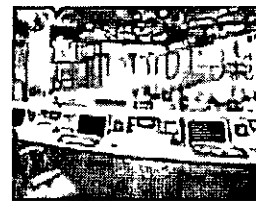
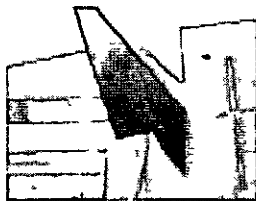


A U S T I N C I T Y C O U N C I L

# AGENDA



**Thursday, January 25, 2007**

The Austin City Council will convene at 10 00 AM on  
Thursday, January 25, 2007 at Austin City Hall  
301 W Second Street, Austin, TX



AUSTIN CITY CLERK  
POSTING DATE/TIME

2007 JAN 19 PM 1 56

Mayor Will Wynn  
Mayor Pro Tem Betty Dunkerley  
Council Member Lee Leffingwell, Place 1  
Council Member Mike Martinez, Place 2  
Council Member Jennifer Kim, Place 3  
Council Member Brewster McCracken, Place 5  
Council Member Sheryl Cole, Place 6

For meeting information, contact City Clerk, 974-2210

*The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551 086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda*

## **Reading and Action on Consent Agenda**

### **Action on the Following.**

#### **Ordinances / Resolutions / Motions -**

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

## **9 55 AM -- Invocation**

Rev Virginia Berg, Pastor, First Spiritualist Church

## **10 00 AM -- City Council Convenes**

**Announcements of proposed items for upcoming council meeting (No discussion on these items.)**

### **Approval of Minutes**

- 1 Approval of the minutes of the Austin City Council from the regularly scheduled meeting of January 11, 2007

### **Austin Water Utility**

- 2 Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC for the construction of reliability and capacity improvements to both the Forest Ridge and Four Points Pump Stations in the amount of \$578,800, plus a \$60,000 contingency, for a total contract amount not to exceed \$638,800. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts: 51.88% MBE and 0.55% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
- 3 Authorize negotiation and execution of a 12-month service agreement with VELOCITY CREDIT UNION for the Austin Clean Water Program's Private Lateral Repair Low Interest Loan Program in an amount not to exceed \$700,000, with two 12-month extension options in an amount not to exceed \$700,000 per extension option for a total agreement amount not to exceed \$2,100,000. Funding in the amount of \$700,000 is available in the Fiscal Year 2006-2007.

Capital Improvement Budget of the Austin Water Utility Extension options are contingent upon available funding in future budgets Recommended by the Water and Wastewater Commission

- 4 Approve Service Extension Request No 2565 for water service not to exceed a peak hour flow of 176 gallons per minute (gpm) for a platted 80 lot single-family home development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at Circle Drive and Lenape Trail There is no unanticipated fiscal impact Recommended by the Water and Wastewater Commission
- 5 Approve Service Extension Request No 2557 for water service not to exceed a peak hour flow of two gallons per minute (gpm) for an existing single-family home located within the Drinking Water Protection Zone in the City's limited-purpose jurisdiction at 10303 North F M 620 There is no unanticipated fiscal impact Recommended by the Water and Wastewater Commission
- 6 Authorize the City Manager to negotiate and execute an agreement with Aqua Utilities, Inc dba Aqua Texas, Inc to provide wholesale water service to the Morningside subdivision located near the intersection of Manchaca Road and Morningside Lane No City funds are required by this action The developer will construct the necessary infrastructure Recommended by the Water and Wastewater Commission
- 7 Approve an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines, creating an offense, and repealing Article 10 of Chapter 15-10 of the City Code relating to wastewater leaks There is no unanticipated fiscal impact Recommended by the Mechanical, Plumbing, and Solar Board, the Environmental Board, and, the Water and Wastewater Commission

#### **City Clerk**

- 8 Approve an ordinance amending Section 2-5-29 of the City Code relating to speaker registration for council meetings

#### **Communications and Technology Management**

- 9 Approve an ordinance amending Section 14-5-9 of the City Code, to provide that the City Manager will supply required notices of street name changes instead of the City Clerk No additional funding is required

#### **Health and Human Services**

- 10 Approve execution of a 12-month contract between the City and Sickle Cell Anemia Association of Austin - Marc Thomas Chapter, Austin, TX, in the amount of \$100,000 with three 12-month renewal options in an amount not to exceed \$100,000 per renewal option, for a total amount not to exceed \$400,000 Funding in the amount of \$100,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department Funding for the remaining months of the original contract period and extension options is contingent upon the available funding in future budgets

