



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MAY 25, 2006

Invocation: Dr. S. Nelson Lanham, Jr., Pastor, Beacon Ridge Baptist 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, May 25, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:22 a.m.

CONSENT AGENDA

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

1. Approval of the minutes from the Special Called meeting of May 23, 2006 and the meeting of May 18, 2006.
The minutes from the Special Called meeting of May 23, 2006 and the meeting of May 18, 2006 were approved.
2. Approve an ordinance authorizing negotiation and execution of a cost participation agreement with Lennar Homes, providing terms and conditions for construction of an appropriately sized wastewater lift station, force main and appurtenances to provide wastewater service to Marbridge Estates located at Brodie Lane and Frate Barker Road with City cost reimbursement for hard construction costs in an amount not to exceed 51.82% of the actual costs of construction (hard costs) or \$684,957, whichever is less, and an amount not to exceed 15% of the "hard" construction costs or \$102,744 whichever is less for costs incurred by the developer for engineering, design and project management (soft costs), for an overall total cost reimbursement amount not to exceed \$787,701; waiving the requirements of Section 25-9-61, of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63, of the City Code relating to use and maximum amount of cost reimbursement. Funding in the amount of \$787,701 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission
Ordinance No. 20060525-002 was approved.
3. Authorize negotiation and execution of a cost reimbursement agreement with WILDHORSE ADDITION, LTD., providing terms and conditions for construction of 18-inch gravity wastewater main and appurtenances to provide wastewater service to the Wildhorse Addition located at U.S. Highway 290 East and SH 130 with City cost reimbursement in an amount not to exceed \$988,440.00, for actual "hard"

construction costs. Funding in the amount of \$988,440.00 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission
The motion authorizing the negotiation and execution of a cost reimbursement agreement was approved.

4. Approve Service Extension Request No. 2432 for water service not to exceed a peak hour flow of 440 gallons per minute (gpm) for a tract of approximately 94.7 acres owned by John Vaught, known as Vaught Ranch Section Two, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin on F.M. 2222 at Jester Boulevard between City Park Road and Bell Mountain Drive. There is no unanticipated fiscal impact. Recommended by Water and Wastewater Commission
The motion authorizing a service extension request was approved.
5. Approve an amendment to Service Extension Request No. 2079 for water service not to exceed a peak hour flow of 849 gallons per minute (gpm) for a tract of approximately 49.3 acres owned by Nootsie, Ltd., known as Parke North, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin on R.M. 620 North, approximately two miles south of Anderson Mill Road. There is no unanticipated fiscal impact. Recommended by Water and Wastewater Commission
The motion authorizing an amendment was approved.
6. Approve an amendment to Service Extension Request No. 2080 for wastewater service not to exceed a peak wet weather flow of 269 gallons per minute (gpm) for a tract of approximately 49.3 acres owned by Nootsie, Ltd., known as Parke North, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin on R.M. 620 North, approximately two miles south of Anderson Mill Road. There is no unanticipated fiscal impact. Recommended by Water and Wastewater Commission
The motion authorizing an amendment was approved.
7. Adopt an ordinance approving ballot language for the November 2006 Bond Election.
This item was postponed to June 8, 2006.
8. Approve an ordinance amending the Fiscal Year 2005-2006 Communications and Technology Management Capital Budget of Ordinance No. 20050912-002 to appropriate \$866,000 for the 9-1-1 Back-up System project. Funding is available from an interlocal agreement with the Capital Area Planning Council of Governments (CAPCOG).
Ordinance No. 20060525-008 was approved.
9. Authorize the negotiation and execution of an Interlocal Agreement with the Capital Area Planning Council of Governments (CAPCOG) to accept the amount of \$866,000 of 9-1-1 funding to purchase equipment for the establishment and operation of the Austin/Travis County 9-1-1 Emergency Communications Back-up Public Safety Answering Point facility. Funding is available through CAPCOG from the Texas Commission on State Emergency Communications in accordance with Section 771.0751 of the Health and Safety Code.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
10. Approve the negotiation and execution of an Interlocal Agreement with the Capital Area Planning Council of Governments (CAPCOG) for a 10 year sub-lease of a 4200 square foot facility located at 6800 Burleson Road, Building 310, Austin, TX, in an amount not to exceed \$71,400 per year for a total lease amount not to exceed \$714,000. This facility will be used for the 9-1-1 Backup Center. Funding is contingent upon the annual approved budget beginning in Fiscal Year 2007.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.

