



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, MARCH 9, 2006

**Invocation:** Pastor Tony Johnson, Ministry of Challenge

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, March 9, 2006 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 10:20 a.m.

**CONSENT AGENDA**

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

1. Approval of the minutes from the meeting of March 2, 2006.  
The minutes from the meeting of March 2, 2006 were approved.

Items 2 through 7 were set for 10:30 a.m. time certain.

8. Authorize negotiation and execution of a 12-month construction contract service agreement with TEPSCO, L.P., Deer Park, TX, for the installation of underground chilled water piping in an amount not to exceed \$4,000,000, with two 12-month extension options in an amount not to exceed \$4,000,000 for each option, for an overall contract amount not to exceed \$12,000,000. (Funding in the amount of \$4,000,000 is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) 19.9% MBE and 1.5% WBE subcontractor participation  
The motion authorizing the negotiation and execution of a construction contract service agreement was approved.
9. Authorize negotiation and execution of SOUTH TEXAS PROJECT (STP) agreements, including (1) Amended and Restated Interim Restructuring Agreement, (2) Amendment One to the STP Transmission Lines Maintenance Agreement, (3) STP Transmission Facilities Reconfiguration Agreement, (4) Right-of-Way & Easement for Electric Transmission Line (AEP Texas Central), (5) Right-of-Way & Easement for Electric Transmission Line (CenterPoint Energy), and (6) Right-of-Way & Easement for STP Switchyard and Transmission Corridor, and any other related agreements necessary to efficiently operate the STP assets to permit construction of the related Hillje transmission and substation construction project, and account for the restructuring of two prior STP owners pursuant to and as required by the Texas electric restructuring legislation enacted in 1999 (S.B. 7).  
The motion authorizing the negotiation and execution of agreements was approved.

10. Approve an ordinance amending Ordinance No. 990715-31 to provide for additional fee waivers for SILICON LABORATORIES, INC., to Austin, TX for development permits related to the finish-out of 400 W. Cesar Chavez St., in an amount not to exceed \$35,325. (Foregone Watershed Protection and Development Review revenues, not to exceed \$35,325.)  
**Ordinance No. 20060309-010 was approved. Council Member McCracken recused himself.**
11. Authorize negotiation and execution of an amendment to the professional services agreement with Colette Holt & Associates, Chicago, IL, for services relating to the "second generation study" related to minority-owned and women-owned procurement program, in an amount not to exceed \$20,000, for a total contract amount not to exceed \$175,000. (Funding in the amount of \$20,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Department of Small & Minority Business Review.) (Related Item 38)  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**
12. Authorize negotiation and execution of a legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with project resolution and potential litigation related to the Ullrich Water Treatment Plant Expansion Project in the not to be exceeded amount of \$568,500. (Funding in the amount of \$568,500 is available in the 2005-2006 Operating Budget of the Austin Water Utility.) (Related Item 39)  
**The motion authorizing the negotiation and execution of a legal services agreement was approved.**
13. Approve a resolution approving the origination of mortgages within the Austin City limits from bond proceeds of the Travis County Housing Finance Corporation's 2006 Single Family Mortgage Revenue Refunding Bonds.  
**Resolution No. 20060309-013 was approved.**
14. Approve an ordinance approving Amendment No. 2 to the Memorandum of Understanding for East Austin Economic Development between the City and Robertson Hill Land, Ltd. for the entire Robertson Hill property by expanding the geographic area where off-site affordable housing may be constructed or acquired to also include zip code areas 78721 and that portion of 78723 which lies south of 51st Street.  
**Ordinance No. 20060309-014 was approved.**
15. Approve a resolution authorizing the application for renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act in the amount of \$411,366 for eight full-time equivalent (FTE) Victim Counselors for a "Comprehensive Victim Services Program." (Funding in the amount of \$411,366 is available in the grant period of July 1, 2006 - June 30, 2007 from the State of Texas, Governor's Office, Criminal Justice Division. A match of \$198,082 will be met by 2 FTE positions and in-kind volunteers Victim Service counselor hours. The match can be found in the approved Fiscal Year 2006 Operating Budget of the Austin Police Department Victim Services Program.)  
**Resolution No. 20060309-015 was approved.**
16. Authorize execution of a construction contract with OSCAR RENDA CONTRACTING, INC., Roanoke, TX for the Austin Clean Water Program: Downtown/White Horse Trail Wastewater Improvements Project, Phase I, in the amount of \$3,271,885 plus a \$20,000 incentive bonus and a \$327,185 contingency, for a total contract amount not to exceed \$3,619,035. (Funding in the amount of \$3,619,035 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lower bid of 2 received. 4.06% MBE and 7.03% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**

