



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 24, 2006**

Invocation: Pastor Bob Bolender, Austin Bible Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 24, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 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 Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

- 1. Approval of the minutes for the special called meetings of August 9 and 14, 2006 and the regularly scheduled meeting of August 10, 2006.
The minutes from the special called meetings of August 9 and 14, 2006, and the regular meeting of August 10, 2006, were approved.**
- 2. Approve issuance of a rebate in the amount of \$52,246.92 to FREESCALE SEMICONDUCTOR, Austin, TX, for the installation of high efficiency custom energy technologies at their location at 6501 West William Cannon Drive. Funding in the amount of \$52,246.92 is available in the Fiscal Year 2005-2006 Amended Operating Budget of the Conservation Rebates and Incentive Fund of Austin Energy. Recommended by the Resource Management Commission.
The motion authorizing the issuance of a rebate was approved.**

Item 3 was pulled for discussion.

- 4. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with MAK Marshall Ranch LP, providing terms and conditions for construction of an appropriately sized wastewater tunnel connection, lift station, force main, and 18-inch gravity wastewater main and appurtenances to provide wastewater service to the Watersedge PUD located in the northwest corner of the State Highway 71 and Doctor Scott Drive intersection with City cost reimbursement for a total project amount not to exceed \$3,014,951.76; waiving the requirements of Section 25-9-61 of the City Code relating to maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63 of the City Code relating to reimbursement for actual construction costs to allow reimbursement for engineering, design and project management; waiving the requirements of Section 25-9-67 of the City Code relating to**

the schedule for cost reimbursement payments; and waiving the requirement for payment of the construction inspection and review fees established in Ordinance 050914-04, to allow reimbursement of a portion of the construction inspection and review fees of the permanent wastewater tunnel connection. Funding in the amount of \$3,014,951.76 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

Ordinance No. 20060824-004 was approved.

5. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with MAK Marshall Ranch LP , providing terms and conditions for construction of 24-inch water main and appurtenances to provide water service to the Watersedge PUD located in the northwest corner of the State Highway 71 and Doctor Scott Drive intersection with City cost reimbursement in an amount not to exceed \$4,478,500.00, for actual costs of construction (hard costs); 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 \$4,478,500.00 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

Ordinance No. 20060824-005 was approved.

6. Approve an ordinance ordering a special election to be held on November 7, 2006, for the voters to consider propositions for the issuance of General Obligation Bonds by the City of Austin. Funding of \$522,498 was included in the Fiscal Year 2006-2007 Proposed Operating Budget.

Ordinance No. 20060824-006 was approved.

7. Approve a resolution appointing Rudy Garza and Leslie Browder to the Board of Directors of Austin Convention Enterprises, Inc.

Resolution No. 20060824-007 was approved.

8. Authorize execution of Amendment No. 3 to the Interlocal Cooperation Agreement between the CITY OF AUSTIN, Austin, TX, AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, Austin, TX, and TRAVIS COUNTY for substance abuse treatment services, adding an additional \$50,000 to the existing Community Court portion for an annual amount not to exceed \$1,507,151 (\$895,352 City; \$611,799 County) from January 1, 2006 through December 31, 2006, with three 12-month renewal options in an amount not to exceed \$1,507,151 (\$895,352 City; \$611,799 County) per renewal option, for a total agreement amount not to exceed \$6,028,604 (\$3,581,408 City; \$2,447,196 County). Funding in the amount of \$439,014 is included in the Fiscal Year 2005-2006 Approved Operating Budget for the Health and Human Services Department, \$310,000 is included from Community Court and \$611,799 will be provided by Travis County. Funding for renewal options is contingent on available funding in future budgets.

The motion authorizing the execution of amendment number 3 to the interlocal cooperation agreement was approved.

9. Approve an ordinance authorizing acceptance of \$338,946 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), NUTRITION SERVICES SECTION, Austin, TX; and amending the Fiscal Year 2005-2006 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$338,946 for the Women, Infants and Children (WIC) Program for a total grant amount of \$4,504,946 to enhance health care at no cost to low-income pregnant and postpartum women; infants and, children identified to be at nutritional risk in Austin and Travis County. Funding in the amount of \$338,946 is available from the Texas Department of State Health Services, Nutrition Services Section. The grant period is October 1, 2005 through September 30, 2006. No City match is required. (Related to item 17)

This item was withdrawn.