Item 11 was pulled for discussion.

12. Approve an ordinance authorizing acceptance of grant funds in the estimated amount of \$540,000 from the Texas Department of Public Safety, Division of Emergency Management for temporary shelter operations under presidential Disaster Declaration FEMA 1606 DR resulting from Hurricane Rita evacuation; and amending the Fiscal Year 2005-2006 Financial and Administrative Services Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$540,000 for costs related to temporary evacuee shelter operations, contingent upon the receipt of grant funds. Funding in the estimated amount of \$540,000 is available from the Texas Department of Public Safety, Division of Emergency Management.
Ordinance No. 20060525-012 was approved.
13. Approve an amendment to the legal service contract with KEMP SMITH, L.L.P. for legal counsel regarding City of Austin v. Reichhold Inc., et al.; Cause No. GV505209; in the 345th Judicial District Court, Travis County, Texas in an amount of \$455,000 for a total contract amount not to exceed \$725,000. Funding in the amount of \$455,000 is available in the Fiscal Year 2005-2006 Approved Operation Budget of the Liability Reserve Fund.
The motion authorizing an amendment was approved.
14. Authorize negotiation and execution of a legal service agreement with Scott Douglas and McConnico, L.L.P. for legal counsel related to Save Our Springs, Inc. v. City of Austin; Cause No. GN-06-000627; in the 200th Judicial District Court of Travis County, Texas in an amount not to exceed \$163,000. Funding in the amount of \$163,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Liability Reserve.
This item was postponed to June 8, 2006.
15. Approve an ordinance amending Section 2-1-513, Article 51 of the City Code to continue the existence of the Zoning and Platting Commission until June 18, 2010.
Ordinance No. 20060525-015 was approved.
16. Approve an ordinance amending Ordinance No. 20060112-043 to correct an error related to the square footage for an office use on the property located at 1708 West 6th Street.
Ordinance No. 20060525-016 was approved.
17. Approve an Interlocal Agreement regarding the release of approximately 425 acres of Austin extraterritorial jurisdiction to the jurisdiction of the City of Lakeway. The area is located north of SH 71, approximately two miles west of FM 620. (No fiscal impact.)
This item was postponed to June 22, 2006.

Items 18-22 were pulled for discussion.

23. Approve a resolution confirming the City Manager's designation of Assistant Police Chief Cathy Ellison as Acting Police Chief effective May 29, 2006.
Resolution No. 20060525-023 was approved.
24. Approve an ordinance to establish classifications and number of positions in the classified service of the Police Department and repealing Ordinance No. 20060112-011. The Fiscal Year 2005-2006 Operating Budget for the Police Department includes funding for the new detective positions.
Ordinance No. 20060525-024 was approved.

