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 6-1 vote. Mayor Pro Tem voted no. Council Member Leffingwell amendments were: Parts 1 and 2 be approved as presented in the ordinance; Part 3 remains as it is currently, that is, solicitation of contributions will be prohibited from 9 p.m. to 9 a.m.; and, Part 4 of the ordinance be removed for further study by a task force the Council is creating. Council Member Kim proposed that 9-4-14 (E) be amended by adding, "(7) is waiting in line to purchase tickets to or attend a performance or public event." This was accepted by the maker of the motion and Council Member Dunkerley who made the second. Council Member Kim proposed that 9-4-22 read, "Solicitation Between Certain Hours Prohibited. A person commits an offense if the person solicits contributions between 9:00 p.m. and 9:00 a.m. by going to the door of a residence. A signature is not a contribution under this section." This was not accepted by maker of the motion.**

**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.**

73. 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 Sirvaitis, 974-3057.

**This item was postponed to January 12, 2006 at the applicant's request.**

74. C14-05-0025 - 1706 & 1708 West 6<sup>th</sup> Street - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 West 6<sup>th</sup> Street (Town Lake/Johnson Creek Watersheds) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. First reading approved on September 1, 2005. Vote: 7-0. Second reading approved on October 20, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to January 12, 2006 at the owner's request.**

75. 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 Sirvaitis, 974-3057.

**This item was postponed to January 12, 2006 at staff's request.**

78. NP-05-0022.001 - Greater South River City Neighborhood Plan - Approve second/third readings of an ordinance to amend Ordinance No. 20050929-Z001 (Greater South River City Combined Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for the property located at 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). Council may approve a land use designation change to Office or Commercial. At first reading on December 1, 2005, Council approved a Commercial land use designation for Tract 35. Vote: 4-2 (Mayor Wynn and Council Member Leffingwell - nay; Council Member McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685. (Related Item 79)

**This item was postponed to January 12, 2006 at staff's request.**

79. C14-05-0139.001 - Greater South River City Combined Neighborhood Plan (South River City neighborhood) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning locally known as 118-134 E. Riverside Dr. (Tract 1), 201-309 E. Riverside Dr. (Tract 3), 2100 S. IH-35 (Tract 28), 2016 S. IH-35 (Tract 29a), 2000 S. IH-35 (Tract 29b) and 0 S. IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35) (Blunn Creek, East Bouldin Creek, Harpers Branch & Town Lake watersheds). The City Council may approve a base district zoning change to any of the following: general office (GO) district zoning; community commercial (GR) district zoning; general commercial services (CS) district zoning; limited industrial services (LI) district zoning. A conditional overlay (CO) combining district, mixed use (MU) combining district or neighborhood plan (NP) combining district may also be added to these zoning base districts. At first reading on December 1, 2005, Council approved limited industrial services-neighborhood plan combining district zoning (LI-NP) for 118-134 E. Riverside Dr. (Tract 1); general commercial services-conditional overlay-neighborhood plan combining district zoning (CS-CO-NP) for 201-309 E. Riverside Dr. (Tract 3); community commercial-mixed use combining district-conditional overlay-neighborhood plan combining district zoning (GR-MU-CO-NP) for 2100 S. IH-35 (Tract 28), 2016 S. IH-35 (Tract 29a) and 2000 S. IH-35 (Tract 29b); and community commercial-conditional overlay-neighborhood combining district zoning (GR-CO-NP) for 0 S. IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). Vote: Zoning on Tracts 1, 3, 28, 29a&b: 6-0 (Council Member McCracken off the dais). Vote: Zoning on Tract 35: 4-2 (Mayor Wynn and Council Member Leffingwell -- nay, Council Member McCracken off the dais). Applicant: City of

Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685, Sherri Sirwaitis, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request. (Related Item 78)

