

AUSTIN CITY COUNCIL AGENDA

THURSDAY, FEBRUARY 09, 2006, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST
2ND STREET, AUSTIN, TEXAS.

AUSTIN CITY CLERK
06 FEB 09 10:00 AM

06 FEB -3 PM 5:57



For meeting information, contact the City Clerk, 974-2210

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE
AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND
EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.
FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

WILL WYNN, MAYOR ♦ DANNY THOMAS, MAYOR PRO TEM
LEE LEFFINGWELL ♦ RAUL ALVAREZ ♦ JENNIFER KIM ♦ BETTY DUNKERLEY ♦ BREWSTER MCCracken

**NOTICE OF REGULAR MEETING
THURSDAY, FEBRUARY 09, 2006**

9:55 A.M. Invocation.....	2
10:00 A.M. City Council Convenes.....	2
READING AND ACTION ON CONSENT AGENDA.....	3
Meeting Minutes	3
Austin Energy	3
City Clerk's Office	3
Financial and Administrative Services - Budget	4
Health and Human Services.....	4
Law	4
Public Works.....	4
Purchasing.....	6
ITEMS FROM COUNCIL	7
Item(s) to Set Public Hearing(s)	7
12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL	9
EXECUTIVE SESSION (No Public Discussion On These Items)	9
1:00 P.M. Bond Briefing.....	9
2:00 PM BRIEFINGS	10
4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS.....	10
Zoning Ordinances / Restrictive Covenants	10
Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants	11
5:30 P.M. LIVE MUSIC AND PROCLAMATIONS	11
LIVE MUSIC.....	11
PROCLAMATIONS.....	12
6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION	12
Neighborhood Planning and Zoning.....	12
Public Works.....	12
Watershed Protection and Development Review	12

9:55 A.M. Invocation

Dr. David Procter, Hyde Park Baptist Church

10:00 A.M. City Council Convenes

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT
10:00 AM ON THURSDAY, FEBRUARY 09, 2006, IN THE COUNCIL
CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.**

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

READING AND ACTION ON CONSENT AGENDA

ACTION ON THE FOLLOWING:

ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Meeting Minutes

1. Approval of the minutes from the meeting of February 2, 2006.

Austin Energy

2. Approve issuance of a rebate in the amount of \$67,120 to FREESCALE SEMICONDUCTOR, Austin, TX, for the installation of high efficiency custom energy technologies at their location at 3501 Ed Bluestein. (Funding in the amount of \$67,120 is available in the Fiscal Year 2005-2006 Amended Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)

City Clerk's Office

3. Approve an ordinance amending Subsection 2-2-34(B) of the City Code relating to the duties of the City Clerk, and Subsection 2-7-31(D) of the City Code relating to an Ethics Review Commission ombudsman. (Approved by the Ethics Review Commission.)

Financial and Administrative Services - Budget

4. Approve the 2006 Bond Election Calendar and set public hearings to receive input on the 2006 Bond Election.

Health and Human Services

5. *Approve an ordinance authorizing acceptance of \$429,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), NUTRITION SERVICES SECTION, Austin, TX; and amending the Fiscal Year 2005-2006 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$429,000 for a total grant amount of \$4,166,000 for the WIC (Women, Infants and Children) Program to enhance good health care at no cost to low-income, pregnant and postpartum women, infants and children identified to be at nutritional risk in Austin and Travis County, and authorize the creation of five full-time equivalent grant positions. (Funding in the amount of \$429,000 is available from the Texas Department of State Health Services, Nutrition Services Section. The grant period is October 1, 2005 through September 30, 2006. No City match is required.)*

Law

6. Authorize and direct the City Manager to retain DEMETRIUS McDANIEL with AKIN GUMP STRAUSS HAUR & FELD LLP, Austin, TX, to provide legal services to the City as may be needed, and to negotiate and execute such legal service contracts as are necessary and appropriate, in a total aggregate amount not to exceed \$75,000. (Funding in the amount of \$75,000 is available in the 2005-2006 Approved Operating Budget of the Economic Development Fund.)