25. Approve a resolution authorizing the application for renewal funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority, in the amount of \$382,666 in grant funds for the Austin Police Department Auto Theft Interdiction Project. Funding in the amount of \$382,666 is available from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority for the grant period September 1, 2006 – August 31, 2007. A cash match of 20% is required. Funding for the continued operation of their program is contingent upon available funding in the future budgets. **Resolution No. 20060525-025 was approved.**
26. Approve an ordinance amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$243,229 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program to supplement costs for the Austin Police Department. Funding is available in the Fiscal Year 2005-2006 Operating Budget, Police Department Special Revenue Fund for the grant period October 1, 2005 to September 30, 2009. **Ordinance No. 20060525-026 was approved.**
27. Approve an ordinance authorizing acceptance of \$3,943 in grant funds from the Texas Comptroller of Public Accounts; and amend the Fiscal Year 2005-2006 Public Safety and Emergency Management Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$3,943 for the continuing education and training for law enforcement personnel. Funding in the amount of \$3,943 in grant funds is available from the Texas Comptroller of Public Accounts. **Ordinance No. 20060525-027 was approved.**
28. Approve entering into an Interlocal Cooperation Act Agreement between the City of Austin and the City of Galveston for short-term shelter during a mandatory evacuation. **The motion authorizing entering into an interlocal cooperation act agreement was approved.**
29. Approve a resolution to authorize the fee simple acquisition of Lot 8, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5600 Vine Hill from Gilbert Pinson, Beverly Pinson, Rogelio Castilla and Paulina Cortez for the Onion Creek Flood Buyout Program in the amount of \$47,000 for the land and improvements, \$22,500 for owner assisted relocation benefits plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$79,500. Funding in the amount of \$79,500 is included in the Fiscal Year 2005-2006 Capital Budget of the Watershed Protection and Development Review Department. **Resolution No. 20060525-029 was approved.**
30. Approve a resolution to authorize the fee simple acquisition of Lot 7, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5510 Vine Hill from Betty Jean Wilson James, Kenneth A. Wilson, Jr., and Gilbert Pinson and Beverly Pinson for the Onion Creek Flood Buyout Program in the amount of \$50,000 for the land and improvements, \$22,500 for owner-assisted relocation benefits plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$82,500. Funding in the amount of \$82,500 is included in the Fiscal Year 2005-2006 Capital Budget of the Watershed Protection and Development Review Department. **Resolution No. 20060525-030 was approved.**
31. Approve a resolution to authorize the fee simple acquisition of Lot 41, Block E, of Yarrabee Bend South, Section 1, a subdivision in Travis County, Texas, and locally known as 7304 Dixie Drive, Austin, Texas, from Shandy P. Smith and Jessica A. Brawner for the Streambank Restoration and Erosion Management Program in the amount of \$114,000 for the land and improvements and \$22,500 for owner assisted relocation benefits plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$146,500. Funding in the amount of \$146,500 is available in the Fiscal Year 2005-2006 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20060525-031 was approved.

32. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for Rebid Thornberry Road and Tributary Stormwater Conveyance Enhancements Project in the amount of \$1,564,345.90 plus a \$78,217.30 contingency, for a total contract amount not to exceed \$1,642,563.20. Funding in the amount of \$1,642,563.20 is available in the Fiscal Year 2005-2006 Capital Budget of the Watershed Protection and Development Review Department. Lower of two bids received. 15.97% MBE and 7.67% WBE subcontractor participation. Recommended by the Environmental Board and the Zoning and Platting Commission.

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

33. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the Davenport Lift Station Project STAA #9A3 in the amount of \$2,902,409 plus a \$145,120 contingency, for a total contract amount not to exceed \$3,047,529. Funding in the amount of \$3,047,529 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. Lowest of three bids received. 15.34% MBE and 4.55% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

This item was postponed to June 22, 2006.

34. Authorize negotiation and execution of a professional services agreement with DMJM HandN, Los Angeles, CA, for security consulting services for the Austin-Bergstrom International Airport (ABIA) Security System Upgrade in an amount not to exceed \$600,000. Funding is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Aviation Department. Best qualification statement of 10 statements received. 18.73% DBE subconsultant participation. Recommended by the Austin Airport Advisory Commission.

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

35. Authorize execution of the first one-year Extension Option to the construction contract with SMITH CONTRACTING CO. INC., Austin, TX, for Austin-Bergstrom International Airport on-call Pavement Maintenance in an amount not to exceed \$496,400, for a total contract amount not to exceed \$992,800. Funding in the amount of \$496,400 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Aviation Department. 12.48% MBE and 8.46% WBE subcontractor participation to date including this change order. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the execution of the first extension option to the construction contract was approved.

