



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 7, 2006

Invocation: Pastor Melvin Manor, St. Paul Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 7, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:25 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 Cole's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was absent.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of November 30, 2006.
The minutes from the regularly scheduled meeting of November 30, 2006 were approved.
2. Approve an ordinance authorizing acceptance of grant funds in the amount of \$16,500 from the NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, Washington, D.C.; and amending the Fiscal Year 2006-2007 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20060911-001 to appropriate \$16,500 for the Family Health Program to pilot and implement a collaborative program to train local strategic partner health organizations to provide intervention and prevention education to prevent HIV, sexually transmitted diseases and unintended pregnancies. Funding in the amount of \$16,500 is available from the National Association of County and City Health Officials (NACCHO). The grant period is October 1, 2006 through May 14, 2007. No City match is required.
Ordinance No. 20061207-002 was approved.
3. Approve an ordinance amending Ordinance No. 20061005-052 to correctly reflect Council action establishing the Highland Mall Transit-Oriented District and South IH-35 Park and Ride Transit-Oriented District by repealing Part Four.
Ordinance No. 20061207-003 was approved.
4. Approve an amendment to an outside counsel contract with Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P., Austin, TX, to provide legal counsel to the City concerning the possible acquisition of land for expansion or improvement of Austin-Bergstrom International Airport facilities in the amount of

\$30,000, for a total contract amount not to exceed \$110,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department using airport funds.

The motion authorizing the amendment to an outside counsel contract was approved.

5. Approve the negotiation and execution of a loan to Visions In Rhythm d/b/a Tapestry Dance Company, Austin, TX, in compliance with applicable federal requirements, including Title 24 Code of Federal Regulations Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$100,000 to complete leasehold improvements to the property located at 2302 Western Trails, Austin, TX. Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108. This loan is subject to completion of the federal environmental assessment and fund release process.

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

6. Approve the negotiation and execution of a loan to Angie's Mexican Restaurant, Inc., Austin, TX, in compliance with applicable federal requirements including Title 24 Code of Federal Regulations Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$60,000 to provide additional financing to construct a restaurant to be located at 1305 & 1307 East 7th Street, Austin, TX. Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108. This loan is subject to completion of the federal environmental assessment and fund release process.

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

7. Approve an ordinance adopting the First Amendment to the Strategic Partnership Agreement between the City of Austin and Springwoods Municipal Utility District (MUD), extending the date for conversion of the Municipal Utility District (MUD) area to full purpose jurisdiction from December 31, 2007, to December 31, 2009 (approximately 468 acres east of the intersection of Pond Springs Road and Anderson Mill Road).

This item was postponed to December 14, 2006.

8. Approve an ordinance adopting the Sixth Supplement to the Revised Agreement Concerning Springwoods Municipal Utility District (MUD) between the City of Austin and Springwoods Municipal Utility District (approximately 468 acres east of the intersection of Pond Springs Road and Anderson Mill Road), to conform the date of annexation with the effective date of annexation under the Springwoods Strategic Partnership Agreement.

This item was postponed to December 14, 2006.

9. Approve a resolution amending the City's Municipal Annexation Plan (MAP) to include the Springwoods Non-Municipal Utility District (MUD) annexation area (approximately 348 acres located in Williamson County between Pond Springs Road and Parmer Lane on the north and south sides of Anderson Mill Road). (Including an area in the Municipal Annexation Plan does not create an obligation to annex an area and does not have a fiscal impact. It begins a three-year process that may lead to annexation.)(Related to item # 31)

This item was withdrawn.

10. Approve an ordinance to annex the Pearce Lane/Ross Road Municipal Annexation Plan Area for full purposes (approximately 278 acres in southeast Travis County, located approximately one and one quarter miles east of the intersection of FM 973 and Pearce Lane); and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary

to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)

Ordinance No. 20061207-010 was approved.

11. Approve a resolution directing the Planning Commission to consider neighborhood plans for the following neighborhoods: Windsor Road/West Austin Neighborhood Group (WANG), Windsor Hills/Heritage Hills, North Lamar/Georgian Acres and St. Johns/Coronado Hills.
This item was postponed to December 14, 2006.

12. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the University of Texas - Austin Center for Transportation Research (CTR) to perform a best practices study of the installation of traffic control devices and speed zoning procedures in an amount not to exceed \$11,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department.

Resolution No. 20061207-012 was approved.

13. Approve a resolution authorize negotiation and execution of an Interlocal Agreement between the City and the Texas Department of Transportation (TxDOT) for transfer of control, jurisdiction, and maintenance responsibility to the City for Airport Boulevard from 45th Street to Martin Luther King, Jr. Boulevard to support the Robert Mueller Municipal Airport Project. Briefed to the Water and Wastewater Commission November 15, 2006.

Resolution No. 20061207-013 was approved.

