



AUSTIN CITY COUNCIL MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 14, 2006

Invocation: Reverend Jonah Gharthey, All Nations Church Assemblies of God

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 14, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:16 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, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of December 7, 2006.
The minutes from the regularly scheduled meeting of December 7, 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.
The motion authorizing the negotiation and execution of a contract for reimbursement of costs was approved.
3. 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 Fiscal Year 2006-2007 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. Recommended by the Downtown Commission; to be reviewed by the Design Commission on December 11, 2006.
Ordinance No. 20071214-003 was approved.

4. Authorize execution of the ratification and amendment of an Interlocal Cooperation Agreement between the City and Travis County for public animal shelter services for the period of October 1, 2006 through September 30, 2007, in an amount not to exceed \$368,677. Funding in the amount of \$368,677 is included in the Fiscal Year 2006-2007 Operating Budget for the Health and Human Services Department as a reimbursement from Travis County.
The motion authorizing the execution of the ratification and amendment of an interlocal cooperation agreement was approved.
5. Authorize execution of 9-month contracts for the purchase of evidence-based services to the 78744 Youth of Promise Initiative Community Development Program between the City and the following agencies: COMMUNITIES IN SCHOOLS, CENTRAL TEXAS, Austin, TX, in an amount not to exceed \$53,364.32, with two 12-month renewal options, in an amount not to exceed \$71,152.43 per renewal option, for a total contract amount not to exceed \$195,669.17; WORKERS ASSISTANCE PROGRAM, Austin, TX, in an amount not to exceed \$59,681.00, with two 12-month renewal options, in an amount not to exceed \$79,574.67 per renewal option, for a total contract amount not to exceed \$218,830.33; RIVER CITY YOUTH FOUNDATION, Austin, TX, in an amount not to exceed \$66,895.00, with two 12-month renewal options, in an amount not to exceed \$89,193.33 per renewal option, for a total contract amount not to exceed \$245,281.66. Funding in the amount of \$179,940.32 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department Special Revenue Fund. The initial contract period will be December 1, 2006 – August 31, 2007. The agreements run concurrent with the grant period. Funding for renewal options is contingent upon available funding in future budgets.
The motion authorizing the execution of contracts for the purchase of evidence-based services was approved.
6. Approve an ordinance amending Ordinance No. 20051215-052 relating to the Day Labor Community Advisory Committee to extend the dissolution date of the Committee from December 31, 2006 to June 30, 2007, and to clarify quorum requirements for the Committee. Staff support for the Day Labor Community Advisory Committee (DLCAC) is provided by the City of Austin Health and Human Services Department.
Ordinance No. 20061214-006 was approved.
7. Approve an ordinance authorizing acceptance of \$2,898 in grant funds from the Texas Department of State Health Services, Infectious Disease and Control Branch, Bureau of HIV and STD Prevention, Austin, Texas; and amending the Fiscal Year 2006-2007 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$2,898 for the HIV Surveillance Program to conduct active monitoring and reporting of HIV and AIDS cases in Travis County. Funding in the amount of \$2,898 is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch, Bureau of HIV and STD Prevention. The grant period is January 1, 2006 through December 31, 2006. No City match is required.
Ordinance No. 20061214-007 was approved.
8. Approve execution of Amendment No. 3 to the Interlocal Agreement between the City and Austin/Travis County Mental Health Mental Retardation Center (MHMR), Austin, TX for provision of mental health and mental retardation services in an amount not to exceed \$53,071 for a total 12-month renewal not to exceed \$1,569,382 with two remaining 12-month renewal options in an amount not to exceed \$1,569,382 per renewal option, for a total agreement amount not to exceed \$5,732,288. Funding in the amount of \$1,177,037 is included in the Fiscal Year 2006-2007 Approved Operating Budget for the Health and Human Services Department. The contract period will be January 1, 2007 through December 31, 2007. Funding for renewal options is contingent on available funding in future budgets.

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

9. Approve negotiation and execution of 12-month contracts between the City and 40 social service agencies (see attached list of contractors), at a total cost of \$5,844,948, with one 12-month renewal option in a total amount not to exceed \$5,844,948 for a combined total cost to the City not to exceed \$11,689,896. Funding in the amount of \$4,148,546 is included in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. Fiscal Year 2006-2007 Certification funds totaling \$64,804 are included. Funding in the amount of \$115,000 is included in the Fiscal Year 2006-2007 Operating Budget of the Parks and Recreation Department. Funding in the amount of \$53,750 is included in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding in the amount of \$80,000 is included in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. The term of each contract is for the period of January 1, 2007 through December 31, 2007. Funding for the balance of the contracts and renewal options are contingent on available funding in future budgets.

