



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, JUNE 22, 2006

**Invocation:** Pastor Clyde Poldrack, Bethel Assembly of God

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, June 22, 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 10:23 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 Kim's motion, Council Member Leffingwell's second on a 7-0 vote.

1. Approval of the amendment to the minutes from the May 4, 2006 meeting, and approval of the minutes of the June 8, 2006 regular Council meeting and the June 20, 2006, Swearing-in ceremony.  
**The amendment to the minutes of the May 4, 2006 meeting and approval of the minutes of the June 8, 2006 regular Council Meeting and the June 20, 2006. Swearing-in ceremony were approved. Council Members Cole and Martinez abstained.**
2. Approve an ordinance authorizing acceptance of \$4,500 in grant funds from the Capital Area Metropolitan Planning Commission (CAMPO); and amending the Fiscal Year 2005-2006 Austin Energy Department Operating Budget of Ordinance No. 20050912-001 to appropriate \$4,500 for Commute Solutions Innovator Grant Assistance funding. Grant funding of \$4,500 is available in Commute Solutions Innovator Grant Assistance Funding administered by CAMPO. Recommended by the Environmental Board.  
**Ordinance No. 20060622-002 was approved.**
3. Authorize negotiation and execution of an Interlocal Agreement with Capital Area Metropolitan Planning Commission (CAMPO) for Commute Solutions Innovator Grant Assistance funding in the amount of \$4,500. Grant funding of \$4,500 is available in Commute Solutions Innovator Grant Assistance Funding administered by CAMPO. Recommended by the Environmental Board.  
**The motion authorizing the negotiation and execution of an interlocal agreement was approved.**
4. Authorize negotiation and execution of a contract for reimbursement of costs to STRICTLY PEDIATRICS LAND COMPANY, LLP, Austin, TX, for the purchase and installation of heat exchanger(s) and associated piping needed to interconnect the new medical office building to the Mueller

Energy Center district cooling system in an amount not to exceed 114,000. Funding in the amount of \$114,000 is available in the Fiscal Year 2005-2006 Capital Improvement Budget.

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

5. Approve the issuance of a Letter of Intent for a rebate in the amount of \$74,780.16 to COMMUNITY CLINICAL RESEARCH, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 8334 Cross Park Road. Funding in the amount of \$74,780.16 is available in the Fiscal Year 2005-2006 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

**The motion authorizing the issuance of a letter of intent was approved.**

6. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with Main Street Homes, providing terms and conditions for construction of 24-inch water main and appurtenances to provide water service to the Hornsby Glen Subdivision located east of F.M. 973 and north of Colorado River with City cost reimbursement in an amount not to exceed \$2,351,580 for actual costs of construction (hard costs); and waiving the requirements of Section 25-9-61 of the City Code relating to maximum cost reimbursement of a facility. Funding in the amount of \$2,351,580 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission.

**Ordinance No. 20060622-006 was approved. Staff was directed to bring back an ordinance on July 27, 2006 to allow an expedited repayment to the contractor for over sizing the water line.**

7. Authorize the City Manager to negotiate and execute an agreement with River Place Municipal Utility District ("River Place") for the provision of out-of-district water service to an approximately 168 acre tract located adjacent to River Place's eastern boundary. River Place and the developer will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement. Recommended by Water and Wastewater Commission.

**The motion authorizing the City Manager to negotiate and execute an agreement was approved.**

8. Authorizing negotiation and execution of a cost reimbursement agreement with AUSTIN HB RESIDENTIAL PROPERTIES, LTD., providing terms and conditions for construction of 18-inch gravity wastewater main and appurtenances to provide wastewater service to the Harris Branch Equinox Centre located at U.S. Highway 290 East and SH 130 with City cost reimbursement in an amount not to exceed \$1,146,600, for actual ("hard") construction costs. Funding in the amount of \$1,146,600 is available in the Fiscal Year 2005-2006 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.**

9. Approve negotiation and execution of an Interlocal Agreement with Travis County for the reimbursement to the City for engineering and construction services necessary for fire hydrant adjustments and relocations along the Moya Hike and Bike Trail adjacent to Burleson Road. The County will pay all costs for the Austin Water Utility, including the cost of surveying, design, construction, inspection, and testing. The total amount to be paid to the City by the County for the City project is the actual cost of the work, presently estimated to be \$40,000, but not-to-exceed \$50,000 without further authorization by the Travis County Commissioners Court. Recommended by Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an interlocal agreement was approved.**

10. Authorize negotiation and execution of an amendment to the professional services agreement with LOCKWOOD, ANDREWS AND NEWMAN, INC., Austin, TX, for design and bidding documents preparation services for the 2004 Valve Replacement Program, in an amount not to exceed \$129,391 for a

total agreement not to exceed \$315,391. Funding in the amount of \$129,391 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. 18.9% MBE and 16.6% WBE subcontractor participation to date Recommended by Water and Wastewater Commission.

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

11. 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 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.  
**The motion authorizing the City Manager to negotiate and execute amendments to agreements was approved.**
12. Approve an ordinance amending the Fiscal Year 2005-2006 Aviation Department Operating Budget Mueller Airport Disposition Fund of Ordinance No. 20050912-001 to appropriate \$449,000 for environmental mitigation of the former Robert Mueller Municipal Airport site and to reduce the Fund Ending Balance by the same amount. Funding in the amount of \$449,000 is available in the Fiscal Year 2005-2006 Mueller Airport Disposition Fund Approved Ending Balance. Approved by the Austin Airport Advisory Commission.  
**Ordinance No. 20060622-012 was approved.**
13. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, Austin, TX, for driveway and parking lot repair at Fire Station #8, 8989 Research Boulevard, in an amount not to exceed \$85,606.60. Funding in the amount of \$85,606.60 is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project of the Financial and Administrative Services Department, Building Services Division. Lowest of two responsive bids. 11.45% MBE and 9.23% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
14. Authorize execution of a contract with L.D. TEBBEN CO., INC., Austin, TX, for roof replacement of Building 4 at the Cameron Road Campus in an amount not to exceed \$172,589. Funding is the amount of \$172,589 is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project Fund of the Finance and Administrative Services Department, Cameron Road Fund. Seven contractors picked up construction documents and documents; five attended the mandatory pre-bid meeting; only one bid was received. 0.29% WBE participation. A waiver of participation goals was requested by Building Services and has been approved by the City Manager for this project.  
**The motion authorizing the execution of a contract was approved.**
15. Approve an ordinance amending Chapter 2-1 of the City Code to abolish certain inactive boards and commissions; and abolishing certain inactive advisory groups.  
**Ordinance No. 20060622-015 was approved.**
16. Approve negotiation and execution of an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) for roadway improvements. This Agreement enables reimbursement to TxDOT for construction of Airport Boulevard (Loop 111) at Schieffer Avenue as part of the redevelopment of Mueller. (Related item Mueller Roadway Improvement Agreement) Funding in the amount of \$717,522 is provided by Catellus Austin LLC to the City to be held in an escrow account until the funds are delivered to TxDOT.  
**The motion authorizing the negotiation and execution of an advanced funding agreement was approved.**

