

AUSTIN CITY COUNCIL AGENDA

THURSDAY, SEPTEMBER 01, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301
WEST 2ND STREET, AUSTIN, TEXAS.

AUSTIN CITY CLERK
POSTING DATE/TIME

05 AUG 26 PM 3:00



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 ♦ DANNY THOMAS, MAYOR PRO TEM
LEE LEFFINGWELL ♦ RAUL ALVAREZ ♦ JENNIFER KIM ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN

**NOTICE OF REGULAR MEETING
THURSDAY, SEPTEMBER 01, 2005**

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9:55 A.M. Invocation

Rev. Mark Weaver, Pastor, New Hope Wesleyan Church of Austin

10:00 A.M. City Council Convenes

THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, SEPTEMBER 01, 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 the minutes from the meeting of August 25, 2005.

Austin Energy

2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to ST. ANDREW'S EPISCOPAL SCHOOL, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 1112 W. 31st Street. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
3. Approve an ordinance amending Chapter 6-1 of the City Code to add a new Article 3 regarding vehicle idling and creating an offense. (Recommended by the Electric Utility Commission.)

Economic Growth and Redevelopment Services

4. Approve a resolution appointing Mayor Will Wynn, Mayor Pro Tem Danny Thomas, and Council Members Lee Leffingwell, Raul Alvarez, Jennifer Kim, Betty Dunkerley and Brewster McCracken to the Board of Directors of Reinvestment Zone No. 16, a Tax Increment Financing Reinvestment Zone related to Mueller redevelopment.
5. Approve a resolution appointing Council Members Lee Leffingwell and Jennifer Kim to the Board of Directors of the Mueller Local Government Corporation.

Law

6. Authorize negotiation and execution of a legal services agreement with BROWN MCCARROLL, L.L.P., Austin, TX, for legal representation, advice and counsel concerning proceedings pertaining to the application of Central Texas Water Solutions, L.P. to the Texas Commission on Environmental Quality for wastewater certificate of convenience and necessity dual certification, for a total contract amount not to exceed \$150,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Water Utility.)

Neighborhood Planning and Zoning

7. Approve second/third readings of an ordinance to annex the Watersedge Area for the limited purposes of planning and zoning (Approximately 418 acres in Travis County east of Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 8)
8. Approve second/third readings of an ordinance approving a regulatory plan for the Watersedge Area, to be annexed for limited purposes of planning and zoning. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 7)

Parks and Recreation

9. Approve a resolution authorizing the construction of a classroom addition and library by the Austin Independent School District on property jointly owned with the City of Austin in Kealing Park. (Recommended by the Parks and Recreation Board.)

Police

10. Approve a resolution authorizing an application for grant funding to the U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office, Operation Weed and Seed in the amount of \$175,000 in grant funds for the Central East Austin Weed and Seed Program for law enforcement, crime prevention and community revitalization. (Funding in the amount of \$175,000 is available in the grant period October 1, 2005 - September 30, 2006 from the U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office. This is the first year of a five-year grant. No cash match is required.)

Public Works

11. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Spicewood Branch at Foster Lane Project, a portion of the Austin Clean Water Program, to acquire a 656 square foot permanent drainage easement, a 656 square foot permanent access easement, a 1,093 square foot permanent lateral support easement, and a 536 square foot temporary working space easement out of Lot 4-A of Northcross Section Three, a Subdivision in the City of Austin, in an amount not to exceed \$4,847. The owner of the property interests is 2819 FOSTER, LTD., of Austin, Texas. The property is located at 2819 Foster Lane, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
12. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk-North Capital Drive Project, a portion of the Austin Clean Water Program, to acquire a 0.365 acre permanent wastewater line easement and a 15,974 square foot temporary working space easement out of the John Applegait Survey No. 58, Abstract No. 29, Travis County, Texas, in an amount not to exceed \$69,398. The owners of the property interests are 9920 N IH-35, L.L.C., 339 ELK DRIVE, L.L.C., and WAVECREST PROPERTIES, L.L.C. The property is located at 9920 Interstate-Highway 35, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)