**Ordinance No. 20051215-079 was approved, excluding tract 35 which was postponed to January 12, 2006**

80. C14-05-0084 - Manor Commercial - Approve second/third readings of an ordinance rezoning property locally known as 7700 Old Manor Road (Decker Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial-conditional overlay (LI-CO) combining district zoning. First reading approved on November 17, 2005. Vote: 7-0. Applicant: Dan Herd. Agent: Jim Gallegos. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-080 was approved.**
81. C14-05-0033 - 2529 South Lamar Blvd. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2529 South Lamar Blvd. (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First reading approved on July 28, 2005. Vote: 7-0. Applicant: Gene Payne. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-081 was approved.**
82. C14-05-0142 - Corners II Shopping Center - Approve second/third readings of 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 limited office (LO) district zoning and neighborhood commercial (LR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading approved on November 17, 2005. Vote: 7-0. Applicant: Lily Saad. Agent: Monica Moore. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-082 was approved.**
83. C14-05-0155 - Vivas Lane - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4009, 4021, 4025 Vivas Lane (Barton Creek Watershed - Barton Creek Zone) from interim rural residence (I-RR) district zoning to single-family residence-large lot (SF-1) district zoning. First reading approved on November 17, 2005. Vote: 7-0. Applicant: Gene Sheppard. Agent: Mike McHone. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-083 was approved.**
84. C14-05-0147 - Miravue - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1704 South Lamar (Bouldin Creek Watershed) from general commercial services (CS) to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. First reading approved on November 17, 2005. Vote: 7-0. Applicant: Darin Davis. Agent: QMET (Gordon Bolmfalk). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-084 was approved.**
85. C14-05-0156 - 4909 Commercial Park Drive - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4909 Commercial Park Drive (Decker Creek Watershed) from interim single-family residence-standard lot (I-SF-2) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. First reading approved on November 17, 2005. Applicant: Jack Wolfe. Agent: Carroll Kelly. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-085 was approved.**

86. C14-05-0118 - Pflugerville West Shopping Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15400, 15417, 15420 and 15424 Pecan Street (F.M. 1825 Road) (Harris Branch, Walnut Creek Watersheds) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicant: Retail Pflugerville Partners, L.P. (Casey Beasley), HI-LO Auto Parts Stores, L.P. (James R. Batten), PBA Holdings, L.L.P. (Keri Chorba, Pricino VIII, L.P. (David Little). Agent: L.M. Holder III, FAIA (Mac Holder/Philip Southwick). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to January 12, 2006 at staff's request.**
87. C14-05-0170 - Pecan Park Condominiums - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10701-10807 Pecan Park Boulevard (Lake Creek Watershed) from community commercial (GR) district zoning and general office (GO) district zoning to community commercial-mixed use (GR-MU) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicant: Pecan Park, J.L.C. (John P. Chudy). Agent: Doucet & Associates (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20051215-087 was approved.**
88. C814-90-0003.13 - Harris Branch PUD Amendment #13 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at 1375 U.S. Highway 290 East at Proposed State Highway 130 (Harris Branch, Gilleland Creek, Decker Creek Watersheds) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on October 27, 2005. Vote: 6-0 (Council Member Alvarez off the dais). Applicant: Austin HB Residential Properties (John McCullough). Agent: Minter, Joseph & Thornhill, P.C. (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to January 12, 2006 at staff's request.**
89. C14H-05-0012 -- Hearn House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 902 Blanco Street 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 approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicants: Isaac and Janine Barchas. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051215-089 was approved.**
90. C14H-04-0032 -- Gordon and Margaret Catterall Mills House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2524 Harris Boulevard from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicants: Bryan and Jenni Chester. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051215-090 was approved.**
91. C14H-05-0024 -- Reed Estate - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2407 Harris Boulevard from family residence (SF-3) district to family residence-historic (SF-3-H) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicants: Steven and Donna Stockton Hicks. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051215-091 was approved.**



92. C14H-05-0025 – Miller House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 Rio Grande Street from general office (GO) district zoning to general office-historic (GO-H) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicant: Carol Sims, Eidschun Partners, L.P. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051215-092 was approved.**
93. C14H-05-0028 – Cox-Craddock House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 720 East 32nd Street from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicant: Daniel Leary. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051215-093 was approved.**
94. C14H-05-0013 – Weller-Meyers-Morrison House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 Lorrain Street 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 approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicants: Steven and Mary Nichols. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051215-094 was approved.**
95. C14-05-0172 - Colina Vista - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9716 F.M. 2222 (West Bull Creek Watershed) from limited office (LO) district zoning and community commercial (GR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (Council Member McCracken off the dais). Applicant: 2222 Research Park, Ltd. (Tim Jamail). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to January 26, 2006 at the applicant's request.**

