



AUSTIN CITY COUNCIL MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 30, 2006

Invocation: Commander Stephen Ellis, Salvation Army

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 30, 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 Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

1. Approve the minutes of the special-called Austin City Council retreat of November 9-10, 2006 and the November 16, 2006 regularly scheduled meeting.
The minutes from the special called meeting of November 9-10, 2006 and the regularly scheduled meeting of November 16, 2006 were approved.
2. Authorize negotiation and execution of a contract for reimbursement of costs with BALLET AUSTIN, Austin, TX, for the purchase and installation of a heat exchanger, associated piping, and modifications to an existing building in order to provide air conditioning and interconnection of the building to the Austin Energy downtown district cooling system in an amount not to exceed \$140,000. Funding in the amount of \$140,000 is available in the Fiscal Year 2006-2007 Capital Improvement Budget. Recommended by the Electric Utility Commission.
This item was postponed to December 14, 2006.
3. Approve ratification of a construction contract with DPR CONSTRUCTION, Austin, TX, for civil construction services at Austin Energy's new Wells Branch Substation, in an amount not to exceed \$220,000. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of Austin Energy. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the ratification of a construction contract was approved.

4. Approve an ordinance amending Chapter 6-1 of the City Code regarding vehicle idling to conform with a change in State law. Recommended by the Electric Utility Commission.
Ordinance No. 20061130-004 was approved.
5. Authorize the City Manager to negotiate and execute an agreement with Brushy Creek Municipal Utility District (Brushy Creek) and Austin 620 Land Investments, L.P., for the provision of out-of-district water and wastewater service to an approximately 10 acre tract located adjacent to Brushy Creek's southern boundary. Brushy Creek and the developer will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement. Recommended by the Water and Wastewater Commission.
The motion authorizing the City Manager to negotiate and execute an agreement was approved.
6. Authorize execution of a construction contract with T. MORALES COMPANY ELECTRIC AND CONTROLS, LTD (MBE/FH), Florence, TX, for the construction of the electrical reliability upgrades at the Four Points #1 Lift Station in the amount of \$58,797 plus a \$5,203 contingency, for a total contract amount not to exceed \$64,000. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A 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. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract was approved.
7. Approve an ordinance authorizing negotiation and execution of an amendment to the Cost Reimbursement Agreement with Rancho Alto Ventures, Ltd., Inc.: (1) changing the cost reimbursement method for the 12-inch gravity wastewater main; and (2) waiving the requirements of Section 25-9-62 of the City Code relating to amount of cost participation. The overall maximum cost reimbursement amount will not exceed the originally approved \$577,173. There is no fiscal impact. Recommended by the Water and Wastewater Commission.
Ordinance No. 20061130-007 was approved.
8. Approve a resolution recanvassing the results of the November 7, 2006 Special Municipal Election.
Resolution No. 20061130-008 was approved.
9. Approve an ordinance changing the name of blocks 9100 through 9400 of NEW AIRPORT DRIVE, west of Spirit of Texas Drive, to FREIGHT LANE. The application fee of \$415 has been waived because this was proposed by a City of Austin department. There is no processing fee for sign replacement costs, as replacement signs will be prepared by the Aviation Department sign shop.
Ordinance No. 20061130-009 was approved.
10. Approve an ordinance changing the name of blocks 9500-10300 of NEW AIRPORT DRIVE, east of Spirit of Texas Drive, to HOTEL DRIVE. The application fee of \$415 has been waived because this was proposed by a City of Austin department. There is no processing fee for sign replacement costs, as replacement signs will be prepared by the Aviation Department sign shop.
Ordinance No. 20061130-010 was approved.
11. Approve an ordinance authorizing the execution of an agreement with Ballet Austin, Inc. providing for the reimbursement of public streetscape improvement costs in an amount not to exceed \$453,055, reimbursement of development fees in an amount not to exceed \$165,877, the reduction of City license agreement annual fees, and the waiver of fiscal requirements for the public streetscape improvements; for a total amount not to exceed \$618,932. Funding in the amount of \$618,932 in cost reimbursements:

\$453,055 is available in FY07 budget of the Neighborhood Planning & Zoning Department; \$163,627 in revenue to be reimbursed for the Watershed Protection and Development Review Department; and \$2,250 in revenue to be reimbursed for the Austin Water Utility.

This item was postponed to December 14, 2006.

Items 12 and 13 were related to 6:00 Public Hearing.