36. Authorize negotiation and execution of a professional services agreement with PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC., Austin, TX, for providing professional planning services for Transit-Oriented District Station Area Planning, in an amount not to exceed \$450,000. Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Neighborhood Planning and Zoning Department. Best qualification statement of eight received. 20% MBE and 15% WBE subcontractor participation.

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

Item 37 was set for a 2:30 p.m. time certain.

38. Authorize award and execution of a 12-month requirements contract with BIOGARDENER, Austin, TX, for landscaping services in an estimated amount not to exceed \$93,430, with four 12-month extension options in an estimated amount not to exceed \$93,430 per extension option, for a total estimated contract

amount not to exceed \$467,150. Funding in the amount of \$31,143 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining eight 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 award and execution of a requirements contract was approved.**

39. Authorize execution of a contract with MITSUBISHI ELECTRIC POWER PRODUCTS, Warrendale, PA for the purchase of one synchronous circuit breaker in an amount not to exceed \$88,646. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Low bid of three bids received. This contract will be awarded in accordance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the execution of a contract was approved.**
40. Approve ratification of contracts with SIEMENS POWER TRANSMISSION & DISTRIBUTION, Wendell, NC, in the amount not exceed \$81,018 and with POWELL ELECTRICAL SYSTEMS Houston, TX, in an amount not to exceed \$154,590 for the purchase of 18 15kV draw-out circuit breakers. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Low bidders of six bids received. This contract will be awarded in accordance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the ratification of contracts was approved.**
41. Authorize and award execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) with JAMAIL CONSTRUCTION, Austin, TX, for general contracting services at the Cameron Road Campus in an amount not to exceed \$2,556,280.46. Funding is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project Fund of the Finance and Administrative Services Department, Cameron Road Fund. Cooperative Purchase. **The motion authorizing the award and execution of a contract was approved.**
42. Authorize award and execution of a contract with YORK INTERNATIONAL CORP., Austin, TX, for the purchase of air handling units and variable air volume units in an amount of \$81,595. Funding is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project, Cameron Road Campus Fund. 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 award and execution of a contract was approved.**
43. Authorize award and execution of a contract with ALLIED FENCE CO. (MBE/MH-100%) Austin, TX, for the purchase and installation of chain link fencing for the Parks and Recreation Department in amount not to exceed \$58,632. Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Parks and Recreation Department. 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 award and execution of a contract was approved.**
44. Authorize execution of a contract through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program (1122 Program) with LENCO ARMORED

VEHICLES, Pittsfield, MA, for the purchase of an armored vehicle in an amount not to exceed \$219,495. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Police Department, Special Revenue Fund: Homeland Security Grant. Cooperative Purchase.

The motion authorizing the execution of a contract was approved.

45. Authorize award and execution of contracts with SANOFI PASTEUR, Swiftwater PA, for influenza vaccine in an amount not to exceed \$109,890.40, and with PHYSICIAN SALES AND SERVICE, Georgetown, TX, for influenza vaccine in an amount not to exceed \$168,523.20. Funding is available in the Approved Operating Budgets of the following departments: Health and Human Services Department, \$109,890.40; Community Care Services Department, \$121,824; Employee Benefits Fund, \$35,532; Austin Fire Department, \$7,614; Emergency Medical Services Department, \$2,538; Public Safety and Emergency Management Department, \$1,015.20. Public Health and Safety Need

The motion authorizing the award and execution of contracts was approved.

Items 46-49 were set for a 1:30 p.m. time certain.

50. Approve an ordinance denying an interim Gas Reliability Infrastructure Program (GRIP) rate adjustment for gas utility investment in 2005 proposed by Atmos Energy Corporation, Mid-Tex Division; requiring the reimbursement of municipal rate case expenses by the regulated utility; and provide for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division. (Related to item #51)

Ordinance No. 20060525-050 was approved.