## Public Works

- 11 Approve a resolution to authorize the fee simple acquisition of approximately 23 172 acres of land, out of the Santiago Del Valle Grant Abstract No 24, in Travis County, Texas, locally known as 5611 Colton Road, from Dennis R Worsham and Belinda P Worsham for the Airport Noise Mitigation Program, in the amount of \$950,000 for the land and improvements and closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$960,000 Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants
- 12 Authorize negotiation and execution of a professional services agreement with each of the following nine firms ESPEY CONSULTANTS, INC , Austin, TX, PBS & J, Austin, TX, HDR ENGINEERING, INC , Austin, TX, FREESE AND NICHOLS, INC , Austin, TX, ALAN PLUMMER ASSOCIATES, INC , Austin, TX, RAYMOND CHAN AND ASSOCIATES, INC , (MBE/MA) Austin, TX, CAS CONSULTING AND SERVICES, INC (MBE/MA) Austin, TX, URS CORPORATION, Austin, TX, and TCB, INC (formerly Turner Collie and Braden, Inc ), Austin, TX, for general watershed engineering services such as studies, environmental assessments, land use analysis, planning, design and construction phase services for a period of approximately two years or until financial authorization is expended, each agreement in an amount not to exceed \$9,000,000, with a total amount of the nine agreements not to exceed \$9,000,000 Funding is included in the Drainage Utility and General Obligation bond accounts Other accounts will be used depending on location and nature of the project Best nine qualification statements of 33 statements received 1 7% African American, 9 5% Hispanic, 5 3% Native/Asian American and, 14 2% Women Business Enterprise (WBE)
- 13 Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP (DBE 98 32%), Austin, TX, for the Jollyville Road Sidewalk Improvements Project in an amount not to exceed \$278,725 50 Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department Lowest of four bids received This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goal 1 23% DBE subcontractor participation
- 14 Approve an ordinance on first reading awarding a taxicab franchise to CAPITAL CITY CAB COMPANY, pursuant to Section 13-2-309(C) of the City Code, to operate a taxicab service in the City, and waiving the provisions of Section 13-2-309(B) of the City Code pertaining to the maximum number of permits which may be allocated to a franchise applicant The taxicab permit fee of \$400 per year per permit is a revenue source Expected annual revenue is \$22,000 Recommended by the Urban Transportation Commission
- 15 Approve an ordinance amending Sections 13-2-302, 13-2-303(A), 13-2-304(A), 13-2-308(B), and 13-2-324(A) of the City Code relating to the maximum number of franchise permits that a franchise is eligible to receive Recommended by the Urban Transportation Commission
- 16 Approve a resolution adopting the proposed Transportation Criteria Manual administrative provisions for on-street parallel or head-in parking as required by Section 2 2 2 B 5 b of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)

- 17 Approve an ordinance to establish a Quiet Zone eliminating the need to sound train horns or other warning devices at the Union Pacific Railroad crossing at Dittmar Road
- 18 Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on residential streets within Windsor Hills Neighborhood area bounded by Warrington Drive to the north, Dessau Road to the east, Rundberg Lane to the south, and Middle Fiskville Road to the west Funding in the amount of \$9,460 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs

### **Purchasing Office**

- 19 Authorize award and execution of a contract with KST ELECTRIC, LTD, Manor, TX for the installation of a 480-Volt Load Center at the Decker Creek Power Station, in an amount not to exceed \$254,300 Funding in the amount of \$254,300 is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy Lowest bid of two bids received This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified, therefore, no goals were established for this solicitation
- 20 Authorize award and execution of Amendment No 1 to the contract with PK&L CONSTRUCTION, INCORPORATED, Austin, TX (WBE/FR 57 0%), PRO SERV SANDERS, INCORPORATED, Corpus Christi, TX, and THIELSCH ENGINEERING, INCORPORATED, Austin, TX, for power plant maintenance services for an increase to the current term in an estimated amount not to exceed \$1,200,000, for a revised total estimated amount not to exceed \$14,200,000 Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy 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) Subcontractor participation to date 21 32% MBE and 4 18% WBE (PK&L), 3 38% MBE and 1 27% WBE (Pro Serv), & 4 54% MBE and 3 0% WBE (Thielsch)
- 21 Authorize award and execution of a 12-month requirements supply contract with LUCIER CHEMICAL INDUSTRIES LTD , dba, LCI, LTD , Jacksonville Beach, FL, for fluorosilicic acid for the Austin Water Utility in an estimated amount not to exceed \$331,100, with two 12-month extension options in an estimated amount not to exceed \$380,765 for the first extension option and \$437,880 for the second extension option, for a total estimated contract amount not to exceed \$1,149,745 Funding in the amount of \$220,734 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets Lowest bid of two bids received This contract will be awarded in compliance with Chapter 2-9D 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
- 22 Authorize award and execution of a 12-month requirements supply contract with NORIT AMERICAS INC , Marshall, TX, for the purchase of powdered activated carbon for the Austin Water Utility in an estimated amount not to exceed \$366,080, with two 12-month extension options in an estimated