14. Adopt a resolution amending Chapter A of the Personnel Policies to include Service Incentive Pay Enhancement authorized by the City Council for Fiscal Year 2006-2007. There is no fiscal impact. Funding is available in the approved Fiscal Year 2006-2007 budget.
Resolution No. 20061130-014 was approved.
15. Approve a resolution confirming the appointment of Stephen C. Edmonds to the Firefighters' and Police Officers' Civil Service Commission.
Resolution No. 20061130-015 was approved.
16. Approve a resolution confirming the appointment of Janis Guerrero Thompson, Ph.D. to the Firefighters' and Police Officers' Civil Service Commission.
Resolution No. 20061130-016 was approved.
17. Authorize execution of a construction contract with FACILITIES REHABILITATION, INC., Forth Worth, TX, (MBE/MH 93.95%), for the Austin Clean Water Program: Govalle 4 East 4th Street Wastewater Improvements Project in the amount of \$332,897. Funding in the amount of \$332,897.00 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals, 0.00% MBE and 6.05% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract was approved.
18. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for the Barton Hills Retrofit Project in an amount not to exceed \$928,586. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department. Lowest of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals, 18.5% MBE and 3.6% WBE subcontractor participation. Recommended by the Environmental Board; Zoning and Platting Commission; Planning Commission; and, the Parks Board (including the Land and Facilities Committee).
The motion authorizing the execution of a construction contract was approved.
19. Authorize negotiation and execution of a professional services agreement with HALFF ASSOCIATES, INC., Austin, TX, for engineering services for the Gilleland Creek Modeling and Mapping Project, in an amount not to exceed \$750,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department. Best qualification statement of eight statements 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) by meeting the goals, 15.90% MBE and 14.20% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.

20. Authorize negotiation and execution of a professional services agreement with URS CORPORATION, Austin, TX, for planning and engineering services relative to decommissioning and demolition of the Thomas C. Green Water Treatment Plant (WTP) and related facilities, in an amount not to exceed \$750,000. Funding is included the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Best qualification statement of six statements 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) by meeting the goals, 18.6% MBE and 14.5% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
21. Authorize negotiation and execution of a professional services agreement with DELTA AIRPORT CONSULTANTS, INC., Austin, TX, for engineering services for Austin-Bergstrom International Airport Runway 35L Bypass Taxiway in an amount not to exceed \$565,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Aviation Department. Best qualification statement of five statements received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goal, 31% DBE subconsultant participation. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
22. Authorize negotiation and execution of an amendment to the professional services agreement with AGUIRRE CORPORATION, Dallas, TX, ARCHITECTURAL PLUS (WBE/FR), Austin, TX, ELLIOTT and HAMILL ARCHITECTS, INC., Austin, TX, GRABBER, SIMMONS and COWAN, INC., Austin, TX, LAWRENCE GROUP ARCHITECTS, INC., Austin, TX, LIMB ACKER and GODFREY ARCHITECTS (WBE/FR), Austin, TX, SMITH + MORTON and MACKEY ARCHITECTURE, Austin, TX, TEAM HAAS (WBE/FR), Austin, TX, and WHITE, DOLCE and BARR ARCHITECTS, Austin, TX, for architectural services for the General Architectural Services Rotation List, in the amount of \$800,000 for a total contract amount not to exceed \$6,292,000 including administrative approvals. Funding is available in the Fiscal Year 2006-2007 Capital Budgets and/or Operating Budgets of the various departments for which services are needed. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program), 15.80%MBE and 13.50% WBE sub-consultant participation to date.
This item was postponed to December 7, 2006.
23. Approve the negotiation and execution of a 6-month lease renewal for 15,000 square feet of warehouse space located at 921 Reinli Street from GOLDSTAR INVESTMENTS LTD, Austin TX, in an amount not to exceed \$30,000, for a total contract amount not to exceed \$50,000 for evidence storage by the Austin Police Department. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Funding for the remaining contract period is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of a lease renewal was approved.
24. Authorize award and execution of a contract with ALFRED CONHAGEN, INCORPORATED OF TEXAS, LaMargue, TX, for the inspection and overhaul of River Pump No. 1 at Decker Creek Power Station in an amount not to exceed \$75,991. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. 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 the award and execution of a contract was approved.