51. Approve a resolution ordering Atmos Energy Corporation, Mid-Tex Division ("Atmos") to show cause regarding the reasonableness of its existing natural gas distribution rates within the City; requiring Atmos to submit a rate filing package based on a test year ending December 31, 2005; authorize the City to join with other cities known as the Atmos Texas Municipalities (ATM) to direct activities of lawyers and consultants; authorize the hiring of attorneys and consultants; direct that such filing be made prior to May 31, 2006; require reimbursement of reasonable municipal rate case expenses; and require delivery of this resolution to the Company and legal counsel. (Related to item #50)

Resolution No. 20060525-051 was approved.

52. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a two-family residence at 1001 East Riverside Drive.

Ordinance No. 20060525-052 was approved.

Item 53 was pulled pending discussion on item 69.

54. Authorize negotiation and execution of an amendment to an existing professional services agreement with PBS&J, INC., Austin, TX, for the Carson Creek Flood Hazard Mitigation Solutions/Cost Evaluation and Erosion Assessment Engineering Study in the amount of \$787,595.41 for a total contract amount not to exceed \$1,000,000. Funding in the amount of \$399,740 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Watershed Protection and Development Review Department. Funding for the remaining authorization is contingent upon availability in future Capital Budgets of the Watershed Protection and Development Review Department. 15.40% MBE and 13.18% WBE subconsultant participation to date.

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

55. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

This item was withdrawn.

56. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the Silicon Labs Marathon Relay to be held on July 4, 2006. (Mayor Will Wynn and Council Member Lee Leffingwell)
Ordinance No. 20060525-056 was approved.
57. Approve an ordinance authorizing waiver of certain fees and payment of certain costs for the Equality Texas Gay Pride Festival to be held at Waterloo Park on June 10, 2006. (Council Member Brewster McCracken, Council Member Jennifer Kim and Mayor Will Wynn)
Ordinance No. 20060525-057 was approved.
58. Approve an ordinance authorizing the waiver of signature requirements, waiver of certain fees and payment of certain costs including the employment of off-duty peace officers in connection with the Austin Gay and Lesbian Chamber of Commerce's Gay Pride Parade to be held on June 3, 2006. (Council Member Brewster McCracken and Mayor Will Wynn)
Ordinance No. 20060525-058 was approved.
59. Approve a resolution directing the City Manager to develop a policy requiring that any pharmacy contract with the City include a provision that pharmacies guarantee they will fill all prescriptions without delay and without discrimination. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
Resolution No. 20060525-059 was approved.
60. Approve a resolution directing the City Manager to bring back information on projected costs and range of options for implementing additional health insurance benefits to city employees in order to restore the opportunity for city employees to purchase additional benefits coverage as expeditiously as possible. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
Resolution No. 20060525-060 was approved.

Item 61 was pulled for discussion.

62. Approve an ordinance authorizing negotiation and execution of a contract between the City of Austin and the First Night Austin Organization to co-sponsor the First Night Austin 2007 event, to be held on December 31, 2006. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
Ordinance No. 20060525-062 was approved.
63. Direct the City Manager to allocate staff resources to increase enforcement of disabled parking fraud in the downtown area and report findings back to the Austin City Council in 90 days. (Council Member Lee Leffingwell, Mayor Will Wynn and Council Member Betty Dunkerley)
The motion authorizing the City Manager to allocate staff resources was approved.
64. Set a public hearing to approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the East Riverside/Oltorf Combined Neighborhood Plan. The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east, and State Highway 71 (Ben White Boulevard) (East) on the south. (Suggested date and time: June 8, 2006 at 4:00 p.m., City Hall Council Chambers, 301 West Second Street)
The public hearing was set for June 8, 2006 at 4:00 p.m., City Hall Council Chambers, 301 West Second Street.