### **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', Mayor Pro Tem Thomas' second on a 7-0 vote.**

- Z-2 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 December 13, 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.  
**The first reading of the ordinance was approved.**
- Z-3 C14-05-0174 - 6411 Highway 290 West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6411 U.S. Highway 290 West (Williamson Creek Watershed - Barton Creek Zone) from 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 and Agent: B.C. Birdwell, Inc. (Brian Birdwell). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 20051215-Z003 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

- Z-4 C814-99-0001(RCA) - Avery Ranch PUD Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Avery Ranch at Parmer Lane (Brushy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, President), Continental Homes of Texas, L.P. (Richard Maier), Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.), Developers of Avery Ranch (Robert D. Wunsch, President). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057. (Related Item Z-16)  
**This item was postponed to January 12, 2006 at staff's request.**
- Z-5 C14-05-0181 Verde Stone Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Block of West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning to multi-family residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Applicant: Cabot-Chase, Ltd. (Jimmy Nassour). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Hausmann). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20051215-Z005 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning was approved.**
- Z-6 C14-05-0161 - Prunty Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7720 South First Street; 7801-7805 Cooper Lane; 630-640 Dittmar Road (South Boggy Creek Watershed) from development reserve (DR) district zoning and limited office (LO) district zoning to general commercial services (CS) district zoning for Tract 1 and multi-family residence-limited density (MF-1) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1; and multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 2. Applicant: Prunty, L.P. (Kurt Prunty). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. (Related Item Z-7)  
**Ordinance No. 20051215-Z006 for grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1; and multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 2 was approved.**
- Z-7 C14-05-0162 - Prunty Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800-7804 South First Street (South Boggy Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Prunty, L.P. (Kurt Prunty). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. (Related Item Z-6)  
**Ordinance No. 20051215-Z007 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.**

- Z-8 C14-05-0196A - Lowe's on Brodie Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Brodie Lane at Ben Garza Lane (Williamson Creek Watershed - Barton Springs Zone) from interim-rural residence (I-RR) 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: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719. (Related Items 11 and Z-9)  
**Ordinance No. 20051215-Z008 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-9 C14-05-0196B - Lowe's on Brodie Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Brodie Lane at Ben Garza Lane (Williamson Creek Watershed - Barton Springs Zone) from interim-rural residence (I-RR) 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: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719. (Related Items 11 and Z-8)  
**Ordinance No. 20051215-Z009 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-11 C14-05-0178 - Caplin Veterinary Clinic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7958 Shoal Creek Boulevard (Shoal Creek Watershed) from limited office (LO) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Applicant: John M Barnett. Agent: Land Answers (Jim Whitliff). City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20051215-Z011 for neighborhood commercial (LR) district zoning was approved.**
- Z-12 C14-05-0173 - 4903 Commercial Park Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4903 Commercial Park Drive (Decker Creek Watershed) from interim single-family residence-standard lot (I-SF-2) 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: Eugene Reeder. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-Z012 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.**
- Z-13 C14-05-0185 - Tennis Center at Johnny Morris Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 Johnny Morris Road (Decker Creek Watershed) from interim rural residence (I-RR) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant and Agent: City of Austin - Parks and Recreation Department. City Staff: Robert Heil, 974-2330  
**Ordinance No. 20051215-Z013 for public (P) district zoning was approved.**
- Z-14 C14-00-2062(RCA)(2) - Martens Zoning - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 807 East 11<sup>th</sup> Street (Waller Creek Watershed). Planning Commission Recommendation: To be considered on December 13, 2005. Applicant: Steven Martens. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-15)  
**This item was postponed to January 26, 2006 at staff's request.**