25. Authorize award and execution of a contract with JOHNSON CONTROLS, Austin, TX, for the purchase and installation of two 1250-ton glycol chillers and related equipment in an amount not to exceed \$4,269,531. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a critical business need; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

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

26. Authorize award, negotiation and execution of a contract with PARAGON AIRHEATER TECHNOLOGIES, Corona, CA, for the purchase of seals for the Decker Creek Power Station Unit No. 1 air preheater in an amount not to exceed \$95,128.30. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Sole proposal. 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, negotiation, and execution of a contract was approved.

27. Authorize award, negotiation and execution of a 12-month requirements service contract with MECHANICAL DYNAMICS & ANALYSIS, Latham, NY; NORTH AMERICAN ENERGY SERVICES/TRISTAR, Houston, TX; WOOD GROUP/PRATT WHITNEY, Windsor Locks, CT; and SIEMENS POWER GENERATION, INCORPORATED, Houston, TX, for steam turbine generator maintenance at Austin Energy power plants, in an estimated amount not to exceed \$4,500,000 each and combined, with four 12-month extension options in an estimated amount not to exceed \$4,500,000 each and combined per extension option, for a combined total estimated contract amount not to exceed \$22,500,000. Funding in the amount of \$3,750,000 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Best four evaluated proposals of five 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.

28. Authorize award and execution of a 24-month requirements supply contract with TECHLINE PIPE LP, Austin, TX for cast iron manhole covers and rings in an estimated amount not to exceed \$110,166, with two 12-month extension options in an estimated amount not to exceed \$55,083 per extension option, for a total estimated contract amount not to exceed \$220,332. Funding in the amount of \$45,902.50 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Energy Department. Funding for the remaining 14 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 contract was approved.

29. Authorize award, negotiation, and execution of a 24-month requirements service contract with TERRACON CONSULTING, Austin, TX; and ENVIRONMENTAL RESOURCE CONSULTANTS, Austin, TX, for air monitoring and sampling services for asbestos and lead-based paint at power plants and, if needed, at other Austin Energy facilities, in an estimated amount not to exceed \$450,000 each and combined, with a 24-month extension option in an estimated amount not to exceed \$450,000 each and combined per extension option, for a combined estimated total contract amount not to exceed \$900,000. Funding in the amount of \$187,500 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension option is contingent upon available funding in future budgets. Best two evaluated proposals 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.
30. Authorize award and execution of a 24-month requirements service contract with UTILIQUEST, LLC, Atlanta, GA, for underground utility locating services in an estimated amount not to exceed \$465,000 with two 12-month extension options in an estimated amount not to exceed \$232,500 per extension option, for a total estimated contract amount not to exceed \$930,000. Funding in the amount of \$193,750 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining 14 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 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.
31. Authorize award and execution of a 24-month requirements supply contract with HEART OF TEXAS HOTMIX, LC, Belton, TX, for the purchase of hot mix – cold laid asphaltic concrete (cold mix) in an estimated amount not to exceed \$794,400, with two 12-month extension options in an estimated amount not to exceed \$397,200 per extension option, for a total estimated contract amount not to exceed \$1,588,800. Funding in the amount of \$331,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract was approved.
32. Authorize award and execution of Amendment No. 8 to a contract with NEXTGEN HEALTHCARE INFORMATION SERVICES, Horsham, PA, to purchase additional software licenses and maintenance services in an estimated amount not to exceed \$544,980, for a revised total estimated contract amount not to exceed \$1,932,983.68. Funding in the amount of \$318,750 is included in the Fiscal Year 2006-2007 Capital Budget of the Community Care Services Department. Funding in the amount of \$30,410 is included in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding in the amount of \$195,820 for the increase of the remaining two extension options in contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of amendment number 8 to a contract was approved.

33. Authorize award and execution of a 24-month requirements service contract with THE PERSONNEL STORE, Inc. (WBE/FH), Austin, TX, for temporary personnel services in an estimated amount not to exceed \$700,000, with two 12-month extension options in an estimated amount not to exceed \$350,000 per extension option, for a total estimated contract amount not to exceed \$1,400,000. Funding in the amount of \$291,667 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Convention Center department. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements service contract was approved.**

34. Authorize award and execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with FISHER SCIENTIFIC COMPANY, Pittsburg, PA, for the purchase of one self-contained decontamination trailer in an amount not to exceed \$76,148.56. Funding in the amount of \$70,592.97 is available in the Fiscal Year 2005 Metropolitan Medical Response System (MMRS) grant. This is a Federal grant under the Department of Homeland Security. Funding in the amount of \$5,555.59 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Fire Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. **The motion authorizing the award and execution of a contract was approved.**