Public Works

7. Authorize negotiation and execution of a 60-month lease renewal of approximately 8,124 rentable square feet of office space located at 700 Lavaca, from TRAVIS REALTY CORP., for the Office of City Treasurer, in an amount not to exceed \$806,144.52, and authorize the negotiation and execution of a 60-month sublease renewal of approximately 50% of the lease space to Public Financial Management (PFM), the City's financial advisory firm. (Funding in the amount of \$62,622.50 is available in the Fiscal Year 2005-2006 Operating Budget of the Office of City Treasurer. Funding for the remaining 55 months of the original contract period is contingent upon available funding in future budgets.)

8. Authorize negotiation and execution of the Group 12 Street Reconstruction Utility Adjustment Agreement, Little Hill Circle Utility Adjustment Agreement and Monroe Street Utility Adjustment Agreement with Southwestern Bell Telephone, L.P. d/b/a AT&T Texas ("AT&T Texas"), to allow the City to secure funds from AT&T Texas in the amount of \$154,192.50, including a construction contingency amount of \$7,432, to incorporate the construction of AT&T Texas infrastructure adjustments into the City's construction contract for the Group 12 Street Reconstruction and Utility adjustment Project. (Funding in the amount of \$154,192.50, including a construction contingency amount of \$7,342, will be secured from AT&T to amend the Public Works Department Fiscal Year 2005-2006 Capital Budget.) (Related Item 9)
9. Approve an ordinance amending the Fiscal Year 2005-2006 Public Works Department Capital Budget of Ordinance No. 20050912-002 to appropriate a \$154,192.50 received from Southwestern Bell Telephone, L.P. d/b/a AT&T Texas to fund the re-location of AT&T Texas infrastructure at the City's Group 12 Street Reconstruction Project site. (Funding in the amount of \$154,192.50 is available from the Group 12 Street Reconstruction Utility Adjustment Agreement, Little Hill Circle Utility Adjustment Agreement and Monroe Street Utility Adjustment Agreement with AT&T Texas.) (Related Item 8)
10. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Austin Clean Water Program: Govalle 3 - Townlake/Riverside Drive Area Wastewater Improvements Project in the amount of \$4,278,150.40 plus a \$213,907.52 contingency, for a total contract amount not to exceed \$4,492,057.92. (Funding in the amount of \$4,492,057.92 is included in Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Only bid received. 15.62% MBE and 7.13% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
11. Authorize execution of change order # 4 to the construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk - Colony Creek South Wastewater Improvements Project in the amount of \$173,343.17, for a total contract amount not to exceed \$2,607,428.50. (Funding in the amount of \$173,343.17 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 19.37% MBE and 6.61% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)

12. Authorize execution of change order # 5 to the construction contract with BRH GARVER CONSTRUCTION, L.P., Houston, TX, for the Austin Clean Water Program: Upper Tannehill Lower Fort Branch Manor Hills Project in the amount of \$134,000, for a total contract amount not to exceed \$1,545,281.91. (Funding in the amount of \$134,000 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 22.48% MBE and 8.52% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)

Purchasing

13. Authorize negotiation and execution of a one-year contract with AJILON LLC d/b/a AJILON CONSULTING, Austin, TX, for information technology technical resource services in an amount not to exceed \$360,000. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of Austin Energy.) Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
14. Authorize execution of a contract with UNIFIN INTERNATIONAL, C/O BUTLER & LAND, Houston, TX, for transformer cooling radiators in the amount not to exceed \$141,954. (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 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.
15. Authorize execution of a contract with SIMPLEX GRINNELL, Round Rock, TX, for security system equipment and installation in an amount not to exceed \$87,150. (Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Convention Center Department.) Sole source. 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 contract.

