



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, APRIL 27, 2006

Invocation: Rev. Dana Hamilton, Northwest Hills United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 27, 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 10:25 a.m.

CONSENT AGENDA

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

1. Approval of the minutes from the meeting of April 20, 2006.  
The minutes from the meeting of April 20, 2006, were approved.
2. Authorize the City Manager to negotiate and execute amendments to agreements with Travis County Water Control and Improvement District No. 17 (WCID No. 17) for the provision of wholesale wastewater service to the Comanche Canyon Planned Unit Development, and with WCID No. 17, Taylor Woodrow Communities/Steiner Ranch Ltd., and Steiner Utility Company, Inc., for the provision of wholesale wastewater service to the Steiner Ranch area. WCID No. 17 will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement. Recommended by Water and Wastewater Commission.  
This item was postponed to May 4, 2006.
3. Approve a resolution to establish an economic development program under Texas Government Code Chapter 380 for the economic development of the former Robert Mueller Municipal Airport, and authorize the negotiation and execution of a 20-year Economic Development and Grant Agreement with Mueller Local Government Corporation in an amount not to exceed \$1,200,000 per year for a total grant amount not to exceed \$23,100,000. There is no unanticipated fiscal impact. A fiscal note is not required. No prior boards or commission action.  
Resolution No. 20060427-003 was approved.
4. Approve amendment to Bylaws of the Mueller Local Government Corporation to delete provisions requiring that the President and Vice President be members of the Board and to designate the Chairman of the Board as presiding officer over meetings.

**The motion authorizing the amendment to bylaws of the Mueller Local Government Corporation was approved.**

5. Authorize written consent to the creation of the proposed Williamson County Emergency Services District No. 9 for a period of six months.  
**The motion authorizing the written consent was approved.**
6. Authorize the use of Town Lake for a water event associated with the Academy Capital 2K open water race on May 7, 2006. There is no unanticipated fiscal impact. A fiscal note is not required.  
**The motion authorizing the use of Town Lake was approved.**
7. Approve issuing a free lifetime swim pass for Barton Springs Pool to Marion Payne. There is no unanticipated fiscal impact. A fiscal note is not required. On November 9, 1993, the Parks and Recreation Advisory Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs pool.  
**The motion authorizing the issuance of a free lifetime swim pass was approved.**

**Item 8 was pulled until after the briefing.**

9. Approve an ordinance vacating that portion of the alley between University Avenue and Whitis Avenue and between Martin Luther King Boulevard (West) and 20th Street to the Board of Regents of the University of Texas System, to be incorporated into The University of Texas Executive Education and Conference Center development. Recommended by the Urban Transportation Commission and the Zoning and Platting Commission.  
**Ordinance No. 20060427-009 was approved.**
10. Approve a resolution authorizing the filing of eminent domain proceedings for the Chaparral Trail Wykeham Drive Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 732 square foot permanent wastewater easement and a 1,058 square foot temporary working space easement out of Lot 17, Block 6, Peppertree Park Section 3, a subdivision in Travis County, Texas, in the amount of \$1,627. The owners of the needed property interest are GLEN L. FOX AND GLENDA A. FOX. The title to the property has been clouded with a quit claim deed to RODERICK SINGLETON. The property is located at 2504 Chaparral Trail, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.  
**Resolution No. 20060427-010 was approved.**
11. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within the area bound by IH-35, Airport Boulevard, and Manor Road, and amending Section 12-4-23 of the City Code to delete a portion of Dancy Street from the list of streets with a maximum speed limit of 20 miles per hour. Funding in the amount of \$11,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20060427-011 was approved.**
12. Authorize negotiation and execution of Supplemental Amendment #2 to the professional services agreement with CONSTRUCTION TECHNOLOGY LABORATORIES, INC., Skokie, IL, for engineering services and evaluation of the Austin Bergstrom-International Airport Parking Garage in the amount of \$350,000 for a total contract amount not to exceed \$697,000. Funding in the amount of \$350,000 is included in the Fiscal Year 2005-2006 adopted Capital Budget of the Aviation Department. 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. Not acted on by the Austin Airport Advisory Commission.