17. Authorize negotiation and execution of a professional services agreement with DANNENBAUM ENGINEERING COMPANY - AUSTIN, LLC, Austin, TX, for engineering services for the William Cannon Bridge Over Onion Creek Phase 2, in an amount not to exceed \$300,000. (Funding in the amount of \$300,000 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department.) Best qualification statement of 6 received. 15.9% MBE and 14.2% WBE subcontractor participation.  
**The motion authorizing the negotiation and execution of a professional services agreement was approved.**
18. Authorize execution of change order # 6 to the construction contract with RODRIGUEZ BARR INC., DBA THE BARR COMPANY, AIA, (MBE/FH 73.0%) for ADA Sidewalk, Ramp and Bikeway Improvements 2004-2007 Group 2 in the amount of \$40,000, for a total contract amount not to exceed \$2,147,221.68(Funding in the amount of \$40,000 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department.) 8.32% MBE and 7.38% WBE subcontractor participation to date.  
**The motion authorizing the execution of change order #6 to the construction contract was approved.**
19. Authorize negotiation and execution of a 12-month service agreement with FRANK CRYSTAL & CO., OF TEXAS, INC., Houston, TX, to provide Airport Liability Insurance for Austin-Bergstrom International Airport through ACE USA, in an amount not to exceed \$141,779, with three 12-month extension options in an amount not to exceed \$155,957 for the first extension option, \$171,553 for the second extension option, and \$188,708 for the third extension option, for a total agreement amount not to exceed \$657,997. (Funding in the amount of \$141,779 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Approved by the Airport Advisory Commission)  
**The motion authorizing the negotiation and execution of a service agreement was approved.**
20. Ratify a contract with EXCEL CONSTRUCTION SERVICES, LLC, Austin, TX, for emergency repair services of a chlorine scrubber at the Davis Water Treatment Plant in an amount not to exceed \$105,075. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Water Utility.) Emergency Purchase.  
**The motion authorizing a contract was approved.**
21. Authorize execution of Amendment No. 1 to the contract with ALLIED BARTON SECURITY SERVICES, Austin, TX, to continue security services for the Cameron Road Campus for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$39,142.63, with the total agreement amount not to exceed \$86,142.63. (Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Cameron Road Campus Fund.)  
**The motion authorizing the execution of Amendment No. 1 to the contract was approved.**
22. Authorize execution of two contracts through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with: CLASSIC CHEVROLET, Beaumont, TX, for eleven pickup trucks and one service truck in an amount not to exceed \$234,734.73; and SANTEX TRUCK INTERNATIONAL, INC., San Antonio, TX, three truck cab & chassis in an amount not to exceed \$192,650.00. (Funding in the amount of \$198,377.04 is available in the Fiscal Year 2005-2006 Approved Vehicle Acquisition Fund. Funding in the amount of \$47,834.67 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Aviation Department. Funding in the amount of \$107,423.02 is

available in the Fiscal Year 2005-2006 Approved Capital Budget of the Solid Waste Services Department. Funding in the amount of \$73,750.00 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Energy Department.) Cooperative Purchase.  
**The motion authorizing the execution of two contracts was approved.**

23. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), with PHILPOTT MOTORS, LTD., Nederland, Texas for the purchase of 135 light duty vehicles for a total contract amount not to exceed \$3,571,171.63. (Funding in the amount of \$369,069.80 is available in the Fiscal Year 2005-2006 Approved Vehicle Acquisition Fund. Funding in the amount of \$25,377 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department and \$25,377 is available in the Fiscal Year 2005-2006 Approved Capital Area Trauma Regional Advisory Council Grant Budget of the Emergency Medical Services Department. Funding in the amount of \$128,937.75 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Aviation Department. Funding in the amount of \$742,206.33 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Water Utility. Funding in the amount of \$1,285,934.50 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Energy Department. Funding in the amount of \$318,357.50 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Solid Waste Services Department. Funding in the amount of \$562,158.75 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Public Works Department. Funding in the amount of \$113,753 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Watershed Protection & Development Review Department.) Cooperative Purchase.  
**The motion authorizing the execution of a contract was approved.**
24. Authorize execution of Amendment No. 4 to Contract No. S040153 through the State of Texas Department of Information Resources (DIR) with AVNET NETWORK SOLUTIONS, Austin, TX, for Cisco network products, to increase the current year contract in an amount not to exceed \$3,798,000 and to increase the remaining extension option in an amount not to exceed \$1,888,500, for a revised total contract amount not to exceed \$13,440,500. (Funding in the amount of \$841,000 is available in the Fiscal Year 2005-2006 Approved Operating Budgets of various City Departments. (Library-\$18,000; ACCD-\$498,000; Aviation-\$125,000; CTM-\$200,000) Funding in the amount of \$2,957,000 is available in the Fiscal Year 2005-2006 Approved Capital Budgets of various City Departments. (AE-\$685,000; Library-\$30,000; HHSD-\$2,000; PARD-\$40,000; CTM-\$2,066,000; CTM/CTECC-\$134,000) Funding for the remaining extension option is contingent upon availability in future budgets.)  
**The motion authorizing the execution of Amendment No. 4 was approved.**

**Item 25 was pulled for discussion.**

26. Approve an ordinance waiving the interim development regulations of Ordinance No. 20060216-043 to allow the construction of a single family residence at 2308 West 9<sup>th</sup> Street.  
**Ordinance No. 20060309-026 was approved.**
27. Approve an ordinance amending Article 11 of Chapter 2-1 (*Boards and Commissions*) of the City Code relating to the Board of Adjustment to increase the board's membership from five to seven board members and to stagger the two-year terms of the board members. (Council Member Lee Leffingwell and Council Member Betty Dunkerley)  
**Ordinance No. 20060309-027 was approved.**
28. 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>Child Care Council</u> Maureen Britton	Council Member McCracken's	Reappointment
<u>Commission on Immigrant Affairs</u> Parisa Fatehi	Consensus	Appointment
<u>Music Commission</u> Luis Zapata	Council Member Alvarez'	Reappointment
<u>Urban Forestry Board Commission</u> Jim Temple	Council Member Kim's	Appointment
<u>Urban Transportation Commission</u> Joi Harden	Mayor Pro Tem Thomas'	Reappointment

29. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the Code for Fado's Irish Pub's St. Patrick's Day Festival to be held on March 17, 2006. (Mayor Will Wynn and Council Member Lee Leffingwell)  
**This item was withdrawn.**

**Item 30 was pulled for discussion.**

31. Approve an ordinance waiving certain fees and authorizing payment of staff charges for the YWCA Spring Hallmark Speakers Training, entitled "From Random Acts of Intolerance...to Conscious Acts of Awareness to be held at Carver Museum Theatre on April 7, 2006. (Council Member Betty Dunkerley, Council Member Lee Leffingwell, and Council Member Brewster McCracken)  
**Ordinance No. 20060309-031 was approved.**
32. Approve waiver of banner fees under Chapter 25-10 of the City Code for the 2006 Texas Hill Country Wine & Food Festival. (Council Member Brewster McCracken, Council Member Jennifer Kim, and Council Member Betty Dunkerley)  
**The motion authorizing the waiver of banner fees was approved.**
33. Approve an ordinance authorizing the waiver or reimbursement of certain fees and requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the River City Ten-Miler to be held on March 19, 2006. (Council Member Brewster McCracken, Council Member Lee Leffingwell, and Council Member Betty Dunkerley)  
**Ordinance No. 20060309-033 was approved.**
34. Set a public hearing to receive citizen comments on community needs to develop the City's (1) annual Action Plan for Fiscal Year 2006-07, related to allocation of the U.S. Department of Housing and Urban Development grant funds, and (2) Community Development Fiscal Year 2006-2007 Program required by Texas Local Government Code Chapter 373, including proposed funding allocations. (Suggested date and time: March 23, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.)  
**The public hearing was set for March 23, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.**

Items 35 through 43 were Executive Session items.

Item 44 was a briefing set for 2:00 p.m.

Items 45 through 52 and Z-1 through Z-10 were zoning items set for 4:00 p.m.

Items 53 through 59 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:30 a.m.

**EXECUTIVE SESSION CONTINUED**

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 551.71**

36. Discuss legal issues related to potential charter amendments on the May 2006 election ballot.

The Mayor announced that Council would discuss items 2-7 on the regular agenda during Executive Session.