16. Authorize execution of Amendment No. 5 to the contract with VERSATERM INC., Ottawa Ontario, Canada, to add five 12-month extension options for the continuation of maintenance support services for the Versadex Police Records Management System in an amount not to exceed \$207,156 per extension option, for a revised total contract amount not to exceed \$4,290,655. (Funding in the amount of \$207,156 is available in the Fiscal Year 2005-2006 Operating Budget of the Communication and Technology Management. Funding for the remaining four extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2 - 9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

ITEMS FROM COUNCIL

17. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.
18. Approve waiver of certain fees and requirements under Chapter 14-8 of the City Code for the Austin Jewish Academy's Bagelfest 5K, to be held on March 5, 2006. (Council Member Brewster McCracken, Council Member Raul Alvarez and Council Member Betty Dunkerley)
19. Approve a resolution directing the City Manager to initiate changes to the City's tree trimming and tree removal policies and practices, including working with a citizen task force of stakeholders, and to conduct a City-wide Tree Inventory. (Council Member Lee Leffingwell, Council Member Brewster McCracken and Council Member Betty Dunkerley)
20. Approve a resolution designating a site for the future central library on the Green Water Treatment Plant Property. (Council Member Betty Dunkerley, Council Member Brewster McCracken and Council Member Lee Leffingwell)

Item(s) to Set Public Hearing(s)

21. Set a public hearing to consider variance requests by Joel Mitchell to allow construction of an addition to a single-family residence at 1505 Parkway in the 25-year and 100-year floodplains of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence. (Suggested date and time: February 16, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.)

22. Set a public hearing to consider an ordinance adopting an amendment to the Land Development Standards Agreement between the City and the Austin Independent School District (AISD), including the development of school sites located in the Barton Springs Zone, and amending Chapter 25-8, Article 12 (Save Our Springs Initiative) as it applies to schools within the Barton Springs Zone. (Suggested date and time: February 16, 2006, at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street) (Recommended with conditions by the Environmental Board.)
23. Set public hearings regarding a proposed Strategic Partnership Agreement (SPA) between the City of Austin and the Winfield Municipal Utility District No. 2 (approximately 575 acres in Travis County and Hays County approximately 1.5 miles east of I.H. 35 South and south of Turnersville Road). Suggested dates and times: March 2, 2006 at 6:00 p.m., City Hall Council Chambers; and March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street. (Related Item 24)
24. Set public hearings for the limited purpose annexation of the Winfield MUD No. 2 Area (Approximately 575 acres in Travis County and Hays County approximately 1.5 miles east of I.H. 35 South and south of Turnersville Road). Suggested dates and times: March 2, 2006 at 6:00 p.m., City Hall Council Chambers; and March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street. (Related Item 23)
25. Set public hearings for the full purpose annexation of the Northeast Middle School Area (Approximately 74 acres located in Travis County west of Johnny Morris Road west of the intersection of Johnny Morris Road and Breezy Hill Road). (Suggested dates and times: March 2, 2006 at 6:00 p.m. and March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.).

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Richard Troxell - Homelessness in Austin

Kathie Tovo - Representing the Bouldin Creek Neighborhood Association - AISD
Proposal to Close Becker Elementary

CarolAnneRose Kennedy - BLACK HERSTORY: I AMAZING. RACE
(continued)

Paul Robbins - City Issues

Christopher Darwin Johnson - Quality of Life in Austin

Pat Johnson - Current Issues

Jennifer Gale - Why are Austin Park Police Officers dying and not receiving the
same amount of pay as the A.P.A's A.P.D.?

Judy Machen - Towing

EXECUTIVE SESSION (No Public Discussion On These Items)**Private Consultation with Attorney - Section 551.071**

26. Discuss legal issues concerning interim development regulations, including a moratorium, applicable to the construction and remodeling of certain single-family residential development. (Related Item 35)

Real Property - Section 551.072

27. Discuss acquisition and use of property for Austin Water Utility water treatment facilities.

1:00 P.M. Bond Briefing

28. Staff briefing on the 2006 Bond Election.

2:00 PM BRIEFINGS

29. Presentation on Austin Energy's 2005 Year End Report.
30. Presentation on Austin Energy's tree trimming policies and procedures.