17. Approve the negotiation and execution of a Roadway Improvement Agreement with Catellus Austin LLC, a Delaware limited liability company, to fund construction of roadway improvements to Airport Boulevard (Loop 111), at Schieffer Avenue, as part of the redevelopment of Mueller not to exceed \$717,522. (Related item Mueller Advanced Funding Agreement) Funding in the amount of \$717,522 for construction of roadway improvements provided by Catellus Austin LLC, to the City under this agreement will be held in an escrow account until the funds are delivered to TxDOT.  
**The motion authorizing the negotiation and execution of a roadway improvement agreement was approved.**

**Item 18 was pulled for discussion.**

19. Approve a resolution authorizing the City Manager to negotiate and execute the Second Supplement to Agreement Concerning Creation of Southwest Travis County Municipal Utility District No. 1 ("Second Supplement") enabling Shady Hollow Municipal Utility District ("District") to issue bonds in an amount not to exceed \$3,500,000 in order to finance the purchase and improvement of land specifically for the construction of a Fire/EMS Station ("Station"). The City is not responsible for payment of District bond debt service until annexation of the District. Recommended by Water and Wastewater Commission.  
**Resolution No. 20060622-019 was approved.**
20. Approve a resolution to clarify, confirm, and ratify Resolution No. 010809-11, adopted August 9, 2001, that authorized the City Manager or his designee to acquire by eminent domain the fee simple interest in Lots 1-8, inclusive, Block 38, of the Original City of Austin and that said authorization was intended to include the 20 foot wide strip of land separating Lots 1-4 and Lots 5-8 as shown on the plat of the Original City of Austin (the "Alley") and as further described in the attached Exhibit "A." Furthermore, if there is a final nonappealable judgment of a Texas court that the Alley was not included in the property description of Block 38 in Resolution No. 010809-11, then the City Manager or his designee is authorized to offer to purchase the Alley, or, if the parties are unable to agree on an appropriate purchase price, to file suit in eminent domain to effect the acquisition of the Alley in the amount of \$397,000. The Alley contains approximately 5,520 square feet and if it is not already subject to a condemnation proceeding giving the City of Austin a right to possession, it is owned by Harry M. Whittington, Mercedes B. Whittington, Mercedes Gregg f/k/a Mercedes Whittington, Individually and as Trustee of the Margaret Lynn Puckett 1989 Trust, the Sara Whittington May 1989 Trust, the Caroline Elizabeth Puckett 1989 Trust, the Michael Erskine May 1989 Trust, the Camille Meriwether May 1989 Trust, and the William Tyndale Puckett, Jr. 1989 Trust, Sally Whittington May, Individually as Trustee of the Margaret Lynn Puckett 1989 Trust, the Sara Whittington May 1989 Trust, the Caroline Elizabeth Puckett 1989 Trust, the Michael Erskine May 1989 Trust, the Camille Meriwether May 1989 Trust, and the William Tyndale Puckett, Jr. 1989 Trust, and Margaret Whittington Puckett, Individually and as Trustee of the Margaret Lynn Puckett 1989 Trust, the Sara Whittington May 1989 Trust, the Caroline Elizabeth Puckett 1989 Trust, the Michael Erskine May 1989 Trust, the Camille Meriwether May 1989 Trust, and the William Tyndale Puckett, Jr. 1989 Trust. The Alley is needed for the public use of a City parking garage, chilling plant, and other municipal facilities. Funding in the amount of \$198,500 is available in the Fiscal Year 2005-2006 Operating Budget of the Austin Convention Center and \$198,500 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy.  
**Resolution No. 20060622-020 was approved.**
21. Approve an ordinance amending Section 12-4-63 of the City Code to correct an error related to Crockett High School zone location on Stassney Lane (West).  
**Ordinance No. 20060622-021 was approved.**

**Item 22 was pulled for discussion.**

23. Approve a resolution appointing Sheryl Cole and Mike Martinez and reappointing Will Wynn and Brewster McCracken as Directors of the Austin Housing Finance Corporation.  
**Resolution No. 20060622-023 was approved.**
24. Approve the negotiation and execution of an Interlocal Agreement with the Austin Independent School District (AISD) for the Golf Learning Center located at 5400 Jimmy Clay Drive, Austin, TX.  
**The motion authorizing the negotiation and execution of an interlocal agreement was approved.**
25. Authorize negotiation and execution of a Professional Services Agreement amendment with HERITAGE LANDSCAPES, Charlotte, Vermont, for historic landscape architectural services to produce the design phase of the Historic Landscape Plan for the future restoration of the Elisabet Ney Museum historic landscape in an amount not to exceed \$80,000. Funding in the amount of \$80,000 is available in the Operating Budget of the Parks and Recreation Department. Amendment to an existing contract. No subcontracting opportunities  
**The motion authorizing the negotiation and execution of a professional services agreement amendment was approved.**
26. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for Rainey Street Waterline Service to the Mexican American Cultural Center in an amount not to exceed \$1,391,071.70. Funding in the amount of \$1,391,071.70 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Water Utility. Lowest of five bids received. 22.30% MBE and 5.59% WBE subcontractor participation. Reviewed as a non-action item by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract was approved.**
27. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC, Austin, TX, for the Davis Water Treatment Plant – Filter Process Improvements and Valve Replacements project in an amount not to exceed \$4,875,000 plus an amount not to exceed \$243,750 contingency, for a total contract amount not to exceed \$5,118,750. Funding in the amount of \$5,118,750 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Water Utility. Lowest of four bids received. 37.43% MBE and 0.09% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract was approved.**
28. Authorize execution of a construction contract with LEWIS CONTRACTORS INC., Georgetown, TX, for the Austin Clean Water Program: Downtown/White Horse Trail Phase II Wastewater Improvements Project in an amount not to exceed \$1,519,133 plus an amount not to exceed \$75,957 contingency, for a total contract amount not to exceed \$1,595,090. Funding in the amount of \$1,595,090 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. One bid received. 6.87% MBE and 5.86% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract was approved.**
29. Authorize execution of a construction contract with A AND R DEMOLITION, Del Valle, TX, for Former Robert Mueller Municipal Airport (RMMA) – Active Gas Extraction System in an amount not to exceed \$178,099 plus alternates 1-4 in an amount not to exceed \$106,500 for a total contract amount not to exceed \$284,599. Funding in the amount of \$284,599 is available in the Fiscal Year 2005-2006 Amended Operating Budget of the Robert Mueller Municipal Airport Disposition Fund. One bid received. 0.00% MBE and 0.00% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**