**The motion authorizing the negotiation and execution of supplemental amendment #2 to the professional services agreement was approved.**

**Item 13 was set for a 6:00 p.m. time certain.**

14. Authorize execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with TENNANT COMPANY, Minneapolis, MN, for the purchase of one floor sweeper and one floor scrubber in an amount not to exceed \$54,540.83. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Convention Center. Cooperative Purchase.  
**The motion authorizing the execution of a contract was approved.**
15. Authorize execution of a contract with VARIAN, INC., Walnut Creek, CA, for the purchase of a spectrophotometer for Laboratory Services at Austin Energy in an amount not to exceed \$73,846. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
16. Authorize execution of a contract with ALFRED CONHAGEN, INCORPORATED OF TEXAS, La Marque, TX, for the repair of a river intake pump at the Decker River pump station, in an amount not to exceed \$67,282. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Low bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
17. Authorize execution of a 12-month supply agreement with POWELL ELECTRICAL SYSTEMS, INC. Houston, TX, for 15kV metal-clad switchgear in the amount of \$3,474,144 with three 12-month extension options in the amount not to exceed \$3,474,144 per extension option, for a total contract amount not to exceed \$13,896,576. Funding in the amount of \$3,474,144 is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Lowest bidder meeting specifications. This contract will be awarded in accordance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
18. Authorize negotiation and execution of five 12-month service agreements with SOLAR TURBINES, Houston, TX; JET TURBINE SERVICE, Boca Raton, FL; TRANS CANADA TURBINES, Calgary, Alberta; WOOD GROUP/PRATT WHITNEY Windsor Locks, CT; and GE PACKAGED POWER, INCORPORATED, Houston, TX, for gas turbine generator maintenance at Austin Energy power plants, in a combined amount not to exceed \$750,000, with four 12-month extension options in a combined amount not to exceed \$750,000 per extension option, for a combined total agreement not to exceed \$3,750,000. Funding in the amount of \$312,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Multiple awards to provide adequate service levels. 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 service agreements was approved.**

19. Authorize execution of a 12-month supply agreement with JAE CONSTRUCTION, INC., Austin, TX, for the purchase of sandy loam and topsoil in an amount not to exceed \$57,650, with two 12-month extension options in an amount not to exceed \$57,650 per extension, for a total contract amount not to exceed \$172,950. Funding in the amount of \$24,021 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

20. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with WHEELED COACH INDUSTRIES, Winter Park, FL, for the purchase of four ambulances in an amount not to exceed \$680,720. Funding in the amount of \$509,940 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department. Funding in the amount of \$170,780 is available in the Fiscal Year 2005-2006 Approved Vehicle Acquisition Fund. Cooperative Purchase.

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

21. Authorize negotiation and execution of Amendment No. 4 to the contract with KPMG, LLP, Austin, TX, for auditing services to increase the three remaining extension options in an amount not to exceed \$79,511 for the first option; \$96,293 for the second option; and \$114,085 for the third option, for a revised total contract amount not to exceed \$2,848,736. Funding in the amount of \$79,511 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Financial and Administrative Services Department. Funding for the second and third extension options is contingent upon available funding in future budgets. This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 50% MBE and 0% WBE Subconsulting participation.

**The motion authorizing the negotiation and execution of amendment number 4 to the contract was approved.**

22. Authorize execution of a 12-month supply agreement with OSBURN MATERIALS, San Antonio, TX, for topdressing sand in amount not to exceed \$53,850, with two 12-month extension options in an amount not to exceed \$53,850 per extension option, for a total agreement amount not to exceed \$161,550. Funding in the amount of \$22,438 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department Fund. Funding for the remaining seven months of the original period and extension options is contingent upon available funding in future budgets. Sole bidder. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation

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

23. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GAMETIME c/o TOTAL RECREATION PRODUCTS, Cypress TX, for the purchase and installation of recycled rubber surfacing in an amount not to exceed \$65,360.87. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Parks and Recreation Department.