14. Authorize negotiation and execution of an amendment to the professional services agreement with AGUIRRE CORPORATION, Dallas, TX, ARCHITECTURE PLUS (WBE/FR), Austin, TX, ELLIOTT and HAMILL ARCHITECTS, INC., Austin, TX, GRAEBER, SIMMONS and COWAN, INC., Austin, TX, LAWRENCE GROUP ARCHITECTS, INC., Austin, TX, LIMBACHER and GODFREY ARCHITECTS (WBE/FR), Austin, TX, SMITH + MORTON and MACKEY ARCHITECTS, 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 \$500,000 for a total contract amount not to exceed \$5,992,000 including past 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.

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

15. Authorize execution of a construction contract with OSCAR RENDA CONTRACTING, INC., Roanoke, TX, for the Mueller Phase 2 Water Transmission Main Improvement Project in the amount of \$5,251,200 plus a \$525,120 contingency, for a total contract amount not to exceed \$5,776,320. Funding in the amount of \$5,776,320 is in the Fiscal Year 2006-2007 Capital Improvement Budget of Austin Water Utility. Lowest bid of four 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. 12.23% MBE and 3.81% WBE subcontractor participation. Briefed to the Water and Wastewater Commission November 15, 2006.

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

16. Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, LP, Houston, TX, for the Seaholm Utility Redevelopment Project in the amount of \$1,791,860 plus a \$270,000

contingency, for a total contract amount not to exceed \$2,061,860. Funding in the amount of \$2,061,860 is in the Fiscal Year 2006-2007 Capital Improvement Budget of Austin Water Utility. One bid received. This contract will be awarded in compliance Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals. 6.95% MBE and 77.54% WBE subcontractor participation. Briefed to the Water and Wastewater Commission November 15, 2006.

The motion authorizing the execution of a construction contract 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 residential streets within the area bounded by IH-35 (North) East Frontage Road, 11th Street (East), Rosewood Avenue, Northwestern Avenue, and 7th Street(East). Funding in the amount of \$8,600 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20061207-017 was approved.

18. Authorize award and execution of a 24-month requirements supply contract with DPC INDUSTRIES COMPANY, Cleburne, TX, for the supply of liquid chlorine in bulk truckload quantities for the Austin Water Utility in an amount not to exceed \$975,000, with two 12-month extension options in amounts not to exceed \$487,500 per extension option, for a total agreement amount not to exceed \$1,950,000. Funding in the amount of \$325,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 16 months of the original 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.

19. Authorize execution of a 24-month cooperative agreement with the TEXAS ASSOCIATION OF COMMUNITY HEALTH CENTERS (TACHC), Austin, TX, and CARDINAL HEALTH, INC., Dublin, OH, for participation in a TACHC supply contract with Cardinal Health, Inc., to provide pharmaceutical products for the Community Care Services Department in an amount not to exceed \$8,159,055, with three 12-month extension options in an amount not to exceed \$4,769,053 for the first extension option, \$5,222,113 for the second extension option, and \$5,718,214 for the third extension option, for a total contract amount not to exceed \$23,868,435. Funding in the amount of \$3,059,646 is included in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining 15 months of the original contract term and the three extension options is contingent upon available funding in future budgets. Cooperative Purchase

The motion authorizing the execution of a cooperative agreement was approved.

20. Authorize award and execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with CALDWELL COUNTRY CHEVROLET, Caldwell, TX, for the purchase of 82 light duty vehicles in an amount not to exceed \$2,185,153. Funding in the amount of \$350,829 is available in the Fiscal Year 2006-2007 Vehicle Acquisition Fund. Funding in the amount of \$101,184 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding in the amount of \$680,580 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Funding in the amount of \$609,049 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding in the amount of \$165,302 is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$149,291 is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Funding in the amount of \$128,918 is available in the Fiscal Year 2006-2007 Capital Budget of the

Watershed Protection and Development Review 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.

21. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 54 light duty vehicles in an amount not to exceed \$1,249,153.75. Funding in the amount of \$48,878 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding in the amount of \$643,400.75 is available in the Fiscal Year 2006-2007 Vehicle Acquisition Fund. Funding in the amount of \$171,758.75 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Funding in the amount of \$80,250 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding in the amount of \$41,124 is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$92,625.50 is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department, Street & Bridge Division. Funding in the amount of \$171,116.75 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection/Development Review 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.

22. Authorize award, negotiation, and execution of a 12-month requirements service contract with FALCON INSURANCE AGENCY, INC., Austin, TX, for aircraft liability and physical damage insurance coverage in an estimated amount not to exceed \$72,032, with two 12-month extension options in estimated amounts not to exceed \$79,235 for the first extension option and \$87,159 for the second extension option, for a total estimated contract amount not to exceed \$238,426. Funding in the amount of \$72,032 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of two 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.