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

10. Approve negotiation and execution of 12-month contracts between the City of Austin and nine social service agencies (see attached list of contractors), at a total cost of \$2,197,175 with four 12-month renewal options in an amount not to exceed \$2,197,175 per renewal option, for a combined total cost to the City not to exceed \$10,985,875. Funding in the amount of \$1,647,881 is included in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. The term of each contract is for the period of January 1, 2007 through December 31, 2007. Funding for the balance of the contracts and renewal options is contingent on available funding in future budgets.

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

Item 11 was pulled to be heard after the related Executive Session item.

12. Authorize negotiation and execution of an agreement with American Bank of Commerce, (ABC Bank), a Corporation, for the reimbursement of streetscape improvement costs under the Great Streets Development Program, for a project located at 610 West 5th Street in an amount not to exceed \$85,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue.

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

13. Approve an amendment to Council's authorization for a professional services agreement with Parsons Brinckerhoff Quade and Douglas, Inc., Austin, TX, for professional planning services for Transit-Oriented District Station Area Planning, to increase Council authority by an amount of \$130,000, for a total contract amount not to exceed \$580,000. MBE/WBE: 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, 20.88% MBE and 15.71% WBE subconsultant participation. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Neighborhood Planning and Zoning Department. Recommended by Land Use and Transportation Subcommittee.

The motion authorizing an amendment to the professional services agreement was approved.

Item 14 was pulled for discussion

15. 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, 2010. (approximately 468 acres east of the intersection of Pond Springs Road and Anderson Mill Road).

Ordinance No. 20061214-015 was approved.

16. 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.

Ordinance No. 20061214-016 was approved.

17. Approve a resolution authorizing the negotiation and execution of a contract to purchase approximately 10 acres in fee simple located along Old Manor Road from APOSTOLIC ASSEMBLY OF THE FAITH IN CHRIST JESUS, INC., using November 1998 Bond Proposition 2 funds in the amount not to exceed \$435,600. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department.

Resolution No. 20061214-017 was approved.

Item 18 was pulled for discussion.

19. Authorize negotiation and execution of five Interlocal Agreements between the City and the Texas Department of Transportation (TxDOT) for design and construction of five Off-System Hazard Elimination/Safety Projects. A total grant amount of \$516,638 for the five projects will be provided by TxDOT. The required total local match of \$57,404 for the five projects is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department.

The motion authorizing the negotiation and execution of five interlocal agreements was approved.

20. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for the parking lot expansion and HVAC system upgrades at the Little Walnut Creek Branch Library in an amount not to exceed \$797,210. Funding is included in the Fiscal Year 2006-2007 Capital Budget of the Library Department. Lowest of two bids received. 9.66% MBE and 21.63% WBE subcontractor participation. Planning Commission approved variance for construction within the Critical Water Quality Zone on September 12, 2006.

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

21. Authorize the negotiation and execution of a partition agreement of a tract of land being approximately 47.533 acres located just east of Ferguson Cut-off along U.S. Hwy 290 East owned as tenants in common by the City of Austin and Jimmy Nassour, d/b/a Herby's Joint Venture.

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

22. 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 Crestview Neighborhood area bounded by Anderson Lane to the north, Lamar Boulevard to the east, Justin Lane to the south, and Burnet Road to the west. Funding in the amount of \$3,630 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20061214-022 was approved.

23. 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 Milwood Neighborhood bounded by Parmer Lane (FM 734) to the north, Duval Road to the south, Amherst Drive to the east, and Dorsett Road to the west.

Funding in the amount of \$8,250 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20061214-023 was approved.

24. 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 Walnut Crossing Neighborhood bounded by Parmer Lane (FM 734) to the north, Duval Road to the south, Amherst Drive to the west, and Loop 1 (MoPac Expressway) (North) West Frontage Road to the east. Funding in the amount of \$2,090 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20061214-024 was approved.

25. Authorize award and execution of two 24-month service contracts for janitorial services with ATLANTA BUILDING MAINTENANCE COMPANY, INC. Alpharetta, GA, in an amount not to exceed \$633,900, with three 12-month extension options in an amount not to exceed \$316,950 per extension option, for a total contract amount not to exceed \$1,584,750; and with MAJESTIKLEEN, INC.,(MBE/MA) Austin, TX, in an amount not to exceed \$142,994 with three 12-month extension options in an amount not to exceed \$71,497 per extension option, for a total contract amount not to exceed \$357,485. Funding in the amount of \$291,336 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of five bids received. These contracts 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 service contracts was approved.

26. Authorize award and execution of a contract with EATON ELECTRICAL Raleigh, NC, for purchase, delivery, installation and warranty of 320 uninterrupted power system replacement batteries in eight battery cabinets at the Combined Transportation, Emergency, & Communications Center in an amount not to exceed \$84,864. Funding is available in the Fiscal Year 2006-2007 Operating 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.

27. Authorize award, negotiation and execution of a five-year requirements service contract with ENTERPRISE TEXAS PIPELINE, L.P., Houston, TX, for natural gas transportation and storage services in an estimated amount not to exceed \$37,500,000, with five (5) years of extension options in an estimated amount not to exceed \$32,500,000, for a total estimated contract amount not to exceed \$70,000,000. Funding will be provided through Austin Energy Electric Fuel Charge revenue beginning with Fiscal Year 2008. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This is 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.