35. Authorize execution of Amendment No. 4 with TEXAS INDUSTRIES FOR THE BLIND & HANDICAPPED, Austin, TX, to increase the second extension option for temporary personnel services in an estimated amount not to exceed \$182,000, for a revised total estimated contract amount not to exceed \$822,375. Funding in the amount of \$151,667 is available in the Fiscal Year 2006-2007 Operating Budgets of various departments. Funding for the remaining two months of the extension option is contingent upon available funding in future budgets. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. **The motion authorizing the execution of amendment number 4 was approved.**

36. Authorize award and execution of a 12-month requirements supply contract with GAIL'S FLAGS & GOLF COURSE ACCESSORIES, INC., Fort Worth, TX, for golf course accessories and supplies, in an estimated amount not exceed \$54,236.89, with two 12-month extension options in an estimated amount not to exceed \$54,236.89 per extension option, for a total estimated contract amount not to exceed \$162,710.67. Funding in the amount of \$45,197.40 is available in the Fiscal Year 2006-2007 Operating Budget of the Parks and Recreation Department Fund. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract was approved.**

37. 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>Animal Advisory Commission</u> Dr. Howard Blatt <i>licensed veterinarian</i>	Mayor Wynn's	Appointment
<u>Design Commission</u> Phil Reed	Council Member McCracken's	Reappointment

38. Approve a resolution Directing the City Manager to enter into an agreement with ARTS Center Stage for the placement of memorial plaques at the Long Center and to work with the Austin Music Commission to develop and finalize a selection process for making annual recommendations to the City Council for the approval of persons proposed to be honored with a plaque. (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)

Resolution No. 20061130-038 was approved.

39. Approve a resolution establishing a sister city relationship with the City of Antalya, Turkey. (Mayor Will Wynn Council Member Jennifer Kim Council Member Lee Leffingwell)

This item was postponed to January 11, 2007.

40. Approve reimbursement of fees for the Austin Hindu Temple and Community Center's Social Event which was held on October 29, 2006 at Fiesta Gardens. (Council Member Jennifer Kim Council Member Sheryl Cole Council Member Lee Leffingwell)

The motion authorizing the reimbursement of fees was approved.

41. Approve waiver of fees and requirements under Chapter 14 of the Code for the 2006 Mothers Against Drunk Driving 5K, to be held on December 17, 2006. (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole and Council Member Jennifer Kim)

The motion authorizing the waiver of fees and requirements was approved.

Items 42 and 43 were Executive Session items.

Items 44 through 61 were zoning items set for 4:00 p.m.

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

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:20 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.

42. Discuss legal issues regarding the City's Minority-Owned and Women-Owned Business Enterprise Program (MBE/WBE), including the availability and disparity study of minority-owned and women-owned businesses. (Private Consultation with Attorney - Section 551.071)
43. Discuss legal issues relating to the Homestead Preservation Act, Local Government Code Chapter 373A (HB 525). (Private Consultation with Attorney - Section 551.071)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS; GENERAL

Linda Hutson - Ask City Council to make Bus Stops Non-Smoking for health of others. **She was not present when her name was called.**

CarolAnneRose Kennedy - MILLENIUM CHRISTMAS

John K. Kim - Appreciation of Austin City Council

Don A. Williamson - Stones By Water

Richard Troxell - Homelessness of Austin

Jeff Jack - Building Permit Process

Randolph George Mueller - Discussion of Request for Offsight Runoff Funding for Gables Project

Hope Morrison - North Cross Mall

Jason Mittman - North Cross Mall

Paige Hill - North Cross Mall

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

Mayor Wynn called the Council Meeting back to order at 4:15 p.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 Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was off the dais.

44. C14-06-0018 - 6203 Berkman Drive - Approve second/third readings of 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 (LR-MU) combining district zoning. First reading approved on November 2, 2006. Vote: 5-0 (McCracken and Kim off the dais). Applicant and Agent: Troy Hana. City Staff: Robert Heil, 974-2330.
Ordinance No. 20061130-044 for neighborhood commercial-mixed use (LR-MU) combining district zoning was approved.

