



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 6, 2006**

Invocation: Fr. Tom Frank, Pastor, San Jose Catholic 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, April 6, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:18 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 Kim's second on a 7-0 vote.

1. Approval of the minutes from the meeting of March 23, 2006 and amendment to the minutes from the meeting of March 2, 2006.
The minutes from the meeting of March 23, 2006 and amendment to the minutes from the meeting of March 2, 2006 were approved.
2. Approve an amendment to Service Extension Request No. 2337 for water service not to exceed a peak hour flow of 2,504 gallons per minute (gpm) for a tract of approximately 747.78 acres owned by the Ribelin Ranch Partnership, Ltd., located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 9818 R.M. 2222 at McNeil Road. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.
The motion authorizing an amendment was approved.

Item 3 was pulled for discussion.

4. Authorize negotiation and execution of Amendment No. 5 to the interlocal agreement between the City of Austin and AUSTIN/TRAVIS COUNTY MHMR, Austin, TX for mental health counseling and other services in an amount not to exceed \$419,060, for a revised total contract amount not to exceed \$1,136,560. Funding in the amount of \$375,040 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Community Care Services Department. Funding for the remaining four months of the contract period is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of amendment number 5 was approved.
5. Authorize negotiation and execution of a Renewal to and Amendment Number One to the Interlocal Agreement between the City and Travis County, to extend the Agreement for continued reimbursement to

the County for 1) salaries and benefits of five County employees performing services for the Medical Assistance Program on behalf of the Travis County Hospital District; and, 2) facility support services and leases for certain Travis County Hospital District Clinics in an amount not to exceed \$304,794. Funding is available from the Travis County Hospital District under the City of Austin's Interlocal Agreement with the Travis County Hospital District.

The motion authorizing the negotiation and execution of a renewal and amendment number one was approved.

6. Authorize negotiation and execution of the Third Amendment to the Interlocal Agreement between the City of Austin and the Travis County Hospital District (District) to allow for additional payment to the City for reimbursement to Travis County for clinic and personnel expenses (\$5,794.00), to reduce Service Operating Payment amounts to the City for the remainder of the current contract term (\$1,432,333.43 per month - March 2006 to September 2006), and to authorize additional reductions in Service Operating Payments upon the assignment of contract payment obligations from the City to the District (amounts to be determined upon assignment). Funding sufficient to satisfy all City obligations under the interlocal agreement will be available in the net transfer of funds from the Travis County Hospital District to the City of Austin in Fiscal Year 2005-2006.

The motion authorizing the negotiation and execution of the third amendment was approved.

7. Approve a resolution authorizing negotiation and execution of an amendment to the Agreement Regarding Escrow of Bond Proceeds with Northtown Municipal Utility District (MUD) and Continental Homes of Texas, LP. (Continental), extending the deadline for completion of certain road and bridge improvements in the MUD; authorizing Continental to receive Series 2006 Northtown Municipal Utility District Unlimited Tax and Revenue Bond proceeds in accordance with the Utility Construction Agreement between Continental and the MUD. The City is not responsible for payment of District bond debt service unless the District is dissolved under the terms of the Consent Agreement.

Resolution No. 20060406-007 was approved.

8. Approve an ordinance amending Section 2-1-451 of the Code relating to the Sign Review Board by providing for an increase in the membership of the Board to nine members and approve the appointment of Bryan King and Michael von Ohlen to the Sign Review Board in conjunction with their appointment to the Board of Adjustment on March 23, 2006.

Ordinance No. 20060406-008 was approved.

Item 9 was pulled for discussion.

10. Approve an ordinance to annex the Northeast Middle School Area (approximately 74 acres in Travis County west of the intersection of Johnny Morris Road and Breezy Hill Drive on Johnny Morris Road). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services. Recommended by Environmental Board.

Ordinance No. 20060406-010 was approved.

11. Approve an ordinance adopting a Strategic Partnership Agreement (SPA) between the City of Austin and the Winfield Municipal Utility District (MUD) 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 to item #12 and item #13.)

Ordinance No. 20060406-011 was approved.

12. Approve first reading of an ordinance to annex the Winfield MUD No. 2 Area for the limited purposes of planning and zoning (approximately 575 acres in Travis County and Hays County and located approximately 1.5 miles east of South IH 35 and south of Turnersville Road). 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 to item #11 and item #13.)

