

AUSTIN CITY COUNCIL AGENDA

THURSDAY, JANUARY 27, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST
2ND STREET, AUSTIN, TEXAS.



For meeting information, contact the City Clerk, 974-2210

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.

WILL WYNN, MAYOR ♦ JACKIE GOODMAN, MAYOR PRO TEM ♦ DARYL SLUSHER
RAUL ALVAREZ ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN ♦ DANNY THOMAS

**NOTICE OF REGULAR MEETING
THURSDAY, JANUARY 27, 2005**

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9:55 A.M. Invocation

Rev. Matthew S. Kessler, Lead Pastor, Mesa Community Church

10:00 A.M. City Council Convenes

THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, JANUARY 27, 2005, IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.

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.

Meeting Minutes

1. Approval of minutes from the meeting of January 13, 2004.

Aviation

2. Authorize acceptance of grants from the Federal Aviation Administration, the Transportation Security Administration, and other agencies of the United States Government in an amount not to exceed \$30,000,000, to the City of Austin, Department of Aviation, for Austin-Bergstrom International Airport for Fiscal Year 2004-2005. (Grant reimbursement will apply to projects in the Fiscal Year 2004-2005 Approved Capital and/or Operating Budgets of the Aviation Department. Grant funds will be placed in the Airport Capital Fund, the ABIA Improvement Funds and/or the ABIA Operating Fund.)

Economic Growth and Redevelopment Services

3. Authorize application for \$1,500,000 in grant funding from the U.S. Department of Commerce Economic Development Administration for capital improvements to the Austin Film Studios. (Funding is available from the U.S. Department of Commerce Economic Development Administration for the grant period March 2005-March 2006. The City's required match is \$800,000. Funding in the amount of \$500,000 is available in the Capital Budget of Austin Energy, and \$300,000 is available in the Capital Budget of Austin Water Utility.)

Fire

4. Approve a resolution to adopt procedures for conducting collective bargaining negotiations with the Austin Association of Professional Fire Fighters.

Neighborhood Housing and Community Development

5. Approve the negotiation and execution of a Neighborhood Commercial Management Program (NCMP) loan to SOUTHWEST KEY PROGRAM, INC., (Southwest Key) in an amount not to exceed \$624,000 and waive certain NCMP guideline requirements for the construction of an approximate 32,000 square foot facility to house the corporate offices of Southwest Key, an alternative school, community computer lab, and business incubator. (Community Development Block Grant funding is available in the Neighborhood Housing and Community Development Department's Neighborhood Commercial Management Loan Program subject to U.S. Department of Housing and Urban Development fund release.)

Neighborhood Planning and Zoning

6. Adopt a resolution approving the release of approximately 25 acres of extraterritorial jurisdiction (ETJ) located at the end of Indian Tree Trail, from the City of Austin to the Village of San Leanna.

Parks and Recreation

7. Approve the issuance of a free lifetime swim pass for Barton Springs Pool to Dr. Robert Morrison. (On November 9, 1993 the Parks and Recreation Advisory Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs pool.)

8. Approve execution of a contract with MAC, INC. (MBE/MH 62.92%) for construction of playground improvements and ADA accessibility for Lott Park, in a total amount not to exceed \$441,000. (Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Parks and Recreation Department.) Lowest bid of four received. 0.00% MBE and 8.74 % WBE subcontractor participation

Police

9. Approve a resolution authorizing the application for \$422,989 in renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act for the Austin Police Department to employ ten full-time equivalent (FTE) Victim Counselors for a "Comprehensive Victim Services Program". (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period July 1, 2005 - June 30, 2006. A match of \$225,362 is required, and is available in the Fiscal Year 2004-2005 Approved Operating Budget for the Austin Police Department, Victim Services Program. Additional matching funds are contingent on future budgets.)