- Z-15 C14-00-2062(RCA)(3) - AMJRH Zoning - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 811 East 9<sup>th</sup> Street and 808-818 East 8<sup>th</sup> Street (Waller Creek Watershed). Planning Commission Recommendation: To be considered on December 13, 2005. Applicant: AMJRH Investments Ltd. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-14)  
**This item was postponed to January 26, 2006 at staff's request.**
- Z-16 C814-99-0001.03 - Avery Ranch PUD, Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning.. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) amendment. Applicant: Pebble Creek Joint Venture (Edward Rathgeber, President), Developers of Avery Ranch (Robert D. Wunsch), Continental Homes of Texas, L.P. (Richard Maier). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057 (Related Item Z-4)  
**This item was postponed to January 12, 2006 at staff's request.**
- Z-17 C14-05-0180 - 2043 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 2043 South Lamar from (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and 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 and Agent: Scott Trainer. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20051215-Z017 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved.**
- Z-18 C14-05-0182 - Cox Office Supply - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10938 Research Boulevard (U.S. Highway 183) (Bull Creek and Walnut Creek Watersheds) from single-family residence-standard lot (SF-2) 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. Applicant: Cox Office Products (Benny R. Cox). Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20051215-Z018 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-19 C14-04-0206 - Parke Corners Section 1 and the Parke Recreation Area, Phase A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7400 R.M. 620 North and 11620 Bullick Hollow Road (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Parke Properties, L.L.P., (Fred Purcell). GDF REalty Investment, LTD. (R James George). Agent: Bennett Consulting (Jim Bennett). Agent: Bennett consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.  
**The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.**
- Z-20 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 January 26, 2006 at staff's request.**

- Z-23 NPA-05-0016.01 - 7<sup>th</sup> & Gunter - Conduct a public hearing and approve an ordinance amending Ordinance 030327-11 (Govalle/Johnston Terrace Combined Neighborhood Plan) an element of the Austin Tomorrow Comprehensive Plan to change the future land use map from commercial land use designation to mixed use designation for the property located at 704 Gunter Street (Boggy Creek Watershed). Planning Commission Recommendation: To grant mixed use designation. Applicant and Agent: Teresa Saldana. City Staff: Scott Whiteman, 974-6054. (Related Item Z-24)

**This item was postponed to January 26, 2006 at the neighborhood association's request.**

- Z-24 C14-05-0122 - 7<sup>th</sup> & Gunter St. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 704 Gunter Street (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant and Agent: Teresa Saldana. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request. (Related Item Z-23)

**This item was postponed to January 26, 2006 at the neighborhood association's request.**

- Z-25 C14-05-0179 - Spring Lake Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (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-conditional overlay (SF-1-CO) combining district zoning. Applicant: Rahul Deshmukh and Mrudula Yadav. Agent: Land Answers: (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed to January 12, 2006 at staff's request.**

- Z-26 C14-05-0005 - Gables/Park Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 West Cesar Chavez Street (Tracts 1 and 2) (Town Lake and Shoal Creek Watersheds) 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 (DMU-CURE) combining district zoning with conditions. Applicant: Lumberman's Investment Corporation (Wayne McDonald). Agent: Drenner, Stuart, Wolff, Metcalfe (Michele R. Allen). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to January 12, 2006 at the neighborhood's request.**

- Z-27 C14-05-0093 - The Crescent - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the 900 Block of West Cesar Chavez Street (Town Lake and Shoal Creek Watersheds) from unzoned to downtown-mixed use (DMU) district zoning. Zoning and Platting Commission Recommendation: To grant downtown mixed use (DMU) district zoning. Applicant: City of Austin (Real Estate Division). Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to January 12, 2006 at staff's request.**

**ZONING DISCUSSION ITEMS**

- Z-1 C14-05-0135 - Highway 183/Highway 71/Ben White - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200-1324 Dalton Lane; 1301-1421 Bastrop Highway Service Road (Carson Creek Watershed) from interim rural residence (I-RR) district zoning and general commercial services (CS) district zoning to commercial highway (CH) district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway-conditional overlay (CH-CO) combining district zoning with conditions. Applicant: JHX2/Lampting Joint Venture (C.W. Hetherly). Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 20051215-Z001 for commercial highway-conditional overlay (CH-CO) combining district zoning with conditions was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:25 p.m. and for Live Music and Proclamations.**

**EXECUTIVE SESSION CONTINUED**

69. Discuss legal issues relating to proposed changes in South Texas Project ownership agreements and to proposed acquisition by NRG Energy, Inc., of Texas Genco LLC and its partial ownership interest in the South Texas Project.

