



AUSTIN CITY COUNCIL MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 2, 2006

Invocation: Dr. Jacquelyn Donald-Mims, founder and pastor, Imani Community Church, A.M.E

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, November 2, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:18 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 Martinez' second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of October 19, 2006.
The minutes from the regularly scheduled meeting of October 19, 2006 were approved.
2. Approve negotiation and execution of Amendment No. 1 to the existing cost reimbursement agreement with SPGIL DOMAIN, L.P., previously known as The DOMAIN SHOPPING CENTER L.P. (Simon Properties), to increase the cost reimbursement in an amount not to exceed \$700,000 for underground utility piping and related equipment at the DOMAIN site, for a revised agreement total of \$4,900,000. Funding is available in the amount of \$700,000 in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.
The motion authorizing the negotiation and execution of amendment number 1 was approved.
3. Authorize Change Order No. 2 to increase the spending authorization for Austin Energy's Building Purchase Agreement with DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN (d/b/a SETON HEALTH CARE NETWORK) to purchase from Seton a structure to house the necessary energy production equipment to serve the Dell Children's Hospital, in an amount not to exceed \$600,000, for a total not to exceed amount of \$5,700,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.
The motion authorizing change order number 2 was approved.
4. Authorize negotiation and execution of a professional services agreement with Deborah Mersky, Austin, TX, for artwork in the amount not to exceed \$60,000. Funding in the amount of \$60,000 is available through the Public Works Department in accordance with the Art in Public Places Ordinance. The Art in

Public Places Panel unanimously approved the artist's final design on September 11, 2006. The Arts Commission unanimously approved the artist's final design on September 18, 2006.

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

5. Authorize an Interlocal Agreement between the City and Travis County Emergency Services District Number 4 for firefighter certification training at a cost to the City not to exceed \$33,000. Funding in the amount of \$33,000 is included in the Fiscal Year 2006-2007 Operating Budget of the Austin Fire Department.

The motion authorizing an interlocal agreement was approved.

6. Authorize the negotiation and execution of professional service agreements with Smith, Robertson, Elliott & Glen, Austin, TX, in an amount not to exceed \$100,000 and with Scott Douglass and McConnico, L.L.P., Austin, TX, in an amount not to exceed \$150,000 for legal services related to the Water Treatment Plant 4, for a total amount not to exceed \$250,000. Funding in the amount of \$250,000 is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility.

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

7. Approve an amendment to the legal services agreement with Demetrius McDaniel, Akin Gump Strauss Hauer & Feld LLP, Austin, TX, to provide legal services related to federal and state legislative matters, in an amount not to exceed \$90,000, for a total contract amount not to exceed \$165,000. Funding in the amount of \$90,000 is available in the 2006-2007 Operating Budget of Various General Fund and Enterprise Fund Departments.

The motion authorizing an amendment to the legal services agreement was approved. Council Member Cole abstained due to a conflict of interest.

8. Consider and set the Austin City Council meeting schedule for calendar year 2007.

The motion authorizing the Austin City Council meeting schedule was approved.

9. Approve a resolution authorizing the negotiation and execution of an agreement with PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C. to partially release the lien held by Travis County Health Facilities Development Corporation and the City on approximately 5.076 acres property located at 8509 FM 969 in exchange for PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C.'s agreement to contribute land and a building for the Center for Child Protection.

Resolution No. 20061102-009 was approved.

10. Authorize the negotiation and execution of a fee simple acquisition for the purchase of approximately 3.954 acres located along Spicewood Springs Road from Kenny Dryden for the Bull Creek Greenbelt in an amount not to exceed \$278,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department.

The motion authorizing the negotiation and execution of a fee simple acquisition was approved.

11. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, LTD, Houston, TX, for the Austin Clean Water Program: Little Walnut-Bridgeport/Fairfield Drive Wastewater Improvements Project in the amount of \$924,546, plus a \$46,227.30 contingency, for a total contract amount not to exceed \$970,773.30. Funding in the amount of \$970,773.30 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Lowest of five responsive bids received. 13.50% MBE and 8.54% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

12. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC, Austin, TX, for the Davis Water Treatment Plant – Process Improvements and Equipment Replacement/Rehabilitation Phase A, in the amount of \$2,224,000 plus an \$111,200 contingency, for a total contract amount not to exceed \$2,335,200. Funding in the amount of \$2,335,200 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Lowest of two bids received. 23.83% MBE and 0.02% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

13. Authorize negotiation and execution of a professional services agreement with each of the following four firms: FREESE and NICHOLS, INC., Austin, TX, and H.R. GRAY, Austin, TX, for the Quality Assurance/Quality Control and Constructability Review Services Rotation List (2006-2009) for various Capital Improvement projects in the right-of-way; and FREESE and NICHOLS, INC., Austin, TX, and SUNLAND GROUP, Austin, TX, for the Quality Assurance/Quality Control and constructability Review Services Rotation List (2006-2009) for various site specific capital improvement projects. The maximum not to exceed amount of the agreements is \$400,000. The rotation lists are for a period of three years or until financial authorization is expended. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department. Best two qualification statements of six statements received for the Site Specific Quality Assurance/Quality Control and Constructability Review Rotation List. Best two qualification statements of seven statements received for the Right-of-Way Quality Assurance/Quality Control and Constructability Review Rotation List. 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 negotiation and execution of a professional services agreement was approved.

Item 14 was pulled for discussion.

15. 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 bounded by Barton Springs Road, Robert E. Lee Road, Rabb Road, Rae Dell Avenue, Barton Skyway, and South Lamar Boulevard. Funding in the amount of \$4,500 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20061102-015 was approved.

16. 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 bounded by South Congress Avenue, West Oltorf Street, South First Street, Barton Springs Road and West Riverside Drive. Funding in the amount of \$3,500 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20061102-016 was approved.

17. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on Sunset Trail and West Wind Trail. Funding in the amount of \$600 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20061102-017 was approved.

18. Authorize award, negotiation and execution of a contract with SQUARE D SCHNEIDER ELECTRIC SERVICES, Houston, TX, for the purchase of a 480-volt load center at the Decker Creek Power Station

in an amount not to exceed \$279,160. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Best evaluated proposal of three proposals 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 negotiation and execution of a contract was approved.

19. Authorize award and execution of a contract with SQUARE D SCHNEIDER ELECTRIC SERVICES, Houston, TX, for the purchase and installation of a 480-volt electrical switchgear system in an amount not to exceed \$800,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Sole Source 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.

20. Authorize award and execution of a 24-month requirements service agreement with ANACON INC., Houston, TX, to provide priority and regulated pollutant analysis services for the Austin Water Utility in an amount not to exceed \$460,000, with two 12-month extension options in an estimated amount not to exceed \$230,000 per extension option, for a total estimated contract amount not to exceed \$920,000. Funding in the amount of \$230,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 12-months of the initial contract period and extension options will be 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 requirements service agreement was approved.

21. Authorize award and execution of a contract with ITT FLYGT CORP., Cedar Park, TX, for the purchase of a submersible pump for the Austin Water Utility in an amount not to exceed \$53,711. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. 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 contract was approved.

22. Authorize award and execution of two 12-month requirements service agreements with PAMPERED LAWNS AUSTIN, INC., Austin, TX, in an estimated amount not to exceed \$82,074, with two 12-month extension options in an estimated amount not to exceed \$82,074 per extension option, for a total estimated contract amount not to exceed \$246,222; and with WILLIAMSON LAND DEVELOPMENT (MBE/MB), Cedar Park, TX, in an estimated amount not to exceed \$85,924, with two 12-month extension options in an estimated amount not to exceed \$85,924 per extension option, for a total estimated contract amount not to exceed \$257,772, to provide ground maintenance services for various locations throughout the Austin Water Utility. Funding in the amount of \$167,998 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining options will be contingent upon available funding in future budgets. Lowest bids of eight 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 two requirements service agreements was approved.