Public Works

10. Approve an ordinance authorizing negotiation and execution of all documents necessary to vacate a 2.404 acre portion of Yager Lane to QUENTIN LTD. ("Quentin"), in exchange for Quentin conveying and constructing a 1.356 acre tract (Yager Lane/Tech Ridge Drive approach) and a 1.407 acre tract (Tech Ridge Drive) to City of Austin. (Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.) (Related Items 11, 12)
11. Authorize execution of a Roadway Improvement Agreement with QUENTIN, LTD., for funding the construction of the connection by the Texas Department of Transportation of Tech Ridge Boulevard, east of IH 35, with the proposed bridge structure designated as Yager Lane Bridge, in a not to exceed amount of \$665,187. (Quentin Ltd has deposited \$665,187 in an escrow account with the City of Austin.) (Related Items 10, 12)
12. Authorize execution of an agreement with TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for connecting Tech Ridge Boulevard, East of IH 35, with the proposed bridge structure designated as Yager Lane Bridge in an amount not to exceed \$597,418. (Funding is available from an escrow account collected from the developer, Quentin, Ltd., to pay for this work.) (Related Items 10, 11)

13. Approve a resolution authorizing the filing of eminent domain proceedings for the P2 Williamson portion of the Austin Clean Water Program to acquire a permanent wastewater line easement containing 1,625 square feet out of Lot 4, Block 1, Peppertree Park Section 2, a subdivision in the City of Austin, Travis County, TX, in the amount of \$2,486. The owner of the property interest sought to be condemned is HENRY CHANG of Austin, TX. The property is located at 5106 Spruce Cove, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
14. Approve an ordinance amending Exhibit B of Ordinance No. 040729-36 to change the acreage from 0.227 acres to 0.068 acres conveyed to the City of Austin by the Austin Presbyterian Theological Seminary in exchange for the vacation of a portion of University Avenue.
15. Approve an ordinance amending City Code Section 12-4-63 to extend the existing school zone on Furness Drive for Hart Elementary School and to add Sahara Avenue from Emerald Forest Drive to Cougar Drive to the list of streets having a maximum speed limit of 20 miles per hour during certain times for Odom Elementary School; and amending Section 12-4-42 of the City Code to add Anderson Mill Road from North U.S. Highway 183 Service Road Northbound to Pond Springs Road to the list of streets having a maximum speed limit of 40 miles per hour. (Funding in the amount of \$2,300 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department for the installation of the necessary signs/flashers.)
16. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE-MH 96.71%), Austin, TX, for ADA Sidewalk, Ramp and Bikeway Improvements 2004-2007 Group 1 Re-Bid in an amount not to exceed \$1,622,036 and a \$162,203.60 contingency for a total contract amount not to exceed \$1,784,239.60. (Funding in the amount of \$1,784,239.60 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) Lowest bid of four received. 0.20% MBE and 3.09% WBE subcontractor participation.
17. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP (MBE 58.99%), Austin, TX, for the Rebid of the Guadalupe Street at West 38th Street Intersection Improvements Project for a total contract amount not to exceed \$266,136.40. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department.) Low bid of two received. 0.00% MBE and 30.12% WBE subcontractor participation.