The first reading of the ordinance to annex the Winfield MUD No. 2 Area was approved.

13. Approve first reading of an ordinance adopting a regulatory plan for the Winfield MUD No. 2 Area which is being annexed for limited purposes (No fiscal impact). (Related to item #11 and item #12.)

The first reading of the ordinance adopting a regulatory plan was approved.

14. Approve a resolution authorizing an application for funding to the State of Texas, Texas Alcoholic Beverage Commission in the amount of \$50,000 in grant funds for officer overtime, undercover stings involving minors, and educational materials to supplement the Austin Police Department Alcohol Control Team's underage drinking prevention program. Funding in the amount of \$50,000 is available from the State of Texas, Texas Alcoholic Beverage Commission from the grant period of June 1, 2006 - May 31, 2007. A 25 percent match is required and is available in the Fiscal Year 2005 - 2006 approved operating budget of the Austin Police Department.

Resolution No. 20060406-014 was approved.

15. Approve entering into an Interjurisdictional Mutual Aid Agreement between and among the political subdivisions located within the State of Texas who have consented to the terms of this Agreement.

The motion authorizing an Interjurisdictional Mutual Aid Agreement was approved.

16. Approve a resolution authorizing the filing of eminent domain proceedings for the IH 35 North Project to acquire a 5,473 square foot temporary working space easement out of the L.C. Cunningham Survey No. 63, A-163, Travis County, Texas, in the amount of \$9,933. The owner of the needed property interest is S. Thurman Blackburn, III. The property is located at 2701 West Pecan Street, Pflugerville, Travis County, Texas. Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

Resolution No. 20060406-016 was approved.

17. Authorize negotiation and execution of a professional services agreement with the following 14 firms: ATSER, L.P., Austin, TX; CTL/THOMPSON TEXAS, LLC, Austin, TX; ECS-TEXAS, LLP, Austin, TX; FUGRO CONSULTANTS, L.P., Austin, TX; HOLT ENGINEERING, INC. (WBE/FR), Austin, TX; HVJ ASSOCIATES, INC. (MBE/MB), Austin, TX; KLEINFELDER, Austin, TX; PAVETEX ENGINEERING AND TESTING, INC. (WBE/FH), Dripping Springs, TX; PROFESSIONAL SERVICE INDUSTRIES, INC., (PSI), Austin, TX; RABA-KISTNER CONSULTANTS, INC., Austin, TX; REINHART AND ASSOCIATES, INC., Austin, TX; RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH), Austin, TX; TERRACON CONSULTANTS, INC., Austin, TX; WISS, JANNEY, ELSTNER ASSOCIATES, INC., Austin, TX, for providing construction materials testing, forensic, geotechnical and specialized engineering and testing services for City of Austin Capital Improvement Program projects and for privately funded subdivision projects inspected by the City, for a period of approximately two years or until financial authorization is expended, in an amount not to exceed \$6,000,000 for a total aggregate amount of the 14 agreements not to exceed \$6,000,000. Funding in the amount of \$6,000,000 is available in the Capital and/or Operating Budgets of the Public Works Department and various other departments for which services are required; 14 out of 14 firms that met the qualifications. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of a professional services agreement.

18. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for the rehabilitation of approximately 450 linear feet of existing creek channel for the Victoria Drive Channel Rehabilitation project in an amount not to exceed \$683,121.50. Funding is available in the Fiscal

Year 2005-2006 Capital Budget of the Watershed Protection and Development Review Department. Lowest bid of three received; 18.27% MBE and 4.48% WBE subcontractor participation.

The motion authorizing an execution of a construction contract was approved.