23. Authorize award and execution of a 24-month requirements supply contract with PLANT EQUIPMENT & SERVICE, INC., Bryan, TX for the purchase of epoxy cement manhole seal surface kits for the Austin Water Utility in an estimated amount not to exceed \$118,200, with two 12-month extension options in an estimated amount not to exceed \$73,875 per extension option, for a total estimated contract amount not to exceed \$265,950. Funding in the amount of \$54,175 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 13 months of the initial contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications 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 contract was approved.**
24. Authorize award and execution of a 24-month requirements service contract with KIL-A-BUG PEST CONTROL, Austin, TX, for pest control services in an estimated amount not to exceed \$126,632, with two 12-month extension options in an estimated amount not to exceed \$63,316 per extension option, for a total estimated contract amount not to exceed \$253,264. Funding in the amount of \$58,040 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining 13 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 2-9C 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 service contract was approved.**
25. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with SOUTHWEST SOLUTIONS GROUP, Round Rock, TX, for the purchase of various evidence storage shelves for the Austin Police Department in an amount not to exceed \$100,115.65. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Finance and Administrative Services Department, Building Services Division. Cooperative Purchase
The motion authorizing the award and execution of a contract was approved.
26. Authorize award, negotiation, and execution of a 12-month requirements service contract with PUBLIC SOLUTIONS GROUP, LTD., Grapevine, TX for alternative fuel consulting services in an estimated amount not to exceed \$114,367, with two 12-month extension options in an estimated amount not to exceed \$114,367 per extension option, for a total estimated contract amount not to exceed \$343,101. Funding in the amount of \$104,836.42 is included in the Fiscal Year 2006-2007 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of three 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 requirements service contract was approved.**
27. Authorize award and execution of an 11-month requirements supply contract through U.S. Communities Government Purchasing Alliance with HAGEMeyer NORTH AMERICA, Charleston, SC, for the purchase of Level A Hazmat suits and supplies in an amount not to exceed \$74,045, with two 12-month extension options in an estimated amount not to exceed \$35,000 per extension option, for a total estimated contract amount not to exceed \$144,045. Funding in the amount of \$74,045 is available in the

State of Texas, Governor's Division of Emergency Management, 2005 Homeland Security Grant program. Funding for the extension options is contingent upon available funding in future budgets. Cooperative Purchase.

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

28. Authorize award and execution of Amendment No. 4 to the contract with EMANCIPET, INC., Austin TX, for spay/neuter pet services for low-income residents of Austin to increase the current contract in an estimated amount not to exceed \$54,000 per year; and to increase the remaining extension option in an estimated amount not to exceed \$54,000, for a revised total agreement amount not to exceed \$456,000. Funding in the amount of \$54,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. (General Fund, \$40,000; Donation Accounts, \$9,000; and Travis County, \$5,000). Funding for the remaining extension option is contingent upon available funding in future budgets. Contract Amendment

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

29. Authorize award and execution of a 24-month requirements supply agreement with FECHHEIMER BROTHERS COMPANY, Cincinnati, OH, for the purchase of uniform shirts and trousers in an estimated amount not to exceed \$436,141, with two 12-month extension options in an estimated amount not to exceed \$218,070 per extension option, for a total estimated contract amount not to exceed \$872,281. Funding in the amount of \$199,898 is available in the Fiscal Year 2006-2007 Operating Budgets of the Austin Police Department and the Department of Public Safety and Emergency Management. Funding for the remaining 13 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 requirements supply agreement was approved.

30. 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>Arts Commission</u> Carmen Canann	Council Member Kim's	Appointment
<u>Austin Community Technology and Telecommunications Commission</u> Pilar Sanchez	Council Member Kim's	Appointment
<u>Commission for Women</u> Darlene Lanham	Council Member Kim's	Appointment
<u>Community Development Commission</u> Robert Hanna	Council Member Kim's	Appointment
<u>Human Rights Commission</u> Brian Thompson	Council Member Kim's	Appointment