30. Authorize execution of change order # 4 to the construction contract with RGM CONSTRUCTORS, LP, Pflugerville, TX, for Circle S Road Culvert Replacement (Rebid) in an amount not to exceed \$27,080, for a total contract amount not to exceed \$880,672.33. Funding in the amount of \$27,080 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department. 5.02% MBE and 10.61% WBE subcontractor participation to date  
**The motion authorizing the execution of change order #4 to the construction contract was approved.**
31. Authorize negotiation and execution of a professional services agreement with VOLZ AND ASSOCIATES, INC., Austin, TX, for architectural services for Elisabet Ney Museum Comprehensive Preservation Master Plan Historic Structure Component in an amount not to exceed \$80,000. Funding is available in the Fiscal Year 2005-2006 Operating Budget of the Parks and Recreation Department. Best qualification statement of six statements received. 25% MBE and 15% WBE subconsultant participation.  
**The motion authorizing the negotiation and execution of a professional services agreement was approved.**
32. Authorize negotiation and execution of an amendment to the professional services agreement with GEOMATRIX CONSULTANTS, INC, Austin, TX, for additional environmental and engineering services for the Phase II Environmental Assessment and environmental closure of the Former Robert Mueller Municipal Airport (RMMA) in an amount not to exceed \$433,464, for a total contract amount not to exceed \$3,896,447.73. Funding in the amount of \$433,464 is available in the Fiscal Year 2005-2006 Amended Operating Budget of the Robert Mueller Municipal Airport Disposition Fund. 22.12% DBE subcontractor participation to date.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**
- Item 33 was reconsidered.**
34. 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 three areas bounded by (1) Koenig Lane to the south, Airport Boulevard to the east and North Lamar Boulevard to the west, (2) Anderson Lane to the north, North Lamar Boulevard to the west, IH 35 West Service Road to the east and Airport Boulevard/Huntland Drive to the south, and (3) MoPac to the west, North Lamar Boulevard to the east, Enfield Road to the north, and West 6th Street to the south. Funding in the amount of \$22,220 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20060622-034 was approved.**
35. Authorize award and execution of a 12-month requirements supply contract with ATLANTIC ENVELOPE CO., Houston, TX, for window envelopes printed on recycled paper in an estimated amount not to exceed \$148,275, with two 12-month extension options in an estimated amount not to exceed \$148,275 per extension option, for a total estimated contract amount not to exceed \$444,825. Funding in the amount of \$37,069 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and the extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D 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 requirements supply contract was approved.**
36. Authorize award, negotiation and execution of a 12-month service agreement with CENTRAL TX COMMERCIAL A/C & HEATING, INC., Austin, TX, for the rental of two 150 HP fire tube boilers in

estimated amount not to exceed \$110,670, with four 12-month extension options in an estimated amount not to exceed \$110,670 for the first extension, and \$100,683 for each of the three remaining extension options, for a total estimated contract amount not to exceed \$523,389. Funding for \$27,667.50 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of three received. This contract will be awarded in compliance with Chapter 2-9C 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, negotiation and execution of a service agreement was approved.**

37. Authorize award, negotiation and execution of a 12-month requirements service agreement with CENTRAL TX COMMERCIAL A/C & HEATING, INC., Austin, TX, HOLMAN BOILER WORKS, San Antonio, TX and T. F. TIGERT, INC., Lancaster, TX, for the rental of emergency temporary, portable, utility plant systems including boilers, cooling towers, generators, air compressors and other utility plant equipment, for a combined estimated amount not to exceed \$300,000, with four 12-month extension options in a combined estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed \$1,500,000. Funding for \$75,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposals of three received.

**The motion authorizing the award, negotiation and execution of a requirements service agreement was approved.**

38. Authorize award and execution of a contract through the U. S. Communities Purchasing Alliance with HAWORTH, INC., C/O FURNITURE MARKETING GROUP, INC., Austin, TX, for the layout, design, purchase and installation of new modular furniture for the new 3-1-1 Citywide Information Contact Center at the Cameron Road Campus in an amount not to exceed \$404,862.12. Funding is available in the Fiscal Year 2005-2006 Approved Austin Energy Metering Capital Projects Fund. Cooperative Purchase.

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

39. Authorize award and execution of five 12-month requirements supply contracts with PRIESTER-MELL and NICHOLSON, INC. Austin, TX, POWER SUPPLY, Austin, TX, TEXAS METER DEVICE, Waco, TX, SUNSUS METER SYSTEMS, Pittsburgh, PA, and GENERAL ELECTRIC SUPPLY COMPANY, Austin, TX, in estimated amounts not to exceed \$3,380,339.90; \$448,024.65; \$354,077.16; \$53,064, and \$46,236, respectively, for electric meters, metering sockets, and metering transformers, with two 12-month extension options in estimated amounts not to exceed \$3,380,339.90; \$448,024.65; \$354,077.16; \$53,064; and \$46,236, per extension option, respectively, for total estimated contract amounts not to exceed \$10,141,019.70; \$1,344,073.95; \$1,062,231.48; \$159,192 and \$138,708, respectively. Funding in the amount of \$1,070,435.43 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Low bidders. This contract will be awarded in accordance with Chapter 2-9D 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 five requirements supply contracts was approved.**

40. Authorize award and execution of 12-month requirements supply agreement with JAE CONSTRUCTION, INCORPORATED (MBE/MH), Austin, TX, for substation surface rock in an

estimated amount not to exceed \$209,150, with four 12-month extension options in an estimated amount not to exceed \$209,150 per extension option, for a total estimated contract amount not to exceed \$1,045,750. Funding in the amount of \$52,287.50 is available in Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining nine 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 2-9D 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 requirements supply agreement was approved.**

41. Authorize award and execution of a contract with PARAGON AIRHEATER TECHNOLOGIES, Corona, CA, for the purchase of air pre-heater baskets on Decker Unit #1 boiler in an amount not to exceed \$363,602.64. Funding in the amount of \$363,602.64 is available in Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Low bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9D 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.**

42. Authorize award, negotiation and execution of a 12-month service agreement with DUNCAN, WEINBERG, GENZER & PENBROKE, PC, Washington, DC, for public power consultant services in an amount not to exceed \$120,000, with two 12-month extension options in an amount not to exceed \$120,000 per option, for a total contract amount not to exceed \$360,000. Funding in the amount of \$30,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Only proposal received. This contract will be awarded in compliance with Chapter 2-9C 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, negotiation and execution of a service agreement was approved.**

43. Authorize award and execution of a 12-month supply requirements contract with POLYDYNE, INC. Riceboro, GA, for the purchase of liquid emulsion polymer for sludge dewatering for the Austin Water Utility in an estimated amount not to exceed \$262,844.40, with two 12-month extension options in an estimated amount not to exceed \$275,360.80 for the first extension option and \$287,877.20 for the second extension option, for a total estimated contract amount not to exceed \$826,082.40. Funding in the amount of \$65,711 is available in the Fiscal Year 2005–2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D 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 supply requirements contract was approved.**

44. Authorize award and execution of a 12-month requirements supply contract with MS TECHLINE L.L.P., Austin, TX., for various types and sizes of PVC wastewater line fittings for the Austin Water Utility in an estimated amount not to exceed \$115,015.80, with two 12-month options in an estimated amount not to exceed \$115,015.80 per extension option, for a total estimated contract amount not to exceed \$345,047.40. Funding in the amount of \$28,754 is available in the Approved Fiscal Year 2005-2006 Operating Budget for the Austin Water Utility. Funding for the remaining nine months of the original



contract period and extension options is contingent upon available funding in future budgets. Low bid of five bids received. This contract will be awarded in compliance with Chapter 2-9C 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 requirements supply contract was approved.**

45. Authorize award and execution of a 12-month requirements contract with CENTRAL MINERALS CORP., Indialantic, FL, for the purchase of powdered activated carbon for the Austin Water Utility in an estimated amount not to exceed \$171,600, with two 12-month extension options in an estimated amount not to exceed \$171,600 per extension option, for a total estimated contract amount not to exceed \$514,800. Funding in the amount of \$42,900 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon the available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D 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 requirements contract was approved.**