45. C14-06-0134 - Lake Line Austin Development, Ltd.; Lakeline Commons - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North F.M. 620 Road and Ridgeline Boulevard (Lake Creek Watershed) from commercial highway (CH) district zoning; general commercial services (CS) district zoning; community commercial-conditional overlay (GR-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. First reading approved on October 19, 2006. Vote: 6-0 (Martinez off the dais). Applicant: PSI (Ralph Reed). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057.
- Ordinance No. 20061130-045 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2 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 Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

46. C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) 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: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.
- This item was postponed to January 11, 2007 at the applicant's request.**
47. C14-06-0117 - Time Insurance 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
- This item was postponed to January 11, 2007 at the applicant's request.**
48. NPA-06-0009.01 - University Enterprises - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single family to community commercial for the property located at 1901-1903 E. 11th Street. Staff Recommendation: To deny community commercial designation. Planning Commission Recommendation: To deny community commercial designation. Applicant: University Enterprises (Bertha Means). Agent: Carter Design Group (Donna Carter). City Staff: Robert Heil, 974-2330.
- This item was postponed to January 11, 2007 at the staff's request.**

49. C14-06-0159 - University Enterprises - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901-1903 E. 11th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To deny community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Applicant: University Enterprises (Bertha Means). Agent: Carter Design Associates (Donna Carter). City Staff: Robert Heil, 974-2330.
This item was postponed to January 11, 2007 at the staff's request.
50. C2A-84-002 - Schlumberger PDA Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the City Code by rezoning property locally known as 8311 RR 620 North (Bull Creek and Lake Travis Watersheds) from limited industrial service-planned development area (LI-PDA) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To be reviewed on December 19, 2006. Applicant: USL Austin Reserve, L.P. (Lionstone). Agents: Armbrust & Brown, L.L.P. (Richard Suttle) and Consort (Ben Turner). City Staff: Tina Bui, 974-2755.
This item was postponed to January 11, 2007 at the staff's request.
51. C14-06-0066 - Furrows North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13427 Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Applicant: Furrows North Properties, Ltd. (John Lewis, President). Agent: John Lewis Company (Graham Carter). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20061130-051 for general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2 was approved.
52. NPA-06-0009.03 - Calavan II - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending the future land use map from single family use to office-mixed use designation for the property located at 1204 Salina Street. Staff Recommendation: To grant office-mixed use designation. Planning Commission Recommendation: To grant office-mixed use designation. Applicant and Agent: Calavan Family Partnership (Brooks Calavan). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061130-052 for office-mixed use designation was approved.
53. C14-06-0163 - Calavan II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Salina Street (Boggy Creek 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 grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Applicant and Agent: Calavan Family Partnership (Brooks Calavan). City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved with the case to come back for 2nd/3rd reading with a restrictive covenant imposing commercial design standards.

54. C14-06-0173 - Kaleidoscope - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6400 FM 969 (Walnut Creek Watershed) from general office-neighborhood plan (GO-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Staff Recommendation: To grant general office-neighborhood plan (GO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Applicant: 1825 Fortview Inc. (Jimmy Nassour. Agent: Rivera Engineering (Mike Rivera). City Staff: Robert Heil, 974-2330.

This item was postponed to December 14, 2006 at the staff's request.

55. C14-06-0185 - Lamar Square - Conduct a public hearing and approve an ordinance amending Chapter 25 of the Austin City Code by rezoning property locally known as 1340 and 1342 Lamar Square (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Dominic Proyopulos. Agent: Land Answers (Jim Bennett). City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved with the case to come back for 2nd/3rd reading with a restrictive covenant imposing commercial design standards.

56. C14-06-0189 - Del Curto - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2608 Del Curto (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family-conditional overlay (SF-5-CO) combining district zoning. Staff Recommendation: To grant urban family-conditional overlay (SF-5) combining district zoning. Planning Commission Recommendation: To grant urban family-conditional overlay (SF-5) combining district zoning. Applicant: Michael Friedman. Agent: Mike McHone Real Estate (Mike McHone). City Staff: Robert Heil, 974-2330.

Ordinance No. 20061130-056 for urban family-conditional overlay (SF-5-CO) combining district zoning was approved with the reduction of the impervious cover from 55% to 50%.

57. C14-06-0190 - Block 21 - 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 310 West 2nd Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Applicant: City of Austin Real Estate Services (Laurine Rizer). Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20061130-057 for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning was approved.

58. C14-06-0195 - Gaines - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4978 U.S. 290 West (Barton Creek

Watershed - Barton Creek Zone) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: 1999 ACDMY-JCL Trust (Joe Longbotham). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Robert Heil, 974-2330.

Ordinance No. 20061130-058 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved with additional prohibited uses. The additional prohibited uses are: pet services, bail bonds, and pawnshops.