13. Approve a resolution authorizing the filing of eminent domain proceedings for the Gaston Lane Wastewater Improvements project, a portion of the Austin Clean Water Program, to acquire a 400 square foot permanent wastewater line easement out of Lot 3, Pemberton Heights, Section 12, a Subdivision in the City of Austin, Travis County in an amount not to exceed \$1,620. The owner of the property interest sought to be acquired is Susan Frances Heard, of Houston, Texas. The property is located at 2401 Pemberton Parkway, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
14. Approve a resolution to amend Resolution No. 20050623-063, authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 2,256 square foot temporary working space easement out of Lot 60, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,392 to correct the misspelling of one of the property owners' names and to correctly reflect the owners as Michael R. Hemer and Carolyn Blasdel, of Austin, Texas for the property located at 2400 White Horse Trail, Austin, TX.
15. Authorize negotiation and execution of a 12-month lease renewal of 8,000 square feet of office and warehouse space located at 4122 Todd Lane, from Mina Parven, Austin, Texas, for the Health and Human Services Department, Vector Control Program, in an amount not to exceed \$62,400. (Funding for the renewal contract period is contingent upon available funding in future budgets.)
16. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, for construction administration services and the addition of construction of Colorado and Brazos streets from Cesar Chavez to 3rd Street in an amount not to exceed \$250,000, for a total amount not to exceed \$905,381. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Neighborhood Planning and Zoning Department.) Original recommendation was based on the best of six qualification statements received. 10.40% MBE and 17.71 WBE sub-consulting participation to date.

17. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX, for the Riverside Drive and Barton Springs Road Street Reconstruction and Utility Adjustment Project from South Congress Avenue to South First Street and Town Lake Park/Riverside Drive Reconstruction from South First Street to South Lamar Boulevard in the amount of \$6,983,031.67 plus a \$698,303.17 contingency, for a total contract amount not to exceed \$7,681,334.84. (Funding in the amount of \$5,176,643.09 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department and funding in the amount of \$2,504,691.75 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of two received. 0.40% MBE and 14.33% WBE subcontractor participation. (Related Item 49)

Purchasing

18. Authorize execution of a contract with GRANDE TRUCK CENTER, San Antonio, TX, for the purchase of one truck-mounted 29 foot aerial device with fiber optic splicing body, in an amount not to exceed \$92,431. (Funding is available in the 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 Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
19. Authorize execution of a contract with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for the purchase of one truck-mounted 150-foot aerial device in an amount not to exceed \$552,861. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Low 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.
20. Authorize execution of a 12-month supply agreement with TECHLINE, INC., Austin, TX for the purchase of shoebox style street lighting in an amount not to exceed \$343,070, with four 12-month extension options in an amount not to exceed \$343,070 per extension option, for a total agreement amount not to exceed \$1,715,350. (Funding in the amount of \$343,070 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Low 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.

21. Authorize execution of a 12-month supply agreement with HIGH VOLTAGE SUPPLY, Dallas, TX for the purchase of extra low resistance contacts in an amount not to exceed \$513,206, with three 12-month extension options in an amount not to exceed \$513,206 per extension option, for a total agreement amount not to exceed \$2,052,824. (Funding in the amount of \$42,767.16 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. 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.
22. Authorize execution of a contract with CAPITOL BEARING SERVICE, INC., Austin, TX, for the purchase of one trailer-mounted integrated hose reel pump system in an amount not to exceed \$137,902.64. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) Sole Source. 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 contract with PAMPERED LAWNS AUSTIN INC., Austin, TX, for the clearing of selected woody vegetation from tracts within the Water Quality Protection Lands for the Austin Water Utility in an amount not to exceed \$82,325. (Funding is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) 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.

24. Authorize execution of two 12-month supply agreements with RTI HOT MIX, Pflugerville, TX and CAPITOL AGGREGATES LTD, Austin, TX for the purchase of hot mix-cold laid asphaltic concrete (cold mix) in amounts not to exceed \$187,200 and \$152,000 respectively, with two 12-month extension options in amounts not to exceed \$187,200 and \$152,000 respectively per extension option, for total agreement amounts not to exceed \$561,600 and \$456,000 respectively. (Funding in the amount of \$28,267 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bids 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 subcontract opportunities were identified; therefore, no goals were established for this solicitation.
25. Authorize execution of a 12-month service agreement with COMPLETE LIQUID SOLUTIONS LLC, Austin, TX (WBE/FR) for sludge and sewage pumping, hauling and disposal services for the Austin Water Utility in an amount not to exceed \$59,802, with two 12-month extension options in an amount not to exceed \$59,802 per extension option, for a total contract amount not to exceed \$179,406. (Funding in the amount of \$59,802 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Austin Water Utility. Funding for the 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.
26. Authorize negotiation and execution of a service agreement with ENVIRONMENTAL SCIENCE ASSOCIATES, Clearwater, FL for Federal Aviation Requirements, Part 150 Noise Compatibility update for Austin Bergstrom International Airport in an amount not to exceed \$500,000. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Department of Aviation and to be reimbursed with FAA Grant funds in Fiscal Year 2005-2006.) Best proposal of three proposals received. 16% DBE sub consultant participation.