19. Authorize negotiation and execution of a power purchase agreement for three years with J. ARON and COMPANY, New York, NY, for the purchase of 250 megawatts of electrical energy and capacity in an amount not to exceed \$132,000,000. Should negotiations prove unsuccessful, authorize negotiation and execution of a power purchase agreement with GUADALUPE POWER PARTNERS L. P., Dallas, TX, for the same. Funding will be provided through the Electric Utility Fuel Charge revenue. Best evaluated proposals of 27 proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a power purchase agreement was approved.
20. Authorize negotiation and execution of a power purchase agreement for twenty years with RES AMERICAN DEVELOPMENTS INC, Austin, TX for the purchase of 225 megawatts of wind power in an amount not to exceed \$685,000,000. Should negotiations prove unsuccessful, authorize negotiation and execution of a power purchase agreement with AIRTRICITY INC, Austin, TX, for the same. Funding will be provided through the Electric Utility Fuel Charge and/or Green Choice Charge revenue. Best evaluated proposals of 23 proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a power purchase agreement was approved.
21. Authorize negotiation and execution of a 12-month service agreement with EVINS PERSONNEL CONSULTANTS, Austin, TX (FR), STAFF SEARCH HEALTHCARE, Austin, TX, SILVER and ASSOCIATES, INC., Houston, TX (MB), PRIME STAFF, Houston, TX, INTERIM PHYSICIANS, Austin, TX, CERTIPHARM, INC., Killeen, TX (MB), MEDICAL STAFFING NETWORK, INC., Austin, TX, LEGACY LOCUM TENENS LLC, Alpharetta, GA, STAFF CARE, INC., Irving, TX, JC NATIONWIDE INC., Atlanta, GA, and COMPHEALTH, Dallas, TX, for the provision of temporary staffing services in a combined amount not to exceed \$2,852,720, with four 12-month extension options each in a combined amount not to exceed \$2,852,720, for a combined total contract amount not to exceed \$14,263,600. Funding in the amount of \$1,426,360 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Community Care Services Department. Funding for the remaining six months of the contract period and extension options is contingent upon available funding in future budgets. Multiple awards to provide staffing to meet changing requirements and maintain service levels. This contract was originally awarded in compliance with Chapters 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved.
22. Authorize negotiation and execution of a 12-month service agreement with ASCENSION HEALTH, St. Louis, MO, for automated information systems services in an amount not to exceed \$217,907, with two 12-month extension options in an amount not to exceed \$228,802 for the first extension option, and in an amount not to exceed \$240,243 for the second extension option, for a total contract amount not to exceed \$686,952. Funding in the amount of \$108,953.50 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Community Care Services Department. Funding for the remaining six months of the contract period and extension options is contingent upon available funding in future budgets. Sole

Source. This contract was awarded in compliance with Chapters 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

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

23. Authorize negotiation and execution of a 17-month service agreement with CAPITAL CITY AFRICAN AMERICAN CHAMBER OF COMMERCE, Austin, TX, to develop and deliver training to small business owners in an amount not to exceed \$85,000. Funding in the amount of \$35,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining 12 months of the original contract period is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

24. Authorize negotiation and execution of a 17-month service agreement with the GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE, Austin, TX, to provide financial management technical assistance and loan packaging services to small business owners in an amount not to exceed \$167,526. Funding in the amount of \$59,127 is available in the Fiscal Year 2005-2006 Neighborhood Housing and Community Development Special Revenue Fund for the Community Development Block Grant. Funding for the remaining 12 months of the contract period is contingent upon available funding in future budgets. Only proposal received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

25. Authorize negotiation and execution of a 17-month service agreement with CEN-TEX CERTIFIED DEVELOPMENT CORPORATION OF TEXAS, dba BUSINESS COMMUNITY LENDERS OF TEXAS, Austin, TX, to deliver technical assistance on general business topics to small business owners in an amount not to exceed \$164,000. Funding in the amount of \$64,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining 12 months of the original agreement period is contingent upon available funding in future budgets. Best proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

26. Authorize execution of Amendment No. 3 to Contract No. PC 740SC00321 through the State of Texas Building and Procurement Commission with HAWORTH INC., C/O FURNITURE MARKETING GROUP, Austin, TX, for layout design, refurbishing and installation of existing modular furniture and the purchase and installation of new modular furniture for the Cameron Road Campus for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$731,489.91, for a revised total agreement amount not to exceed \$910,458.68. Funding is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project Fund of the Finance and Administrative Services Department, Building Services Division. Cooperative Purchase.

The motion authorizing the execution of amendment number 3 was approved.