46. Authorize award and execution of a 12-month requirements supply contract with CALCIQUEST, INC., Belmont, NC, for the purchase of sodium hexametaphosphate for the Austin Water Utility in an estimated amount not to exceed \$220,550, with two 12-month extension options in an estimated amount not to exceed \$220,500 per extension option, for a total estimated contract amount not to exceed \$661,650. Funding in the amount of \$55,125 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D 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 requirements supply contract was approved.**

47. Authorize award and execution of a 12-month requirements supply contract with FOX SCIENTIFIC, INC, Alvarado, TX, (MBE/MH), for the purchase of expendable laboratory supplies for the Austin Water Utility in an estimated amount not to exceed \$150,000, with two 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a total estimated contract amount not to exceed \$450,000. Funding in the amount of \$37,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D 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 requirements supply contract was approved.**

48. Authorize award and execution of a 12-month requirements contract with HUGHES SUPPLY, INC., Round Rock, TX, for the purchase of ductile iron fittings and pipe joint restraints of various sizes for the Austin Water Utility in an estimated amount not to exceed \$207,358, with two 12-month extension options in an estimated amounts not to exceed \$259,197.50 for the first extension option and \$323,996.88 for the second extension option, for a total estimated contract amount not to exceed \$790,552.38. Funding the amount of \$51,839.50 is available in Fiscal Year 2005–2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of six bids received.
- This contract will be awarded in compliance with Chapter 2-9D 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 requirements contract was approved.**

49. Authorize award, negotiation and execution of Amendment No. 2 to the contract with AFFILIATED COMPUTER SERVICES INC., Lexington, KY, to extend the contract for a 12-month period for the continuation of software support, upgrades, and maintenance services for the Banner Human Resources Management System Software in an amount not to exceed \$97,608, with four 12-month extension options in an amount not to exceed \$102,488 for the first extension option, \$107,613 for the second extension option, \$112,994 for the third extension option, \$118,643 for the fourth extension option, for a revised total contract amount not to exceed \$2,532,083. Funding in the amount of \$97,608 is available in Fiscal Year 2005-2006 Approved Operating Budget of the Financial and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.

**The motion authorizing the award, negotiation and execution of amendment number 2 to the contract was approved.**

50. Authorize execution of Amendment No. 2 to the contract with MOTOROLA INC., Austin, TX, to provide additional services to support the implementation of the Amanda PIER (Permitting, Inspection, Enforcement and Review) software in an amount not to exceed \$572,000, for a total contract amount not to exceed \$4,186,775. Funding in the amount of \$572,000 is available in the Communications and Technology Management Department's Capital Improvement Project Budget. This contract was awarded in compliance with Chapter 2-9C 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 amendment number 2 to the contract was approved.**

51. Authorize execution of Amendment No. 4 to Contract No. S060194 with ALLIED BARTON SECURITY SERVICES LLC, Austin, TX, to continue security guard services at the Cameron Road Campus for the Building Services Division of the Finance and Administrative Services Department in an estimated amount not to exceed \$10,538.40, for an estimated total not to exceed contract amount of \$143,351.09. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Cameron Road Campus Fund.

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

52. Authorize execution of a 12-month requirements service contract with SENTRY SECURITY AND INVESTIGATIONS LP (MBE/MH-100%), Austin, TX, for security guard services at the Cameron Road Campus and Technicenter in an estimated amount not to exceed \$292,510.80, with two 12-month extension options in an estimated amount not to exceed \$292,510.80 per extension option, for an estimated total contract amount not to exceed \$877,532.40. Funding in the amount of \$73,127.70 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Cameron Road Campus and the 2005-2006 Approved Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive bid of fourteen bids received. This contract will be awarded in compliance with Chapter 2-9C 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 requirements service contract was approved.**

53. Authorize award and execution of a 12-month fixed-price contract with INITIAL SECURITY, Austin, TX, for security guard services for the Community Care Services Department, Health and Human Services Department, and Municipal Court in an amount not to exceed \$739,005, with four 12-month

extension options in an amount not to exceed \$739,005 per extension option, for a total contract amount not to exceed \$3,695,025. Funding in the amount of \$92,376 is available in the Fiscal Year 2005-2006 Operating Budget of the Community Care Services Department. Funding in the amount of \$40,645 is available in the Fiscal Year 2005-2006 Operating Budget of the Health and Human Services Department. Funding in the amount of \$51,731 is available in the Fiscal Year 2005-2006 Operating Budget of the Municipal Court. Funding for the remaining nine months of the original period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of twelve bids received. This contract will be awarded in compliance with Chapter 2-9C 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 fixed-price contract was approved.**

54. Authorize award, negotiation and execution of a 18-month service agreement with METROPOLITAN GROUP, Portland, OR, for consulting services to develop a community cultural plan in an amount not to exceed \$90,000. Funding is available in the Fiscal Year 2005-2006 Approved Cultural Arts Fund for the Economic Growth and Redevelopment Services Department. (A grant in the amount of \$40,000 was received from the National Endowment for the Arts.) Best evaluated proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9C 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, negotiation and execution of a service agreement was approved.**

55. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of nine light duty vehicles in an amount not to exceed \$198,407.50. Funding in the amount of \$62,841 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Funding in the amount of \$90,732.50 is available in the Fiscal Year 2005-2006 Approved Vehicle Acquisition Fund. Funding in the amount of \$44,834 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Fire Department. Cooperative Purchase.

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

56. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SIDDONS FIRE APPARATUS, Inc., Houston, TX, for the purchase of one Pierce Contender mass casualty rescue truck, and one Pierce Quantum mass casualty rescue truck in an amount not to exceed \$722,186. Funding in the amount of \$722,186 is available in the Fiscal Year 2005-2006 Homeland Security Program 05 grant. Cooperative Purchase.

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

57. Authorize award and execution of a contract with LIFEGUARD 4 HIRE, Cedar Park, TX, for the purchase and installation of a swimming pool heater system for the Parks and Recreation Department, Dick Nichols swimming pool, in an amount not to exceed \$47,570. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. (AISD will reimburse the City for this project, \$47,570.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D 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.**

58. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with KEY ENTERPRISES, Round Rock, TX, for the purchase and installation of automated plastic bleachers for Givens Recreation Center in an amount not to

exceed \$72,757. Funding in the amount of \$72,757 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Parks and Recreation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9C 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.**

59. Authorize award, negotiation and execution of a professional service agreement with BUSINESS INVESTMENT IN GROWTH (BiG), Austin, TX, for the period of July 1, 2006 through September 30, 2006 for technical assistance and training for certified micro-enterprises in an amount not to exceed \$35,487.75. Funding in the amount of \$35,487.75 is available in the Fiscal Year 2005-2006 Neighborhood Housing and Community Development Special Revenue Fund for the Community Development Block Grant. Professional Service. This contract will be awarded in compliance with Chapter 2-9B 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, negotiation and execution of a professional service agreement was approved.**

60. Authorize award and execution of a 12-month service agreement with VALDEZ REMODELING & WEATHERIZATION, INC., Austin, TX, for residential roofing services in an amount not to exceed \$150,000, with two 12-month extension options in an amount not to exceed \$150,000 per extension, for a total agreement amount not to exceed \$450,000. Funding in the amount of \$150,000 is included in the Fiscal Year 2005-2006 Approved Operating Budget of Neighborhood Housing and Community Development. 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 2-9C 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 service agreement was approved.**

61. Approve an ordinance suspending the effective date for 90 days in connection with the rate increase filing of Atmos Energy Corporation, Mid-Tex Division on May 31, 2006; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice of this ordinance to Atmos Energy Corporation, Mid-Tex Division.