10. Approve a resolution amending Resolution No. 20060622-068, to correct appointments to the ABIA Development Corporation Board and the Mueller Local Government Corporation Board; and appointing officers for the ABIA Development Corporation and the Mueller Local Government Corporation Board. **Resolution No. 20060824-010 was approved.**
11. Approve an amendment to the legal service agreement with RENEA HICKS regarding Cause No. 2:03-CV-354; Walter Session, et. al. v. Rick Perry, et. al., in an amount not to exceed \$36,000, for a total contract amount not to exceed \$117,000. Funding in the amount of \$36,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Liability Reserve Fund.
The motion authorizing an amendment to the legal service agreement was approved.
12. Approve an ordinance authorizing the acceptance of \$50,000 in grant funds from the Texas State Library and Archives Commission for a total grant amount of \$380,000 for the Interlibrary Loan Grant Program; and amending the Fiscal Year 2005-2006 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$50,000 and to add a .50 full time equivalent position, resulting in a total of 5.50 full time equivalent positions for the Interlibrary Loan Grant Program. Funding in the amount of \$50,000 is available from the Texas State Library and Archives Commission. The grant period is September 1, 2006 through August 31, 2007. No City match is required.
Ordinance No. 20060824-012 was approved.
13. Approve an Interlocal Agreement regarding the exchange of extraterritorial jurisdiction (ETJ) with the City of Lakeway, which will result in approximately 425 acres (Lakeway Release Area) being released from Austin's ETJ to Lakeway's ETJ and approximately 100.6 acres (Austin Release Area) being disannexed from Lakeway's city limits and released to Austin's ETJ. (No fiscal impact.)
The motion authorizing an interlocal agreement was approved.
14. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for Austin City Store improvements in an amount not to exceed \$257,981. Funding in the amount of \$181,873 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Growth and Redevelopment Services Office, Special Revenue Fund City Hall Retail Tenant Improvements and \$76,108 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Growth and Redevelopment Services Office. Lowest of two bids received. 17.34% MBE and 0.25% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
15. Authorize execution of change orders #7, #8, and #9 with GUERRERO-MCDONALD and ASSOCIATES, INC.(MBE/FH 21.89%), Austin, TX, for Spicewood Springs Road Fire/EMS Station in the amount of \$180,000 for a total contract amount not to exceed \$2,245,611.98. Funding in the amount of \$180,000 is available in the Liability Reserve Fund. 20.74 % MBE and 2.99% WBE subcontractor participation to date.
The motion authorizing the execution of change orders #7, #8, and #9 was approved.

Item 16 was pulled for discussion.

17. Approve the negotiation and execution of a 15-year lease for approximately 6,280 square feet of medical and nutritional counseling space for the Women Infants and Children (WIC) program of the Health and Human Services Department, located at 8701-A Research Boulevard, from VAN'S REAL ESTATE PARTNERSHIP, Austin TX, in an amount not to exceed \$2,947,238.05. Funding for the contract period is contingent upon available funding in future WIC grant programs. (Related to item 9)
This item was withdrawn.

18. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within the area bound by Comal Street, Chestnut Avenue, Manor Road, and Martin Luther King Jr. Boulevard. The Blackland Neighborhood Association is part of this area. Funding in the amount of \$4,600 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20060824-018 was approved.
19. 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 an area bound by Payton Gin Road to the north, US Highway 183 (Research Boulevard) to the south, and North Lamar Boulevard to the east. This area is identified as Area 1 of the North Austin Civic Association. Funding in the amount of \$4,730 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20060824-019 was approved.
20. 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 an area bound by Braker Lane to the north, Kramer Lane to the south, Lamar Boulevard to the east, and Metric Boulevard to the west. The Prairie Dove Neighborhood Organization is part of this area. Funding in the amount of \$2,970 is available in the Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20060824-020 was approved.
21. Approve an ordinance amending Section 12-4-63 of the City Code to establish 20 miles per hour school zones on portions of Spruce Canyon Drive and La Crosse Avenue for Nan Clayton Elementary School, and provide for emergency passage. Funding in the amount of \$13,000 is available in Fiscal Year 2005-2006 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20060824-021 was approved.
22. Authorize award, negotiation, and execution of a contract with AJILON CONSULTING, Austin, TX, for staff augmentation for technical services in development of the Austin Energy Conservation and Renewable Energy Incentive and Workflow Tracking System in an amount not to exceed \$364,960. Funding in the amount of \$305,255 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining balance of the contract in the amount of \$59,705 is contingent upon approval of the Fiscal Year 2006-2007 Proposed Budget of Austin Energy. Best evaluated proposal of seven 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 an award, negotiation and execution of a contract was approved.

Items 23 and 24 were pulled for discussion.

25. Authorize award and execution of Amendment No. 5 with CUSTOM CRETE, Austin, TX, for ready-mix concrete to increase the current contract term in an estimated amount not to exceed \$250,000, and increase the remaining three 12-month extension options in an estimated amount not to exceed \$250,000 per extension option, for a revised total estimated contract amount not to exceed \$2,537,448. Funding in the amount of \$20,833 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority and Women-Owned Business Enterprise

Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing an award and execution of amendment number 5 was approved.

26. Authorize award and execution of Amendment No. 1 with GE ENERGY MANAGEMENT SERVICES, Denver, CO, for the purchase of seven GE Smallworld Core licenses for software used to manage vegetation control in an amount not to exceed \$42,000, for a revised total contract amount not to exceed \$83,400. Funding in the amount of \$42,000 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Contract Amendment. This purchase was 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 an award and execution of amendment number 1 was approved.

27. Authorize award and execution of Amendment No. 2 to the contract with GE ENERGY MANAGEMENT SERVICES, Denver, CO, for the purchase of maintenance and support services for additional software licenses used to monitor, troubleshoot, and implement repairs for various types of electrical distribution outages in an estimated amount not to exceed \$75,010 for the first extension option, \$88,692 for the second extension option, \$97,562 for the third extension option and \$107,278 for the fourth extension option, for a revised total estimated contract amount not to exceed \$1,669,170.58. Funding in the amount of \$6,250.83 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets. Contract Amendment. This purchase 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 an award and execution of amendment number 2 to the contract was approved.

28. Authorize award and execution of a 36-month requirements supply contract with HANSON PIPE & PRECAST, Seguin, TX, for precast concrete manholes in an estimated amount not to exceed \$423,493.50, with two 12-month extension options in an estimated amount not to exceed \$141,164.50 per extension option, for a total estimated contract amount not to exceed \$705,822.50. Funding in the amount of \$11,764 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining 35 months of the original contract period and 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 2-9D of the City Code (Minority and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing an award and execution of a requirements supply contract was approved.