27. Authorize execution of Amendment No. 1 to increase Contract No. PC 740EX000466 through the State of Texas Multiple Award Schedule (TXMAS) with INTERTECH FLOORING, Austin, TX, for the

purchase and installation of flooring at the Cameron Road Campus for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$756,754.40, for a revised total contract amount not to exceed \$838,913.93. Funding in the amount of \$756,754.40 is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project Fund of the Finance and Administrative Services Department, Building Services Division. State of Texas Cooperative Purchase. **The motion authorizing the execution of amendment number 1 was approved.**

28. Authorize execution of a 12-month service agreement with SHADES OF GREEN (WBE-FR), Austin, TX, for landscape maintenance services for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$102,710, with two 12-month extension options in an amount not to exceed \$102,710 per extension option, for a total agreement amount not to exceed \$308,130. Funding in the amount of \$51,355 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Finance and Administrative Services Department, Building Services Division, Cameron Road Campus Fund and the Tax Increment Financing Fund. Funding for the remaining six months of the original contract period and extension options is contingent upon availability in future budgets. Lowest bid of four received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the execution of a service agreement was approved.**
29. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with JAMAIL CONSTRUCTION, Austin, TX, for renovation services at Givens Recreation Center in an amount not to exceed \$92,789.26. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Parks and Recreation Department. Cooperative Purchase. **The motion authorizing the execution of a contract was approved.**
30. Approve a resolution urging the United States Congress to consider several principles in reforming Federal telecommunications legislation to preserve and protect local government authority and interests, maximize meaningful competition, preserve public, educational, and governmental programming, and enhance public safety. Approved by the Council Committee for Emerging Technologies and Telecommunications. **Resolution No. 20060406-030 was approved.**
31. Authorize execution of a five-month agreement with Grande Communications for playback services for the public access channels in an amount not to exceed \$70,550.40 with two, one-month extension options in an amount not to exceed \$14,110.08 per extension option, for a total agreement amount not to exceed \$98,770.56. Quarterly cable franchise fee revenue that is received from Grande Communications will be reduced by \$14,110.08 for each month during the quarter that playback services were provided. (Related to item # 32) **The motion authorizing the execution of an agreement was approved.**
32. Authorize expenditure in an amount not to exceed \$150,000 to Time Warner for the purchase of automated playback equipment and video archiving equipment for the City's public access channels. Funding in the amount of \$150,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of FASD - Communications and Technology Management. (Related to item #31) **The motion authorizing an expenditure was approved.**
33. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow construction of a duplex at 1305 Waller Street. **Ordinance No. 20060406-033 was approved.**

34. Approve issuance of a Street Event Permit for "Festival Mexico" a fee paid event in the 100 block of East 5th Street to benefit the Mexic-Arte Museum, scheduled for April 29, 2006.
The motion authorizing the issuance of a street event permit was approved.

35. 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:

Board/
Appointee

Consensus/
Council Nominee

Appointment/
Reappointment

Commission for Women
Kimberly Buck

Council Member Dunkerley's

Appointment

Urban Forestry Board
Mary Lehman

Mayor Pro Tem Thomas'

Appointment

Residential Development Regulation Task Force

Doug Marsh -- National Association of Remodeling Industry - representative

REPLACING - Dolores Davis (previous representative from National Association of Remodeling Industry)

36. Approve an ordinance authorizing reimbursement of certain costs for the 2006 Austin American-Statesman Capitol 10,000 and Junior Dillo races which were held on April 1 and 2, 2006. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
Ordinance No. 20060406-036 was approved.

37. Approve a waiver of certain fees for the 2006 Spamarama event which was held on April 1, 2006. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Jennifer Kim)
The motion authorizing a waiver of certain fees was approved.

38. Approve a resolution allocating Holly Mitigation Funds for improvements at the Terrazas Library honoring Cesar Chavez, and allocating funds for gang prevention activities to specifically serve the families and youth of the neighborhoods surrounding Holly Street. (Council Member Raul Alvarez, Council Member Lee Leffingwell, and Mayor Pro Tem Thomas)
Resolution No. 20060406-038 was approved.

39. Adopt a resolution directing the City Manager to present City Code amendments relating to economic development and grandfathering under the Texas Local Government Code in the Barton Springs Zone. (Council Member Lee Leffingwell, Council Member Jennifer Kim and Council Member Raul Alvarez)
Resolution No. 20060406-039 was approved.

40. Approve the waiver of additional development fees related to construction of a building by Southwest Key – East Austin Community Development Project located in the 6000 block of Jain Lane. (Council Member Betty Dunkerley, Mayor Pro Tem Thomas and Council Member Raul Alvarez)
The motion authorizing the waiver of additional development fees was approved.