18. Authorize execution of a construction contract with C.C. CARLTON INDUSTRIES, Austin, TX for the Austin Clean Water Program: Upper Shoal - Spicewood Branch at Spicewood Springs Road Project in the amount of \$747,223.76 plus a \$74,722.38 contingency, for a total contract amount not to exceed \$821,946.14. (Funding in the amount of \$821,946.14 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of two received. 21.95% MBE and 7.37% WBE subcontractor participation.
19. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Austin Clean Water Program: Upper Shoal - Spicewood Branch at Wood Hollow Drive Wastewater Improvements Project in the amount of \$2,555,145 plus a \$255,514.50 contingency, for a total contract amount not to exceed \$2,810,659.50. (Funding in the amount of \$2,810,659.50 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Only one responsive bid received. 4.41% MBE and 5.22% WBE subcontractor participation.
20. Authorize execution of change order # 10 to the construction contract with SPAWGLASS CONTRACTORS, INC., Austin, TX, for additional fencing work, mechanical modifications to ductwork and exhaust systems, and electrical modifications for the Forensics Science Building and Central/East Substation for the Austin Police Department in the amount of \$106,000, for a total contract amount not to exceed \$15,142,999.55. (Funding in the amount of \$106,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Police Department.) 20.39% MBE and 15.38% WBE subcontractor participation to date.
21. Authorize negotiation and execution of a professional services agreement with the following four (4) firms: STANLEY CONSULTANTS, INC., Austin, TX; CH2M HILL, INC., Englewood, CO; BLACK & VEATCH, INC., Kansas City, MO; and CARTER & BURGESS, INC., Austin, TX, for specialized engineering and associated technical services necessary for planning, analysis, design and construction management of improvements for the Engineering Services for Power Plant Improvements Rotation List 2004-2007, for an estimated period of three (3) years or until available funding authorization is expended, in an amount not to exceed \$3,000,000 with a total amount of the four (4) agreements not to exceed \$3,000,000 (estimated approximately \$1,000,000 for each of the top two (2) ranked firms and \$500,000 for each of the next two (2) ranked firms). (Funding in the amount of \$1,625,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget and \$305,555.56 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining twenty-eight months of the contract is contingent upon available funding in future budgets.) Best four qualification statements of ten (10) received. 15.9% MBE and 14.2% WBE subconsultant participation.

Purchasing

22. Authorize execution of 12-month service agreements for weatherization services with CLIMATE MECHANICAL, INC., Austin, TX, in an amount not to exceed \$236,133.55, with two 12-month extension options in an amount not to exceed \$236,133.55 per extension option, for a total agreement amount not to exceed \$629,689.47; with MCCULLOUGH HEATING AND AIR CONDITIONING, Austin, TX, in an amount not to exceed \$169,147.38, with two 12-month extension options in an amount not to exceed \$169,147.38 per extension option, for a total agreement amount not to exceed \$451,059.68; and with AIRTECH ENERGY SYSTEM, INC., Austin, TX, in an amount not to exceed \$115,370.40, with two 12-month extension options in an amount not to exceed \$115,370.40 per extension option, for a total agreement not to exceed \$307,654.40. (Funding in the amount of \$347,100.89 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bids of four bids received. This contract will be awarded in compliance with Chapter 2-9 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 execution of a 12-month service agreement with ENERGY SAVING STRATEGIES, Georgetown, TX, for small business lighting program services in an amount not to exceed \$345,674.50, with two 12-month extension options in an amount not to exceed \$345,674.50 per extension option, for a total agreement amount not to exceed \$1,037,023.50. (Funding in the amount of \$201,643.46 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 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.

24. Authorize execution of Amendment No. 4 to the service agreement with HONEYWELL DMC SERVICES LLC, Saugus, MA, to increase the three extensions for the installation of programmable thermostats and water heater switches and administration of the direct load controllers for the Power Partner Program, in an amount not to exceed \$452,472 per extension option, for a revised total agreement not to exceed \$5,869,284. (Funding in the amount of \$301,648 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining four months of the contract period and the extension options is contingent upon available funding in future budgets.) This contract will be awarded in compliance with Chapter 2-9 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.
25. Authorize execution of a contract with PUFFER-SWEIVEN LP, Stafford, TX, for ten severe service control valves in an amount not to exceed \$55,898.40. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 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.
26. Authorize execution of a 12-month interlocal agreement with TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, TX, for staffing resources in an amount not to exceed \$88,000, with three 12-month extension options in an amount not to exceed \$88,000 per extension option, for a total agreement amount not to exceed \$352,000. (Funding in the amount of \$58,667 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Cooperative Purchase. This contract was awarded in compliance with Chapter 2-9 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.
27. Authorize execution of a contract with RICHARDS MANUFACTURING, Irvington, NJ, for network protectors in an amount not to exceed \$250,668. (Funding is available in Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