29. Authorize award and execution of a 12-month requirements supply contract with JAE CONSTRUCTION, INC., Austin, TX, for structural concrete in an estimated amount not to exceed \$538,960, with four 12-month extension options in an estimated amount not to exceed \$538,960 per extension option, for a total estimated contract amount not to exceed \$2,694,800. Funding in the amount of \$538,960 is available in the Fiscal Year 2005-2006 Amended Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing an award and execution of a requirements supply contract was approved.

30. Authorize award and execution of a contract with LODESTAR CORPORATION, Peabody, MA, for the purchase of Lodestar software, support, installation, and training in an amount not to exceed \$111,700. Funding is available in the fiscal Year 2005-2006 Amended Capital Budget of Austin Energy. Sole Source. This purchase 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 an award and execution of a contract was approved.
31. Authorize award and execution of a contract with POWER SUPPLY, INC., Austin, TX, for power transformer bushings in an amount not to exceed \$96,660. Funding is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Lowest 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 an award and execution of a contract was approved.
32. Authorize award and execution of a 36-month requirements supply contract with S&C ELECTRIC COMPANY, Chicago, IL, for circuit switchers in an estimated amount not to exceed \$1,651,125, with one 12-month extension option in an estimated amount not to exceed \$550,375, for a total estimated contract amount not to exceed \$2,201,500. Funding is available in the Fiscal Year 2005-2006 Amended Capital Budget of Austin Energy. Funding for extension option is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing an award and execution of a requirements supply contract was approved.
33. Authorize award and execution of a contract with TECHLINE, LTD, Austin, TX, for transmission line conductor in an amount not to exceed \$530,832.33. Funding is available in the Fiscal Year 2005-2006 Amended Capital Budget of Austin Energy. Lowest bid meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing an award and execution of a contract was approved.
34. Authorize award and execution of a 24-month requirements service contract with TEXAS ReEXCAVATION, L.C., Houston, TX, for vacuum excavation services for Austin Energy in an estimated amount not to exceed \$414,500, with two 12-month extension options in an estimated amount not to exceed \$207,250 per extension option, for a total estimated contract amount not to exceed \$829,000. Funding is available in the Fiscal Year 2005-2006 Amended Capital Budget of Austin Energy. Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing an award and execution of a requirements service contract was approved.
35. Authorize award, negotiation, and execution of a contract with UTILITY DECISION SUPPORT GROUP INC., Plymouth, MN, for consulting services to perform a planning model needs assessment for Austin Energy to transition from a zonal to a nodal electricity market in an amount not to exceed \$61,397. Funding is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Best evaluated proposal of two proposals received 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 an award, negotiation, and execution of a contract was approved.**

36. Authorize award and execution of a 24-month requirements supply contract with BOC GASES, A DIVISION OF THE BOC GROUP, INC, Murray Hill, NJ for the purchase of liquid carbon dioxide for the Austin Water Utility for a total estimated contract amount not to exceed \$474,880. Funding in the amount of \$19,787 is in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 23 months of the original contract period is contingent upon available funding in future budgets. Sole bid 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 an award and execution of a requirements supply contract was approved.**
37. Authorize execution and award of a contract with CARBONITE FILTER CORPORATION, Delano, PA, for the purchase of anthracite filter material for the Austin Water Utility in an amount not to exceed \$101,010. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. 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 an execution and award of a contract was approved.**
38. Authorize award and execution of a 24-month requirements supply contract with FERGUSON ENTERPRISES, INC., Austin, TX, for ultra low-flow toilets, for a total estimated contract amount not to exceed \$797,010. Funding in the amount of \$66,418 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Austin Water Utility. Funding for the remaining 22 months of the original contract period 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 an award and execution of a requirements supply contract was approved.**
39. Authorize execution of a 12-month requirements supply contract with MS TECHLINE PIPE LLP, Austin, TX, for the purchase of water meter lids and boxes for the Austin Water Utility in an estimated amount not to exceed \$121,207, with two 12-month extension options in an estimated amount not to exceed \$121,207 per extension option, for a total estimated contract amount not to exceed \$363,621. Funding in the amount of \$10,100 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 11 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 an execution of a requirements supply contract was approved.**
40. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with CUES, INC., Orlando, FL, for the purchase of sewer line inspection equipment for the Austin Water Utility in an amount not to exceed \$121,321. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Cooperative Purchasing. **The motion authorizing an award and execution of a contract was approved.**