23. Authorize award and execution of a contract with SCHOOL SPECIALTY, Austin, TX, for the purchase and installation of library shelving for the Spicewood Springs Branch Library in an amount not to exceed \$64,801.50. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Library Department. Sole Source.

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

24. Authorize award and execution of a 24-month requirements supply contract with MAPSCO, INC., Addison, TX, for the purchase of wall and street guide directories for various City departments in an estimated amount not to exceed \$149,288, with two 12-month extension options in an estimated amount not to exceed \$74,644 per extension option, for a total estimated contract amount not to exceed \$298,576. Funding in the amount of \$55,983 is available in the Fiscal Year 2006-2007 Operating Budget of various City departments. Funding for the remaining 15 months of the original contract period and extension

options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-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.

25. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the construction of the extension of McKinney Falls Parkway and for the construction of regional drainage improvements to upgrade a low water crossing on Thaxton Road over the Marble Creek tributary to Onion Creek. Funding in the amount of \$867,228 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department. The County's cost participation will be approximately \$159,000.

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

26. Approve a resolution authorizing the application for a grant from the Texas Water Development Board in the amount of up to \$100,000 for 50 percent of the cost for a flood protection planning study for the Cherry Creek Tributary of the Williamson Creek watershed. A grant funding opportunity in the amount of \$100,000 is available from the Texas Water Development Board. A funding match of \$100,000 is required and is available in the Fiscal Year 2006-2007 Operating Budget of the Watershed Protection and Development Review Department. Total funding for the project is \$200,000.

Resolution No. 20061207-026 was approved.

27. 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>African American Resource Advisory Commission</u>		
Chiquita Eugene <i>(representative – Capital City African American Chamber of Commerce)</i>	Consensus	Appointment
<u>Commission on Immigrant Affairs</u>		
Selena Walsh	Consensus	Appointment
<u>Day Labor Community Advisory Committee</u>		
Bruce Banner <i>(employer-related representative)</i>	Consensus	Appointment
<u>Solid Waste Advisory Commission</u>		
Kathy Urdy	Council Member Cole's	Appointment
<u>Urban Renewal Board</u>		
Daffney Henry	Mayor Wynn's	Appointment

28. Approve a resolution directing the City Manager to design and install traffic calming devices in the Ridgetop Neighborhood generally bounded by Airport Boulevard to Interstate Highway 35 and East 46th Street to East 56 ½ Street. (Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)

Resolution No. 20061207-028 was approved.

Items 29 and 30 were Executive Session items.

Item 31 was a briefing item set for 3:30 p.m.

Items 32 through 39 were zoning items set for 4:00 p.m.

Items 40 and 41 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:35 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.

Items 29 and 30 were discussed later in Executive Session.

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

CITIZEN COMMUNICATIONS; GENERAL

John K. Kim - Austin is a great city

Scott Johnson - Air Quality Issues. He was not present when his name was called.

Carol Anne Rose Kennedy - THE TEN COMMENDENTS

Jennifer Gale - Mayoral Announcement

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:15 p.m.

EXECUTIVE SESSION CONTINUED

29. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
30. Discuss legal issues concerning annexation of Lost Creek Municipal Utility District. (Private Consultation with Attorney - Section 551.071)

Executive Session ended at 1:00 p.m.

Mayor Wynn called the Council Meeting back to order at 3:43 p.m.

BRIEFINGS

31. Staff presentation on the 2007 Municipal Annexation Plan.

This item was withdrawn.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:44 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned at 3:51 p.m.

Mayor Wynn called the Council Meeting back to order at 4:08 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 Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Kim was absent.

32. C14-06-0163 - Calavan II - Approve second/third readings of 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. First reading approved on November 30, 2006. Vote: 7-0. Applicant and Agent: Calavan Family Partnership (Brooks Calavan). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061207-032 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved. Restrictive covenant will be in compliance with the Design Standards.
33. C14-06-0185 - Lamar Square - Approve second/third readings of an ordinance amending Chapter 25-2 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. First reading approved on November 30, 2006. Vote: 7-0. Applicant: Dominic Proyopulos. Agent: Lland Answers (Jim Bennett). City Staff: Robert Heil, 974-2330.
Ordinance No. 20061207-033 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved. Restrictive covenant will be in compliance with the Design Standards.

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 Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent.

34. C14-06-0098 - Harris Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13809 Harris Ridge Boulevard (Harris Branch Watershed) from limited industrial-conditional overlay (LI-CO) combining district zoning to townhouse and condominium residence (SF-6) combining district zoning for Tract 1 and limited industrial (LI) district zoning for Tract 2, with conditions. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 1 and limited industrial (LI) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning

for Tract 1 and limited industrial-conditional overlay (LI-CO) combining district zoning for Tract 2. Applicant: Capital City-Howard Lane, Ltd. (Christopher H. Whitworth. Agent: Momark Development (Chris Risher). City Staff: Sherri Sirwaitis, 974-3057.