41. Set a public hearing to receive public comment regarding the proposed amendment to the Continuous Service Program Initiation fee in the Electric Rate Schedule in Exhibit A of Ordinance 20050912-004. (Suggested date and time: April 20, 2006 at 6:00 p.m., Austin City Hall Council Chambers, 301 W. Second Street)

The public hearing was set for April 20, 2006 at 6:00 p.m., Austin City Hall Council Chambers, 301 W. Second Street.

Items 42 through 46 were Executive Session items.

Items 47 through 48 were briefings set for 1:00 p.m.

Items 49 through 65 were zoning items set for 4:00 p.m.

Item 66 was a public hearing set for 6:00 p.m.

Item 67 was an addendum item from Council.

Item 68 was an addendum Executive Session item.

Item 69 was an addendum zoning item.

DISCUSSION ITEMS

3. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER AND MCKEE, INC., 12357 A. Riata Trace Parkway, Suite 210, Austin, Texas, 78727, for continued engineering services and public involvement in the conceptual design recommendations for the Water Reclamation Initiative - Central - Phase IB elevated storage tank, in an amount not to exceed \$997,692 for a total agreement not to exceed \$1,702,692. Funding in the amount of \$997,692 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility, 29.82% MBE and 29.23% WBE subcontractor participation to date. Recommended by Water and Wastewater Commission.
The motion authorizing the negotiation and execution of an amendment was approved with the following amendments on Council Member McCracken's motion, Council Member Leffingwell's second on 7-0. The amendments were: to add \$100,000 to provide a more effective cost estimate to alternatives 2 and 4; to direct the Water Utility to come back to Council in sixty to ninety days; and to include a real estate appraiser's analysis of the impact to the tax base over the 100 year period. There was a friendly amendment from Council Member Leffingwell to create a citizen task force to be involved before this item comes back to Council. This was accepted by the maker of the motion. There was an additional friendly amendment from Council Member Alvarez that the current stakeholders serve as the task force. This was accepted by the maker of the friendly amendment.
9. Approve an ordinance correcting Part One of Ordinance Number 20060302-063 amending Section 25-2-647 of the Code relating to mixed use combining district regulations and vertical mixed use buildings. Ordinance No. 20060406-009 with the following amendments was approved on an emergency passage on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Leffingwell was off the dais. The amendments were: Part 1, (H)(2) should be amended to exclude bars and restaurants from the minimum off-street parking requirement reduction of 60 percent. Part 1, (H)(4) should be modified to allow 60 percent parking requirement reduction for bars and restaurants as a benefit available only upon final approval by Council on a case by case basis.

ITEMS FROM COUNCIL

67. Approve a resolution requesting legislative authority to have the option to reduce property tax appraisal caps for homestead properties and to direct the City Manager to provide support for legislation permitting

local governments to reduce property tax appraisal caps for homesteads. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell).

Resolution 20060406-067 was approved with the following amendments on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote. The amendments were on Page 1, the last paragraph will read as follows: "That the City Manager is directed to provide support for legislation permitting local governments to reduce the maximum annual increase in property tax appraisal caps for homesteads and." Page two, first paragraph will read as follows: "That the Austin City Council respectfully requests that the Texas Legislature adopt legislation in the upcoming special session permitting local governments to reduce property tax appraisal caps for homesteads."

CITIZEN COMMUNICATIONS: GENERAL

Leslie Alicia Cochran – APD

Paul Robbins - City Issues

Betty Edgemond - South Austin Dogs

Pat Johnson - Current Issues. He was not present when his name was called.

CarolAnneRose Kennedy - Letter to OSAMA

Jennifer L. Gale - Neighborhood Integrity is how we "Keep Austin...Austin".

Richard Viktorin, CPA - City Auditor Steve Morgan. He was not present when his name was called.

Felis Balderas - Harvey Street

Hongyi Pan - The concentration camps in North China to kill Falun Gong practitioners for organs.

Yiqin Chen - "Calling for righteous voice of the people in our city to stop the inhuman behavior of harvesting organs for live bodies in China."

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:44 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.