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

24. Authorize execution of a nine-month service agreement with PDS TECHNICAL SERVICES, Austin, TX, for the provision of a temporary serologist and a temporary evidence technician for the Austin Police Department in an amount not to exceed \$67,080, with two 12-month extension options in an amount not to exceed \$89,440 per extension option, for a total agreement amount not to exceed \$245,960. Funding in the amount of \$67,080 is available in the Fiscal Year 2005-2006 Police Department Approved Operating Budget Special Revenue Fund: U. S. Department of Justice, Office of Justice Program, Forensic Casework DNA Backlog Reduction Program. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**
25. Authorize negotiation and execution of a 12-month Interlocal Agreement with the THE UNIVERSITY OF TEXAS AT AUSTIN, SCHOOL OF SOCIAL WORK, Austin, TX, for training of Austin Police Department cadets in an amount not to exceed \$20,000, with two 12-month extension options in an amount not to exceed \$20,000 per extension option, for a total agreement amount not to exceed \$60,000. Funding in the amount of \$8,333 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Police Department. Funding for remaining seven months of the original contract period and the extension options is contingent upon available funding in future budgets. Interlocal Agreement.  
**The motion authorizing the negotiation and execution of an interlocal agreement was approved.**
26. Authorize execution of a 12-month service agreement with AUSTIN RECLAIMED MATERIALS, LP, Austin, TX, for aggregate screening and cleaning services in an amount not to exceed \$85,500, with two 12-month extension options in an amount not to exceed \$85,500 per extension for a total contract amount not to exceed \$256,500. Funding in the amount of \$35,625 is available in the Fiscal Year 2006-2007 Approved Operating Budget of the Public Works Department. Funding for the remaining seven months of the original contract period and the extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**
27. Authorize execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with RUSH EQUIPMENT CENTER, Houston, TX, for the purchase of one trailer-mounted tub grinder in an amount not to exceed \$395,048. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Solid Waste Services Department. Cooperative Purchase.  
**The motion authorizing the execution of a contract was approved.**
28. Approve the issuance of a Street Event Permit for Paramount Theatre's 90th and the State Theatre's 70th Anniversary Gala, a fee-paid event in the 700 block of Congress Avenue to benefit Paramount and State Theatres, scheduled for May 20, 2006.  
**The motion authorizing the issuance of a street event permit was approved.**
29. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were made:**

Board/  
Appointee

Consensus/  
Council Nominee

Appointment/  
Reappointment

Downtown Austin Community Court Advisory Committee

Charles Locklin

Consensus

Appointment

MBE/WBE Advisory Committee

Maryam Gharbi

Consensus

Reappointment

Urban Forestry Board

Larry Maginnis

Consensus

Appointment

30. Adopt a resolution directing the City Manager to present City Code amendments relating to online access to public information. (Council Member Lee Leffingwell, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
**Resolution No. 20060427-030 was approved.**
31. Approve an ordinance authorizing the waiver or reimbursement of certain fees and requirements under Chapter 14-8 of the City Code, and authorizing payment of certain costs for Mexic-Arte's 2006 Festival Mexico to be held on April 29, 2006. (Council Member Raul Alvarez, Council Member Jennifer Kim and Council Member Lee Leffingwell)  
**Ordinance No. 20060427-031 was approved.**
32. Approve an ordinance waiving certain fees and requirements under Chapter 14-8 of the Code, and authorizing payment of certain costs for the Austin Theatre Alliance's Celebration of the Paramount's 90th Birthday, and the State Theatre's 70th Birthday, to be held on May 20, 2006. (Council Member Betty Dunkerley, Mayor Will Wynn, and Council Member Jennifer Kim)  
**Ordinance No. 20060427-032 was approved.**
33. Set a public hearing to consider amending the City Code to reflect departmental responsibilities that resulted from the formation of the One-Stop Shop. (Suggested date and time: May 4, 2006, at 6:00 p.m., Austin City Hall Council Chambers, 301 West Second Street) Recommended by Codes and Ordinances on February 21, 2006. To be reviewed by the Planning Commission on April 25, 2006.  
**The public hearing was set for May 4, 2006, at 6:00 p.m., Austin City Hall Council Chambers, 301 West Second Street.**

BRIEFINGS

34. Presentation on Financial Forecast.  
**The presentation was made by John Hockenyos, Managing Director of TXP; Toby Futrell, City Manager; Greg Canally, Budget Officer; and John Stephens, Director of Financial Services Department.**

Items 35 through 37 were Executive Session items.

Items 38 through 40 were briefings set for 1:00 p.m.

Items 41 through 47 were zoning items set for 4:00 p.m.

Items 48 and 50 were public hearings set for 6:00 p.m.

Item 51 was an addendum item from Council

Item 52 was an addendum item for Action on Executive Session.

**CITIZEN COMMUNICATIONS: GENERAL**

The Honorable Eddie Rodriguez - Saltillo Plaza Community Action Group would like to invite the public to the Community Meeting set for Saturday, April 29, 2006 from 9:30am to 1:30pm at Martin Jr. High.