Items 35 and 37 through 43 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:35 a.m.

**DISCUSSION ITEMS**

25. Approve an ordinance waiving the interim development regulations of Ordinance No. 20060216-043 to allow the construction of a single family residence at 2005 Matthews Drive.  
Ordinance No. 20060309-025 with the following amendments was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote. The amendments were: to restrict the addition to 3,480 square feet the addition must be built per the site plan proposed; and the construction must be per the building permit application filed.

**CITIZEN COMMUNICATIONS: GENERAL**

Jimmy Castro - Star of Texas Fair & Rodeo

Sylvia Benini - General Observations - TREES

Jennifer L. Gale - Our Pets, Should they find (The Great Outdoors) and loose their beloved owner, are pleading with us for a (No Kill) Policy and to Spay & Neuter their (Free Loving) Ferral Friends

Paul Robbins - City Issues

CarolAnneRose Kennedy - TBA

Pat Johnson - Current Issues – Towing

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

**EXECUTIVE SESSION CONTINUED****Private Consultation with Attorney - Section 551.071**

38. Discuss legal issues related to the City of Austin Minority and Women-Owned Business Enterprise Program, Second Generation Study and the professional service agreement with Colette Holt & Associates. (Related Item 11)
39. Discuss legal issues regarding expansion of the Ullrich Water Treatment Plant and the associated contract with Archer Western Contractors, Ltd., and discuss a legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with project resolution and potential litigation. (Related Item 12)  
This item was withdrawn.

**Real Property – Section 551.072**

42. Discuss issues relating to the terms of the sale of Block 21, generally located at 2<sup>nd</sup> Street, Lavaca Street, 3<sup>rd</sup> Street, and Guadalupe.

The Mayor announced that Council would discuss item number 59 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:15 p.m.

**BRIEFINGS**

44. Conduct a briefing regarding Single Stream Recycling Program.  
The presentation was made by Chief Michael McDonald, Assistant City Manager, and Willie Rhodes, Director of Solid Waste Services.

**CONTINUED DISCUSSION ITEMS**

2. Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters related to the terms served by a municipal court judge. (Council Member Brewster McCracken, Mayor Pro Tem Danny Thomas and Council Member Betty Dunkerley)  
Ordinance No. 20060309-002 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
3. Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters related to council member term limits. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
Ordinance No. 20060309-003 with the following amendment was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote. The amendment was to edit the ballot language to read, "Shall the City Charter be amended to allow a council member or mayor first elected after April 30, 2006, to serve for three terms?"
4. Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters related to campaign finance. (Council Member Betty Dunkerley, Council Member Lee Leffingwell and Council Member Brewster McCracken)  
Ordinance No. 20060309-004 was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

**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 Leffingwell's motion, Council Member Alvarez' second on a 7-0 vote.

45. C14-05-0111.03 - East Riverside/Oltorf Neighborhood Plan, Tract 208 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2800 & 2904 Metcalfe Road (Country Club Creek Watershed) from family residence (SF-3) district zoning to public (P) district zoning. First reading approved on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas-absent. Applicant: Austin Independent School District. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060309-045 for public (P) district zoning was approved.**
46. C14-05-0111.04 - East Riverside/Oltorf Neighborhood Plan, Tract 213 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2101 Wickshire (Country Club Watershed) from family residence (SF-3) district zoning to public (P) district zoning. First reading approved on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas - absent. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060309-046 for public (P) district zoning was approved.**
47. C14-05-0111.05 - East Riverside/Oltorf Neighborhood Plan, Tract 224 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4705, 4707, 4709, 4801, 4803, 4805, 4807, 4809 & 4811 E. Oltorf Street (Country Club Creek Watershed) from multi-family residence-low density (MF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. First reading approved on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas - absent. Applicant: Janie M. Alegria. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060309-047 for townhouse and condominium residence (SF-6) district zoning was approved.**
48. C14-05-0112.06 - East Riverside/Oltorf Neighborhood Plan, Tract 57 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1840 Burton Drive (Country Club Creek Watershed) from neighborhood commercial (LR) district zoning to multi-family residence-medium density (MF-3) district zoning. First reading approved on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas - absent. Applicant: Silverado Condominium Association. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060309-048 for multi-family residence-medium density (MF-3) district zoning was approved.**
49. C14-05-0113.01 - East Riverside/Oltorf Neighborhood Plan, Tract 300 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 1005 1/2 South Pleasant Valley Road (Country Club Creek Watershed) from multi-family residence-medium density (MF-3) district zoning and multi-family residence-high density (MF-5) district zoning to public (P) district zoning. First reading approved on January 12, 2006. Vote: 6-0 Mayor Pro Tem Thomas - absent. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060309-049 for public (P) district zoning was approved.**
50. C14-05-0113.04 - East Riverside/Oltorf Neighborhood Plan, Tract 309 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2101 Wickersham Lane (Country Club Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. First reading approved