Music Commission

Nikki Rowling

Council Member Leffingwell's

Appointment

Parks and Recreation Board

Stephen Shang

Council Member Kim's

Appointment

Residential Design and Compatibility Commission

Kevin Collins

Consensus

Appointment

Jean Stevens

Council Member Leffingwell's

Appointment

Travis Central Appraisal District Board of Directors

Eleanor Powell

Consensus

Reappointment

Resolution No. 20061102-030

31. Approve an ordinance renaming the service center located at 4108 Todd Lane to the Kenneth Gardner Service Center and waiving any applicable requirements of Title 14 of the City Code. (Council Member Lee Leffingwell Council Member Sheryl Cole Council Member Mike Martinez)
Ordinance No. 20061102-031 was approved.
32. Approve a resolution directing the City Manager to make recommendations on a program along the MoPac corridor using home energy improvements as a method to aid traffic noise mitigation. (Council Member Jennifer Kim Council Member Sheryl Cole Council Member Mike Martinez)
Resolution No. 20061102-032 was approved.
33. Approve a resolution giving the City of Austin's consent to the Wallis Cultural Education Facilities Finance Corporation of Wallis, Texas to issue one or more loans to Ballet Austin for the purpose of financing or refinancing the cost of acquisition, construction, repair, renovation, remodeling, or improvement of the Butler Dance Education Center located at 501 West 3rd Street, Austin, Texas 78701. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell Council Member Mike Martinez)
Resolution No. 20061102-033 was approved.
34. Approve reimbursement of Health Temporary Vending Permit fees for the Green Corn Project's Cook Globally, Grow Locally Autumn Festival held on October 15, 2006. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell Mayor Will Wynn)
The motion authorizing the reimbursement of Health Temporary Vending Permit fees was approved.
35. Approve reimbursement of certain fees under Chapter 14 of the Code for the 2006 Texas Book Festival held on October 27 - 29, 2006. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
The motion authorizing reimbursement of certain fees was approved.
36. Approve waiver of fees and requirements under Chapter 14 of the City Code and payment of certain costs for the 2006 Travis County Veterans' Service Office's Veterans' Day Parade to be held on November 11, 2006. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)
The motion authorizing the waiver of fees and requirements was approved.
37. Set a public hearing to consider variance requests by Melinda Myers Simmen and Frank Simmen to allow construction of a single-family residence at 6704 Pixie Cove, Austin, TX, in the 100-year floodplain of Lake Austin and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year

floodplain for the footprint of the proposed house and attached garage. (Suggested date and time: November 16, 2006 at 6:00 p.m., Austin City Hall, 301 West 2nd Street, Austin, TX)

The public hearing was set for November 16, 2006 at 6:00 p.m., Austin City Hall, 301 West 2nd Street, Austin, TX.

Items 38 through 39 were Executive Session items.

Item 40 was a briefing set for 2:00 p.m.

Items 41 through 61 were zoning items set for 4:00 p.m.

Items 62 through 65 were public hearings set for 6:00 p.m.

DISCUSSION ITEM

14. Approve an ordinance amending Chapter 12-1 of the City Code to add Article 6 relating to automated red light enforcement.

Ordinance No. 20061102-014 was approved with the following directions to staff on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote. Council Member Kim's direction to staff was: 1) the implementation timeline should include a bilingual public awareness and education campaign; 2) there should be subcontracting opportunities for local women and minority-owned businesses for the public awareness and education campaign; 3) dangerous intersections that have close calls and not just a high frequency in accidents should be included; 4) preliminary statistics should be released at the three month mark and an in-depth report submitted after six months; 5) the current statistics should be set as the baseline for violations and crashes at the 15 intersections selected; and 6) the ordinance language regarding the Traffic Safety Fund Account should be broad enough to encompass all of the safety and traffic projects under which the city could benefit.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:54 a.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.

38. Discuss legal issues concerning the consideration of economic and environmental impacts in zoning. (Private Consultation with Attorney - Section 551.071)
39. Discuss acquisition of an interest in real property either as parkland or open space to be funded by proposed November 2006 bonds. (Real Property - Section 551.072)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:13 p.m.

CITIZEN COMMUNICATION: GENERAL

Jimmy Castro - City of Austin Bond Elections

CarolAnneRose Kennedy - THE INTR NATIONAL ANTHEM

Pat Johnson - City Issues

Victor Carl Honey - Housing in City of Austin. **He was not present when his name was called.**

Nailah Sankofa - Announcement - Arts Events & Issues Concerning Black Artist. **She was not present when her name was called.**

Jennifer Gale - Important Election in a Lifetime. **She was not present when her name was called.**

Edward Sledge - Human Rights Commission

Jon I. Hughes - I am your Lady and you are my Clan. **She was not present when her name was called.**

Maria Rankins - Escalated Complaint Regarding Carver Branch Library. **She was not present when her name was called.**

Jessi Mercer - Structure on Streets. **She was not present when her name was called.**

Mayor Wynn recessed the Council Meeting at 12:26 p.m.