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

28. Authorize award and execution of Amendment No. 3 to the contract with STANDARD AUTOMATIC FIRE ENTERPRISES, INC., Round Rock, TX, for inspection, testing, and maintenance of fire protection systems to increase the current contract in an estimated amount not to exceed \$75,000 per year, and to

increase the remaining three extension options in an estimated amount not to exceed \$75,000 each, for a revised total estimated contract amount not to exceed \$692,220. Funding in the amount of \$62,500 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining two months of the contract period and extension options is 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 solicitation.

The motion authorizing the award and execution of amendment number 3 to the contract was approved.

29. Authorize award and execution of a 24-month service agreement with MAJESTIKLEEN, INC., (MBE/MA), Austin, TX, for janitorial services in an amount not to exceed \$233,784, with three 12-month extension options in an amount not to exceed \$116,892 per extension option, for a total contract amount not to exceed \$584,460. Funding for \$87,669 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

30. Authorize award and execution of a requirements contract with HILL COUNTRY FENCE, INC., Spicewood, TX, for the purchase and installation of fencing within the Balcones Canyonlands Preserve for the Austin Water Utility in an estimated amount not to exceed \$296,407.50. Funding is available in the Fiscal Year 2006-2007 Wildland Conservation Fund of the Austin Water Utility. 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 requirements contract was approved.

31. Authorize award and execution of a five-year requirements service contract with BFI Waste Services of TX, dba Allied Waste Services of TX, Del Valle, TX, for refuse and recyclable collection services in an estimated amount not to exceed \$2,904,000, with two, three-year extension options, in an estimated amount not to exceed \$1,742,400 per extension option, for a total estimated contract amount not to exceed \$6,388,800. Funding in the amount of \$435,600 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding for the remaining 51 months of the original contract term and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

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

32. Authorize award, negotiation, and execution of a 36-month requirements service contract with JACOBS CONSULTANCY INC., Burlingame, CA, for airport financial consulting services in an estimated amount not to exceed \$150,000, with three 12-month extension options in an estimated amount not to exceed \$50,000 per extension option, for a total estimated contract amount not to exceed \$300,000. Funding in the amount of \$50,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding for the remaining 24 months of the original contract term and 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.

33. Authorize negotiation and execution of Interlocal Agreements with various governmental entities within Texas to enable other cities and agencies to purchase radios and related equipment, parts, supplies and services utilizing the City's 911 RDMT radio project (Regional Radio System) contract pricing from Motorola Communications and Electronics, Inc. Interlocal agreement. (Related to item # 34)

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

34. Authorize award, negotiation and execution of Amendment No. 6 for an extension of the contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, and for the purchase of add-on radios and related equipment and services for a total amount not to exceed \$1,789,098, for a revised total contract amount not to exceed \$88,192,474. Funding in the amount of \$1,276,898 is available in the Fiscal Year 2006-2007 Capital Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding in the amount of \$200,000 is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Funding in the amount of \$312,200 is available in the Fiscal Year 2006-2007 Operating Budgets of the Austin Convention Center Department, Aviation Department, and Austin Water Utility. 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 goals were established for the equipment portion of this contract. (Related to item #33)

The motion authorizing the award, negotiation and execution of amendment number 6 for an extension of the contract was approved. Council directed staff to ensure the Motorola commitments to minority participation is in writing and be made a part of the agreement. Subsequently the letter from Motorola was provided to the Clerk's Office for inclusion in the permanent records.

35. Authorize award and execution of a six-month contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with HOLT CAT, Austin, TX, for the rental of heavy equipment to be used for the renovation of Jimmy Clay Golf Course in an amount not to exceed \$108,560. Funding is available in the Fiscal Year 2006-2007 Operating Budget for the Parks and Recreation 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). 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.

36. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with MUSCO SPORTS LIGHTING LLC, Round Rock, TX, for the purchase and installation of a new lighting system for the South Austin Recreation Center Tennis Court in an amount not to exceed \$238,755. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation 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). 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.

37. Authorize award and execution of a 24-month requirements service contract with CAPPS RENT-A-CAR, INC., Dallas, TX, for vehicle rental services in an estimated amount not to exceed \$409,140, with two 12-month extension options in an estimated amount not to exceed \$204,570 per extension option, for a total estimated contract amount not to exceed \$818,280. Funding in the amount of \$136,380 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Funding for the remaining 16 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 2-9C 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.

38. Authorize award and execution of a contract through the United States General Services Administration 1122 Program with SMITH'S DETECTION, Danbury, CT, for the purchase of a hazardous materials identification system in an amount not to exceed \$62,320. Funding is available in the Fiscal Year 2006-2007 Austin Police Department Special Revenue Fund, Office of the Governor, Division of Emergency Management, 2005 Buffer Zone Protection Program Grant. Cooperative Purchase.