amount not to exceed \$457,600 per extension option, for a total estimated contract amount not to exceed \$1,281,280 Funding in the amount of \$244,054 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility Funding for the remaining four months of the original contract period and extension options is contingent upon the available funding in future budgets Lowest bid of five bids received This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified, therefore no goals were established for this solicitation

- 23 Authorize negotiation and execution of a 24-month Interlocal Agreement with the AUSTIN/TRAVIS COUNTY MHMR, Austin, TX, for mental health counseling and other related services in an estimated amount not to exceed \$2,014,229, with three 12-month extension options in estimated amounts not to exceed \$1,052,658 for the first extension option, \$1,084,238 for the second extension option, and \$1,116,765 for the third extension option, for a total estimated contract amount not to exceed \$5,267,890 Funding in the amount of \$671,410 is available in the Fiscal Year 2006-2007 Approved Operating Budget of the Community Care Services Department Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets 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 contract is an Interlocal agreement, therefore, it is exempted under Chapter 252 022 of the Texas Local Government Code and no goals were established for this solicitation
- 24 Authorize award and execution of a 52-month requirements supply contract through the U S Communities Government Purchasing Alliance to provide non-captive service and repair parts for various vehicles with AUTOZONE STORES, INC , and its local and surrounding community affiliates in an estimated amount not to exceed \$3,466,666, with two 12-month extension options in an estimated amount not to exceed \$800,000 per extension option, for a total estimated contract amount not to exceed \$5,066,666 Funding in the amount of \$600,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Fleet Services Fund Funding for the remaining 43 months of the original contract period and extension options is contingent upon available funding in future budgets 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

#### **Item(s) from Council**

- 25 Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members
- 26 Approve waiver of park rental fees and requirements for the ATXcellent Adventure of the YWCA of Greater Austin to be held at Plaza Saltillo on April 14, 2007 (Mayor Will Wynn, Mayor Pro Tem Betty Dunkerley and Council Member Mike Martinez)

- 27 Approve waiver of fees, and certain requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the Sustainable Food Center's Austin Farmer's Market, to be held weekly at Republic Square Park for the 2007 calendar year (Mayor Pro Tem Betty Dunkerley and Mayor Will Wynn)
- 28 Approve waiver of park rental fees and authorize payment of certain costs for the Central Texas Bengali Celebration's Saraswati Puja Event to be held on February 3, 2007 at the Danny G. McBeth Recreation Center (Council Member Jennifer Kim, Mayor Will Wynn and Council Member Mike Martinez)

### **Item(s) to Set Public Hearing(s)**

- 29 Set a public hearing to amend Chapter 25-2, Subchapter E, Design Standards and Mixed Use, of the City Code regarding Vertical Mixed Use and the Opt-In/Opt-Out process (Suggested date and time February 1, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street)

### **10:30 AM -- Morning Briefings**

- 30 Staff briefing to discuss traffic-related fatalities and mitigation efforts to minimize traffic deaths

### **12:00 PM -- Citizen Communications: General**

Paul Robbins - City Issues

Carol Anne Rose Kennedy - Federal Income Tax & the Stimulus Bill  
WHITE CRACKERS = INFERNAL REVENUE SERVE US say GOODNIGHT, UNCLE SAM P.S. you WANT me, BUT I DO NOT WANT you BACK

Patricia Michael - Representing a neighborhood petition

Matt Russ - Intense development of single family and condominium housing in my neighborhood

Joe Zamecal - There is too much crime in our neighborhood and here is a possible solution

Alfonso Pena - Issues with city employees involved in building code enforcement/inspections

Leslie McCollom - Annexation, land development issues in South Austin

Richard Troxell - Homelessness in Austin

Johnette Mason - Bringing a Recreation Center to the 24 area

## **Executive Session**

- 31 Discuss legal issues concerning legislation in the 80th Legislative Session (Private Consultation with Attorney - Section 551 071)
- 32 Discuss legal issues concerning development at Northcross Mall (Private Consultation with Attorney - Section 551 071)
- 33 Discuss legal issues regarding expansion of the Ullrich Water Treatment Plant Expansion Project and associated construction contract with Archer Western Contractors, Ltd , in connection with project resolution and potential litigation (Private Consultation with Attorney - Section 551 071)
- 34 Discuss acquisition of an interest in real property for the Open Space Project (Real Property - Section 551 072) (Related to item #35)