41. Authorize award and execution of a 24-month requirements supply contract with TURNER COMPANY, Raleigh, NC, for manhole and water valve extension rings for the Austin Water Utility in an estimated amount not to exceed \$168,000, with one 12-month extension option in an estimated amount not to exceed \$84,000, for a total estimated contract amount not to exceed \$252,000. Funding in the amount of \$7,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 23 months of the original contract period and extension option 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 an award and execution of a requirements supply contract was approved.
42. Authorize award and execution of a 24-month requirements service contract with TRANE, Austin, Texas for chiller inspection and maintenance services in an estimated amount not to exceed \$160,117, with two 12-month extension options in an estimated amount not to exceed \$126,853 per extension option, for a total estimated contract amount not to exceed \$413,823. Funding in the amount of \$6,672 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Aviation Department Fund. Funding for the remaining twenty-three months of the original contract period and 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 an award and execution of a requirements service contract was approved.
43. Authorize award and execution of an Amendment No. 6 to an interlocal agreement with TRAVIS COUNTY, Austin, TX, for the provision of sign language interpretation services, to increase the contract in an estimated amount not to exceed \$25,000 for each of the seven remaining extension options, for a revised total estimated contract amount not to exceed \$790,717. Funding in the amount of \$23,000 is included in the Fiscal Year 2006-2007 Proposed Operating Budget of the Community Care Services Department. Funding in the amount of \$2,000 is included in the Fiscal Year 2006-2007 Proposed Operating Budget of the Municipal Court. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment.
The motion authorizing an award and execution of an amendment number 6 to an interlocal agreement was approved.
44. Authorize award and execution of a 36-month requirements service contract with INITIAL SECURITY, Austin, TX, for security services in an estimated amount not to exceed \$600,000 with two 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$1,000,000. Funding in the amount of \$200,000 is available in the Fiscal Year 2006-2007 Proposed Operating Budget of the Austin Convention Center Department. Funding for the remaining twenty-four 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 2-9C 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 an award and execution of a requirements service contract was approved.
45. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with GOMEZ FLOOR COVERING, INC., San Antonio, TX, for carpeting/flooring for the Palmer Events Center in an amount not to exceed \$58,724.57 Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Convention Center Department. Cooperative Purchase.

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

46. Authorize award and execution of a 12-month contract with INTERNATIONAL BUSINESS MACHINES, Austin, TX, for the continuation of IBM mainframe software licensing rights and maintenance services for the Communication and Technology Management Department in an amount not to exceed \$356,928, with one 12-month extension option in an amount not to exceed \$356,928, for a total contract amount not to exceed \$713,856. Funding in the amount of \$356,928 is available in the Fiscal Year 2006-2007 Proposed Operating Budget of the Communication and Technology Management Department. Funding for the extension option is contingent upon available funding in future budgets. Sole Source. 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 an award and execution of a contract was approved.

47. Authorize execution of a 12-month contract through the Texas Multiple Award Schedule (TXMAS) with XEROX CORPORATION, Austin, TX, for the purchase of maintenance services for the Xerox mainframe printer in an amount not to exceed \$87,400, with two 12-month extension options in an amount not to exceed \$96,140 for the first extension option, and \$105,754 for the second extension option, for a total contract amount not to exceed \$289,294. Funding in the amount of \$87,400 is available in the Fiscal Year 2006-2007 Proposed Operating Budget of the Communications and Technology Management Department. Funding for the extension options is contingent upon available funding in future budgets. Cooperative Purchase

The motion authorizing an execution of a contract was approved.

48. Authorize award and execution of a contract through the U.S. Communities Government Purchasing Alliance with HAGEMeyer NORTH AMERICA, Charleston, SC, for the purchase of Mark 1 injector kits (nerve agent antidote kits for first responders) in an amount not to exceed \$157,920. Funding is available in the Fiscal Year 2005-2006 Major Medical Response System Grant fund. Cooperative Purchase.

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

49. Authorize the award and execution of a nine-month contract with STRYKER, Portage, MI for the purchase of 60 powered ambulance stretchers in an amount not to exceed \$709,800. Funding in the amount of \$402,220 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department. Funding in the amount of \$307,580 is contingent upon approval of the Fiscal Year 2006-2007 Proposed Operating Budget for the Emergency Medical Services Department. Only responsive 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 contract was approved.

50. Authorize award and execution of a contract with FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of two knuckleboom crane trucks in an amount not to exceed \$278,162. Funding in the amount of \$139,081 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Funding in the amount of \$139,081 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Solid Waste Services Department. Lowest 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 an award and execution of a contract was approved.

51. Authorize award and execution of a 48-month service contract with GT DISTRIBUTORS, INC., Austin, TX, for an extended warranty for 882 tasers in an amount not to exceed \$158,715.90. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Police Department. Sole Source. 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 purchase.
The motion authorizing an award and execution of a service contract was approved.
52. Authorize award and execution of a 24-month requirements supply contract with HEART OF TEXAS HOT MIX, LC, Belton, TX, for hot mix asphalt concrete for the Public Works Department in an estimated amount not to exceed \$566,425, with two 12-month extension options in an estimated amount not to exceed \$354,016 for the first extension option and \$442,520 for the second extension option, for a total estimated contract amount not to exceed \$1,362,961. Funding in the amount of \$282,213 is contingent upon approval of the Fiscal Year 2006-2007 Proposed Operating Budget of the Public Works Department. 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 2-9D 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. (Related to item 53)
The motion authorizing an award and execution of a requirements supply contract was approved.
53. Authorize award and execution of a 24-month requirements supply contract with RTI HOT MIX LTD, Austin TX, for hot mix asphalt concrete for the Public Works Department in an estimated amount not to exceed \$3,701,447, with two 12-month extension options in an estimated amount not to exceed \$2,570,449 for the first extension option and an estimated amount not to exceed \$3,213,062 for the final extension option, for a total estimated contract amount not to exceed \$9,484,958 Funding in the amount of \$1,850,724 is available in the Fiscal Year 2006-2007 Proposed Operating Budget of the Public Works Department. Funding for the remaining 12 months of the original contract period and extension options is contingent upon available funding in future budgets. Low 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. (Related to item 52)
The motion authorizing an award and execution of a requirements supply contract was approved.
54. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with TRIMBLE NAVIGATION LTD, Traverse City, MI, for a Global Position System (GPS) reference station for land surveying services for the Public Works Department in an amount not to exceed \$74,839.50. Funding is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department. Cooperative Purchase.
The motion authorizing an award and execution of a contract was approved.
55. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with HOLT CAT, Austin, TX, for the purchase of one wheeled hydraulic excavator in an amount not to exceed \$269,645. Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Solid Waste Services Department. Cooperative Purchase.
The motion authorizing an award and execution of a contract was approved.
56. Authorize execution and award of a 12-month requirements service Interlocal Agreement with THE LOWER COLORADO RIVER AUTHORITY, Austin, TX, for water pollutant analysis services for the Watershed Protection and Development Review Department, in an estimated amount not to exceed