Mayor Wynn called the Council Meeting back to order a 2:10 p.m.

BRIEFING

40. Presentation by Charles Heimsath on the Downtown Circulator Study
The presentation was made by Laura Huffman, Assistant City Manager; Charles H. Heimsath, AICP, President of Capitol Market Research; and John Stephens, Director of Financial Services Department.

Mayor Wynn recessed the Council Meeting at 3:20 p.m.

Mayor Wynn called the Council Meeting back to order at 4:08p.m.

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

41. C14-05-0085 - Powers 20 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on March 2, 2006. Vote: 7-0. Applicant: Frank Alattar/Fred Powers. Agent: Jim Wittliff. City Staff: Jorge E. Rousselin, 974-2975. Ordinance No. 20061102-041 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved adding one prohibited use of service stations.

42. C14-05-0151 – Flex 15 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 8420 Longview Road (Williamson Creek Watershed–Barton Springs Zone; South Boggy Creek Watershed) from rural residence (RR) district zoning to townhouse and condominium residence (SF-6) district zoning with conditions. On March 23, 2006, Council approved single family residence–small lot–conditional overlay (SF-4A-CO) combining district zoning with conditions, on first reading. Vote: 7-0. On October 5, 2006, Council approved townhouse and condominium residence–conditional overlay (SF-6-CO) combining district zoning with conditions, on second reading. Vote: 6-0, Martinez off the dais. Applicant: Flex Realty (Brett Vance). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20061102-042 for townhouse and condominium residence–conditional overlay (SF-6-CO) combining district zoning with a limit of 130 units 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 Cole's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.

43. C14-06-0127 - Rezoning Rundberg - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 101 East Rundberg Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use–conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use–conditional overlay (LO-MU-CO) combining district zoning. Applicant and Agent: Cahn (Chris) Tran. City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20061102-043 for limited office-mixed use–conditional overlay (LO-MU-CO) combining district zoning was approved.
44. NPA-06-0008.01 - Mount Zion - Conduct a public hearing and approve an ordinance amending Ordinance 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single-family to civic use for the properties located at 2935 and 2937 E. 13th Street (Boggy Creek Watershed). Staff Recommendation: To grant civic use designation. Planning Commission Recommendation: To grant civic use designation. Applicant: Mount Zion Missionary Baptist Church (Luke Mercer). Agent: Mount Zion Missionary Baptist Church (Dusty McCormick). City Staff: Maureen Meredith, 974-2695.
Ordinance No. 20061102-044 for civic use designation was approved.
45. C14-06-0165 - Mount Zion - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2935-2941 E. 13th Street (Boggy Creek Watershed) from family residence–neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use–conditional overlay–neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use–conditional overlay–neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use–conditional overlay–neighborhood plan (GO-MU-CO-NP) combining district zoning. Applicant: Mount Zion Missionary Baptist Church (Luke Mercer). Agent: Mount Zion Missionary Baptist Church (Dusty McCormick). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061102-045 for general office-mixed use–conditional overlay–neighborhood plan (GO-MU-CO-NP) combining district zoning was approved.