65. Set a public hearing to consider an ordinance amending Ordinance No. 030717-131 to replace the restricted parking area in Exhibit A with a new map that includes the following neighborhood associations: Cedar Valley, Laurel Oaks, North Shoal Creek, Pecan Springs, Springdale Hills, Wooten, and Martin Luther King. (Suggested date and time: June 22, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.

The public hearing was set for June 22, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.

Item 66 was a briefing set for 10:30 a.m.

Item 67 was an Executive Session item.

Items 68 through 74 were zoning items set for 4:00 p.m.

Items 75 through 79 were public hearings set for 6:00 p.m.

80. Approve an ordinance authorizing reimbursement of certain costs for the Dance and Piano Recital held at the George Washington Carver Museum on May 20, 2006 (Mayor Pro Tem Danny Thomas, Council Member Betty Dunkerley and Council Member Brewster McCracken).
Ordinance No. 20060525-080 was approved.

81. Approve an ordinance amending Chapter 2-1 of the City Code to add a new Article creating the African American Resource Advisory Commission (Danny Thomas, Betty Dunkerley, Brewster McCracken).
Ordinance No. 20060525-081 was approved.

Item 82 was pulled for discussion.

DISCUSSION ITEMS

11. Approve an ordinance changing the street name Festival Beach Road to Nash Hernandez, Sr. Road. (Related to items 18-22) The application and processing fees have been waived (ORDINANCE NO. 20060126-050).
Ordinance No. 20060525-011 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
18. Approve naming of the Fiesta Gardens Pavilion, located at 2101 Bergman Street, as the "Johnny Degollado Pavilion at Fiesta Gardens". (Related to item 11 and items 19-22) Recommended by the Parks and Recreation Board.
The motion authorizing the naming of the Fiesta Gardens Pavilion was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
20. Approve naming of the Mexican American Cultural Center central plaza, located at 600 River Street, as the "Perez-Ramos Plaza." (Related to item 11, 18-19 and 21-22) Recommended by the Parks and Recreation Board.
The motion authorizing the naming of the Mexican American Cultural Center central plaza was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
21. Approve naming of the Medina Street Plaza, located between East 5th and East 6th Street and South of the alley, as the "Roy and Matias Velasquez Plaza." (Related to item 11, 18-20 and 22) Recommended by the Parks and Recreation Board.

The motion authorizing the naming of the Medina Street Plaza was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

22. Approve naming of the Town Lake Scenic Overlook, located near the intersection of Canterbury Street and Pleasant Valley Road, as the "Roy Montelongo Scenic Overlook." (Related to item 11 and items 18-21). There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by Parks and Recreation Board.

The motion authorizing the naming of the Town Lake Scenic Overlook was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

61. Approve a resolution dedicating land adjacent to the Holly Power Plant currently owned by Austin Energy as parkland, waiving the rules for naming this parkland, and taking action to name this parkland. (Council Member Raul Alvarez, Mayor Will Wynn, and Mayor Pro Tem Thomas)
Resolution No. 20060525-061 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

82. Adopt a resolution amending the Holly Mitigation Program funding plan for the operation and maintenance costs of the Mexican American Cultural Center (MACC) and Terrazas Library Expansion projects to reduce the operation and maintenance funds required for these projects and to allocate \$430,000 in available funds to the Cepeda Music Garden and the Trail of Tejano Legends projects. (Council Member Raul Alvarez and Mayor Pro Tem Danny Thomas)
Resolution No. 20060525-082 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

19. Approve naming of the Fiesta Gardens East Meeting Hall, located at 2101 Bergman Street, as the "Manuel 'Cowboy' Donley Meeting Hall at Fiesta Gardens." (Related to item 11, 18 and 20-22) Recommended by the Parks and Recreation Board.
This item was withdrawn.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Children's Miracle Celebration

Patty Sprinkle - Bouldin Meadows

Chuck Mains - Flooding Issues

Andrew Donoho - The Value of Solar Study and Texas Gas Franchise Agreement

Pat Johnson - Current Issues

Susana Almanza - Thank Your Councilman Raul Alvarez for your service

Shudde Fath - Barton Springs

Mary Alice Keyes with Austin Urban Grid - Power Outage

John Goldstone - 12th Street NCCD. **He was not present when his name was called.**

CarolAnneRose Kennedy - THE GRAD YOU ATE

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

EXECUTIVE SESSION

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

67. 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)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:45 p.m.