28. Authorize execution of Amendment No. 1 to the contract with AIRGAS SOUTHWEST, Austin, TX, for flame resistant jackets and coveralls in an amount not to exceed \$45,000, for a revised total contract amount not to exceed \$118,432.11. (Funding in the amount of \$45,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) This contract was be awarded in compliance with Chapter 2-9 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.
29. Authorize execution of a 12-month supply agreement with PRIESTER SUPPLY, Austin, TX, for backfill polyurethane foam in an amount not to exceed \$56,428.75, with two 12-month extension options in an amount not to exceed \$56,428.75 per extension option, for a total agreement amount not to exceed \$169,286.25. (Funding in the amount of \$37,619.20 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. 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 three bids received. This contract will be awarded in compliance with Chapter 2-9 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.
30. Authorize execution of a 12-month service agreement with NATIONAL POWER RODDING, INC. Chicago, IL, for manhole rehabilitation services for the Austin Water Utility in an amount not to exceed \$1,900,115, with three 12-month extension options in an amount not to exceed \$1,900,115 per extension option, for a total agreement amount not to exceed \$7,600,460. (Funding in the amount of \$1,108,400 is included in Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility. Funding for the remaining five months of the initial contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. Subcontractor Participation 35.35% MBE; 7.25% WBE

31. Authorize execution of a 12-month supply agreement with FERGUSON ENTERPRISES, INC., Austin, TX, for ultra low-flow toilets for the Austin Water Utility in an amount not to exceed \$492,000, with two 12-month extension options in an amount not to exceed \$492,000 per extension option, for a total contract amount not to exceed \$1,476,000. (Funding in the amount of \$328,000 is available in the Approved Fiscal Year 2004-2005 Operating Budget for 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 three bids received. This contract will be awarded in compliance with Chapter 2-9 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.
32. Authorize execution of a 12-month supply agreement with MINUTEMAN INTERNATIONAL, Fitchburg, MA, for rain barrels for the Austin Water Utility in an amount not to exceed \$200,700, with two 12-month extension options in an amount not to exceed \$200,700 per extension option, for a total agreement amount not to exceed \$602,100. (Funding in the amount of \$117,075 is available in the Approved Fiscal Year 2004-2005 Water Conservation Budget of the Austin Water Utility. Funding for the remaining five months 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 2-9 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.
33. Authorize execution of 12-month supply agreement with MS TECHLINE PIPE L.L.P., Austin, TX, for various types and sizes of PVC wastewater line fittings for the Austin Water Utility in an amount not to exceed \$74,683.03, with two 12-month options in an amount not to exceed \$74,683.03 per extension, for a total amount not to exceed \$224,049.09. (Funding in the amount of \$49,788.68 is available in the Approved Fiscal Year 2004-2005 Operating Budget for the Austin Water Utility. Funding for the remaining four months of the original contract 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 2-9 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.

34. Authorize execution of 12-month supply agreement with HUGHES SUPPLY, INC., Austin, TX, for valves of various types and sizes for the Austin Water Utility in an amount not to exceed \$51,868.05, with two 12-month extension options in an amount not to exceed \$51,868.05 per extension option, for a total agreement amount not to exceed \$155,604.15. (Funding in the amount of \$34,579 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining four months and extension options is contingent upon available funding in future budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 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.
35. Authorize execution of a 12-month supply agreement with DXI INDUSTRIES, Houston, TX, for liquid chlorine for the Austin Water Utility in an amount not to exceed \$781,532, with two 12-month extension options in an amount not to exceed \$781,532 per extension option, for a total agreement amount not to exceed \$2,344,596. (Funding in the amount of \$521,021 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining four months and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 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.
36. Authorize execution of Amendment No. 1 to a 12-month service agreement with Complete Communication Services Inc. dba CO COM CABLING SYSTEMS, (WBE/FR-100%), Austin TX, for the maintenance and improved reliability of the Greater Austin Area Telecommunications Network (GAATN) in an amount not to exceed \$370,000, with four 12-month extension options in an amount not to exceed \$1,175,000 for the first extension option; \$1,050,000 for the second extension option; \$250,000 for the third extension option and \$150,000 for the fourth extension option; for a total revised contract amount not to exceed \$5,930,000. (Funding in the amount of \$2,995,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Communications and Technology Management Office of the Financial and Administrative Services Department.) This contract was awarded in compliance with Chapter 2-9 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.