46. C14-06-0166 - Mount Zion - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2942, 2946 and 2948 E. 13th Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood (GO-MU-CO-NP) combining district zoning. Applicant: Mount Zion Missionary Baptist Church (Luke Mercer). Agent: Mount Zion Missionary Baptist Church (Dusty McCormick). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061102-046 for general office-mixed use-conditional overlay-neighborhood (GO-MU-CO-NP) combining district zoning was approved.
47. C14-06-0168 - Clawson South Eight - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3504 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence-conditional overlay (SF-5-CO) combining district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Planning Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Applicant and Agent: Equilibrium Development, L.P. (Brad Schubert). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061102-047 for urban family residence-conditional overlay (SF-5-CO) combining district zoning was approved.
48. C14-06-0170 - Joy Moves - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501 Capital of Texas Highway South (Barton Creek Watershed-Barton Springs Zone) from limited office (LO) 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: Uplifting Properties, L.P. (Steve Goldstein). Agent: Site Specifics (John Hussey). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061102-048 for general office-conditional overlay (GO-CO) combining district zoning was approved.
49. C14-06-0176 - West End Pilates - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 504 Oakland Avenue (Town Lake Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Applicant and Agent: Edward and Elizabeth Blumenfield. City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20061102-049 for limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning was approved.
50. C14-06-0177 - 807 West Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807 West Avenue (Town Lake Watershed) from multi-family residence-moderate-high density (MF-4) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant 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 and Agent: Sunil and Mita Patel. City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20061102-050 for downtown-mixed use-conditional overlay (DMU-CO) combining district zoning was approved.

51. C14-06-0180 - Four Paws at Four Points - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8610 North FM 620 Road (Lake Travis Watershed) from interim rural-residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Four Paws at Four Points (Martha Keleypas). Agent: Site Acquisition Consultants (Buck Looney. City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20061102-051 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.

52. C14-06-0184 - Austin Christian Fellowship Phase II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6401 River Place Boulevard (West Bull Creek Watershed) from development reserve (DR) district zoning and single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning to neighborhood office (NO) district zoning. Staff Recommendation: To grant neighborhood office NO) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant neighborhood office-conditional overlay (NO-CO) combining district zoning. Applicant: RP Preserve, Ltd. (Blake Magee); Christina Fellowship (Cordel Robinson). Agent: Linseisen & Associates (Andrew Linseisen). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20061102-052 for neighborhood office (NO) zoning district was approved with restrictions prohibiting the construction of structures on the property to be placed in a restrictive covenant.

54. C14-06-0018 - 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 neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant and Agent: Troy Hana. City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved.

55. C14-06-0029 - 620 North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15400-15402 North FM 620 (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning and development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant development reserve (DR) district zoning. Applicant and Agent: Ali Bahrami. City Staff: Wendy Walsh, 974-7719.

This item was postponed to November 16, 2006 at the applicant's request.

56. C14-06-0123 - Ardent 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 South Lamar Boulevard (West Bouldin

Creek Watershed) from community commercial (GR) district zoning and general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Ocean Stone SC, L.L.C. (Robert S. Peek Jr.). Agent: Drenner & Golden Stuart Wolff, SSP (Michele Rogerson). City Staff: Robert Heil, 974-2330.

This item was postponed to November 16, 2006 at the neighborhood's request.

57. C14-06-0124 - Ardent 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1418 South Lamar Boulevard (West Bouldin Creek Watershed) from multi-family residence-medium density (MF-3) district zoning and general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Ocean Stone SC, L.L.C. (Robert S. Peek Jr.). Agent: Drenner & Golden Stuart Wolff, SSP (Michele Rogerson). City Staff: Robert Heil, 974-2330.

This item was postponed to November 16, 2006 at the neighborhood's request.

58. C14-06-0174 - Channel Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1719 Channel Road, Unit B (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single-family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To deny single-family residence-standard lot (SF-2) district zoning. Applicant and Agent: David Peterson. City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to November 30, 2006 at the applicant's request.

59. NPA-06-0016.01 - Dental Clinic - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-012, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single-family to mixed use for the property located at 4711 Red Bluff Road (Colorado River Watershed). Staff Recommendation: To deny mixed use designation. Planning Commission Recommendation: To deny mixed use designation. Applicant: Victor Garcia. Agent: Manuel Garcia. City Staff: Adrienne Domas, 974-6355.

This item was postponed to November 16, 2006 at the staff's request.

60. C14-06-0143 - Dental Clinic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4711 Red Bluff Road (Colorado River Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Staff Recommendation: To deny limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Applicant: Victor Garcia. Agent: Manuel Garcia. City Staff: Robert Heil, 974-2330.

This item was postponed to November 16, 2006 at the staff's request.