27. Authorize execution of contracts with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for 11 heavy trucks with mounted truck bodies in an amount not to exceed \$979,356; and FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of four heavy trucks with mounted truck bodies in an amount not to exceed \$432,375; and GRANDE TRUCK CENTER, San Antonio, TX, for the purchase of five heavy trucks with mounted truck bodies in an amount not to exceed \$302,306. (Funding in the amount of \$197,370 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$58,896 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department. Funding in the amount of \$827,569 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding in the amount of \$215,761 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility. Funding in the amount of \$174,065 is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department. Funding in the amount of \$168,998 is available in the Fiscal Year 2004-2005 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$71,378 is available in the Fiscal Year 2004-2005 Capital Budget of the Watershed Protection Development and Review Department.) Low bidders meeting specifications/seven 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.
28. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SIDDONS FIRE APPARATUS, INC., Houston, TX for the purchase of one fire rescue truck in an amount not to exceed \$351,500. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Fire Department.) Purchasing Cooperative.
29. Authorize negotiation and execution of a 24-month service agreement with PUBLIC ACCESS COMMUNITY TELEVISION, Austin, TX for public access television and media management services in an amount not to exceed \$1,235,000, with two 24-month extension options in an amount not to exceed \$1,235,000 per extension option, for a total agreement amount not to exceed \$3,705,000. (Funding in the amount of \$51,458 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Finance and Administrative Services Department. Funding for the remaining 23 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of three proposals 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. (Recommended by the Telecommunications Commission)

30. Authorize execution of a 12-month service agreement with UNITED HEALTHCARE INSURANCE COMPANY, Golden Valley, MN for a group life insurance program in an amount not to exceed \$3,353,000, with two 12-month extension options in an amount not to exceed \$3,513,000 for the first extension option and \$3,672,000 for the second extension option, for a total agreement amount not to exceed \$10,538,000. (Funding in the amount of \$2,515,000 is included in the Fiscal Year 2005-2006 Proposed Operating Budget for the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 14 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.
31. Authorize execution of a contract with L-3 COMMUNICATIONS MOBILE-VISION, INC., Boonton, NJ, for the purchase of transmitters and trunk vault systems for in-car cameras for the Austin Police Department in an amount not to exceed \$80,235. (Funding in the amount of \$70,485 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department. Funding in the amount of \$9,750 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department.) Sole Source. 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 contract through the Texas Building and Procurement Commission (TBPC), with L-3 COMMUNICATIONS MOBILE VISION INC, Bedford, TX, for the purchase of 80 video/audio mobile law enforcement recording systems for the Austin Police Department in an amount not to exceed \$242,800. (Funding in the amount of \$20,000 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Departments. Funding in the amount of \$222,800 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department.) Cooperative Purchase.
33. Authorize execution of a contract through the State of Texas Multiple Awards Schedule (TXMAS) with REMOTEC, INC., Oak Ridge, TN, for the purchase of a robotic vehicle for the Austin Police Department in an amount not to exceed \$147,130. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget Special Revenue Fund of the Office of Emergency Management (U.S. Department of Homeland Security Grant).) Purchasing Cooperative.

34. Authorize execution of a 12-month service agreement with TEXAS CLOSED CAPTIONING, Austin, TX, for closed captioning services for City Council meetings for the Public Information Office in an amount not to exceed \$49,900, with two 12-month extension options in an amount not to exceed \$49,900 per extension option, for a total agreement amount not to exceed \$149,700. (Funding is available in the Fiscal Year 2005-2006 Proposed Operating Budget of the Public Information Office. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications 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.
35. Authorize execution of an Interlocal Agreement with the University of Texas, Austin Technology Incubator, IC2 INSTITUTE for live video testing including equipment costs, consulting and report generation fees in an amount not to exceed \$38,000. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of the Communications and Technology Management Department.) Interlocal Agreement.