**The Mayor announced that Council would discuss item numbers 97 through 99 on the regular agenda during Executive Session.**

**LIVE MUSIC**

Ruthie Foster

**PROCLAMATIONS**

Distinguished Service Award - Vanessa Downey-Little - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Distinguished Service Award - Chief Rick Coy - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Distinguished Service Award - Alice Glasco - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Certificates of Congratulations - Volunteers of the Month for November and December - to be presented by Council Member Brewster McCracken and to be accepted by the honorees

**Executive Session ended and the Mayor called the Council Meeting back to order at 7:47p.m.**

**Seaholm District Items**

100. Conduct a public hearing and adopt a resolution authorizing the realignment of the road known as Sandra Muraida Way and construction of a biofiltration meadow in the area of dedicated parkland known as The Sand Beach Reserve in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by the Parks Board and the Environmental Board.) (Related Item 101)

**This item was postponed to January 12, 2006 at 6:00 p.m. on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and McCracken were off the dais.**

101. Presentation and approval of a resolution relating to the alignment of the Pfluger Bridge Extension and the Bowie Street pedestrian undercrossing of the Union Pacific Railroad.(Related Item 100)

**This item was postponed to January 12, 2006 at 6:00 p.m. on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and McCracken were off the dais.**

102. Approve an ordinance authorizing the negotiation and execution of an agreement with Lion Gables Realty Limited Partnership, including an agreement to exchange and vacate right-of-way and public street dedications, to facilitate public improvements in and adjacent to the area known as the Sand Beach Reserve, generally bounded on the north by Lumbermen's Investment Corporation property, on the west by North Lamar Boulevard, on the south by Cesar Chavez and on the east by the Seaholm Power Plant Property, in an amount not to exceed \$2,024,107. (Funding in the amount of \$2,024,107 is available in the Fiscal Year 2005-2006 Approved Capital Budgets in the following departments: \$1,867,588 Economic Growth and Redevelopment Services, \$89,519 Public Works and Transportation, and \$67,000 Watershed Protection and Development Review.)

**This item was postponed to January 12, 2006 at 6:00 p.m. on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and McCracken were off the dais.**

#### **DISCUSSION ITEMS CONTINUED**

53. Approve an ordinance appointing the Presiding Judge, Associate Judges including the Downtown Community Court Judge and Substitute Judges, to the City of Austin Municipal Court for the 2006-2007 judicial term, and setting compensation and benefits. (Recommended by the Council Judicial Subcommittee) (Related Item 70)(Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Raul Alvarez)

**This item was postponed to January 12, 2006 on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and McCracken were off the dais.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

97. C14-05-0157 - Champion Tract 3 - City Park Road East - Approve second/third readings of 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. First reading approved on December 1, 2005. Vote: 4-2 (Council Members Alvarez and Kim - Nay. Council Member McCracken off the dais). 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. A valid petition has been filed in opposition to this rezoning request.

**The second reading of the ordinance for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley, and Leffingwell. Those voting nay were: Council Members Alvarez, Kim, and McCracken.**

98. C14-05-0158 - Champion Tract 2 - City Park Road West - Approve second/third readings of 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. First reading approved on December 1, 2005. Vote: 4-

2 (Council Members Alvarez and Kim - Nay. Council Member McCracken off the dais). 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.

**The second reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley, and Leffingwell. Those voting nay were: Council Members Alvarez, Kim, and McCracken.**

99. C14-05-0159 - Champion Tract - Tract 1 - Approve second/third readings of 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. First reading approved on December 1, 2005. Vote: 4-2 (Council Members Alvarez and Kim - Nay. Council Member McCracken off the dais). 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.