on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas - absent. Applicant: Jay Kaplan. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

**Ordinance No. 20060309-050 for community commercial-mixed use (GR-MU) combining district zoning was approved.**

51. 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 locally known as 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 March 23, 2006 at staff's request.**
52. C14-05-0110 – Bouldin Meadows - Approve second/third readings of 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. First reading approved on December 15, 2005. Vote: 7-0. Applicant: Forest Cove Ltd. and Agent: John Hussey. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060309-052 for family residence (SF-3) district zoning was approved.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.

- Z-1 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 approve the restrictive covenant amendment. Applicant: Steven Martens. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-2)  
**The motion approving a restrictive covenant amendment was approved.**
- Z-2 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 approve the restrictive covenant amendment. Applicant: AMJRH Investments Ltd. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-1)  
**The motion approving a restrictive covenant amendment was approved.**
- Z-3 C14-00-2062(RCA)(4) - Robertson Hill - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 900-1000 San Marcos (Waller Creek Watershed). Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Robertson Hill Land Ltd. Agent: David Armbrust. City Staff: Robert Heil, 974-2330.  
**The motion approving a restrictive covenant amendment was approved.**
- Z-5 C14-05-0212 - 2222 Business Park Lot 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6612 Sitio Del Rio Boulevard (West Bull Creek & North Edwards Aquifer Recharge Zone) from general office-conditional overlay (GO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community

commercial-conditional overlay (GR-CO) combining district zoning. Applicant: International Bank of Commerce (Pete Dwyer). Agent: Urban Design (Laura Toups). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20060309-Z005 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

- Z-6 C14-05-0186 - 404 Sterzing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 404 Sterzing (Town Lake Watershed) from general commercial services (CS) 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: Marjorie Saad. Agent: John Wooley. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-7 C14-05-0188 - 410 Sterzing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 410 Sterzing (Town Lake Watershed) from general commercial services (CS) 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: Richard Ferris. Agent: John Wooley. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-8 C14-05-0189 - 1900 Barton Springs Rd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900 Barton Springs Rd. (Town Lake Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining 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 and Agent: John Wooley. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-9 C14-05-0214 - 4603 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 4603 Commercial Park Drive (Walnut Creek Watershed) from single-family residence-standard lot (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: James White. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.**
- Z-10 C14-05-0216 - 4803, 4807, 4811 Commercial Park Dr. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4803, 4807 & 4811 Commercial Park Dr. (Walnut 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: Dalton Wallace. City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.**

Mayor Wynn recessed the Council Meeting for Live Music and Proclamation at 5:35 p.m.

### LIVE MUSIC

Texas Heritage Songwriters Association (Sonny Throckmorton)

### PROCLAMATIONS

Distinguished Service Award Retiring Citizen Review Panel Members - to be presented by Mayor Will Wynn and to be accepted by the honorees.

Proclamation Red Cross Month - to be presented by Mayor Will Wynn and to be accepted by Wayne Brennessel

Distinguished Service Award Assistant Chief Robert Dahlstrom - to be presented by Mayor Will Wynn and Assistant City Manager Rudy Garza and to be accepted by Assistant Chief Robert Dahlstrom

Distinguished Service Award Assistant Chief Rudy Landeros - to be presented by Mayor Will Wynn and Assistant City Manager Rudy Garza and to be accepted by Assistant Chief Rudy Landeros

Mayor Wynn called the Council Meeting back to order at 6:23 p.m.

### ZONING DISCUSSION ITEM

Z-4 C14-05-0166 - Buford Commercial Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burnet Road (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor-sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial liquor-sales (CS-1) district zoning. Applicant: Henderson Buford. Agent: Sun, Wine & Spirits (John Cantrell). City Staff: Jorge Rousselin, 974-2975.