37. Authorize execution of a 12-month supply agreement with BOUND TO STAY BOUND BOOKS, Jacksonville, IL, for pre-bound juvenile books for the Central Texas Library System in an amount not to exceed \$51,824.05, with two 12-month extension options in an amount not to exceed \$51,824.05 per extension option, for a total agreement amount not to exceed \$155,472.15. (Funding in the amount of \$34,549.37 is available in the Fiscal Year 2004-2005 Special Revenue Fund for the Library Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of four bids received. This contract will be awarded in compliance with Chapter 2-9 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.
38. Authorize execution of a 12-month service agreement with EBSCO SUBSCRIPTION SERVICES, Dallas, TX, for periodical subscription services for the Austin Public Library in an amount not to exceed \$97,288.07, with two 12-month extension options in an amount not to exceed \$97,288.07 per extension option, for a total agreement amount not to exceed \$291,864.21. (Funding in the amount of \$93,488.07 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. \$3,800 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of three bids received. This contract will be awarded in compliance with Chapter 2-9 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.
39. Authorize execution of a 12-month supply agreement with R.T.I. HOT MIX, Pflugerville, TX, INDUSTRIAL ASPHALT, INC., (WBE-FR 100%), Buda, TX, and with CAPITOL AGGREGATES, LTD, Austin, TX, for hot mix asphaltic concrete type A, B, C, C (SBS), D and F in an amount not to exceed \$2,002,500, with two 12-month extension options in an amount not to exceed \$2,002,500 per extension option, for a combined total contract amount not to exceed \$6,007,500 (Funding in the amount of \$1,335,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. 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 three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No Subcontracting opportunities were identify; therefore, no goals were established for this solicitation.

40. Authorize execution of a 12 -month supply agreement with HANSON PIPE & PRODUCTS, Austin, TX, for reinforced concrete pipe for the Watershed Protection and Development Review Department in an amount not to exceed \$141,640.36, with two 12-month extension options in an amount not to exceed \$141,640.36 for a total contract amount not to exceed \$424,921.08. (Funding in the amount of \$94,427 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest qualified bid of 2 received This contract will be awarded in compliance with Chapter 2-9 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.

Watershed Protection and Development Review

41. Approve an ordinance amending Section 12-3-8 relating to parking meter fees; amending Section 14-6-4 of the City Code relating to temporary street closure for a film-making activity; and amending Ordinance No. 040913-05 to repeal certain fees charged by the Watershed Protection and Development Review Department. (Approved by the Urban Transportation Commission.)

ITEMS FROM COUNCIL

42. Board and Commission appointments.
43. Approve a resolution relating to the compensation and benefits for the city manager. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Daryl Slusher)
44. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the 2005 Freescale Austin Marathon to be held on February 13, 2005. (Council Member Brewster McCracken, Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)
45. Authorize reimbursement of the facility rental fee at the Connelly-Guerrero Senior Activity Center for the 2nd Annual Austin NAACP event celebrating the life and ideas of Dr. Martin Luther King, Jr., and held on January 19, 2005. (Council Member Danny Thomas and Council Member Daryl Slusher)