The first reading of the ordinance for grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 1 and limited industrial-conditional overlay (LI-CO) combining district zoning for Tract 2 was approved.

35. C14-06-0198 - Laurelwood Commercial Section Four - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9507 Manchaca Road (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning, and general commercial services (CS-CO) combining district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Laurelwood Business Park Joint Venture (Russel Moore). Agent: Laurelwood Business Park Joint Venture (Shannon Gilmore). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20061207-035 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.

36. C814-06-0106 - 208 Barton Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 208 Barton Springs Road (Town Lake Watershed) from commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and lake commercial-neighborhood planning (L-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Applicant and Agent: Graves, Dougherty, Hearon & Moody, P.C. (Michael Whellan). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to January 25, 2007 at the adjacent property owner's request along with a request to complete draft ordinance by January 10, 2007.

37. C814-89-0006.03(RCA) - Canyon Ridge PUD Revision #3 Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 7300 F.M. 2222 Road, and 6500 and 6508 Jester Boulevard (West Bull Creek Watershed). Staff Recommendation: To approve the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: FM 2222/Jester, L.P. (Louis R. Williams). Agent: Neighborhood Planning and Zoning Department (Sherri Sirwaitis). City Staff: Sherri Sirwaitis, 974-3057.
The motion authorizing the restrictive covenant amendment was approved.

39. C14-06-0157 - Pond Springs Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13233 Pond Springs Road (Lake Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning for Tract 1 and commercial-liquor sales (CS-1) district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Applicant:

The London Management Trust (Michael S. London). Agent: Vincent Gerard and Associates, Inc. (Lee Small). City Staff: Sherri Sirwaitis, 974-3057.

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2 was approved with ZAP recommendation striking the requirement of double doors and additional prohibition of outside speakers.

Mayor Wynn recessed the Council Meeting at 5:36 p.m.

LIVE MUSIC

The Theatre at McCallum Fine Arts Academy

PROCLAMATIONS

Distinguished Service Award - Presented by Mayor Will Wynn and City Manager Toby Futrell and to be accepted by Chris Lippe.

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

ZONING DISCUSSION ITEMS

38. 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.

The first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions, as recommended with by the Planning Commission was approved with the following stipulations on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent. The stipulations were as follows: at 87% impervious cover maximum over project area; allow the area designated as "175" to have 50% of the area (instead of 30%) at 175 feet of height and the balance of the area at 90 feet; to allow the area designated as "125" to have 40% of the area at 125 feet of height and the balance of the area at 90 feet, do not include the limitation which addresses the area of the parking garage parallel to Red River which is moved to the westernmost portion of this area; accept all traffic improvements that were important to neighbors and that the applicant has agreed to which includes a West left turn lane, center left turn lane along 32nd Street; re-striping of 32nd Street at the West frontage; a stop light or stop sign as determined necessary by staff at 30th Street; and articulation of wall as presented by applicant. Staff was instructed to quantify and bring back before Council for 2nd and 3rd reading.

A friendly amendment was made by Council Member McCracken to require core transit corridor sidewalk standards on 32nd and Red River; 125 foot building area fronting onto Red River require 60 foot setback, and if 125 foot building on Red River is used primarily for commercial as opposed to hospital purposes it should have ground floor active uses on the Red River portion. This was not accepted by the maker of the motion.

A friendly amendment was made by Council Member Leffingwell to schedule continuance of the public hearing. This was accepted by the maker of the motion and Mayor Pro Tem Dunkerley, who seconded the motion.

Instructions were given to staff to consider Council Member McCracken's intent of the friendly amendment and bring back findings.

PUBLIC HEARINGS

40. Conduct a public hearing for the full purpose annexation of the following Avery Ranch annexation areas: (1) Tract One: Avery Far West Phase 1, Section 5; Avery Far West Phase 2, Section 1; and Avery Far West Phase 2, Section 2 (approximately 56 acres in Williamson County north of Avery Ranch Blvd at the intersection of Avery Ranch Blvd and Nearabout Rd.); and (2) Tract Two: Avery Commercial Southwest; and Avery Church Subdivision (approximately 15 acres in Williamson County at the southwest corner of the intersection of Avery Ranch Blvd and Parmer Lane.)
The public hearing was closed on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was absent.

41. Conduct a public hearing and consider an ordinance for variance requests by Melinda Myers Simmen and Frank Simmen to allow construction of a single-family residence at 6704 Pixie Cove 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.
The public hearing was closed and Ordinance No. 20061207-041 was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent.

Mayor Wynn adjourned the meeting at 6:52 p.m. without objection.

The minutes for the Regular Meeting of December 7, 2006 were approved on this the 14th day of December, 2006 on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.