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

39. Authorize award, negotiation and execution of a 12-month service contract with VIEUX ASSOCIATES, INC., Norman, OK, for real-time radar-based rainfall data processing services for the Watershed Protection & Development Review Department in an amount \$109,100, with two 12-month extension options in an amount not to exceed \$71,600 per extension option, for a total contract amount not to exceed \$252,300. Funding in the amount of \$57,881 is available in the Fiscal Year 2006-2007 Operating Budget of the Watershed Protection & Development Review Department. Funding in the amount of \$5,761 is available in the Fiscal Year 2006-2007 Operating Budget the Austin Water Utility. Funding for the remaining five months of the original contract period and 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 service contract was approved.

40. 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>Asian American Resource Center Advisory Board</u>		
Nancy Bui	Consensus	Appointment
Cameron Graber	Consensus	Appointment
<u>Planning Commission</u>		
Tracy Atkins	Consensus	Appointment

41. Approve a resolution creating a Bond Oversight Committee for the City of Austin bonds approved on November 7, 2006. (Mayor Pro Tem Betty Dunkerley Mayor Will Wynn)
Resolution No. 20061214-041 was approved.

42. Approve a resolution amending Resolution No. 20061019-036 to extend the deadline for the city manager and affordable housing task force to present proposals to the Planning Commission and Community Development Commission from December 19, 2006 to February 21, 2007. (Council Member Jennifer Kim Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)
Resolution No. 20061214-042 was approved.
43. Approve a resolution authorizing the City Manager to negotiate and execute all documents related to acquiring approximately 5.9970 acres located at 3002 Oak Springs Drive from East Austin Plaza, L.P. in the amount of \$1,415,000 for Open Space, to be purchased with Proposition Two, November 2006 bond funds. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)
Resolution No. 20061214-043 was approved with an amendment to the fourth paragraph of the resolution. The fourth paragraph would read, "That the acquisition of the site is in furtherance of the purposes of November 2006 Proposition Number 2 open space; and".
44. Approve a resolution and a related ordinance creating a Public Safety Task Force. (Council Member Mike Martinez Mayor Will Wynn Council Member Lee Leffingwell)
Resolution No. 20061214-044A and Ordinance No. 20061214-044B were approved.
45. Direct the City Manager to initiate the process for consideration of a site specific amendment to Chapter 25-8, Article 12 (Save Our Springs Initiative) to allow construction of the Westbank Community Library in a manner that will achieve the water quality goals established in Chapter 25-8, Article 12 of the City Code. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)
The motion directing the City Manager to initiate the process for consideration of a site specific amendment was approved.
46. Approve waiver of fees and requirements under Chapter 14 of the Code, and authorize payment of certain costs for the 2006 Governor's Mansion Candlelight Holiday event to be held on December 26, 2006. (Mayor Will Wynn Council Member Brewster McCracken Council Member Jennifer Kim)
The motion authorizing the waiver of fees and requirements was approved.
47. Approve an ordinance modifying the name of the Minority-Owned and Women-Owned Business Enterprise Advisory Committee to the Minority-Owned and Women-Owned Business Enterprise and Small Business Advisory Committee. (Council Member Jennifer Kim Council Member Sheryl Cole Council Member Mike Martinez)
Ordinance No. 20061214-047 was approved.
48. Set a public hearing to consider a request made by Reagan National Advertising, Inc., to waive or modify requirements established by City Code Section 25-10-152(B) (6) for existing off-premise signs (billboards) proposed for removal and relocation (for off-premise signs located at 1209 East 11th, at Navasota; 6403 North Lamar Boulevard, at 720 Lamar Place; 2007 South Lamar Boulevard, near Oltorf; 8711 North Lamar Boulevard, near West Elliott; and 6400 Burleson Road, just east of its intersection with Montopolis Drive to be relocated to 3205 RR 620 North; 3717 RR 620 North; 6900 RR 620 North; 6901 RR 620 North; and 9706 Billbrook Place, at Slaughter Lane east of Manchaca). (Suggested date and time: January 11, 2007, 6:00 PM at Austin City Hall, 301 W. Second Street, Austin, TX). (Council Member Sheryl Cole Council Member Brewster McCracken)
The public hearing was set for January 11, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, Texas.

Item 49 was pulled for discussion.