**The second reading of the ordinance for 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 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley, and Leffingwell. Those voting nay were: Council Members Alvarez, Kim, and McCracken.**

76. NP-05-0020 - Pleasant Hill Subdistrict, Tract 30 - Approve third reading of an ordinance amending Ordinance No. 20050818-Z001, adopting the South Congress Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, and establishing the land use designation on the future land use map for Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of lot 20 and east 50 feet of Lot 21, Block 1), in the Pleasant Hill Subdistrict of the West Congress Neighborhood Planning Area. The north boundary for the Pleasant Hill Subdistrict is the northern boundary of the Pleasant Hill Addition Subdivision, the eastern boundary is South Congress Avenue, the southern boundary is Stassney Lane, and the western boundary is Hummingbird Lane, which includes those lots with front and side yard frontages along Hummingbird Lane. The proposed change to the future land use map is from single-family to office mixed-use. On September 1, 2005, single-family land use designation was approved on First reading. Vote: 6-1, Mayor Wynn - Nay. On October 6, 2005, office mixed-use land use designation was approved on Second reading. Vote: 6-1, Thomas - Nay. On November 3, 2005 this item was postponed to December 15, 2005 at staff's request. The Council may consider single-family, high-density single-family, multi-family, office, office mixed-use, commercial, or commercial mixed-use land use designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 77)

**There was a motion directing staff to develop an alternate ordinance and restrictive covenant that was made by Council Member Leffingwell and seconded by Council Member Dunkerley. Without objection, the Mayor asked that this motion be withdrawn.**



**The motion to postpone action on tract 30 to January 12, 2006 with the following direction to staff was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0. Staff was directed to write an alternate ordinance and try to obtain an executed restrictive covenant by that date.**

77. C14-05-0106 - West Congress Neighborhood Plan Area Rezoning, Pleasant Hill Subdistrict, Tract 23a (116 Red Bird Lane) and Tract 30 - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Tract 23a, located at 116 Red Bird Lane and Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of Lot 20 and south 68 feet average and East 50 feet of Lot 21, Block 1), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering Tract 23a and Tract 30, within the subdistrict. Under the Pleasant Hill subdistrict, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are also proposed for the Pleasant Hill subdistrict. The "Neighborhood Mixed-Use Building" special use is proposed for Tract 30 and 23A. The proposed zoning change will also change the base district zoning on two tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan combining district (NP) may also be added to these zoning base districts. On September 1, 2005, CS-MU-CO-NP district zoning was approved for Tract 23a on First Reading. Vote 6-0, Alvarez off the dais. On September 1, 2005, SF-3-NP district zoning was approved for Tract 30 on First reading. Vote: 6-1, Mayor Wynn - Nay. On October 6, 2005, LO-MU-CO-NP district zoning was approved for Tract 30 on Second reading. Vote: 6-1, Mayor Pro Tem Thomas - Nay. On November 3, 2005 Tract 23a and Tract 30 were postponed to December 15, 2005 at staff's request. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff Mark Walters, 974-7695. Note: A valid petition has been filed in opposition to the rezoning request for Tract 30. (Related Item 76)

**Ordinance No. 20051215-077 to approve general commercial service-mixed use-neighborhood plan (CS-MU-NP) combining district zoning for Tract 23A, 116 Red Bird Lane, was approved on Council Member Kim's motion, Council Member Alvarez' second on a 7-0 vote.**

**There was a motion directing staff to develop an alternate ordinance and restrictive covenant that was made by Council Member Leffingwell and seconded by Council Member Dunkerley. Without objection, the Mayor asked that this motion be withdrawn.**

**The motion to postpone action on tract 30 to January 12, 2006 with the following direction to staff was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0. Staff was directed to write an alternate ordinance and try to obtain an executed restrictive covenant by that date.**

96. C14-05-0034.SH - Peaceful Hill Subdivision - Approve third reading 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/L.O) 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. Second reading approved on November 17, 2005. Vote: 7-0. Applicant: Southwest Strategies Group (John Rosato). Agent: Main Street Homes (Ken Blaker). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this zoning request.

**Ordinance No. 20051215-096 was approved with the following conditions: 30 foot setback adjacent to non-residential, 25 decimal noise reduction, and a single story height limitation for the area adjacent to Crippen Sheet Metal property on Council Member Kim's motion, Council member Dunkerley's second on a 6-1 vote. Council Member Leffingwell voted no.**

- Z-10 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.