Watershed Protection and Development Review

36. Approve an ordinance on second/third reading amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Planning Commission voted for no change to the current code.) (Related Item 53)
37. Authorize negotiation and execution of a 12-month State Use Agreement with Texas Industries for the Blind and Handicapped for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,672,000. (Funding in the amount of \$1,672,000 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Watershed Protection & Development Review Department. Funding is contingent on approval of the proposed budget.)

ITEMS FROM COUNCIL

38. Board and Commission appointments.

39. Approve a resolution directing the City Manager to negotiate terms for the location of the Texas Aviation History Museum at the Austin-Bergstrom International Airport. (Mayor Will Wynn and Council Member Lee Leffingwell)
40. Approve an ordinance on second/third reading amending Title 2 of the City Code to add a new Chapter 2-12 relating to eminent domain powers. (Council Member Brewster McCracken, Mayor Will Wynn and Council Member Lee Leffingwell)
41. Approve an ordinance authorizing payment of costs for the Texas United Latino Artist's 6th Annual Mexican Independence Day Parade and Festival, to be held on September 17, 2005. (Council Member Raul Alvarez and Council Member Betty Dunkerley)
42. Approve waiver of fees and requirements for the Austin Found Event to be held on October 1, 2005. (Council Member Brewster McCracken and Council Member Raul Alvarez)
43. Approve an ordinance waiving certain fees and requirements, and authorizing payment of certain costs for the 2005 Fiesta de Independencia Celebration to be held on September 15, 2005, at Waterloo Park. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
44. Approve an ordinance authorizing reimbursement of certain fees and costs for the 2005 Keep Austin Weird 5k Run. (Mayor Will Wynn and Council Member Raul Alvarez)

Item(s) to Set Public Hearing(s)

45. Set a public hearing to approve approximately 1.36 acres for two sedimentation/filtration ponds, along with an approximately 3-acre temporary working space area use agreement to allow for the construction of the ponds through dedicated park land known as Zilker Park located on Barton Hills Drive in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: September 29, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
46. Set a public hearing concerning the adoption of an ordinance amending Sections 25-9-33 (d), 25-4-195, and 30-2-195 of the Austin City Code related to requirements to obtain a water and wastewater service extension request. (Suggested date and time: September 29, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street)

47. Set a public hearing to consider an ordinance amending sections 30-1-93, 30-1-131, 30-2-40, and 30-2-56(C) of the City Code, in accordance with the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County. (Suggested date and time: September 29, 2005 at 6:00pm, City Council Chambers.)
48. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Greater South River City Combined Neighborhood Plan. The combined neighborhood plan is comprised of the South River City and St. Edward's neighborhood planning areas, bounded by Town Lake on the north, IH-35 South on the east, Ben White Blvd. on the south, and South Congress on the west. (Suggested date and time: September 29, 2005 at 4:00 p.m., City Hall Council Chamber, 301 West Second Street.)

10:30 A.M. BRIEFINGS AND POSSIBLE ACTION

49. Presentation and approval of a resolution relating to the configuration of Riverside Drive within Town Lake Park, the award of a contract to reconstruct Riverside Drive, and the conversion of the one-way portion of Cesar Chavez to two-way traffic flow. (Related Item 17)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Michelle Huang - Help Rescue Falun Gong Orphans in China

Yee Chin Chen - Help Rescue Falun Gong Orphans in China

Henry Jao - Help Rescue Falun Gong Orphans in China

Jennifer L. Gale - If we're going to take East Austin resident's homes let's tell them first

Richard Troxell - National Day of Action - Bridge the Economic Gap Day

Randall Withrow - Foliage Remediation Request

Myra Felder - Business Issues

Mark Gentle - Town Lake Hike and Bike Trail Issues

Dr. Lawrence Cranberg - What to do about Elder Suicide?