\$260,000, with three 12-month extension options in an estimated amount not to exceed \$260,000 per extension option, for a total estimated contract amount not to exceed \$1,040,000. Funding in the amount of \$21,667 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Watershed Protection and Development Review Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets. Interlocal Agreement.

The motion authorizing the execution and award of a requirements service interlocal agreement was approved.

57. Approve negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the construction of Boggy Creek Stream Rehabilitation and Restoration as part of the US 183 at Boggy Creek Bridge improvements, in the estimated amount of \$692,351, subject to a right of termination in the City. A construction cost contingency of 30% and TxDOT administrative costs have been included in this amount. Funding in the amount of \$692,351 is available in the 2005-2006 Amended Capital Budget of the Watershed Protection and Development Review Department.

The motion authorizing the negotiation and execution of an advance funding agreement was approved.

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

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u> Steven Hart	Consensus	Appointment
<u>Animal Advisory Commission</u> Bert Lumbreras	Consensus (Municipal Officer)	Appointment
<u>Arts Commission</u> Sue Graze	Mayor Wynn's	Reappointment
<u>Asian American Resource Center Advisory Board</u> Michael Ma	Consensus	Appointment
<u>Commission on Immigrant Affairs</u> Jose Fuentes	Consensus	Appointment
<u>Design Commission</u> Richard Weiss Jeannie Wiginton	Mayor Wynn's Council Member Cole's	Reappointment Appointment
<u>Electric Board</u> Gilbert Ferrales	Mayor Wynn's	Reappointment
<u>Electric Utility Commission</u> Shudde Fath Chip Wolfe	Council Member Leffingwell's Council Member Cole's	Appointment Appointment

Ethics Review Commission

Catherine Kyle

Consensus

Confirmation

(Austin Bar Association representative)

Timothy Sulak

Mayor Wynn's

Nomination

Federally Qualified Health Center Board

Karen Fromberg

Consensus

Appointment

Mayor's Committee for People with Disabilities

Ron Lucey

Mayor Wynn's

Reappointment

Parks and Recreation Board

Mark Vane

Council Member McCracken's

Reappointment

Planning Commission

Cid Galindo

Mayor Wynn's

Reappointment

Resource Management Commission

Richard Amato

Mayor Wynn's

Reappointment

Urban Transportation Commission

Carl Tepper

Mayor Wynn's

Reappointment

Item 59 was pulled for discussion.

60. Approve an ordinance amending Section 2-3-9(A) of the City Code related to membership on the Council Audit and Finance Committee. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
Ordinance No. 20060824-060 was approved.
61. Adopt a resolution creating a Water Conservation Task Force and appoint members. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Sheryl Cole)
Resolution No. 20060824-061 was approved. The task force consists of the following members: Mayor Wynn; Council Member Leffingwell; Council Member Cole; Chris Riley, Planning Commission; David Anderson, Environmental Board; Chris Herbert, Resource Management Commission; and Michael Warner, Water & Wastewater Commission.
62. Set a public hearing to consider amendments to ordinance number 20060622-022 (residential development regulations), adopted by the City Council on June 22, 2006, amending Title 25 of the City Code relating to compatibility provisions; building permit provisions; noncomplying structure provisions; height provisions; and additional amendments necessary to reformat City Code Section 25-2-566 as adopted by Council on June 22, 2006 (residential design and compatibility regulations - case C20-06-011). (Suggested date and time: August 31, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West Second St.)
The public hearing was set for August 31, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West Second St.
63. Set a public hearing and consider an ordinance amending Title 25 of the City Code to establish regulations relating to the distance separating a mobile food establishment from a residential use (C20-06-007). (Suggested date and time: August 31, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.) (No fiscal impact.)

The public hearing was set for August 31, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.

64. Set a public hearing to approve the use of an approximately 0.212 acre (9,221 square foot) waterline and a 0.092 acre (4,012 square foot) temporary work space use agreement through dedicated parkland known as Little Walnut Creek Greenway and Destination Parkland, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: September 28, 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. To be reviewed by Parks Board on August 22, 2006.
The public hearing was set for September 28, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Item 65 was a Briefing set for 11:00 a.m.

Item 66 was an Executive Session item.

Item 67 was a Bond Sale set for 2:00 p.m.

Item 68 was Mueller Local Government Corporation set for 2:00 p.m.

Item 69 was a Briefing set for 2:30 p.m.

Items 70 through 85 were zoning items set for 4:00 p.m.