61. C814-06-0068 - St. David's PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 919-1025 East 32nd Street; 918-1004 East 32nd Street; 900 East 30th Street; and 3000-3018 North IH-35 (Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning; and community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To deny planned unit development-neighborhood plan (PUD-NP) combining district zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Applicant: Columbia/St. David's Healthcare System, L.P. (Malcolm Belisle); and St. David's Healthcare Partnership (Bruno & Judith Ybarra). Agent: Clark, Thomas & Winters, P.C. (John M. Joseph). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to December 7, 2006 at the neighborhood's request.

Mayor Wynn recessed the Council Meeting at 5:31 p.m.

LIVE MUSIC

Sunny Sweeney

PROCLAMATIONS

Proclamation -- COPD Awareness Month -- to be presented by Mayor Will Wynn and to be accepted by Laura Chapman

Proclamation -- Austin Society of Training and Development Employee Learning Week -- to be presented by Mayor Will Wynn and to be accepted by Joyce Batty

Mayor Wynn called the Council Meeting back to order at 6:24 p.m.

ZONING DISCUSSION ITEMS

59. C14-05-0145 - Redeemer Presbyterian Church - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2105 Alexander Avenue (Boggy Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. First reading approved on October 19, 2006. Vote: 6-1 (Kim voted Nay). Applicant: Redeemer Presbyterian Church. Agent: Armbrust & Brown (Richard Suttle). City Staff: Robert Heil, 974-2330.

This item was postponed and scheduling a continuance of the public hearing for December 14, 2006 on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote.

60. 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.
- The public hearing was closed and the motion to deny the rezoning request was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.**

PUBLIC HEARINGS

62. Conduct a public hearing and approve an ordinance on the East 6th Street Public Improvement District (PID) 2007 assessments, adopting the assessment roll and levying assessments. Funding at the approved 2007 assessment rate of \$0.10/\$100 valuation is estimated to produce \$41,214 at a 89.92% collection rate. (Related to #12)
- The public hearing was closed and Ordinance No. 20061130-062 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
12. Approve an ordinance amending the Fiscal Year 2006-2007 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance 20060911-001 to appropriate funds to adopt a budget for the East Sixth Street Public Improvement District (PID) with a Beginning Balance of \$17,763, Revenue of \$86,588, and Requirements of \$82,588. \$2,306 in interest accrued in the PID account and late payments, and funding in the amount of \$41,214 is available through 2007 assessments (at a 89.92% collection rate), a \$43,500 contribution from the City of Austin, reduced by a \$432 shortfall in 2006 collections. (Related to item #62)
- Ordinance No. 20061130-012 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
63. Conduct a public hearing and approve an ordinance on the Downtown Austin Public Improvement District (PID) 2007 assessments, adopting the assessment roll and levying assessments. Funding at the approved 2007 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,868,116 at a 96.95% collection rate. (Related to #13)
- The public hearing was closed and Ordinance No. 20061130-063 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
13. Approve an ordinance amending the Fiscal Year 2006-2007 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to adopt a budget for the Austin Downtown Public Improvement District (PID), with a beginning balance of \$467,206, Revenue of \$2,123,061, and Requirements of \$2,023,061. Funding is available through \$1,868,116 in 2007 assessments (at a 96.95% collection rate); \$42,915 in collections from 2006, \$62,030 interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Revenue adjustments may be made as a result of the assessment roll Public Hearing and Council's action on the assessment roll on November 30, 2006. (Related to item #63)
- Ordinance No. 20061130-013 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

64. Conduct a public hearing and approve an ordinance amending Section 25-2-1051 of the City Code to clarify that compatibility standards apply to development unless otherwise provided by a specific provision of the City Code; amending Section 25-2-1052 to clarify the conditions that apply to the exception from compatibility standards related to construction of a residential use permitted in an urban family residence or more restrictive zoning district; and, declaring an emergency.
The public hearing was closed and Ordinance No. 20061130-064 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.
65. Conduct a public hearing to receive public comments and adopt an ordinance amending the pole, tower and other infrastructure attachment fees in the Electric Rate Schedule in Exhibit A of Ordinance No. 20060911-004. Recommended by the Electric Utility Commission.
The public hearing was closed and Ordinance No. 20061130-065 was approved on Council Member Cole's motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 7:42 p.m. without objection.

The minutes for the Regular Meeting of November 30, 2006 were approved on this the 7th day of December, 2006 on Council Member Cole's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was off the dais.