**Ordinance No. 2006022-061 was approved.**

62. Approve an ordinance authorizing the redemption of outstanding Airport System Prior Lien Revenue bonds, Series 1989, in the approximate amount of \$1,021,000, and the execution of all related documents. Approximately \$1,021,000 from the Aviation Department Debt Service Fund.

**Ordinance No. 2006022-062 was approved.**

63. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a three story single family residence at 1007 ½ East 16th Street, Austin, TX.

**Ordinance No. 2006022-063 was approved.**

64. Approve an ordinance waiving the interim development regulations of Ordinance No. 20060309-058 to allow the remodeling of an existing single family residence at 1100 Jolena Circle, Austin, TX.

**Ordinance No. 2006022-064 was approved.**

65. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a duplex at 1306 Chicon Street, Austin, TX

**Ordinance No. 2006022-065 was approved.**

66. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 1422 Preston Avenue, Austin, TX.  
**Ordinance No. 2006022-066 was approved.**
67. Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of an addition to an existing single family residence at 1504 Alta Vista Avenue, Austin, TX.  
**Ordinance No. 2006022-067 was approved.**

**Item 68 was pulled for discussion.**

69. Approve an ordinance authorizing the payment of certain costs for the Marathon Kids Kick-Off Celebration to be held on Saturday, September 16, 2006. (Mayor Will Wynn, Council Member Jennifer Kim and Council Member Mike Martinez)  
**Ordinance No. 20060622-069 was approved.**
70. Approve the waiver of certain rental and facility use fees for the 24th Annual Texas Firefighters Olympics to be held July 9-14, 2006. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Jennifer Kim)  
**The motion authorizing the waiver of certain rental and facility use fees was approved.**
71. Approve an ordinance authorizing the payment of certain costs for Austin Found Event to be held on October 8, 2006. (Council Member Brewster McCracken, Mayor Will Wynn and Council Member Jennifer Kim)  
**Ordinance No. 20060622-071 was approved.**
72. Approve a resolution directing staff to work with members of the Council appointed Residential Development Regulation Task Force for one year to consider recommendations regarding residential occupancy limitations, use and site development regulations for flag lots, and modification of the site development regulations in neighborhood areas other than neighborhood plan zoning districts; and to evaluate implementation of Section 25-2-566 and other code modifications recommended by the Task Force as finally adopted by the Council. (Council Member Brewster McCracken , Council Member Betty Dunkerley and Council Member Lee Leffingwell)  
**Resolution No. 20060622-072 was approved.**
73. Approve an ordinance amending Part 7 of Ordinance No.20060309-058 and Ordinance 20060504-042 to extend the interim development regulations applicable to single-family, single-family attached, two-family, secondary apartment and duplex structures to October 16, 2006 and amending Part 5 of Ordinance No. 20060309-058 to modify the setback regulations applicable to single-family, single-family attached, two-family, secondary apartment and duplex structures. (Council Member Brewster McCracken , Council Member Betty Dunkerley and Council Member Lee Leffingwell)  
**Ordinance No. 20060622-073 was approved.**
74. Approve a resolution initiating consideration of amendments to Title 25 of the City Code recommended by the Residential Development Regulation Task Force to clarify compatibility and building permit provisions in the City Code; modify non-complying structure and height provisions; and to add any additional amendments necessary to reformat City Code Section 25-2-566 as finally adopted by Council. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)  
**Resolution No. 20060622-074 was approved.**

75. Approve a resolution creating a taskforce on affordable housing development incentives. (Council Member Jennifer Kim, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
**Resolution No. 20060622-075 was approved.**
76. Approve a resolution directing the City Manager to review the Greater Austin Hispanic Chamber of Commerce's report and submit appropriate recommendations to the Minority-Owned Business Enterprise and Women-Owned Business Council Subcommittee, including clarification and action on policy, dual participation, standardized reporting procedures, designation of a city liaison. (Council Member Jennifer Kim, Council Member Betty Dunkerley, and Council Member Mike Martinez)  
**Resolution No. 20060622-076 was approved.**
77. Approve a resolution directing the City Manager to begin immediate implementation of aggressive water conservation measures, setting a goal to reduce peak day usage by one percent per year for 10 years and reporting to Council with first year results at the end of Fiscal Year 2008. (Council Member Lee Leffingwell, Mayor Will Wynn, and Council Member Sheryl Cole)  
**Resolution No. 20060622-077 was approved.**

**Item 78 was pulled for discussion.**

79. Approve a resolution to direct the City Manager to complete a feasibility study including costs, savings, efficiencies, employment issues, and practicality regarding the combination of the Austin Police Department, the City Marshals, the Austin Park Police and the Airport Police under a central command and control and report back to Council in 45 days. (Council Member Lee Leffingwell, Mayor Will Wynn, and Council Member Mike Martinez)  
**Resolution No. 20060622-079 was approved.**
80. Approve a resolution directing the City Manager to affirm the city's commitment to protecting public employees' rights to speech. (Council Member Jennifer Kim, Council Member Brewster McCracken and Council Member Lee Leffingwell)  
**Resolution No. 20060622-080 was approved.**
81. Approve a resolution directing the City Manager to prepare a proposal for the City to present to Travis County regarding funding the construction of the Waller Creek Tunnel through a City-County Tax Increment Financing Zone. (Council Member Betty Dunkerley, Council Member Brewster McCracken and Council Member Lee Leffingwell)  
**Resolution No. 20060622-081 was approved.**
82. Set a public hearing to consider amending City Code Section 12-2-31 to require helmets for all bicycle riders. (Suggested date and time: August 24, 2006 at 6:00 pm., City Hall Council Chambers, 301 West Second Street) (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
**The public hearing was set for August 24, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.**
83. Set public hearings to receive comments on issues related to the full purpose annexation of the Lost Creek MUD annexation area (approximately 789 acres in Travis County, located west of Capital of Texas Highway, west of the intersection of Lost Creek Boulevard and Capital of Texas Highway). Full purpose annexation is anticipated in December 2008 in accordance with the City's Municipal Annexation Plan. Suggested dates and times: July 27, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second

Street; August 10, 2006 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street; and August 14, 2006 at 6:30 p.m., Riverbend Church, 4214 N Capital of Texas Highway.

The public hearings were set for July 27, and August 10, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street, and August 14, 2006 at 6:30 p.m., Riverbend Church, 4214 N Capital of Texas Highway.

Items 84 through 87 were Executive Session items.

Item 88 was an Action on an Executive Session item.

Items 89 through 122 were zoning items set for 4:00 p.m.

Items 123 through 128 were public hearings set for 6:00 p.m.

### DISCUSSION ITEMS

68. Approve a resolution making appointments to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**Resolution No. 20060622-068, as read into record, was approved on Council Member McCracken's motion, Council Member Leffingwell's second, on a 7-0 vote.**
18. Authorize negotiation and execution of a professional services agreement with SAMANTHA RANDALL, Manor, TX for artwork in an amount not to exceed \$60,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Neighborhood Planning and Zoning Department. The Organization of Central East Austin Neighborhoods approved a resolution of support for the newly selected artist, Samantha Randall on 5/9/06; Art in Public Places Panel passed a resolution of support on 6/5/06; Recommended by the Arts Commission Panel on 6/19/06.  
**This item was postponed to July 27, 2006 on Council Member Cole's motion, Mayor Wynn's second on a 7-0 vote.**
22. Approve third reading of 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 and amending Chapter 2 of the City Code to add a Residential Design Commission. (C2O-06-008.) Recommended by Planning Commission.  
**Ordinance No. 20060622-022, with the provisions adopted during the first and second readings, adding provisions concerning applicability of the regulations to SF-4A zoning districts and second story remodels, and reinstating the Design Commission but changing the name to "Residential Design and Compatibility Commission" was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting at 11:48 a.m.