Items 86 through 90 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

16. Approve an ordinance amending Section 13-2-308 and 13-2-309 of the city code and adding Section 13-2-310 to the city code relating to granting taxicab franchises to change the procedure used to award a taxicab franchise from a lottery to a merit-based procedure. The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$22,000.
Ordinance No. 20060824-016 was approved on Council Member Martinez' motion, Council Member Cole's second, on a 7-0 vote, with direction to staff to have the qualification matrix for awarding a taxicab franchise reviewed by the Urban Transportation Committee and to bring it back to Council for approval on September 28, 2006.
3. Approve constructing Water Treatment 4 at its current and fully permitted site or at the alternative Cortaño site and approve a resolution authorizing the City Manager to submit a proposal to amend Federal Fish and Wildlife Permit PRT - 788841 through a minor amendment to the United States Fish and Wildlife Department (USFWS). Recommended by the Water and Wastewater Commission; Reviewed by the Environmental Board; Reviewed and approved with conditions by both the Science Advisory Committee and the Citizens' Advisory Committee of the Balcones Canyonlands Preserve; and, to be reviewed by the Balcones Canyonlands Preserve Coordinating Committee on August 21, 2006.
Resolution No. 20060824-003 as presented by staff and labeled as the Bull Creek resolution, and the motion authorizing constructing Water Treatment 4 was approved as follows on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second, on a 6-1 vote. Council Member Kim voted nay.
1. Authorizes the construction of Water Treatment Plant Number 4 at its current and fully permitted site in the event that all necessary approvals are not received from Travis County by September 27, 2006 for construction of the plant on the alternative Cortana Site;

2. Authorizes the construction of Water Treatment Plant Number 4 at the alternative Cortana Site contingent upon the receipt of all appropriate approvals from Travis County by September 27, 2006 for the construction;
3. Authorizes the submittal of an amendment to the United States Fish and Wildlife Department for a minor amendment to the Federal Fish and Wildlife permit to construct the plant on the Cortana Site;
4. Adopts an action implementation plan as recommended by the boards and commissions that have reviewed and recommended the alternative site as outlined; and
5. Directs the City Manager to begin the process for a public hearing under Chapter 26 of the Texas Parks and Wildlife Code in recognition of the interest expressed by members of the public for a Chapter 26 hearing; in recognition of the unique circumstances surrounding the use of the Cortana Site; and out of an abundance of caution that a Chapter 26 public hearing is appropriate.

A friendly amendment was made by Mayor Wynn to add the words "and committee" in item 4 after the word "commissions", it was accepted by the maker of the motion.

CITIZEN COMMUNICATIONS: GENERAL

Raul Alvarez and Gretchen Bruce - Escuelita del Alma/Hotel Development Downtown

Luz Suarez-Wallace - Save Escuelita del Alma and help preserve cultural institution of Austin He was not present when his name was called.

CarolAnneRose Kennedy - SPEAKING TERROR.BULL ENGLISH

Terri Nail - Special Transit System (STS)

Doug Holfeldt - Special Transit System (STS)

Paul Avina - New Ordinance

Phillip A. Dick - City Issues

Susana Almanza - No Toll Roads for East Austin! No Double Taxation!

Pat Johnson - City Issues

Jennifer Gale - Pay to Jennifer Gale Forty Thousand Dollars - \$40,000 Memo Austin City Council Debt

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.

66. Discuss legal issues in *Walter Session, et. al., v. Rick Perry*, in his Official Capacity as Governor of the State of Texas, et al., Cause No. 2:03-CV-354, in the United States District Court for the Eastern District of Texas -- Marshall Division, and the contract with Renea Hicks. (concerns congressional redistricting) (Private Consultation with Attorney - Session 551.071)
This item was withdrawn.

Mayor Wynn recessed the Council Meeting at 1:11 p.m.

Mayor Wynn called the Council Meeting back to order at 1:50 p.m.

23. Authorize award and execution of a 36-month requirements service contract with ASPLUNDH TREE EXPERT CO., Corpus Christi, TX for transmission utility line clearance services in an estimated amount not to exceed \$4,525,900, with two 12-month extension options in an estimated amount not to exceed \$1,524,171 for the first extension option and \$1,532,158 for the second extension option, for a total estimated contract amount not to exceed \$7,582,229. Funding in the amount of \$125,720 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining 35 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. 13.60% MBE and 4.55% WBE Subcontractor Participation.

The motion authorizing an award and execution of a requirements service contract with direction to staff as follows was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote. The directions were as follows:

1. Two year contract with discretionary City Council approval required for renewal of 3 one-year extensions.
2. Implement City Manager recommendations including new pilot projects and integration of tree issues into neighborhood planning process
3. Commitment to increased oversight of all phases of process with quarterly reports to the Environmental Board and the Urban Forest Commission

Friendly amendment was made by Council Member Martinez to require quarterly feedback on MBE/WBE, it was accepted by the maker of the motion and Council Member Cole.