The public hearing was closed and Ordinance No. 20060309-Z004 with the following restrictions for commercial liquor-sales (CS-1) district zoning was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote. The owner agreed to a public restrictive covenant to rollback zoning if the liquor store use ceases more than 180 days and to a conditional overlay to prohibit a cocktail lounge or bar use on property.

Mayor Wynn recessed the City Council to go into Executive Session at 6:40 p.m.

### EXECUTIVE SESSION CONTINUED

#### Private Consultation with Attorney – Section 551.071

35. Discuss legal issues regarding *In the Matter of the Application of KBDJ, L.P., for Approval of an Edwards Aquifer Water Pollution Abatement Plan, ID No. 03120103*; TCEQ Docket No. 2004-0988-EAQ, before the Texas Commission on Environmental Quality.  
This item was withdrawn.

37. Discuss legal issues related to *Save Our Springs Alliance, Inc. v. City of Austin*; Cause No. GN-06-000627; in the 200<sup>th</sup> Judicial District Court of Travis County, Texas. (concerns development by Advanced Micro Devices (AMD) and an alleged violation of the Save Our Springs ordinance and the Open Meetings Act)

40. Discuss legal issues in *Josie Ellen Champion, et al. v. City of Austin*, Cause No. GN-400513, in the Travis County District Court. (concerns a legal challenge to zoning ordinances governing tracts at FM 2222 and Loop 360)
41. Discuss legal issues regarding Title 4, Chapter 4-1 (*Adult Arcade*) and Section 25-2-801(*Adult-oriented Businesses*) of the City Code relating to adult oriented businesses.  
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 7:52 p.m.

#### DISCUSSION ITEMS CONTINUED

5. Approve an ordinance ordering an election for the purpose of submitting a citizen's initiative charter amendment to the voters related to development in the Barton Springs Edwards Aquifer watershed. Ordinance No. 20060309-005 with the following amendment was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais. The amendment was to change the ballot language to read, "Shall the city charter be amended to: (a) limit investment in roads, utilities, water quality infrastructure, drainage infrastructure, and other infrastructure extensions and capacity expansions in the Barton Springs Zone, which includes a large portion of southwest Austin and Travis County, including neighborhoods such as Oak Hill, Barton Hills, Zilker, Circle C, Travis Country, Village at Western Oaks, and Westcreek; (b) limit the city's ability to influence development in proposed utility and special districts in the extraterritorial jurisdiction; (c) limit the city's ability to enter into agreements that may subsidize private development in the Barton Springs Zone, such as solar energy rebates, Smart Housing incentives, and other rebates or subsidies; (d) make all 'grandfathering' decisions in the Barton Springs Zone under state law subject to city council approval; (e) disqualify certain individuals from exercising certain property rights under state law in the Barton Springs Zone; (f) severely limit the city's ability to enter into economic development agreements city-wide; and (g) prohibit the city from participating in or supporting certain road projects?"

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.

6. Approve an ordinance ordering an election for the purpose of submitting a citizen's initiative charter amendment to the voters related to mandating online access to city administrative records and eliminating certain state law authority. Ordinance No. 20060309-006 with the following amendment was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote. The ballot was amended to read, "Shall the city charter be amended: (a) to require that all private citizens' emails to any public official be placed on the city website in "real time," including emails or electronic communications between private citizens and public officials in all City departments, including the Library Department, Police Department, City Health Clinics, and City departments handling utility bills and code enforcement, and limit the ability of citizens to keep private the details of these communications; (b) to require that the heads of all City departments, including the Police Department, Parks Department, Library Department, all city manager's staff and all City Council members and their staff post online in real time information about all meetings and phone calls with private citizens; (c) to prohibit the City from exercising state law protection for information that could expose the City and taxpayers to greater financial and legal liability and risk; (d) to require the City to create at taxpayer expense an online electronic data system for most City communications and documents, which for the most part are already available to the public; and

(e) to install and permanently operate such a system at an estimated cost of approximately \$36 million initially and \$12 million annually thereafter if fully implemented, which could require a tax increase equivalent to three cents per \$100 valuation or a reduction in City services?"

7. Approve an ordinance ordering an election and determining the order in which the charter amendment propositions are to appear on the ballot.