50. Set a public hearing to consider floodplain variances requested by Mr. Mickey Bentley on behalf of Mr. William Sisco and Ms. Elizabeth Sisco to allow construction of a duplex at 5613 Joe Sayers Avenue in the 100-year and 25-year floodplains of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the proposed duplex. (Suggested date and time: January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, Texas.
51. Set a public hearing on an appeal by Gloria Moreno of the Planning Commission's decision to grant a waiver from compatability standards for the Ends on Sixth located at 2608 E. 6th Street, to allow a driveway within 25 feet of a single-family lot (Site Plan Number: SP-06-0318C). (Suggested date and time: January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by Planning Commission.
The public hearing was set for January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street Austin, Texas.
52. Set a public hearing on an appeal by Michelle Snider and Charlie Palmer of the Zoning and Platting Commission's decision to deny a Conditional Use Permit for the Shady Oaks Dog Kennel located at 5604 Travis Cook Road (Site Plan Number: SPC-06-0027A). (Suggested date and time: January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.) Denied by Zoning and Platting Commission.
The public hearing was set for January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, Texas.
53. Set a public hearing to receive comments about proposed changes to the intersection of Lakewood Drive and FM 2222, and provide policy direction to the City Manager. (Suggested date and time: January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for January 11, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, Texas.

Item 54 was a briefing item set for 10:30 a.m.

Items 55 through 57 were Executive Session items.

Item 58 was a briefing item set for 2:00 p.m.

Items 59 through 78 were zoning items set for 4:00 p.m.

Items 79 through 81 were public hearings set for 6:00 p.m.

Item 82 was an addendum from Council.

Item 83 was an Executive Session addendum item.

DISCUSSION ITEMS

14. 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.
Resolution No. 20061214-014, with an amendment to remove the Old Enfield Neighborhood Association from this plan, was approved on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.

BRIEFING

54. Presentation by Cid Galindo regarding the 2030 Town Center Initiative.
The presentation was made by Cid Galindo, Planning Commission.

DISCUSSION ITEMS CONTINUED

18. Approve a resolution to authorize the fee simple acquisition being the South one-half of Lot B, of the Jacob Castillo Subdivision, an Addition in, Travis County, Texas, locally known as 5106 General Aviation Avenue, from Curtis L. Delancey, Trustee of the Curtis L. Delancey Family Trust for Austin-Bergstrom International Airport Master Plan Update, in the amount of \$600,000 for the land and improvements and \$100,000 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$710,000. Funding in the amount of \$710,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Department of Aviation using airport funds. Not recommended by the Austin Airport Advisory Commission.
Resolution No. 20061214-018 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.
49. Direct the City Manager to initiate amendments to the Commercial Design Standards ordinance to clarify the applicability of opt-in and opt-out provisions to commercially zoned properties with residential uses, and to enable vertical mixed-use applications taking advantage of the bonuses and requirements in Section 4.3.3 and 4.3.4 to proceed before the completion of the 145-day opt-in/opt-out process. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)
The motion directing the City Manager to initiate amendments to the Commercial Design Standards ordinance was approved Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

Mayor Wynn recessed the Council Meeting at 11:57 a.m.

Mayor Wynn called the Council Meeting back to order a 12:08 p.m.

CITIZEN COMMUNICATIONS; GENERAL

CarolAnneRose Kennedy - STATE OF THE UNION ADD.DRESS

Jimmy Castro - Organ Donation

Don A. Williamson - K.A.B. #2.

He was not present when his name was called.

Gavino Fernandez - Electoral Democracy is absent within the City Manager's Toby Futrell's regime. We won the Holly Neighborhood Planning Contact Team election.

Gloria Moreno - I was duly elected as Chair of the Holly Neighborhood Planning Area BY TAX PAYING residence. I was not in Disneyland on that day

Marcos De Leon - As a former elected official, I find the election of Gloria Moreno, as Chair of the Holly Neighborhood Contact Team not being recognized unbelievable, but not surprised

Marcelo TaFoya - East Austin residence can also lead. Share Democracy

Frances Martinez - I was there! Gloria Moreno, Chair of Holly Neighborhood Planning Area Contact Team. Latino women can also lead

Jennifer L. Gale - Feliz Navidad

Lyndon Poole - Dog Chaining

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:54 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

- 55. Discuss legal issues concerning current code requirements and proposed code amendments to Title 25 of the City Code establishing additional requirements for the location of large retail uses (Big Box retail) in permitted zoning districts. (Private Consultation with Attorney - Section 551.071)(Related to item # 81)
This item was withdrawn.
- 56. Discuss legal issues regarding water supply and pending applications regarding water rights before the Texas Commission on Environmental Quality (TCEQ) involving the Colorado River and the Lower Colorado River Authority (LCRA) (Private Consultation with Attorney - Section 551.071)
- 57. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071) (Related to item #11)
- 83. Discuss legal issues concerning annexation of Lost Creek Municipal Utility District. (Private Consultation with Attorney – Section 551.071)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:50 p.m.

BRIEFINGS

- 58. Update on Homeless Services
This item was withdrawn.