## **Action on Executive Session**

- 35 Approve a resolution authorizing the City Manager to negotiate and execute all documents necessary to acquire an interest in land in Hays County through a conservation easement (Related to item #34)

## **3 00 PM -- Briefings**

- 36 Briefing on the Seaholm Station Study Report

## **4: 00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)**

- 37 C2A-84-002 - Schlumberger PDA Amendment #5 - Approve second reading of an ordinance amending Chapter 25-2 of the City Code by rezoning property locally known as 8311 RR 620 North (Bull Creek Watershed from research and development-planned development area R&D - PDA) combining district zoning to research and development-planned development area (R&D - PDA) combining district zoning to change a condition of zoning with conditions First reading approved on January 11, 2007 Vote 7-0 Applicant USL Austin Reserve, L P Agents Armbrust & Brown, L L P (Richard Suttle) and Consort (Ben Turner) City Staff Tina Bui, 974-2755

## **4: 00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

- 38 C14-06-0212 - 620/183 Limited Partnership - Conduct a public hearing and PH approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-10724 Lakeline Mall Drive (Lake Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning Staff Recommendation To grant community commercial-mixed use (GR-MU) combining district zoning Zoning and Platting Commission Recommendation To grant community commercial-mixed use (GR-MU) combining district zoning Applicant 620/183 Limited Partnership (Fred Thomas) Agent Smith, Robertson, Elliot, Glen, Klein & Bell, L L P (David Hartman) City Staff Tina Bui, 974-2755



- 39 PH C14-06-0217 - Smith 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11912 North Lamar Boulevard, Building A (Little Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning Staff Recommendation to grant general office (GO) district zoning Zoning and Platting Commission Recommendation, To grant general office (GO) district zoning Applicant Clay Chip Smith Agent Jim Bennett Consulting (Jim Bennett) City Staff Jorge E Rousselin, 974-2975
- 40 PH C14-06-0220 - Thornton Bungalows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2206-2210 Thornton Road (West Bouldin Creek Watershed) from urban family residence-conditional overlay (SF-5-CO) combining district zoning to single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning Staff Recommendation To grant single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning Planning Commission Recommendation To be reviewed on January 30, 2007 Applicant Thornton Cottages Austin, L P (James Austin) Agent Stansberry Engineering (Blayne Stansberry) City Staff Robert Heil, 974-2330
- 41 PH C14-06-0172 - 11601 Jollyville Road - Conduct a public hearing and approve an 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-conditional overlay (GR-MU-CO) combining district zoning for Tract 1, and limited office-conditional overlay (LO-CO) 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 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 Applicant JV Road Limited, Texas Limited Partnership (Michael R Young) Agent Land Strategies (Paul Linehan) City Staff Tina Bui, 974-2755
- 42 PH C14-06-0112 - Slaughter 2-458 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Block of West Slaughter lane (Slaughter Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning Staff Recommendation To deny community commercial (GR) district zoning Zoning and Platting Commission Recommendation To deny community commercial (GR) district zoning Applicant Herby's Joint Venture (Jimmy Nassour) Agent Jim Bennett Consulting (Jim Bennett) City Staff Wendy Walsh, 974-7719
- 43 PH 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

## **5 30 PM -- Live Music**

Brennen Leigh

## **5. 30 PM -- Proclamations**

Certificate of Congratulations -- Stephanie Neely, Austin Public Library -- to be presented by Council Member Jennifer Kim and to be accepted by the honoree

Distinguished Service Award -- Vance Kirkhuff -- to be presented by Mayor Pro Tem Betty Dunkerley and City Manager Toby Hammett Futrell and to be accepted by the honoree

## **6 00 PM -- Public Hearings and Possible Actions**

44 PH 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. There is no unanticipated fiscal impact. A fiscal note is not required. To be reviewed by Planning Commission on January 16, 2007

45 PH Conduct a public hearing and 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

## **Adjourn**

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. For assistance please call 974-3256 OR 974-2445 TDD*

A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office not later than two hours before the scheduled time of the item on which the person wishes to speak. Please call 974-3256 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de interprete en español comunicandose con la oficina del Secretario/a Municipal a no mas tardar de dos horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-3256 con anticipo o informe al personal del Secretario/a Municipal presente en la sesion del Consejo.