4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS**Zoning Ordinances / Restrictive Covenants**

31. C14-05-0110 – Bouldin Meadows - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. First reading approved on December 15, 2005. Vote: 7-0. Applicant: Forest Cove Ltd. and Agent: John Hussey. City Staff: Robert Heil, 974-2330.
32. 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.
33. C14-05-0168 - KB Sheldon 230 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7900 Thaxton Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn absent. Applicant: FC Properties One, Ltd. (William A. McDonald). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.

34. C14-05-0137 - 1109 South Lamar - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant and agent: Bobbie Lemmond. City Staff: Robert Heil, 974-2330.

Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants

- Z- 1 Conduct a public hearing and approve an ordinance to amend Section 25-2-757 (Setbacks); Section 25-2-760 (Streetscape Improvements); and Chapter 25-2, Appendix C (University Neighborhood Overlay District Boundaries), Subdistrict Boundaries and Height Limits) of the City Code relating to building setbacks, sidewalks and building height in the University Neighborhood Overlay District). (Recommended by Planning Commission.) (Related Item Z-2)
- Z- 2 C14-05-0215 - Maverick Miller House - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 910 Poplar Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning to limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Historic Landmark Commission: To grant limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tina Bui, 974-2755. (Related Item Z-1)

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

LIVE MUSIC

Jade Day

PROCLAMATIONS

Honorary Citizen Certificates Exchange Students from South America - to be presented by Mayor Will Wynn and to be accepted by the honorees

Honorary Citizen Certificates - Russian Singers - to be presented by Mayor Will Wynn and to be accepted by the honorees

Distinguished Service Award - Roger Duncan - to be presented by Council Member Brewster McCracken and to be accepted by the honoree

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Neighborhood Planning and Zoning**

35. Conduct a public hearing and consider an ordinance on first reading relating to interim development regulations, including a moratorium, applicable to the construction and remodeling of certain single-family residential development. (Related Item 26)

Public Works

36. Conduct a public hearing and adopt a resolution authorizing the use of approximately 0.2810 acres for waterline and the temporary use of 1.2839 acres of dedicated parkland known as Onion Creek Greenbelt located along Onion Creek Drive just south of South Pleasant Valley Road to allow the construction of a 12-inch waterline through the park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the line, as well as any parkland restoration, will be paid by Austin Independent School District (AISD).) (Recommended by Parks Board.)

Watershed Protection and Development Review

37. Conduct a public hearing to consider an ordinance amending Sections 25-8-2(D)(7)(a) and 25-8-2 (D) (10) (a) of the City Code to provide more consistency in nomenclature in describing the watersheds within each regulated area. (Approved by the Code & Ordinances Subcommittee and Environmental Board.)

ADJOURN

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar en la sesión del Consejo.

Council Meetings

January 12, 2006
January 26, 2006

February 2, 2006
February 9, 2006
February 16, 2006

March 2, 2006
March 9, 2006
March 23, 2006

April 6, 2006
April 20, 2006
April 27, 2006

May 4, 2006
May 18, 2006
May 25, 2006

June 8, 2006
June 22, 2006

July 27, 2006

August 10, 2006
August 24, 2006
August 31, 2006

September 11, 12, 13
(Budget Readings)
September 28, 2006

October 5, 2006
October 19, 2006
October 26, 2006

November 2, 2006
November 16, 2006
November 30, 2006

December 7, 2006
December 14, 2006

Cancelled Meetings

January 5, 2006
January 19, 2006

February 23, 2006

March 16, 2006
March 30, 2006

April 13, 2006

May 11, 2006

June 1, 2006
June 15, 2006
June 29, 2006

July 6, 2006
July 13, 2006
July 20, 2006

August 3, 2006
August 17, 2006

September 7, 2006
September 14, 2006
September 21, 2006

October 12, 2006

November 9, 2006
November 23, 2006

December 21, 2006
December 28, 2006