Mark Rogers - Saltillo District Redevelopment and Affordable Housing

Susana Almanza - No to the ROMA Plan for Saltillo ZDevelopment Area and YES to CAG Community Plan!!!

Nailah Sankofa - Update Art and Cultural Events for East Austin

Daniel Llanes - City Staff interaction in decision making process

Leroy Nellis - Crossing Guard at Riverside and Montopolis for Allison Elementary School

CarolAnneRose Kennedy - ILL.EAGLE.EMIGRANTS

Monte Smith - City Support on Illegal Immigration

Paul Robbins - City Issues

Pat Johnson - Current Issues

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:25 p.m.

**EXECUTIVE SESSION**

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

**Private Consultation with Attorney – Section 551.071**

35. Discuss legal issues concerning The Heritage Neighborhood Association and Simon Atkinson v. Buckingham Investments, Ltd. and the City of Austin; Cause No. D-1-GN-06-001212; in the 53rd Judicial District Court, Travis County, Texas. (concerning a claim that the City issued a building permit in error) (Private Consultation with Attorney - Section 551.071)  
This item was withdrawn.
36. Discuss legal issues in City of Austin v. Level 3 Communications, Inc. and Level 3 Communications LLC; Cause No. GN 304585, in the 353rd Judicial District Court of Travis County, Texas. (concerns damage to the City's Onion Creek Tunnel and liner) (Private Consultation with Attorney - Section 551.071)
37. 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)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:54 p.m.

Action on Executive Session

52. Approve a settlement in City of Austin v. Level 3 Communications, Inc. and Level 3 Communications LLC; Cause No. GN 304585, in the 353rd Judicial District Court of Travis County, Texas. (concerns damage to the City's Onion Creek Tunnel and liner) (related to item #36).  
The motion authorizing a settlement in the amount of a \$9,000,000 payment to the City was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

BRIEFINGS

38. Briefing on 2006 Bond Election: New Facilities  
The presentation was made by Greg Canally, Budget Officer; Chief Adame, Fire Chief; Richard Herrington, EMS Executive Director; Chief Knee, Police Chief; Evelyn McKee, Presiding Judge, Municipal Court; Rebecca Stark, Clerk of the Municipal Court; David Lurie, Director of Public Health; and Brenda Branch, Director of Libraries.
40. Briefing and possible action on water supply, capacity and demand, as well as proposed locations for a new water treatment plant to replace the Green Water Treatment plant.  
The presentation was made by Joe Canales, Deputy City Manager; Chris Lippe, Director of Austin Water Utility; Stephen Coonan, P.E., Alan Plummer Associates, Inc.; and Joseph Jenkins P.E., CH2M Hill.

The motion to instruct the City Manager to remove the Roy Guerrero Park site from the analysis of a replacement site for the Green Water Plant was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote. Staff was directed to advise Council on what the time line for construction of a new water plant would be if an aggressive conservation plan and leak detection program were in place and determine if either of the private sites could be secured. Also, Council asked for a report on best practices on construction designs that save costs and decrease construction time. Finally, the City Manager was asked to identify possible funding sources to expedite the development of Guerrero Park.

Mayor Wynn recessed the Council Meeting at 5:50 p.m.

LIVE MUSIC

Performing Arts School at Zach Scott Theater

PROCLAMATIONS

Certificate of Congratulations -- Austin Energy -- to be presented by Mayor Will Wynn and to be accepted by Jerrel Gustafson.

Blood and Tissue Center Award to the City Manager -- to be presented by Marshall Cothron and to be accepted by Toby Hammett Futrell.

Proclamation -- The Inca Trail Day -- to be presented by Mayor Will Wynn and to be accepted by Drs. Stephen Kinslow, Barbara Mink and Richard Armenta.



Proclamation -- World Tai Chi and Qigong Day -- to be presented by Mayor Will Wynn and to be accepted by Vince Cobalis.

Certificates of Congratulations -- Volunteers of the Month for March and April -- to be presented by Council Member Brewster McCracken and to be accepted by Rosayn Curry and Dick Waterfield.

Mayor Wynn called the Council Meeting back to order at 6:37 p.m.