ZONING DISCUSSION ITEMS

53. C14-06-0182 - Thornton Bungalows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2206-2210 Thornton Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence (SF-5) district zoning. Staff Recommendation: To grant urban family residence (SF-5) district zoning. Planning Commission Recommendation: To grant urban family residence (SF-5) district zoning. Applicant: Thornton Cottages Austin, LP (James Austin). Agent: Stansberry Engineering (Blayne Stansberry). City Staff: Robert Heil, 974-2330.
The public hearing was closed and the first reading for urban family residence (SF-5) district zoning was approved with the following amendments on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais. The amendments are as follows: No parking reduction; 50% impervious cover; and the density will be as agreed to by the parties and as will be described in the second and third readings.
61. C14-06-0161 - Southpark Meadows Building 19 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9200-9250 Cullen Lane (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: SP Meadows Central, Ltd. (Andy Pastor). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 974-7719.
The motion was made by Council Member Kim to close the public hearing and deny the rezoning request. The motion died for lack of a second.
The public hearing was closed and Ordinance No. 20061102-061 for commercial-liquor sales (CS-1) district zoning with the conditional overlay to prohibit adult oriented businesses was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 5-1 vote. Council Member Kim voted nay. Council Member McCracken was off the dais.

Mayor Wynn recessed the Council Meeting at 5:19 p.m.

PROCLAMATIONS

Proclamation -- Nurse Practitioner Week -- to be presented by Mayor Will Wynn and to be accepted by Sandra Ransom, NP

Proclamation -- GIS Day -- to be presented by Mayor Will Wynn and to be accepted by Leeanne Pacatte and Karen Sharp

Proclamation -- Adoption Day -- to be presented by Mayor Will Wynn and to be accepted by Denise Hyde

Distinguished Service Award - In Memoriam -- Kenneth Ray Gardner -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by Rosalind Gardner and Family

Proclamation -- Veterans Day -- to be presented by Council Member Mike Martinez and to be accepted by Moses Saldana

Proclamation -- Hispanic Women's Network of Texas Days -- to be presented by Council Member Mike Martinez and to be accepted by Carolyn Hernandez

Community Service Award -- East Austin Youth Foundation -- to be presented by Council Member Sheryl Cole and to be accepted by Kenneth Thompson, Sr. and Larry Shaw

Certificates of Congratulations -- Volunteers of the Month for September and October to be presented by Council Member Brewster McCracken and to be accepted by Marjorie Bronk and Mayra Artusi

Mayor Wynn called the Council Meeting back to order at 6:27 p.m.

PUBLIC HEARINGS

65. Conduct a public hearing to receive comment about the proposed Lakewood Ramp, located at Lakewood Drive at FM 2222, and provide policy direction to the City Manager.
This item was postponed indefinitely and withdrawn from the agenda on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Cole and McCracken were off the dais.
62. Conduct a public hearing to receive public comment on issues related to the full purpose annexation of the Anderson Mill Road annexation area (approximately 183 acres located on Anderson Mill Road approximately two thirds of a mile east of the intersection of FM 620 and Anderson Mill Road). Full purpose annexation is anticipated in December 2008 in accordance with the City's Municipal Annexation Plan.
The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais.
63. Conduct a public hearing and consider variance requests to allow construction of a single-family residence at 1115 Desirable Drive, Austin, TX, in the 25-year and 100-year floodplains of Tannehill Branch and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence.
The public hearing was closed and the Ordinance No. 20061102-063 was approved on Council Member Kim's motion, Council Member Cole's second on a vote. Council Member McCracken was off the dais.
64. Conduct a public hearing and consider a floodplain variance requested by Louis Williams III and Andrea Williams to allow construction of an addition to the residence at 8312 Millway Drive, Austin, TX, in the 100-year and 25-year floodplains of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by deleting the footprint of the residence from the easement-dedication requirement.
The public hearing was closed and Ordinance No. 20061102-064 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 5-1 vote. Council Member Leffingwell voted nay. Council Member McCracken was off the dais.

Mayor Wynn adjourned the meeting at 6:41 p.m. without objection.

The minutes for the Regular Meeting of November 2, 2006 were approved on this the 16th day of November, 2006 on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.