24. Authorize award, execution, and modification of a 36-month requirements service contract with ASPLUNDH TREE EXPERT CO., Corpus Christi, TX and DAVEY TREE SURGERY CO., Livermore, CA for distribution utility line clearance services in a revised combined and estimated amount not to exceed \$36,000,000, with two 12-month extension options in a revised combined and estimated amount not to exceed \$12,000,000 per extension option, for a total revised combined and estimated contract amount not to exceed \$60,000,000. Funding in the amount of \$1,000,000 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining 35 months of the original contract period and extension options is contingent upon available funding in future budgets. Two bids received. 24.40% MBE and 3.92% WBE subcontractor participation (Asplundh Tree); & 4.28% MBE and 3.05% WBE subcontractor participation (Davey Tree)

The motion authorizing an award, execution, and modification of a requirements service contract with direction to staff as follows was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote. The directions were as follows:

1. Two year contract with discretionary City Council approval required for renewal of 3 one-year extensions.
2. Implement City Manager recommendations including new pilot projects and integration of tree issues into neighborhood planning process
3. Commitment to increased oversight of all phases of process with quarterly reports to the Environmental Board and the Urban Forest Commission

Friendly amendment was made by Council Member Martinez to require quarterly feedback on MBE/WBE, it was accepted by the maker of the motion and Council Member Cole.

BOARD OF DIRECTORS MEETING OF MUELLER LOCAL GOVERNMENT CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:24 p.m. to go into the Board of Director's Meeting of the Mueller Local Government Corporation. See separate minutes.

Mueller Local Government Corporation adjourned and Mayor Wynn called the Council Meeting back to order at 3:35 p.m.

68. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Mueller Local Government Corporation. Following adjournment of the MLGC Board meeting the City Council will re-convene (See attached MLGC agenda).

BOND SALES

67. Approve a resolution authorizing the Mueller Local Government Corporation ("Corporation") to issue \$12,000,000 in Mueller Local Government Corporation Contract Revenue Bonds, Series 2006, and authorizing execution of all related documents including a grant agreement between the City of Austin and the Corporation \$422,598 in the estimated first year debt service requirement and \$400 annual administration fee for the paying agent/registrar for the proposed bond sale will be funded through a Grant from the City to the Corporation, pursuant to the terms of the Grant Agreement. Resolution No. 20060824-067 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

BRIEFINGS

65. Presentation of the City of Austin Fiscal Year 2006-2007 Proposed Budget for the Public Safety Departments, including the Municipal Court; the Public Safety and Emergency Management Department; the Austin Fire Department; the Emergency Medical Services Department and, the Austin Police Department.

The presentation was made by Rudy Garza, Assistant City Manager; Rebecca Stark, Clerk of Municipal Court; Judge Evelyn McKee, Presiding Judge; Greg Toomey, Court Administrator; Chief Bruce Mills, Public Safety; Otis Latin, Director of Office of Emergency Management; Chief Adame, Fire Department; Richard Herrington, Executive Director, EMS Department; Cathy Ellison, Acting Chief of Police.

Mayor Wynn recessed the Council Meeting at 5:38 p.m.

LIVE MUSIC

What Made Milwaukee Famous

PROCLAMATIONS

Presentation to the City -- Heart and Stroke Healthy City Recognition -- to be presented by Dr. Michael M. Hawkins, Jennifer Smith and a representative of the American Heart Association

Proclamation -- National Payroll Week -- to be presented by Mayor Will Wynn and to be accepted by Donna Epperson

Proclamation -- 9/11 Remembrance -- to be presented by Mayor Will Wynn and to be accepted by Rob Ledbetter

Certificate of Congratulations -- Officer Bob Dikes, Airport Public Safety -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:17 p.m.

ZONING

70. C14-05-0080 - CTVS Offices - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3921 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to neighborhood commercial (LR) district zoning. First reading approved on December 1, 2005. vote: 4-2 (Mayor Pro Tem Thomas and Council Member Dunkerley voted Nay). Applicant: Thoracic & Cardiovascular Realty (Tom Johnston). Agent: Campbell & Swartz, LLP (Henry Gilmore). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20060824-070 for neighborhood commercial (LR) district zoning was approved on Council Member Cole's motion, Council Member Leffingwell's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.

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 Martinez' second on a 6-0 vote. Council Member Kim was off the dais.

72. 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. Staff Recommendation: To grant 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 withdrawn.
73. C14-06-0070 - Lakes at Northtown, Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as East Howard Lane (Walnut Creek Watershed) from limited industrial service-conditional overlay (LI-CO) combining district zoning to single-family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. Applicant: NWC Howard and I-35 Ltd. (John Needham). Agent: Longaro & Clarke, L.P. (Alex Clarke). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20060824-073 for single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved.
74. C14-06-0076 - Stonegate Pharmacy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501 West William Cannon Drive (Williamson Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 19, 2006. Applicant: A-K-C William Cannon, L.P. (John Cummings). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.
This item was postponed to October 19, 2006 at staff's request.
76. C14-06-0080 - San Jose Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 W. Gibson Street (East Bouldin

Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: Southside Church of Christ. Agent: Armbrust & Brown (Amanda Morrow). City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning with directions given to staff by Council Member McCracken to include 12 foot sidewalks along Gibson Street and 8 foot sidewalks along James Street in the restrictive covenant was approved.

77. C14-06-0113 - Lee .27 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11209 Plains Trail (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Applicant: Robert Lee. Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20060824-077 for neighborhood commercial (LR) district zoning was approved.
78. C14-06-0116 - 1017 West Slaughter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1017 West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1, and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1, and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Applicant: Elinor Walther (Elinor Kosta). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.
This item was postponed to August 31, 2006 at staff's request.
80. C14-06-0126 - Warehouse Saloon - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4110 Terry-O Lane (Blunn Creek Watershed) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Twin Oaks Associates, Ltd. (Scott Jung). Agent: Vincent Gerard & Associates (Vince G. Huebinger). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20060824-080 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved.
81. C14-06-0132 - Rathgeber Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4800 Manor Road (Tannehill Branch Watershed) from family residence (SF-3) district zoning and planned unit development (PUD) district zoning to general office-mixed use (GO-MU) combining district zoning. Staff Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Applicant: Catellus Austin, LLC (Greg Weaver). Agent: Alice Glasco Consulting (Alice Glasco). 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 was approved.