DISCUSSION ITEM CONTINUED

11. Approve a resolution adopting the City's Legislative Program for the 80th Texas Legislative Session. (Related to item #57)

Resolution No. 20061214-011 was approved with the following amendment on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote. The following will be added to the City of Austin's Legislative Program for the 80th Legislature under the Support category:

- Support legislation requiring new coal plants to use improved technology rather than coal-crushing technology. (Austin Energy)
- Support legislation allowing the City to withhold completed appraisal reports during negotiations to purchase land. (Public Work and Traffic Management)
- Support legislation promoting energy efficiency and conservation, development of renewable energy, and reducing greenhouse gases.
- Support legislation amending Chapter 373A, Local Government Code, to strengthen affordable housing tools in a Homestead Preservation District.
- Support legislation modifying the Cap Metro board to increase the City's proportional representation to reflect actual ridership by City residents.
- Support legislation adopting California emission standards for new automobiles and light trucks.
- Support legislation modifying the Housing Tax Credit Program Qualified Allocation Plan to allow use of tax credits for mixed income housing projects.
- Support legislation amending the Tax Code allow Council to implement a homestead exemption based on a fixed amount as opposed to a percentage.

The following will be added under the Monitor category

- Monitor legislation modifying the Capitol View Corridors.
- Monitor legislation related to immigration.

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

59. C14-05-0112 - Riverside Neighborhood Plan - Tract 9 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1708, 1712 and 1720 South Lakeshore Drive (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on November 16, 2006. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

The second reading of the Ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved. The conditions are: Limit the maximum building height to 60 feet from ground level and that provides for a 100-foot wide building setback from the shoreline of Town Lake and limits the area for development of utility crossings, water quality improvements, hike and bike trail and those improvements otherwise required by the City. In addition there is a restrictive covenant stating compliance with the Commercial Design Standards and noting compliance also with any development bonus provisions for development of a VMU building on the property; that they will not be a gated development; a 100-foot wide building setback established from the shoreline of Town Lake, improvements permitted within this setback

zone are limited to utility crossings, drainage and water quality improvements, the hike and bike trail, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this covenant; the maximum height of a building or structure is 60 feet from ground level; owner is responsible for the construction of the hike and bike trail within a 30-foot wide easement; public pedestrian access from East Riverside and Lake Shore Drive to Town Lake; a minimum of 45 residential units shall be provided as for-sale properties; a maximum of 375 dwelling units for rental may be constructed on the property; a minimum of 10,000 square feet of retail uses shall be provided along East Riverside Drive; an area within the property shall be provided to allow for regional water quality controls to capture, isolate and treat a minimum 10.94 acres of storm water runoff from off-site contributing drainage areas, the owner will work with the Watershed Protection and Development Review Department staff to identify the opportunity available to capture and treat additional run-off, the size and location of the on-site water quality controls shall be agreed to and approved by the City, the water quality controls shall comply with the water quality control standard; 5% of the residential units in the vertical mixed use (VMU) building shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 80% of the annual median family income (MFI).

60. C14-05-0179 - Spring Lake Subdivision - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (RR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. First reading approved on August 24, 2006. Vote: 7-0. Applicant: Rahul Deshmukh and Mrudula Yadav. Agent: Land Answers (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. **Ordinance No. 20061214-060 for single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning was approved.**
61. C14-06-0029 - 620 North - Approve second/third readings of 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 development reserve (DR) district zoning and interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on November 16, 2006. Vote: 7-0. Applicant and Agent: Ali Bahrami. City Staff: Wendy Walsh, 974-7719.
This item was postponed to January 11, 2007 at the neighborhood's request.
62. C14-06-0078 - South IH-35 Transit Facility - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7902-7926 South IH-35 Service Road Southbound (South Boggy Creek Watershed) from community commercial (GR) district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. First reading approved on November 16, 2006. Vote: 7-0. Applicant: Rock Realty, Inc. (John McCormack); Capital Metropolitan Transit Authority (Fred Gilliam). Agent: Doucet & Associates (Carol M. Stewart). City Staff: Wendy Walsh, 974-7719.
This item was postponed to February 15, 2007 at the applicant's request.
63. C14-06-0098 - Harris Ridge - Approve second/third readings of 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-conditional overlay (SF-6-CO) combining district zoning for Tract 1 and limited industrial-conditional overlay (LI-CO) combining district zoning for Tract 2, with conditions. First reading approved on December 7, 2006. Vote: 7-0. Applicant: Capital City-Howard

Lane, Ltd. (Christopher H. Whitworth. Agent: Momark Development (Chris Risher). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to January 11, 2007 at the applicant's request.