#### PUBLIC HEARING AND POSSIBLE ACTION

48. Approve naming the dedicated parkland known as Morrison Tract, located in the 9800 Block of FM 969, after John Trevino, Jr. Recommended by the Parks Board.  
The motion authorizing the naming of the dedicated parkland as the John Trevino, Jr. Park at Morrison Ranch was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' 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 Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

41. C14-05-0200 - Rockin Y - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7629, 7715 and 7739 West SH 71 (Williamson Creek Watershed-Barton Springs Zone) from rural residential (RR) district zoning to 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. First reading approved on April 6, 2006. Vote: 7-0. Applicants: Eric Yerkovich; Michael Wayne Bomer; and Crystal Lee Bomer. Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20060427-041 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 was approved.**
42. C814-05-0213 - Loop 1 at U.S. Highway 290 West PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5009 U.S. Highway 290 West (Tract 1) and 4929 Davis Lane & 5000 W. Slaughter Lane from community commercial (GR) district zoning and rural residence (RR) district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2, to planned unit development (PUD) district zoning for Tracts 1 and 2. These properties, located within the Barton Springs Zone, have been proposed for a zoning change; the change will result in an amendment to the application of Chapter 25-8, Article 12, (Save our Springs Initiative) to the properties. First reading approved on February 16, 2006. Vote: 7-0. Applicant: Wilmington Trust #2133 c/o Wal-Mart Stores, Inc.; S.R. Ridge Limited Partnership. Agent: Armbrust & Brown (Richard Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.  
**This item was postponed to May 4, 2006 at the applicant's request.**
43. C14-05-0201 - 2100 Parker Lane - Approve third 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-conditional overlay (SF-6-CO) combining district zoning with conditions. First reading approved on March 2, 2006. Vote: 7-0. Second reading approved on April 6, 2006. Vote: 7-0. Applicant: Jim Cummings. Agent: Urban Design

(Laura Toups). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

**Ordinance No. 20060427-043 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions 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 McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

44. C14-85-055(RCA) - Lelah's Crossing - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 1300 West Dittmar Road (South Boggy Creek Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Dittmar Properties, Ltd. (John R. Kleas). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719

**The motion granting approval of a restrictive covenant amendment was approved.**

45. C14-05-0091 - Lelah's Crossing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1300 West Dittmar Road (South Boggy Creek Watershed) from general office (GO) district zoning to multi-family residence - limited density (MF-1) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Applicant: Dittmar Properties, Ltd. (John R. Kleas). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**Ordinance No. 20060427-045 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was approved.**

46. C14-06-0016 - Replat of West 16th Place - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 908 West 16th Street (Shoal Creek Watershed) from limited office (LO) district zoning to family residence (SF-3) district zoning. Planning Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Walter Hornaday. Agent: Stansberry Engineering Co. (Blane Stansberry). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20060427-046 for family residence (SF-3) district zoning was approved.**

### **BOARD OF DIRECTORS MEETING OF MUELLER LOCAL GOVERNMENT CORPORATION.**

Mayor Wynn recessed the Council Meeting at 7:44 p.m. to go into the Board of Director's Meeting of the Mueller Local Government Corporation. See separate minutes.

Mueller Local Government Corporation adjourned and Mayor Wynn called the Council Meeting back to order at 7:50 p.m.

### **ZONING DISCUSSION ITEM**

47. C14-05-0197.SH - Banister Oaks - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1212 W. Ben White Boulevard (Bouldin Creek Watershed) from community commercial (GR) district zoning; general office (GO) district zoning; and limited office (LO) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Action: To grant community commercial-

mixed use (GR-MU) combining district zoning. Applicant: Banister Oaks Hotel, Inc. (Sheng Ting Chen). Agent: Foundation Communities (Walter Moreau). City Staff: Robert Heil, 974-2330.

The public hearing was closed and Ordinance No. **20060427-047** for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with a trip limitation of **2,000** cars per day and prohibiting automotive rentals, automotive sales, pawn shop services, automotive repair services, automotive washing (of any type), and service stations was approved on Council Member Leffingwell's motion, Council Member Dunkerley's motion on a 7-0 vote.

### PUBLIC HEARINGS

50. Conduct a public hearing and consider action on an appeal by Dale Bulla, Vice-President, 2222 Coalition of Neighborhood Associations, Inc. (2222 CONA), of the Zoning and Platting Commission's decision to approve extended phasing of a site plan, under City Code Section 25-5-63 (C), Champion Commercial SPC-05-0012A, located at 6015 N. Capitol of Texas Highway.  
This item was postponed to May 18, 2006 at the owner's request on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 7-0 vote.