Mayor Wynn called the Council Meeting back to order at 12:05 p.m.

### CITIZEN COMMUNICATION - GENERAL

Jimmy Castro - City Budget Presentation.

Paul Robbins - City Issues.

Kunda Lee Wiece - East Austin Open Space. He was not present when his name was called.

CarolAnneRose Kennedy - BRAins and/or BRAwn? THAT is the question...AMEN

Pam Thompson - AMD Bulldozing LANTANA.

Robert Singleton - AMD is bulldozing Lantana.

Susanne Mason - AMD is bulldozing Lantana. Barton Springs hangs in the balance.

Kevin Wier - Austin Energy cutting down trees in my neighborhood.

Nailah Sankofa - Funding of Black Arts and Cultural and problems associated with programming.

Pat Johnson - City Issues.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:48 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.

Item 84 was discussed later in Executive Session.

- 85. Discuss legal issues related to the property for Austin Water Utility water treatment facilities. (Private Consultation with Attorney - 551.071)  
**This item was withdrawn.**
- 86. Discuss legal issues associated with proposed settlement with Guerrero-McDonald & Associates, Inc., in connection with construction of Spicewood Springs Fire and EMS Station Project on Spicewood Springs Road. (Private Consultation with Attorney - 551.071) (Related to item #88)  
**This item was withdrawn.**
- 87. Discuss acquisition and use of property for Austin Water Utility water treatment facilities. (Real Property - Section 551.072)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:45 p.m.

### **Action on Executive Session**

- 88. Authorize City Manager to negotiate and execute a Settlement Agreement with Guerrero-McDonald & Associates, Inc., in connection with construction of Spicewood Springs Fire and EMS Station Project on Spicewood Springs Road. (Related to item #86)  
**This item was withdrawn.**

### **DISCUSSION ITEMS CONTINUED**



78. Direct the City Manager to move forward on the design, engineering, and construction of a new water treatment plant. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)

There was a motion made by Council Member Kim, seconded by Council Member Martinez, to direct the City Manager to move forward on the design, engineering and construction of a new Green Water Treatment Plant per staff's recommendation on June 8 to include purchasing the land and hiring an engineering firm and directing staff to move forward with Water Treatment Plant Number Four. Council Member Martinez withdrew his second and the motion died for lack of a second.

The motion directing the City Manager to move forward on the design, engineering and construction of a new water treatment plant at the alternative site for Number Four was approved on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim voted nay. In addition, staff was directed to bring back to Council a plan for the new Green Water Treatment Plant.

### 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 Dunkerley's motion, Council Member Leffingwell's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.

89. C14-05-0115 - Valley Vista - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1804 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial (LR) district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning. Second Reading approved on May 18, 2006. Vote: 5-0 (Mayor Pro Tem Thomas and Kim off the dais.). Applicant: Jim Cullick. Agent: Kareem Hajjar. City Staff: Robert Heil, 974-2330.

**Ordinance No. 20060622-089 for family residence-conditional overlay (SF-3-CO) combining district zoning was approved.**

90. C14-05-0150 - Fairfield at Woodland Park - Approve third 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 voted Nay; Mayor Pro Tem Thomas off the dais). Second Reading approved on May 25, 2006. Vote: 4-3 (Mayor Pro Tem Thomas, Alvarez and Kim - Nay). Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon and Moody, P.C. (Michael J. Whellan). City Staff: Wendy Walsh, 974-7719.

**This item was postponed to July 27, 2006 at the neighborhood's request.**

91. C14-05-0198 - Highland Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the northwest corner of Cactus Lane and Redd Street (also known as 2101-2117 West Ben White Blvd.) (Williamson Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on March 2, 2006. Vote: 7-0. Applicant: 2101 W. Ben White Boulevard, Inc. (Avalon Burrows); Winona Fielder. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 20060622-091 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.**

92. C814-04-0187-SH - Goodnight Ranch PUD - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the East side of Old Lockhart Highway between Nuckols Crossing Road and Capitol View Drive (Onion Creek Watershed) from interim rural-residence (I-RR) district zoning to planned unit development (PUD) district zoning with conditions. First reading approved on April 20, 2006. Vote: 6-0; Mayor Pro Tem Thomas off the dais. Applicants: MVE Venture, Ltd. (Claude Dean Goodnight); Austin Goodnight Ranch, L.P. (Terry Mitchell); Benchmark Land & Exploration, Inc. (David C. Mahn); Austin Independent School District (Mark Williams, President, Board of Trustees). Agent: TBG Partners (Sean Compton). City Staff: Wendy Walsh, 974-7719.  
**The second reading of the ordinance for planned unit development (PUD) district zoning with conditions was approved.**
93. C14-05-0176 - Shropshire Dessau Retail Tract 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11801 block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on May 18, 2006. Vote: 4-1 (Alvarez-Nay; Thomas, Kim off the dais). Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to July 27, 2006 at Council's request.**
94. C14-05-0177 - Shropshire Dessau Retail Tract 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11000 Block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. First reading approved on May 18, 2006. Vote: 4-1 (Alvarez-Nay; Thomas, Kim off the dais). Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to July 27, 2006 at Council's request.**
95. C814-98-0001.02 - Life Time Fitness - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7101 South MoPac Expressway Northbound (Williamson Creek Watershed-Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. This property, located in the Barton Springs Zone has been proposed for a zoning change that will (1) Modify the original conditions of zoning; and (2) Modify the application of Chapter 25-8, Article 12 (Save Our Springs Initiative). First reading approved on June 8, 2006. Vote: 7-0. Applicant: Lower Pasture, Ltd. (Carey P. Brownlee). Agent: Armburst and Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20060622-095 for planned unit development (PUD) district zoning to change a condition of zoning was approved.**

### **ZONING CONSENT ITEMS**

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

98. C14-05-0164 - U.S. Hwy 290 East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as U.S. Hwy. 290 East,

Approximately 360 feet from its intersection with Springdale Road (Walnut Creek Watershed) from development reserve (DR) district zoning and interim rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract 2. Applicant and Agent: David Holt. City Staff: Robert Heil, 974-2330.