BRIEFINGS

66. Policy Budget Discussion
The presentation was made by Toby Futrell, City Manager, and Greg Canally, Budget Officer.

DISCUSSION ITEMS CONTINUED

46. Approve an ordinance adopting a new Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Construction Services Procurement Program) to establish a procurement program for construction; amending Section 2-1-381 relating to the Minority-Owned and Women-Owned Business Enterprise Procurement Program Advisory Committee; and repealing the current Chapter 2-9 (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Recommended by the MBE/WBE Citizens Advisory Committee
This item was postponed to June 8, 2006 on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.
47. Approve an ordinance adopting a new Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Professional Services Procurement Program) to establish a procurement program for professional services. Recommended by the MBE/WBE Citizens Advisory Committee
This item was postponed to June 8, 2006 on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.
48. Approve an ordinance adopting a new Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Non-Professional Services Procurement Program) to establish a procurement program for non-professional services. Recommended by the MBE/WBE Citizens Advisory Committee
This item was postponed to June 8, 2006 on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.
49. Approve an ordinance adopting a new Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Commodities Procurement Program) to establish a procurement program for commodities. Recommended by the MBE/WBE Citizens Advisory Committee
This item was postponed to June 8, 2006 on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.
53. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a duplex residence at 505 Deep Eddy Avenue. (Not recommended by staff).

This item was withdrawn.

37. Approve an Ordinance on second reading repealing Ordinance No. 20050407-017 granting a taxicab franchise to Roy's Taxi, Inc., 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.'s 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 second reading of the ordinance as provided to Council was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 5-2 vote. Those voting aye were: Council Members Alvarez, Dunkerley, Kim, Leffingwell, and McCracken. Those voting nay were: Mayor Wynn and Mayor Pro Tem Thomas. Staff was directed to continue with instructions from the April 27, 2006 Council meeting as follows: 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 permits would be borrowed from the future. Yellow Cab would not be eligible for any additional permits or for any transfer of permits from another franchise holder 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. In addition, staff was instructed to bring back amendments to the Code that would prohibit future transfers of franchises to any company who has more than 60% of the franchise permits.

ZONING

68. C14-05-0150 - Fairfield at Woodland Park - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning to multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning to change conditions of zoning with conditions. First reading approved on January 12, 2006. Vote: 4-2 (Kim, Alvarez-Nay; Mayor Pro Tem Thomas off the dais). Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon and Moody, P.C. (Peter J. Cesaro). City Staff: Wendy Walsh, 974-7719.
- The second reading of the ordinance was approved as follows on Council Member Leffingwell's motion, Council Member McCracken's second on a 4-3 vote. Those voting aye were: Mayor Wynn, and Council Members Dunkerley, Leffingwell and McCracken. Those voting nay were: Mayor Pro Tem Thomas, and Council Members Alvarez and Kim. The applicant's amended request for multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning was approved. This deleted the surface parking limitation and approved a change from first reading so that the two-star Green Building requirement would only apply to buildings over 45 feet tall. All buildings over 45 feet will maintain a setback of 670 feet from the residential neighborhood to the north.

ZONING CONSENT ITEMS

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

69. C14-06-0012 - 505 Deep Eddy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 505 Deep Eddy Avenue (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office (NO) district

zoning. (Not recommended by staff) Zoning and Platting Commission Recommendation: To deny neighborhood office (NO) district zoning. Applicants: Pete Fajkowski and Mike Morales. Agent: Minter, Joseph & Thornhill (John Joseph Sr.). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

This item was withdrawn.