Ordinance No. 20060309-007 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The order of the items on the ballot will be as follows:

Proposition 1 -- Language as stated above in agenda item number 6

Proposition 2 -- Language as stated above in agenda item number 5

Proposition 3 -- Shall the City Charter be amended to change the initial date of the term served by the mayor and council members to comply with a change in state election law?

Proposition 4 -- Shall the City Charter be amended to allow a council member or mayor first elected after April 30, 2006, to serve for three terms?

Proposition 5 -- Shall the City Charter be amended to limit contributions from individuals outside the Austin city limits, increase and adjust for inflation the aggregate contribution amount that a council member may collect and the maximum individual contribution to a candidate for city council, allow a person elected to city council to fund an account to pay officeholder expenses, and allow fundraising by unsuccessful candidates and retired council members to retire campaign debt?

Proposition 6 -- Shall the City Charter be amended to restore a city employee's ability to purchase additional benefit coverage, by repealing Article IX, Section 4 (Employee Benefits) of the City Charter?

Proposition 7 -- Shall the City Charter be amended to increase the term served by a municipal court judge from two years to four years?

#### PUBLIC HEARINGS AND POSSIBLE ACTION

53. Conduct a public hearing and approve amendments to the Time of Use (TOU) - Thermal Energy Storage Rider and the Load Cooperative Rider in the Electric Rate Schedule in Exhibit A of Ordinance No. 20050912-004, to make these riders available to more Austin Energy customers. (Reviewed by the Electric Utility Commission.)

The public hearing was closed and the motion authorizing the amendments was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.

54. Conduct a public hearing on the limited purpose annexation of the Winfield MUD No. 2 Area (Approximately 575 acres in Travis County and Hays County approximately 1.5 miles east of I.H. 35 South and south of Turnersville Road). (Related Item 55)

The public hearing was closed on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

55. Conduct a public hearing regarding a proposed Strategic Partnership Agreement (SPA) between the City of Austin and the Winfield Municipal Utility District No. 2 (approximately 575 acres in Travis County and Hays County approximately 1.5 miles east of I.H. 35 South and south of Turnersville Road). (Related Item 54)

The public hearing was closed on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

56. Conduct a public hearing for the full purpose annexation of the Northeast Middle School Area (Approximately 74 acres located in Travis County west of Johnny Morris Road west of the intersection of Johnny Morris Road and Breezy Hill Road).  
The public hearing was closed on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.
57. Conduct a public hearing and approve an ordinance to amend Section 25-1-46(D) of the City Code to place cases within Transit-Oriented Development (TOD) districts under the purview of the Planning Commission, and to Section 25-2-766.04(A) and Chapter 25-2, Appendix D of the City Code to establish an Oak Hill TOD District. (Recommended by Planning Commission.)  
The public hearing was closed and Ordinance No. 20060309-057 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 5-0 vote. Council Members Kim and Leffingwell were off the dais.
58. Conduct a public hearing and consider an ordinance superseding certain provisions of Title 25 of the City Code to establish use and site development regulations applicable to single family residential uses, duplexes and other residential uses within certain zoning districts (McMansion). (Recommended by Planning Commission.)  
The public hearing was closed and Ordinance No. 20060309-058 was approved on emergency passage making it effective March 9, 2006 on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Kim was off the dais. Council Member Alvarez proposed a friendly amendment to remove vacant lots from the square footage in FAR requirements and that setbacks outlined would apply to vacant lots. This was not accepted by the maker of the motion.
59. Conduct a public hearing on an appeal by applicant Tumbleweed Investment Joint Venture of the Zoning and Platting Commission's denial of applicant's extension requests for a site plan; Rancho La Valencia, SP-01-0356D, located at 9512 FM 2222. (The Zoning and Platting Commission denied appeal and denied three-year extension.)  
The public hearing was closed and action postponed to April 6, 2006 on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

#### EXECUTIVE SESSION

##### Personnel Matters – Section -551.074

43. Evaluate the performance of and consider compensation and benefits for the City Auditor. (Related Item 30)  
This item was postponed to March 23, 2006 on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.

#### DISCUSSION ITEM CONTINUED

30. Approve a resolution regarding the compensation and benefits for the City Auditor. (Related Item 43)(Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Betty Dunkerley)  
This item was postponed to March 23, 2006 on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.

Mayor Wynn adjourned the meeting at 12:27 a.m. without objection.

The minutes for the Regular Meeting of March 9, 2006 were approved on this the 23rd day of March, 2006 on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.