ZONING DISCUSSION ITEM

64. C14-06-0158 - Oasis in West Campus - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1801 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First reading approved on October 19, 2006. Vote: 7-0. Applicant: Oasis in West Campus (Darryl L. Mobley). Agent: Carter Design Associates (Donna D. Carter). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request. **Ordinance No. 20061214-064 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.**

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

65. C14-06-0118 - 10th and Nueces Redevelopment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 908-910 Nueces Street at West 10th Street (Shoal Creek Watershed) from multi-family residence-moderate-high density (MF-4) district zoning to central business district (CBD) 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: Richard G. Harding and Michael J. McGinnis. Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975. **Ordinance No. 20061214-065 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved.**
66. 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. **Ordinance No. 20061214-066 for general office-neighborhood plan (GO-MU-NP) combining district zoning was approved.**
67. C14-06-0187 - Patton/800 San Antonio - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 San Antonio Street (Waller Creek Watershed) from multi-family residence-moderate-high density-historic (MF-4-H) combining district zoning to central business district-historic (CBD-H) combining district zoning. Staff Recommendation: To grant downtown mixed use-historic-conditional overlay (DMU-H-CO) combining

district zoning. Planning Commission Recommendation: To grant downtown mixed use-historic-conditional overlay (DMU-H-CO) combining district zoning. Applicant: San Antonio Ltd. (Michael M. McGinnis). Agent: The Faust Group (Bill Faust). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20061214-067 for downtown mixed use-historic-conditional overlay (DMU-H-CO) combining district zoning was approved. Mayor Pro Tem Dunkerley voted nay.

68. C14H-06-0027 – Gerhard-Street House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 508 Bellevue Place (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff recommendation: To grant family residence-historic-conditional overlay- neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-conditional overlay- neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-conditional overlay- neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicant and Agent: William and Linda Hallidy. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20061214-068 for family residence-historic-conditional overlay- neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved. Mayor Pro Tem Dunkerley voted nay.
69. C14H-06-0028 – Otto and Roselia Bengston House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3803 Avenue H (Waller Creek Watershed) from family residence-neighborhood conservation (SF-3-NCCD) combining district zoning to family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Staff recommendation: To grant family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Planning Commission recommendation: To grant family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Applicant and Agent: Ken Ryall and Sandra J. Kearns. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20061214-069 for family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning was approved. Mayor Pro Tem Dunkerley voted nay.
70. C14H-06-0029 – First United Methodist Church Parsonage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1612 Gaston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicant and Agent: Matthew and Crista Wheeler. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20061214-070 for family residence-historic (SF-3-H) combining district zoning was approved.
71. C14H-06-0031 – Stanley and Emily Finch House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3312 Duval Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark

Commission recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicants and Agent: Jim Steinberg and Shere Abbott. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20061214-071 for family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved.

72. C14H-06-0035 – A.D. and Mae Bolm House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2309 Windsor Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicant and Agent: Dr. William and Nicole Kessler. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20061214-072 for family residence-historic (SF-3-H) combining district zoning was approved.

75. C14H-06-0033 – James-Mathews House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3001 Washington Square (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic-conditional overlay-neighborhood plan SF-3-H-CO-NP) combining district zoning. Staff recommendation: To grant family residence-historic-conditional overlay- neighborhood plan (SF-3-CO-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-conditional overlay- neighborhood plan (SF-3-CO-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-conditional overlay- neighborhood plan (SF-3-CO-H-NP) combining district zoning. Applicant: Larry Paul Manley. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20061214-075 for family residence-historic-conditional overlay- neighborhood plan (SF-3-CO-H-NP) combining district zoning was approved.

77. C14-06-0120 - Martin 1 & 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 101-103 East Braker Lane (Shoal Creek Watershed) from limited office (LO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Billie A. Martin. Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20061214-077 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.

78. C14-06-0172 - Arboretum Retirement Community - Conduct a public hearing and approve and ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11601 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-mixed use (GR-MU) combining district zoning for Tract 1 and limited office-mixed use (LO-MU) combining district zoning for Tract 2. Staff Recommendation: To grant 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. Zoning and Platting Commission Recommendation: GR-MU for the first 30 feet in height and MF-6 for next 30 feet in height (for a total of

60 feet in height). Applicant: JV Road Limited, Texas Limited Partnership (Michael R. Young). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

This item was withdrawn.

Mayor Wynn recessed the Council Meeting at 5:35 p.m.

LIVE MUSIC

Paula Nelson

PROCLAMATIONS

LEED Gold Plaque for City Hall -- to be presented by Rick Fedrizzi, USGBC, and to be accepted by Mayor Will Wynn and City Manager Toby Hammett Futrell

Presentation to the City by John Burke, Lower Colorado Regional Water Planning Group to be accepted by Mayor Will Wynn

Proclamation -- Senator Gonzalo Barrientos Day -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation -- Bangladesh Day -- to be presented by Mayor Will Wynn and to be accepted by Rashad Islam and members of BAGA

Proclamation -- Farewell to the Cadeau -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Jeanette Nassour

Certificates of Congratulations -- Volunteers of the Month for November and December -- to be presented by Council Member Brewster McCracken and to be accepted by the honorees

Mayor Wynn called the Council Meeting back to order at 6:37 p.m.

73. C14H-05-0017 – Baugh-Colby House - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1102 Enfield Road (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454. A valid petition has been filed in opposition to this rezoning request.

Council Member Leffingwell made a motion to approve the historic zoning which failed for lack of a second.