46. Approve an ordinance waiving the permit fee and certain requirements under Chapters 14-8 and 14-11 of the City Code for Adventure Fit, Inc.'s King of Jester Event to be held on February 27, 2005. (Council Member Daryl Slusher, Council Member Danny Thomas and Council Member Betty Dunkerley)
47. Approve a resolution directing the City Manager to encourage engineers working for the City of Austin to participate in Engineers Week, which takes place February 22-26, 2005, and related events in 2005. (Mayor Will Wynn and Council Member Raul Alvarez)
48. Approve a resolution establishing the 'I-35 Makeover Steering Committee' as the official designated community stakeholder group for the I-35 Makeover project. (Council Member Raul Alvarez and Council Member Brewster McCracken)

Item(s) to Set Public Hearing(s)

49. Set a public hearing to consider a request for a variance from the Land Development Code to allow expansion and remodeling of a pump house at 7014 Greenshores Drive and to waive the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain of Lake Austin. (Suggested date and time: February 3, 2005 at 6:00 p.m., City Hall Council Chambers.) (The environmental variance was not recommended by the Environmental Board, but was approved by the Zoning and Platting Commission.)
50. Set a public hearing to consider a request for a variance from the Land Development Code to allow the expansion and remodeling of an existing, structure located at 708 East 6th Street, and to waive the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain of Waller Creek. (Suggested date and time: February 3, 2005 at 6:00 p.m., City Hall Council Chambers.)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Richard Troxell - Homelessness in Austin

Eric Nelson - Our New City Hall: A Question To The People Of Austin

John McNabb - Brandt Road Annexation Update

Darlene Louk - Brandt Road Annexation Update

Pat Johnson - Victim's of Mayor Wynn's Neglect

Jennifer L. Gale - All Students with (30) Thirty Credit Hours, 20/20 Vision, we need 140 Cadets for Austin's Police Academy by February 15, 2005. Please call 974-4211

Gavino Fernandez Jr. - The City of Austin Holly Neighborhood Planning Team Mediation/Facilitator Process is bias, unfair and unjust to us Mexican-American Homeowners who lived in this neighborhood over 50 years. The City of Austin is helping White Minority Homeowners eliminate El Concilio and it's members from participating in the Holly Planning Team Process!

Leslie Alicia Cochran - APD

EXECUTIVE SESSION (No Public Discussion On These Items)**Private Consultation with Attorney - Section 551.071**

51. Discuss legal issues related to the creation of and regulations applicable to the proposed Winfield Municipal Utility Districts.
52. Discuss legal issues concerning proposed legislation in the 79th Legislature.

Personnel Matters - Section-551.074

53. Evaluate the performance of and consider compensation and benefits for the City Manager.

2:00 P.M. Bond Sales

54. Approve an ordinance authorizing the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Series 2005, in an the amount not to exceed \$109,525,000, and authorizing approval of all necessary related documents. (No fiscal impact during fiscal year 2004-2005. \$6,214,479 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee was included in the Fiscal Year 2004-2005 Approved Budget of the General Obligation Debt Service Fund.)

2:00 PM BRIEFINGS

55. Briefing on the Downtown Austin Retail Development Strategy by Economics Research Associates (ERA).

4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS**Zoning Ordinances / Restrictive Covenants**

56. C14-04-0180 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2444 South 1st Street (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First Reading on January 13, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Michael Vasquez. Agent: Michael Vasquez. City Staff: Tom Bolt, 974-2755.
57. C14-04-0101 - S. Lamar Boulevard-Evergreen Avenue-West Mary Street Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1704 and 1706 Evergreen Avenue and 1707 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Second reading on December 16, 2004. Vote: 7-0. First reading on November 18, 2004. Vote: 5-1, J. Goodman-Nay, and D. Slusher-off the dias. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department (Sherri Gager). City Staff: Sherri Gager. 974-3057