### Public Hearings and Possible Actions

49. 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 the request for a one-year and three-year extension.)  
The motion to approve the appeal and grant the following modifications on this development was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 6-1 vote. Council Member Leffingwell voted no. The motion included the following findings:

There is good cause to grant the appeals with modifications because of litigation, which precluded the applicant from pursuing the development through no fault of his own.

There has been construction of significant infrastructure including the construction of underground utilities and a driveway.

The applicant proposes adequate mitigation for the traffic impacts caused by the development.

The motion includes the following modifications:

The development will contain 7 units with a maximum height of 28 feet and a maximum of two stories, and 15 units with a maximum height of 35 feet and a maximum of three stories between the driveway and 2222. All other buildings will be at a maximum height of 40 feet with a maximum of three stories. No buildings on the site will exceed 40 feet.

The site will provide water quality and water detention facilities that meet current code requirements.

The setbacks will be 25 feet for 510 feet and the remaining setbacks will be 30 feet.

The driveway entrance will include a deceleration lane with a right turn in and right out. When the adjacent development submits its site plan application for development, the city will ensure that all provisions are in place to allow the City to enforce a joint access at that time. The current driveway entrance will be removed and the setback for the removed portion will be 30 feet and consistent with the

adjacent setback. The area will be planted with a vegetative buffer that will meet Hill Country Roadway standards for re-vegetation.

The development will include a vegetative buffer for 14% of the site and will provide irrigation for the buffer.

29% of the total site will be natural.

The development will consist of no more than 86 units.

There will be construction on slopes of no more than 25% except for the drive. There will be construction on slopes of no more than 35% for the drive.

The rear setback will be 10 feet.

All utilities will be underground.

The applicant will replant native trees and restore vegetative buffer to Hill Country Roadway standards.

The development will comply with the building material standards contained in section 25-2-1126 of the Code.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-2 vote. Council Members Alvarez and Leffingwell were off the dais.

#### DISCUSSION ITEMS CONTINUED

8. Approve an ordinance amending Chapter 13-6 of the City Code relating to towing of vehicles; amending ordinance no. 010308-59 relating to non-consent towing fees; and amending ordinance no. 20050912-004 relating to wrecker permit fees. No additional funding is required.  
This item was postponed to May 18, 2006.

#### BRIEFING

39. Briefing on Enhanced Traffic Incident Management Program  
The presentation was postponed to May 18, 2006.

#### Items from Council

51. Approve a resolution directing the City Manager to implement the Rush Hour Rapid Response. Related items are Item 8 and Item 39. (Mayor Will Wynn and Council Member Brewster McCracken).  
This item was postponed to May 18, 2006.

#### DISCUSSION ITEMS

13. Approve an ordinance, on first reading, repealing Ordinance No. 20050407-017 granting a taxicab franchise to Roy's Taxi, Inc. and amending Ordinance No. 20050609-019 granting a taxicab franchise to Greater Austin Transportation Company d/b/a Yellow Cab, and allowing the temporary use by Yellow Cab of the Roy's Taxi, Inc. name, vehicle numbering, and color scheme. The taxicab permit fee of \$400 per year per

permit is a revenue source. Expected annual revenue is \$62,000. The Urban Transportation Commission recommends denial of the request.

The motion to close the public hearing and approve the first reading of the ordinance to repeal the Roy's Taxi franchise and to amend the Yellow Cab franchise to transfer 151 of Roy's Taxi permits to Yellow Cab, with the following two conditions, was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-1 vote. Mayor Pro Tem Thomas voted nay. The conditions were that Roy's Taxi drivers who own their cabs and want to go with Yellow Cab would have their vehicles painted and outfitted at no charge to the drivers. Those vehicles with bike racks on the back would be allowed to move over to Yellow Cab not pay the "in lieu of advertising" fee. Staff was directed to set aside additional permits – 55 permits for a new company, 20 permits for Austin Cab Company. Four of these would come from the transfer which Yellow Cab is willing to give back to the City, 11 are new ones created due to growth in the City and 60 new permits would be borrowed from the future. Yellow Cab would not be eligible for any new permits for the next four years. New permits would be split between Austin Cab and the new company. Staff was directed to expedite the process to award a franchise to a new company.

Mayor Wynn adjourned the meeting at 12:54 a.m. without objection.

The minutes for the Regular Meeting of April 27, 2006 were approved on this the 4th day of May, 2006 on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.