71. C14-06-0059 - Euers Office/Retail Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 135 West Slaughter Lane (Onion Creek Watershed) from rural residence (RR) district zoning and single-family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Lester Euers. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
This item was postponed to June 22, 2006 at the applicant's request.
72. C14-06-0063 - Riddell Tract 2 Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11100 Block of South First Street (Onion Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Riddell Family Limited Partnership (Wayne J. Riddell). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20060525-072 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
73. NPA-06-0006.010 – Conduct a public hearing to amend Ordinance No. 000629-105, the Old West Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan to revise the text for Goal 1, Objective 1, Action Item 4. The proposed amendment would allow minor changes in base district zoning boundaries for properties that have street frontages on both West Lynn Street Eason Street in order to preserve the single-family character of Eason Street. Recommended by Planning Commission. City Staff: Mark Walters, 974-7695.
This item was postponed to June 8, 2006 at staff's request.

ZONING DISCUSSION ITEMS

70. C14-06-0030 - Arturo's Hair Design - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City code by rezoning property locally known as 1101 Kramer Lane (Walnut Creek Watershed) from neighborhood office-neighborhood plan (NO-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Applicant and Agent: Luis A. Munoz. City Staff: Jorge E. Rousselin, 974-2975.
The public hearing was closed and Ordinance No. 20060525-070 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning was approved allowing all NO uses and one GO use for personal services on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.
74. C14-06-0025 Parkfield-4186 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9414 Parkfield Drive (Little Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to

commercial-liquor sales neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To deny commercial-liquor sales neighborhood plan (CS-1-NP) combining district zoning. Applicant: Parkfield Plaza, LLC. (Chassan Najjar). Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.

The motion to close the public hearing and deny the rezoning request was approved on Council Member Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:22 p.m.

Live Music

Los Flames

Proclamations

Proclamation -- National Cancer Survivors Day -- to be presented by Mayor Will Wynn and to be accepted by Leibel Harelik

Certificate of Congratulations -- McCallum High School Orchestra -- to be presented by Mayor Will Wynn and to be accepted by David Perkoff and students

Proclamation -- National Public Works Week -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by Sondra Creighton and Public Works Employees

Certificates of Congratulations -- Winners of the Turn Around, Don't Drown Poster Contest -- to be presented by Mayor Will Wynn and to be accepted by the honorees

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

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

Proclamation -- Trail of Tejano Legends -- to be presented by Council Member Raul Alvarez and to be accepted by legendary Austin musicians

Mayor Wynn called the Council Meeting back to order at 6:50 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

75. Conduct a public hearing and approve an ordinance amending City Code Chapters 25-2 and 25-11 relating to Historic Districts and structures. (Recommended by Planning Commission and Zoning and Platting Commission.)
This item was postponed to June 22, 2006 on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.
76. Conduct a public hearing and approve an ordinance amending 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 (C2O-06-0008). (To be reviewed by Planning Commission on May 23, 2006.)

This item was postponed to June 8, 2006 Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

77. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the Austin City Code regarding mobile food establishments. (To be reviewed by Planning Commission on May 23, 2006.)
This item was postponed to June 8, 2006 Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.
78. Conduct a public hearing to receive citizen comments on the City's (1) Draft Annual Action plan for Fiscal Year 2006-2007, 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.
This item was postponed to June 22, 2006 Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 5-0 vote. Council Members Kim and Leffingwell were off the dais.

79. Conduct a public hearing on the proposed November 2006 Bond Election.
The public hearing was closed on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 7-0 vote.

Mayor Pro Tem Thomas adjourned the meeting at 11:08 p.m. without objection.

The minutes for the Regular Meeting of May 25, 2006 were approved on this the 8th day of June, 2006 on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.