42. Discuss disposition of an easement interest in real property acquired for the Barton Springs Clean Water Project (May 1998 Bond), generally located in the vicinity of SH 71 and Hamilton Pool Road. (Real Property - Section 551.072)
43. Discuss acquisition and use of property for Austin Water Utility water treatment facilities. (Real Property - Section 551.072)

44. 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) (Private Consultation with Attorney - Section 551.071)
45. Discuss legal issues related to James Jeff Jack, et al. v. City of Austin; Cause No. D-1-GN-06-001053, in the 345th Judicial District Court, Travis County, Texas. (concerns a challenge to Proposition 1 and 2) (Private Consultation with Attorney, 551.071)
This item was withdrawn.
46. Discuss legal issues related to an appeal by Tumbleweed Investment Joint Venture of the Zoning and Platting Commission denial of a request for an extension of Site Plan No. SP-01-0356D (Rancho la Valencia) located at 9512 FM 2222. (Private Consultation with Attorney - Section 551.071) (Related to item #66)
This item was postponed to April 27, 2006.
68. Discuss legal issues related to Save Our Springs Alliance, Inc. v. City of Austin; Cause No. GN-06-000627; in the 200th 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) (Private Consultation with Attorney, Section 551.071)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:48 p.m.

BRIEFINGS

47. Briefing on 2006 Bond Election: Facility Renovations.
The presentation was made by Greg Canally, Budget Officer, and Warren Struss, Director of Parks and Recreation.
48. Presentation on the new Federal Emergency Management Agency (FEMA) Floodplain Mapping Project.
The presentation was made by George Oswald, Watershed Protection and Development Review.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 4:22 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned and Mayor Wynn called the Council Meeting back to order at 4:28 p.m.

ZONING CONSENT ITEMS

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

49. C814-05-0069 - Watersedge PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3700 Doctor Scott Drive and State Highway 71 East (Colorado River, Dry Creek and Onion Creek Watersheds) from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district zoning with conditions. First reading approved on February 16, 2006. Vote: 7-0. Applicant: MAK Marshall Ranch, L.P. (Curtis Davidson). Agent: Armbrust and Brown (David Armbrust). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20060406-049 for planned unit development (PUD) district zoning with conditions was approved.

50. NPA-05-0012.01 - Boggy Creek Neighborhood Plan - Approve second/third readings of an Ordinance amending Ordinance No. 020801-91, the Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to create five subdistricts: Blackland, Rogers-Washington-Holy Cross, Cherrywood, Delwood I/Wilshire Woods, and Delwood II and to amend portions of the plan text. The Blackland and Rogers-Washington-Holy Cross subdistricts will allow the design tool zoning regulations that regulate Parking Placement for New Single-Family Construction and Garage Placement for New Single-Family Construction zoning regulations. The Cherrywood subdistrict will allow the design tool regulations that regulate Parking Placement for New Single-Family Construction, Garage Placement for New Single-Family Construction, and Front Porches Extending into the Front Setback. The Delwood II subdistrict will allow Parking Placement for New Single-Family Construction, Garage Placement for New Single-Family Construction and Front Porches Extending into the Front Setback zoning regulations. The Delwood I/Wilshire Woods subdistrict will have no changes at this time. The existing Cherrywood subdistrict will allow Parking Placement for New Single-Family Construction, Garage Placement for New Single-Family Construction and Front Porches Extending into the Front Setback zoning regulations. The Blackland, Rogers-Washington-Holy Cross, and Cherrywood subdistricts will prohibit parking in the front yard. First reading approved on March 2, 2006. Vote: 7-0. City Staff: Mark Walters, 974-7695. (Related to item #51)
Ordinance No. 20060406-050 amending the neighborhood plan was approved.
51. C14-05-0204 - Boggy Creek Neighborhood Plan Area - Approve second/third readings of an Ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Upper Boggy Creek Neighborhood Plan Area, bounded by Interstate Highway 35 on the west, the Robert Mueller Redevelopment site and Airport Boulevard on the north and east, and Manor Road, Walnut Avenue, Rogers Avenue, Cedar Avenue, and MLK Jr. Boulevard on the south (Waller and Boggy Creek Watersheds). The proposed zoning change will create subdistricts in the Upper Boggy Creek Neighborhood Planning Area in which the Parking Placement for New Single-Family Construction design tool, Garage Placement for New Single-Family Construction design tool, and Front Porches Extending into the Front Setback design tool may be permitted and parking in the front yard may be prohibited. First reading approved on March 2, 2006. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330. (Related to item #50)
Ordinance No. 20060406-051 was approved.
52. C14-05-0137 - 1109 South Lamar - Approve second/third readings of 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. First reading approved on February 9, 2006. Vote: 7-0. Applicant: Bobbie Lemmond. Agent: Hajar Sutherland P.L.L.C. (Kareem Hajar). City Staff: Robert Heil, 974-2330.
Ordinance No. 20060406-052 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved.
53. C14-05-0085 - Powers 20 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on March 2, 2006. Vote: 7-0. Applicant: Frank Alattar/Fred Powers. Agent: Fred Powers. City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to April 20, 2006 at the applicant's request.
69. 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.