82. C14-06-0136 - 1701 & 1703 Windoak - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 & 1703 Windoak Drive (Harpers Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: FS Ventures (Jim Cummings). Agent: Urban Design (Laura Touns). City Staff: Robert Heil, 974-2330
This item was postponed to August 31, 2006 at the neighborhood's request.
83. C14-06-0139 - Mills Avenue Parking 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 3401 Mills Avenue, between West 34th Street and West 35th Street, from public (P) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: City of Austin-Real Estate Services (Dean Harris). Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20060824-083 for general office-conditional overlay (GO-CO) combining district zoning was approved.
85. C14H-05-0017 – Baugh-Colby House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1102 Enfield Road (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
This item was postponed to August 31, 2006 at the owner's request.

ZONING DISCUSSION ITEMS

75. C14-06-0079 - Bluebonnet Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2215 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Howard Baker. Agent: Charles Whitford. City Staff: Robert Heil, 974-2330.
The public hearing was closed and the first reading of the ordinance for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, with the following direction to staff, was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote. The Urban Design Office was directed to work with the applicant on how this project will relate to the streets in the neighborhood including sidewalk width and the orientation of the units immediately facing Bluebonnet Lane.

71. 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. Staff Recommendation: To grant 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.
- The public hearing was closed and the first reading of the ordinance for single-family residence-large lot conditional overlay (SF-1-CO) combining district zoning with the following changes and direction to staff was approved on Council Member Kim's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The changes were: limit the buildings on the property to a single residence, provide a 50-foot setback from the wetland area, reduce the size of the original zoning request to .36 acres, limit the impervious cover on the property to 2,500 square feet, limit the building coverage to 1,500 square feet, allow only one tree is to be removed, and require a pier and beam construction instead of a slab on grade. Staff was directed to bring flood information for this site back to Council.
79. C14-06-0122 - Saddle Creek Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10801 Old Manchaca Road (Slaughter Creek Watershed) from interim rural-residence (I-RR) district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence-low density conditional overlay (MF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density conditional overlay (MF-2-CO) combining district zoning. Applicant: SCA General, Inc. (Mark Musemache). Agent: Mike Dallas Properties (Mike Dallas). City Staff: Wendy Walsh, 974-7719.
- The public hearing was closed and Ordinance No. 20060824-079 for multi-family residence-low density conditional overlay (MF-2-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
84. C14-06-0141 - Children's Courtyard - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5811 Southwest Parkway (Barton Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to neighborhood commercial conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant limited office conditional overlay (LO-CO) combining district zoning. Planning Commission Recommendation: To grant limited office conditional overlay (LO-CO) combining district zoning. Applicant: Andy and Joy Rites. Agent: McDill Engineering (Tom McDill). City Staff: Robert Heil, 974-2330.
- The public hearing was closed and the first reading of the ordinance for neighborhood commercial conditional overlay (LR-CO) combining district zoning with the following friendly amendment and direction to staff was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. A friendly amendment was made by Council Leffingwell to add the condition that any development would comply with the SOS ordinance. This was accepted by the maker of the motion and Mayor Pro Tem Dunkerley, who made the second. Staff was directed to bring back a list of LR uses which may be prohibited in a conditional overlay.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

86. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2006-2007 Proposed Budget including the Municipal Court; the Public Safety and Emergency Management

Department; the Austin Fire Department; the Emergency Medical Services Department and, the Austin Police Department.

The public hearing was closed on Council Member Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was off the dais.

87. Conduct a public hearing to receive comments on the proposed ad valorem tax rate for Fiscal Year 2006-2007.

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

88. Conduct a public hearing and adopt a resolution authorizing the use of an approximately 0.270 acre (11,781 square foot) electric line and a 10-foot temporary work space adjacent to the permanent easement through dedicated parkland known as Yett Creek Park along Riata Vista Circle, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. 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 No. 20060824-088 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

90. Conduct a public hearing to receive comments on issues related to the full purpose annexation of the Peninsula annexation area (approximately 432 acres in Travis County and located west of Lake Austin, north of Bee Creek, and south of the intersection of Westlake Drive and Trailview Mesa). Full purpose annexation is anticipated in December 2008 in accordance with the City's Municipal Annexation Plan. (No fiscal impact.)

The public hearing was closed on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was off the dais.

59. Approve a resolution directing the City Auditor, with input from the City Manager as well as public safety departments and public safety associations, and upon approval of the Audit & Finance Committee of the City Council, to solicit, negotiate, and execute a contract with consultants having expertise in public safety operations and administration for the purpose of conducting an independent assessment of public safety in the City of Austin. (Scope of work and implementation is contingent upon approved Fiscal Year 2006-2007 budget.) (Council Member Brewster McCracken Council Member Lee Leffingwell Council Member Mike Martinez)

This item was postponed to August 31, 2006, on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais.

69. Conduct a briefing on the feasibility study 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.

This item was postponed to August 31, 2006, on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais.

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 6-0 vote. Council Member McCracken was off the dais.

89. Conduct a public hearing to consider amending Chapter 12-2 of the City Code to require helmets for all bicycle riders.

The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 12:52 a.m. without objection.