**The public hearing was closed and the first reading of the ordinance for family residence (SF-3) district zoning was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**

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

- Z-21 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.

**A motion was made by Council Member Leffingwell and seconded by Council Member Kim to close the public hearing and to deny commercial-liquor-sales-conditional overlay (CS-1-CO) combining district zoning.**

**The substitute motion to close the public hearing and postpone this item to January 26, 2006, with direction to staff to negotiate a restrictive covenant with the owners, was approved on Council Member Dunkerley's motion, Council Member Alvarez's second on a 7-0 vote.**

- Z-22 C14-05-0108 - 5717 Balcones Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5717 Balcones Drive (Shoal 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 grant community commercial (GR-CO) combining district zoning. Applicant: SWD Partners, Ltd. (Mark Banta). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Jorge E. Rousselin, 974-2975.

**The public hearing was closed and the first reading of the ordinance for community commercial (GR-CO) combining district zoning with the limitations outlined by the Zoning and Platting Commission and with the following additional requirements was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote. The requirements are that retail will be no more than 2,500 square feet, retail will be limited through a restrictive covenant to accessory medical retail uses, and there will be a trip limitation of 1,250 cars per day. Also, that the applicant be allowed to file constructions plans and get started with the work.**

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

103. Conduct a public hearing and approve an ordinance to adjust the corporate boundary between the City of Austin and the City of Sunset Valley in accordance with Texas Local Government Code Section 43.031 (The proposed boundary adjustment includes approximately 2.81 acres of greenbelt located east of Brodie Lane and south of Oakdale Drive).  
**The public hearing was closed and Ordinance No. 20051215-103 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
104. Conduct a public hearing to consider variance requests by James Mansour to allow construction of an addition to a single-family residence at 208 W. North Loop Boulevard in the 25-year and 100-year floodplains of Waller Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence.  
**The public hearing was closed and motion to deny the variance requests was approved on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote.**
105. Conduct a public hearing to approve an ordinance amending Chapter 25-12, Article 7 of the City Code (*Fire Code*) to adopt the 2003 International Fire Code with local amendments. (Recommended by the Building & Fire Code Board of Appeals; and the Environmental Board.)  
**The public hearing was closed and Ordinance No. 20051215-105 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
107. Conduct 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. (Approved by the Mechanical, Plumbing and Solar Board on October 29, 2004. Approved 5-0.)  
**The public hearing was closed and Ordinance No. 20051215-107 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
108. Conduct 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. (Approved by the Mechanical, Plumbing and Solar Board on October 29, 2004. Approved 4-1.)  
**The public hearing was closed and Ordinance No. 20051215-108 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

109. Conduct 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. (Approved by the Electrical Board on November 10, 2005. Approved 5-0.)  
**The public hearing was closed and Ordinance No. 20051215-109 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
106. Conduct a public hearing to approve an ordinance amending Chapter 25-12 of the City Code (*Building Code*) to adopt the 2003 International Building Code and local amendments and readopting the 2000 International Energy Code and local amendments. (Recommended by the Building and Fire Code Board on November 9, 2005.)  
**The public hearing was closed and Ordinance No. 20051215-106 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.**

### **BRIEFINGS**

71. Presentation to Council on the City's Traffic Management Program.  
**The Mayor announced this presentation would not be done today.**
72. Presentation to Council regarding land banks, land trusts and funding options under the Homestead Preservation Act (HB 525).  
**The Mayor announced this presentation would not be done today.**

### **DISCUSSION ITEM CONTINUED**

55. Approve a resolution expressing the City Council's opposition to the activities of the Minutemen and directing the City Manager to report to the City Council any identified activity of the Minutemen within the City. (Council Member Raul Alvarez, Mayor Pro Tem Danny Thomas and Council Member Jennifer Kim)  
**Resolution No. 20051215-055 was approved on Council Member Alvarez' motion, Council Member Kim's second on a 7-0 vote.**

**Mayor Wynn adjourned the meeting at 1:12 a.m. without objection.**