Ordinance No. 20060406-069 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.

ZONING CONSENT ITEMS

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

55. C14-05-0210 - TX Far West Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6835 Austin Center Boulevard (Shoal Creek Watershed) from limited office (LO) 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: Kemp Management (Casey Beasley). Agent: Faulkner Engineering (Stephanie M. Stanford). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20060406-055 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

56. C14-06-0007 - Rattle Inn - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 610, 612, and 616 Nueces Street (Shoal Creek Watershed) from general commercial services (CS) district zoning to central business district-conditional overlay (CBD-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Applicant: Compass Bank Trustee (Amelia Simpson). Agent: Armbrust and Brown (Richard T. Suttle). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20060406-056 for central business district-conditional overlay (CBD-CO) combining district zoning was approved.

57. C14-06-0009 - Donohoe Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1213 Newning Street (Harper's Branch Creek Watershed) from multi-family residence-moderate-high density-neighborhood conservation combining district (MF-4-NCCD) combining district zoning to family residence - neighborhood conservation combining district (SF-3-NCCD) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning. Applicant and Agent: Seamus Donohoe. City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning was approved.

58. C14-06-0011 - T-Mobile Wireless Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13208 Dessau Road (Harris Branch Watershed) from development reserve (DR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-

6-CO) combining district zoning. Applicant: Glenn H. Schmidt. Agent: T-Mobile Texas, L.P. (Alyse Krekel). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20060406-058 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.

59. C14-06-0018 - 6203 Berkman Drive- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6203 Berkman Drive (Fort Branch Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-medium density (MF-3) district zoning. Planning Commission Recommendation: To be reviewed on May 23, 2006. Applicant and Agent: Troy Hanna. City Staff: Robert Heil, 974-2330.
This item was postponed to June 8, 2006 at staff's request.
61. NPA-06-0011.01 - Ridgetop Offices at 51st Street - Conduct a public hearing and amend Ordinance No. 20020523-30, the North Loop Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to amend the Future Land Use Map on property located at 910-912 E. 51st (Boggy Creek Watershed) from single-family use to mixed use. Planning Commission Recommendation: To grant mixed use designation. Applicant: Barry and Kathy Garth. Agent: Barry Garth. City Staff: Maureen Meredith, 974-2695. (Related to item #62ph)
Ordinance No. 20060406-061 for mixed use was approved.
62. C14-06-0004 - Ridgetop Offices at 51st Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 910-912 East 51st Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Applicant: Barry and Kathy Garth. Agent: Barry Garth. City Staff: Jorge E. Rousselin, 974-2975. (Related to item #61ph)
Ordinance No. 20060406-062 for neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning was approved.
65. C14-06-0003 - 13420 Lyndhurst Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13420 Lyndhurst Street (Lake Creek Watershed) from multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Down to Earth Holdings (Jim Melton). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
This item was withdrawn.

ZONING DISCUSSION ITEMS

54. C14-05-0201 - 2100 Parker Lane - Approve second reading of an ordinance to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2100 Parker Lane (Harper's Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. First reading approved on March 2, 2006. Vote: 7-0. Applicant: Jim Cummings. Agent: Urban Design (Laura Touns). City Staff: Robert Heil, 974-2330
The second reading of the ordinance for townhouse and condominium residence (SF-6-CO) conditional overlay district zoning with the following provisions was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0. The conditional overlay is as follows: Limit density to 12 buildings; with a maximum of 20 units restrict site plan to one driveway on Windoak, if the rear of any proposed buildings on the site plan directly face Windoak;

requires a vegetative buffer to be installed to visually screen from Windoak; and the site plan shall incorporate all protected trees. Developer will not request the removal of any living "protected tree" as defined by the City of Austin tree ordinance.