**This item was postponed to July 27, 2006 at staff's request.**

99. C14-06-0010 - 8515 FM 1826 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8515 FM 1826 Road (Williamson Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 2. Applicant: G. Scott Beard. City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20060622-099 for limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 2 was approved.**
100. C14-06-0018 - 6203 Berkman Drive - Conduct a public hearing and approve an ordinance amending Chapter 25 -2 of the Austin City Code by rezoning property locally known as 6203 Berkman Drive (Fort Branch Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-medium density (MF-3) district zoning. Planning Commission Recommendation: Postponed Indefinitely. Applicant and Agent: Troy Hanna, City Staff: Robert Heil, 974-2330.  
**This item was withdrawn.**
101. C14-06-0031 - Austin Commons - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2618 Kramer Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning with conditions. Applicant: Kelly Capital Group, Inc. (Kenneth Statterlee). Agent: Land Strategies, Inc. (Paul Linehan). City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20060622-101 for community commercial-mixed use (GR-MU) combining district zoning with conditions was approved.**
102. C14-06-0057 - 4605 Manor Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4605 Manor Road (Fort Branch Watershed) from family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant and Agent: Harlan Lowe. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20060622-102 for commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved.**
103. 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-conditional overlay (GR-CO) combining 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 July 27, 2006 at the applicant's request.**

104. C14-06-0060 - Cathy Nguyen - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6701 Jester Boulevard North of F.M. 2222 (West Bull Creek Watershed) from development reserve (DR) district zoning and single-family residence-large lot (SF-1) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Applicant and Agent: Cathy Nguyen. City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20060622-104 for single-family residence-large lot conditional overlay (SF-1) combining district zoning was approved.**

105. C14-06-0061 - 8509 Southwest Parkway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8509 Southwest Parkway (Barton Creek Watershed-Barton Springs Zone) from general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning to change a condition of zoning. Applicant and Agent: Tim Jamail. City Staff: Robert Heil, 974-2330.

**The first reading of the ordinance for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning to change a condition of zoning was approved.**

106. C14-06-0074 - 200 Congress Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 200, 202 and 208 Congress Avenue and 100, 102, 104 West Second Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment combining district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment combining district-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Applicant and Agent: Second Congress, Ltd. (David Mahn). City Staff: Jorge Rousselin, 974-2975.

**Ordinance No. 20060622-106 for central business district-central urban redevelopment combining district-conditional overlay (CBD-CURE-CO) combining district zoning with conditions was approved.**

107. C14-06-0075 - Red River Rezoning - 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 3404-3406 Red River Street (Waller Creek Watershed) from multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to single-family residence-standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning. Planning Commission Recommendation: To grant single-family residence-standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.

**Ordinance No. 20060622-107 for single-family residence-standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning was approved.**

108. C14-06-0081 - La Vista on Lavaca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 Lavaca Street (Town

Lake Watershed) from downtown mixed use (DMU) district zoning and general commercial services (CS) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Guerrero-McDonald & Associates, Inc. (Mary Guerrero-McDonald). Agent: LOC Consultants (Sergio Lozano/Joan Ternus). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20060622-108 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved.**

109. C14-06-0090 - 5401 Riverside Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5401 E. Riverside Drive (Country Club Creek Watershed) from limited office (LO) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant: BTRS Joint Ventures (Harvey Bell). Agent: Armbrust & Brown (David Armbrust). City Staff Robert Heil, 974-2330.

**The first reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved.**

110. C14-06-0091 - 5701 Riverside Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5701 E. Riverside Drive (Country Club Creek Watershed) from limited office (LO) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant: BTRS Ventures (Harvey Bell). Agent: Armbrust & Brown (David Armbrust). City Staff: Robert Heil, 974-2330.

**The first reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved.**

111. C14-06-0103 - Murphey Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5029 Southwest Parkway (Barton Creek Watershed-Barton Springs Zone) from general office-conditional overlay (GO-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Thomas Oran Murphey. Agent: Bury & Partners (Jim Gallegos). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20060622-111 for general office-conditional overlay (GO-CO) combining district zoning was approved.**

112. C14-86-137(RCT) - Peaceful Hill (aka Park Ridge Gardens) - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (Onion Creek Watershed). Zoning and Platting Commission Recommendation: To approve termination of the restrictive covenant. Applicant: Main Street Homes, Ltd. (Steve Bartholemew). Agent: C. Faulkner Engineering (Casey Giles). City Staff: Wendy Walsh, 974-7719.

**The motion terminating a restrictive covenant was approved.**

113. C14H-06-0016 - Norwood Tower - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 114 W. 7th Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-historic (CBD-H) combining district zoning. Planning Commission recommendation: To grant central business

district-historic (CBD-H) combining district zoning. Applicant: Nancy Burns, Director of Property Management, LBJ Holding Company. City Staff: Steve Sadowsky, 974-6454.

**The first reading of the ordinance for central business district-historic (CBD-H) combining district zoning was approved.**

114. C14H-06-0017 – E.F. and Clara Dennis House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 E. 12th Street (Boggy Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-historic-neighborhood plan (CS-H-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-historic-neighborhood plan (CS-H-NP) combining district zoning. Applicant: I.A. Craig Educational Center. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20060622-114 for general commercial services-historic-neighborhood plan (CS-H-NP) combining district zoning was approved.**
115. C14R-82-006(RCT) - Austin Auto Park, Lot 1 - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 13553 Research Boulevard (Lake Creek Watershed). Zoning and Platting Commission Recommendation: To approve the request to terminate the restrictive covenant. Applicant: Asbury Automotive Texas Real Estate Holding (J. Gordon Smith). Agent: Hill, Ward & Henderson, LLP (M. Kristen Hyatt). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to July 27, 2006 at staff's request.**
116. C14-06-0032 - San Jose Church and Arandas - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2510 South 1st Street (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning; community commercial-conditional overlay (GR-CO) combining district zoning; limited office-conditional overlay (LO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning; community commercial-conditional overlay (GR-CO) combining district zoning; limited office-conditional overlay (LO-CO) combining district zoning and general office-mixed use-conditional overlay (GO-CO) combining district zoning. Applicant: Taqueria Arandas & San Jose Catholic Church. Agent: LOC Consultants (Alma Mulieri). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning; community commercial-conditional overlay (GR-CO) combining district zoning; limited office-conditional overlay (LO-CO) combining district zoning and general office-mixed use-conditional overlay (GO-CO) combining district zoning was approved.**
117. C14-05-0179 - Spring Lake Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (RR) district zoning to single-family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Rahul Deshmukh and Mrudula Yadav. Agent: Land Answers (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to July 27, 2006 at staff's request.**
119. C14-06-0013 - Pavilion Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11819 Pavilion Boulevard (Walnut Creek Watershed) from community commercial (GR) district zoning and single-family residence-standard lot (SF-2) district zoning to multi-family residence-highest density (MF-6) district

zoning. Zoning and Platting Commission Recommendation: To deny multi-family residence-highest density (MF-6) district zoning. Applicant: Mitchel and Rose Wong. Agent: Lopez-Phelps and Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

**This item was withdrawn.**

122. C14-06-0065 - 2923 and 2933 Pecan Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2923 and 2933 Pecan Springs Road (Fort Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan(SF-3-NP) combining district zoning. Planning Commission Recommendation: Forward to Council without a recommendation. Applicant and Agent: Sam E. Presley. City Staff: Robert Heil, 974-2330.  
**This item was postponed to July 27, 2006 at the applicant's request.**

**Mayor Wynn recessed the Council Meeting for Live Music and Proclamation and to go into Executive Session at 5:27 p.m.**

#### **EXECUTIVE SESSION CONTINUED**

84. Discuss legal issues related to state law applicable to development incentives. (Private Consultation with Attorney - Section 551.071)

#### **LIVE MUSIC**

Danny Young

#### **PROCLAMATIONS**

Proclamation -- Danny Garrett Day -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Certificate of Congratulations -- National Aquatics Award -- to be presented by Mayor Will Wynn and to be accepted by Warren Struss.