58. C14-04-0182 - Wier Hills Drive - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 Wier Hills Drive [5.198 acres (more or less) out of the August Herold Survey No. 59, Travis County, Texas] (Barton Creek Watershed-Barton Springs Zone) from general office (GO) district zoning to townhouse and condominium residence (SF-6) district zoning. First reading on January 13, 2005. Vote: 7-0. Conditions met as follows: Restrictive covenant incorporates the conditions accepted by Council at first ordinance reading. Applicant: Southwest Travis County Road District No.1. (Gregory Chico). Agent: Brown-McCaroll (Annick Beaudet). City Staff: Robert Heil, 974- 2330.
59. C14-02-0154 - McDougal 620 Property - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Windy Ridge at RM 620 (Lake Travis Watershed) from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning. Second reading on March 25, 2004. Vote: 7-0. First reading on March 20, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Gerald McDougal. Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.
60. C14-04-0136 - 1500 Summit Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 Summit Street (Harper Creek Watershed) from general office (GO) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on January 13, 2005. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Waterloo Partners (John S. Graham). Agent: Thrower Designs (Ron Thrower). City Staff: Robert Heil, 974-2330
61. C14-04-0171 - Barr Subdivision - Approve first/second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1590-1602 Barclay Drive (Barton Creek and Eanes Creek Watersheds-Barton Springs Zone) from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning to single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Applicant: Gary Lee and Belanne Barr. Agent: Cunningham-Allen Inc. (Jana Rice). City Staff: Robert Heil, 974-2330. Note: A valid petition has been filed in opposition to this rezoning request.

62. C14-04-0181.SI - Shire's Court - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane (Country Club Creek Watershed) from family residence (SF-3) district zoning and limited office (LO) district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading on January 13, 2005. Vote: 6-0, Goodman off the dais. Conditions met as follows: Conditional overlay and restrictive covenant incorporate the conditions imposed by Council at first ordinance reading. Applicants: The Estate of Opal Ault (Donna Koch), Henry W. Ault and June Oliver Ault, Herby's Joint Venture (Jimmy Nassour), George Washington Sanders, and Stephen G. Jackson). Agent: Benchmark Land Development, Inc. (David C. Mahn). City Staff: Wendy Walsh, 974-7719.

Zoning Hearings and Approval of Ordinances / Restrictive Covenants

- Z- 1 C14-04-0208 - 2222 Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700 RM 2222 (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to community commercial (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: International Bank of Commerce (Dennis Nixon). Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 975-2775.
- Z- 2 C14-95-0193(RCA) - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 10700 RM 2222 (Bull Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: International Bank of Commerce (Dennis Nixon). Agent: Urban Design (Laura Touns). City Staff: Glenn Rhoades, 974-2775.
- Z- 3 C14-04-0183 - Escalon at Canyon Creek Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9715 and 9901 R.M. 620 North (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density (MF-2-CO) combining district zoning. Applicant: A.G. S. The Spanos Corporation (Jim Norman). Agent: Huffcut & Associates, Inc. (Mike Wilson). City Staff: Sherri Gager, 974-3057.

- Z- 4 C14-04-0189 - Superior Service Company - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2020 West Howard Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Superior Service Company (Robert Dale Steenrod). Agent: Holt Planners (David B. Holt, Jr.). City Staff: Sherri Gager, 974-3057.
- Z- 5 C14-04-0188 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 205 East Rundberg Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant and Agent: Duc H. Nguyen. City Staff: Glenn Rhoades, 974-2775.
- Z- 6 C14-85-288.102(RCT) - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 7800-8200 Southwest Parkway (Barton Creek Watershed -Barton Springs Zone) . Zoning and Platting Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Hilltop Homes. Agent: Brown MCCarroll (Annick Beaudet). City Staff: Robert Heil, 974-2330.
- Z- 7 C814-99-0001.03 - Avery Ranch PUD, Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning.. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) amendment. Applicant: Pebble Creek Joint Venture (Edward Rathgeber, President), Developers of Avery Ranch (Robert D. Wunsch), Continental Homes of Texas, L.P. (Richard Maier). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057