60. C14-06-0017.SH - Parker Lane Seniors- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3435 Parker Lane (Country Club Creek Watershed) from multi-family residence-limited density (MF-1) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Jim Shaw. Agent: Land Answers (Jim Wittliff). City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, with the following prohibited uses, was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The prohibited usages are: administrative and business offices, automotive rental, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, business and trade schools, business support services, commercial off-street parking, communication service facility, communication services, consumer convenience services, consumer repair services, counseling services, cultural services, day care services, drive through uses, educational facilities (public or private), exterminating services, financial services, funeral services, general retail services (convenience), general retail services (general), guidance services, hospital services, hotel/motel, indoor entertainment, indoor sports and recreation, local utility services, medical offices over 5,000 square feet, outdoor sports and recreation, pawn shop services, personal improvement services, pet services, research services, residential treatment, restaurant (general), restaurant (limited), safety services, service station, software development services, theater, and urban farm. A private covenant to restrict convenient stores will be signed before final reading.

63. C14-05-0190 - 515 West 15th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 West 15th Street (Shoal Creek Watershed) from general office (GO) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district (CBD) district zoning with conditions. Applicant: Cabot-Chase, Ltd. (Jimmy Nassour). Agent: Ron Thrower. City Staff: Jorge E. Rousselin, 974-2975.

The first reading of the ordinance, with the following amendments, was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The amendments were: to approve CBD zoning with a height limitation of sixty feet, require compliance with Great Streets, approval of a restrictive covenant for Vertical Mixed Use Standards for the ground floor as outlined in UNO/DMU regulations, prohibiting the following uses, and including a 2,000 trip limitation. There was a friendly amendment from Council Member Dunkerley to limit the height to seventy feet. This was accepted by the maker of the motion and Mayor Wynn, who seconded the motion. The prohibited uses are: drive-in or drive-through uses, automotive repair services, automotive sales, automotive washing, bail bond services, cocktail lounge, commercial off-street parking, convenience storage, equipment sales, liquor sales, service station, residential treatment, transitional housing, blood/plasma centers, and pawnshop services.

LIVE MUSIC

Ian "Mac" McLagan

PROCLAMATIONS

Proclamation -- Urban Music Festival -- to be presented by Mayor Pro Tem Danny Thomas and to be accepted by Cora Wright.

Proclamation -- Association of Records Managers and Administrators' (ARMA) Shred Day -- to be presented by Mayor Will Wynn and to be accepted by Scott Willrich.

Proclamation -- Wildfire Awareness Day -- to be presented by Mayor Will Wynn and to be accepted by Austin Fire Department.

Proclamation -- Fair Housing Month -- to be presented by Mayor Will Wynn and to be accepted by Charles Gorham.

Certificate of Appreciation -- Town Lake Park Foundation --to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by Dan Garrison.

Distinguished Service Award -- Chief Lionel Bess -- to be presented by Mayor Will Wynn and to be accepted by the honoree.

PUBLIC HEARINGS AND POSSIBLE ACTION

66. Consider approval of 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.)(Related to item # 46)

This item was postponed to April 27, 2006 at 6:00 p.m. on Council Member Leffingwell's motion, Mayor Wynn's second on a 4-0 vote. Mayor Pro Tem Thomas, and Council Members Alvarez and Kim were off the dais.

ZONING DISCUSSION ITEMS CONTINUED

64. C14-05-0200 - Rockin Y - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7629, 7715 and 7739 SH 71 West (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Applicant: Eric Yerkovich; Michael Wayne Bome; and Crystal Lee Bomer. Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20060406-064 for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2 with added conditions to prohibit drive-through services as an accessory use; to limit height of buildings to 1 story within 150 feet of homes zoned SF-1; 2,000 trip limitation; 50 foot wide vegetative buffer; off-site accessory parking; residential treatment and service station, and requiring an 8 foot fence along the eastern property line was approved on Council Member Kim's motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 7:10 p.m. without objection.

The minutes for the Regular Meeting of April 6, 2006 were approved on this the 20th day of April, 2006 on Council Member Kim's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.