Proclamation -- Employee Safety Month -- to be presented by Mayor Will Wynn and to be accepted by Mark Medley

Certificate of Congratulations -- Noodle-ism -- to be presented by Jennifer Kim and to be accepted by Jeff Liu

Certificates of Congratulations -- Volunteers of the Month for May and June -- to be presented by Council Member Brewster McCracken and to be accepted by Sue Moore and Wayne Kamin

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

Proclamation -- Sheryl Cole -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award -- Joe Canales -- to be presented by Mayor Will Wynn and City Manager Toby H. Futrell and to be accepted by the honoree

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 7:17 p.m.

### ZONING DISCUSSION ITEMS

96. NPA-06-0006.02 - Conduct a public hearing and approve an ordinance amending Ordinance No. 980827-B, the Dawson Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by adopting the future land use map (FLUM) for the area bounded by Oltorf Street, South Congress Avenue, Ben White Boulevard, and South First Street. (Recommended by Planning Commission on June 13, 2006.)

The public hearing was closed and Ordinance No. 20060622-096, adopting Map B as the future land use map, was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

97. C14-05-0125 - 515 Post Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 Post Road (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Applicant: River City Engineering (Pay Lackey). Agent: David Holt. City Staff: Robert Heil, 974-2330.

The public hearing was closed and first reading for neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

118. C14-06-0082 - Kurachi Paint and Body - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6605 Regiene Road (Carson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Planning Commission Recommendation: To deny limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Applicant and Agent: George Kurachi. City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading for limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning, with a trip limitation of 2,000 trips per day, was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 6-1 vote. Council Member Kim voted nay.

120. C14-06-0023 - Marks-4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 Riverside Drive (Town Lake Watershed) from family residence (SF-3) district zoning to neighborhood commercial (LR) district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Eddie Dean. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for the portion of the tract north of Woodland Avenue, and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for the portion of the tract south of Woodland Avenue, with the following conditions, was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditions were: follow the vertical mixed use (VMU) provisions, a 2,000 trips per day limitation, prohibiting food sales for the portion of the tract zoned LR-MU-CO, and maintaining a 50 ft. setback from the creek for the entire tract.



121. C14-06-0053 - Star Riverside Residential - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 IH-35 (northeast corner of IH-35 and Riverside Drive)(Town Lake and Country Club Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning (Tract 1); commercial-liquor sales (CS-1) district zoning (Tract 2); limited office (LO) district zoning (Tract 3); and limited office (LO) district zoning (Tract 4) to lake commercial -conditional overlay (L-CO) combining district zoning for Tract 1; general office-conditional overlay (GO-CO) combining district zoning for Tract 2; multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning for Tract 3; and general office-conditional overlay (GO-CO) combining district zoning for Tract 4. Planning Commission Recommendation: To grant lake commercial-conditional overlay (L-CO) combining district zoning for Tract 1; general office-conditional overlay (GO-CO) combining district zoning for Tract 2; multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning for Tract 3; and general office-conditional overlay (GO-CO) combining district zoning for Tract 4. Applicant and Agent: Brian Bridwell. City Staff: Robert Heil, 974-2330.
- There was a motion made by Council Member Kim and seconded by Mayor Pro Tem Dunkerley to approve a building height of 190 feet on Tract 1 and accepting the contributions.

The substitute motion adopting as described staff's recommendation was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. This included: closing of the public hearing and approving the first reading for lake commercial-conditional overlay (L-CO) combining district zoning for Tract 1; general office-conditional overlay (GO-CO) combining district zoning for Tract 2; multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning for Tract 3; and general office-conditional overlay (GO-CO) combining district zoning for Tract 4. It also includes various height limitations of 120 feet, 90 feet, 60 feet and 60 feet.

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

33. Approve an ordinance amending the Fiscal Year 2005-2006 Public Works Department Capital Budget of Ordinance No. 20050912-002 and amending the Fiscal Year 2005-2006 Neighborhood Planning and Zoning Department Capital Budget of Ordinance No. 20050912-002 to reallocate Capital Metropolitan Transportation Authority Quarter Cent funding for previously approved regional mobility, roadway improvements, regional safety and traditional neighborhood corridor projects. Funding is available from an Interlocal Agreement with Capital Metropolitan Transportation Authority, through the ¼ Cent Program (1/4 cent of each cent collected within the City's jurisdiction).
- Ordinance No. 20060622-033 was approved.

A motion to reconsider Item 33 was approved on Council Member McCracken's motion, Council Member Martinez' second on a 5-0 vote. Council Members Cole and Kim were off the dais.

Ordinance No. 20060622-033 was approved as follows on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The ordinance was amended to reduce the Public Works Street Maintenance and Structural Overlay proposal to \$2,800,000 and to allocate up to \$200,000 for the corridor plan for Riverside. Staff was directed to come back to Council at the next meeting if they have another proposal for funding the corridor plan.

#### PUBLIC HEARING AND POSSIBLE ACTION CONTINUED

126. Conduct a public hearing and adopt a resolution authorizing the use of approximately 1.552 acres for a waterline, 2.422 acres for a wastewater line and a temporary work space adjacent to both permanent

easements to allow the construction of improvements serving the Goodnight Ranch PUD, through dedicated parkland known as Onion Creek Park located along Nuckols Crossing Road and Thaxton Road, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: June 22, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street). All costs associated with construction, as well as any parkland restoration, will be paid by requester. Recommended by Parks Board on February 28, 2006.

**The public hearing was closed and Resolution 20060622-126 was approved on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.**

124. Conduct a public hearing and approve an ordinance amending Ordinance No. 030717-131 to replace the restricted parking area map in Exhibit A with a new map that includes the following neighborhood associations: Cedar Valley, Laurel Oaks, Martin Luther King, North Shoal Creek, Pecan Springs/Springdale Hills, and Wooten.

**This item was postponed to July 27, 2006 at staff's request on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**

125. Conduct a public hearing to consider an expired floodplain variance requests by CitySmart Austin, Inc. to allow construction of a residential condominium at 1605 Houston Street in the 100-year and 25-year floodplains of the Hancock Branch of Shoal Creek.

**The public hearing was closed and Ordinance 060622-125 was approved on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.**

128. Conduct a public hearing and approve an ordinance amending Chapters 25-2 and 25-11 of the City Code relating to Historic Districts and structures. (Recommended by Planning Commission and Zoning and Platting Commission.)

**The public hearing was closed and Ordinance No. 20060622-128 was amended to name the Zoning and Platting Commission as the Land Use Commission for designations or modifications of historic area combining districts in certain areas of the City on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote. Staff was directed to study possible penalties for violations in the historic districts.**

123. Conduct a public hearing and approve an ordinance amending the City Code to establish design standards for commercial, multi-family and mixed use development. The design standards ordinance includes regulations addressing building location, streets and walkways, pedestrian and vehicular connections, parking, exterior lighting, screening, open space, shading, building design, landscaping, and signage.

**This item was postponed to August 9, 2006 at Council's request on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.**

127. 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.

**The public hearing was closed on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.**

**Mayor Wynn adjourned the meeting at 12:30 a.m. without objection.**

**The minutes for the Regular Meeting of June 22, 2006 were approved on this the 27th day of July, 2006 on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote.**