- Z- 8 C814-99-0001(RCA) - Avery Ranch PUD Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Avery Ranch at Parmer Lane (Brushy Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, President), Continental Homes of Texas, L.P. (Richard Maier), Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.), Developers of Avery Ranch (Robert D. Wunsch, President). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057.
- Z- 9 C14-04-0200 and C14H-04-0028 - Chapman House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 East 12th Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-historic-neighborhood plan (GR-MU-H-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-historic-neighborhood plan (GR-II-NP) combining district zoning. Applicant and Agent: Urban Renewal Agency of the City of Austin (Gregory L. Smith). City Staff: Robert Heil 974-2330
- Z- 10 C14H-04-0027 – Brown-Ledel-Silverman House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West Lynn Street from multi-family residence, neighborhood plan (MF-4-NP) district to multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To be reviewed by Planning Commission on January 25, 2005. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
- Z- 11 C14-04-0145 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1209 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Applicant: Shirley & Volma Overton. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

- Z- 12 C14-04-0140 - Swafford - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2108 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (NO-CO) combining district zoning. Applicant: Clarence Jacobson. Agent: Crocker Consultants (Sarah Crocker). City Staff: Tom Bolt, 974-2755.

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

LIVE MUSIC

John Pointer

PROCLAMATIONS

Presentation to Council - Environmental Guarantee Award - to be presented by Shaw Carpets and Intertech Flooring and to be accepted by Mayor Will Wynn

Distinguished Service Award - Greg Smith - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - Assistant Fire Chief Paul Maldonado - to be presented by Mayor Will Wynn and City Manager Toby Futrell and to be accepted by the honoree

Distinguished Service Award - Fire Chief Gary Warren - to be presented by Mayor Will Wynn and City Manager Toby Futrell and to be accepted by the honoree

Proclamation - Spay/Neuter Month - to be presented by Council Member Brewster McCracken and to be accepted by Julia Hilder

Certificates of Congratulations - Volunteers of the Month for November and December 2004 - to be presented by Council Member Brewster McCracken and to be accepted by the honorees

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Neighborhood Planning and Zoning**

63. Conduct a public hearing and approve an ordinance amending Chapters 24-1, 24-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and adopting zoning and other regulations applicable in those districts. (Reviewed by Urban Transportation Commission and Design Commission; to be reviewed by Zoning and Platting Commission on 2/1/05 and Planning Commisison on 1/25/05.)

Watershed Protection and Development Review

64. Conduct a public hearing to consider an ordinance amending Chapter 25-2-805 and 25-2-299 relating to fence height. (Approved by Planning Commission.)

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 intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más 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 sesión del Consejo.

Council Meetings

January 13, 2005
January 27, 2005

February 3, 2005
February 10, 2005
February 17, 2005

March 3, 2005
March 10, 2005
March 24, 2005

April 7, 2005
April 14, 2005
April 28, 2005

May 12, 2005
May 19, 2005
May 26, 2005

June 9, 2005
June 23, 2005

July 28, 2005

August 4, 2005
August 18, 2005
August 25, 2005

September 1, 2005
September 12,13,14
(Budget Readings)
September 29, 2005

October 6, 2005
October 20, 2005
October 27, 2005

November 3, 2005
November 17, 2005

December 1, 2005
December 15, 2005

Cancelled Meetings

January 6, 2005

January 20, 2005

February 24, 2005

March 17, 2005
March 31, 2005

April 21, 2005

May 5, 2005

June 2, 2005
June 16, 2005
June 30, 2005

July 7, 2005
July 14, 2005
July 21, 2005

August 11, 2005

September 8, 2005

September 15, 2005
September 22, 2005

October 13, 2005

November 10, 2005
November 24, 2005

December 8, 2005
December 22, 2005
December 29, 2005