The motion to approve the first and second readings of the ordinance for multi-family residence-medium density-conditional overlay (MF-3-CO) restricting construction to two single dwelling structures with a maximum height of 35 feet was approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 6-1 vote. Council Member Leffingwell voted no. Staff was instructed to bring back an analysis of the impact of the McMansion ordinance on this property.

The property owner noted that the valid petition would remain until third reading so they can review the staff's analysis.

74. C14H-06-0030 – Farquhar-Schriber House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1207 E. Live Oak Street (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454

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

PUBLIC HEARINGS

79. 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 Boulevard at the intersection of Avery Ranch Boulevard and Nearabout Road); 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 Boulevard and Parmer Lane.)

The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 4-0 vote. Council Members Cole, Leffingwell, and McCracken were off the dais.

80. Conduct a public hearing and approve an ordinance amending Sections 25-2-766.13 and 25-2-766.14(A) of the City Code to authorize the administrative waiver of certain interim development design standards established in the Transit-Oriented Development (TOD) Ordinance. (Recommended by Planning Commission).

The public hearing was closed and Ordinance No. 20061214-080 was approved on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was off the dais.

The meeting was recessed from 9:40 p.m. to 9:50 p.m. for a safety inspection of the building by the Fire Department.

76. 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 2015 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.

There was a motion from Council Member Kim, seconded by Council Member Martinez to approve second reading only with a sixty foot height limit and compliance with commercial design standards and instructing staff to find a way to complete the agreement before third reading.

There was a substitute motion from Council Member McCracken, second by Mayor Pro Tem Dunkerley to approve second and third readings with a sixty foot height limit and compliance with the commercial design standards. After some discussion, Council Member McCracken withdrew his motion.

The motion to table this item until later in the meeting to allow for further negotiations between the applicant and neighborhood was approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.

The public hearing was closed and Ordinance No. 20061214-076 was approved as follows on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote. The ordinance approves general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and requires compliance with the Commercial Design Standards on the entire tract. It includes the following conditional uses On Tract 1 and 2: private primary educational facilities, private secondary educational facility, community recreation (private), day care services (any type) and religious assembly uses. The church agreed to an increase in the amount of on-site storm water detention capacity and on-site water quality control on Tract A to accommodate development on Tract 1. A restrictive covenant would apply to Tract A that requires development on the property be subject to commercial design standards. A restrictive covenant on Tract 2 would permit all uses allowed with the zoning applicable to this lot as permitted uses except that religious assembly is not a permitted use.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

82. Staff presentation regarding the answers to questions from Council and the public regarding the proposed development at Northcross Mall and consideration of direction to the City Manager. (Council Member Brewster McCracken, Council Member Jennifer Kim and Council Member Sheryl Cole)
Presentation was made by Laura Huffman, Assistant City Manager; Tammie Williamson, Assistant Director of WPDR; George Zapalac, Development Services Manager, WPDR; Steve Morgan, City Auditor; and Jason Hadavi, Audit Investigator, Office of the City Auditor. No action was taken. Staff stated that it would meet with Wal-Mart and the Northcross Mall owners concerning the issues raised by the neighborhood such as lighting, truck loading, sidewalks, landscaping, parking lot configurations, adherence to commercial design standards, best practices for mixed use developments, hours of operation, and size of the development.
81. Conduct a public hearing and approve an ordinance amending Title 25 of the City Code to establish additional requirements for the location of large retail uses ("Big Box retail") in permitted zoning districts. Recommended by Planning Commission. (Related to item# 55)
The public hearing was closed and the first reading was approved on Council Member Cole's motion to approve Planning Commission's recommendation, Council Member Kim's second on a 7-0 vote. Staff was directed to look at code changes to require developers to verify trip generation after the development is completed and if there is a negative impact, to require the developer to mitigate the problem. Council Member Leffingwell made a friendly amendment that was accepted by the maker of the motion and Council Member Kim who seconded the motion. The amendment directed the City Manager to start a process of amending the code language so if large retail use over 100,000 square feet in gross floor area is desired, an applicant may either seek a conditional use permit or request that the Council consider allowing a large retail use over 100,000 square feet as permitted in the GR or more intense zoning district. In addition to the conditional overlays

provided by the code, the ordinance establishing large retail as a permitted use may include all of the conditions currently provided for in a conditional use permit. The Council may consider the redevelopment of the site when reviewing the zoning request to allow a large retail use over 100,000 square feet as a permitted use and other factors currently considered for a conditional use permit. The City Manager shall present this item allowing large retail use as a permitted use to the Planning Commission on January 16th and back to the Council on January 25, 2007. Council Member Dunkerley asked staff and citizens to consider incentives that would draw the big box developments to areas where the City wants them to develop.

Mayor Wynn adjourned the meeting at 12:24 a.m. without objection.

The minutes for the Regular Meeting of December 14, 2006 were approved on this the 11th day of January, 2007 on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.