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

50. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
51. Discuss legal issues related to Travis County Hospital District interlocal, including federal funding issues.
52. Discuss legal issues concerning proposed legislation in the 79th Second Called Legislative Session and legislation from the 79th Regular Legislative Session.
53. Discuss legal issues regarding an amendment to Chapter 25-10 of the City Code relating to non-conforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Related Item 36)
54. Discuss legal issues related to establishing compensation and benefits for non-Civil Service employees.
55. Discuss legal issues related to the application of Central Texas Water Solutions for a certificate of convenience and necessity to provide wastewater service before the Texas Commission on Environmental Quality and a contract for legal services with Brown McCarroll, L.L.P. related to this application.
56. Discuss legal issues in *City of Austin v. Level 3 Communications, Inc. and Level 3 Communications LLC*; Cause No. GN 304585, in the 353rd Judicial District Court of Travis County, Texas and the outside counsel contract with Scott, Douglass & McConnico. (concerns damage to the City's Onion Creek Tunnel and liner)
57. Discuss legal issues concerning payment of drainage utility charges and transportation user fees by Austin Community College. (Related Item 58)

Action on Executive Session

58. Approve a settlement agreement with Austin Community College regarding payment of drainage utility charges and transportation user fees.(Related Item 57)

2:00 PM BRIEFINGS

59. Presentation on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Austin Water Utility, the Solid Waste Services Department, and Austin Energy.

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

60. C14-04-0196 - Hyde Park North NCCD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4505 Duval Street (Waller Creek Watershed) from multi-family residence - medium density (MF-3) district zoning and community commercial (GR) district zoning to multi-family residence - medium density - neighborhood conservation - neighborhood plan (MF-3-NCCD-NP) combining district zoning and community commercial neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district zoning. The Neighborhood Mixed Use Building special use is proposed for this property. The North Hyde Park NCCD proposes modified site design and development standards including but not limited to the following: land use, floor area ratios (FAR), building heights, mixed use developments, garages, parking, impervious and building coverage allowances, setbacks and driveway and parking access. The proposed zoning change also implements the land use recommendations of the Hyde Park Neighborhood Plan for this property. First reading approved on August 18, 2005. Vote 6-0, Council Member McCracken off the dais. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. (Glenn Rhoades, 974-2275, Alex Koenig, 974-3515).
61. C14-05-0070 - T. Warren Investments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3320-3404 South FM 973 Road (Colorado River Watershed) from interim rural residence (I-RR) district zoning to public-conditional overlay (P-CO) combining district zoning with conditions. First reading approved on June 23, 2005. Vote: 7-0. Applicant: T. Warren Investments, Inc. (Thomas G. Warren). Agent: Chartwell Interests, Inc. (Timothy Merriweather). City Staff: Wendy Walsh, 974-7719.

62. C14-05-0049 - Jeff Blatt - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West 16th 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 July 28, 2005. Vote: 6-0 (Kim - off the dais). Applicant: Jeff Blatt. Agent: Thrower Design (Ron Thrower). City Staff: Jorge Rousselin, 974-2975.
63. C14-05-0066 - Trans - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11704-11706 North Lamar Blvd. (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on August 4, 2005. Vote: 7-0. Applicant and Agent: Mau Tran and Khanh Huynh Tran. City Staff: Sherri Sirwaitis, 974-3057.
64. C14-05-0015 - Jelson Commercial Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6941 West U.S. Highway 290 (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. First reading approved on April 14, 2005. At first reading the City Council approved neighborhood commercial (LR) district zoning. Vote: 7-0. Applicant: Convict Hill Development, L.L.C. (William K. Reagan, II). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.

Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances
/ Restrictive Covenants

- Z- 1 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant and Property Owner: Schuler Family Trust 1998 (John Schuler) Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

- Z- 2 NP-05-0020 - Pleasant Hill Subdistrict - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050818-Z001, adopting the South Congress Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, and establishing a land use designations on the future land use map for the Pleasant Hill Subdistrict of the West Congress Neighborhood Planning Area. The north boundary for the Pleasant Hill Subdistrict is the northern boundary of the Pleasant Hill Addition Subdivision, the eastern boundary is South Congress Avenue, the southern boundary is Stassney Lane, and the western boundary is Hummingbird Lane, which includes those lots with front and side yard frontages along Hummingbird Lane. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item Z-3)

Z- 3

C14-05-0106 - West Congress Neighborhood Planning Area Rezoning, Pleasant Hill Subdistrict - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Pleasant Hill Subdistrict and generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Mockingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire subdistrict. Under the proposed Pleasant Hill subdistrict, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are proposed for the Pleasant Hill subdistrict. The "Neighborhood Mixed-Use Building" special use is being proposed for tracts 18, 22, 23a, 23b, 25-28, 30-32 and 35. The proposed zoning change will also change the base district zoning on 12 tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3); single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan special use (NP) may also be added to these zoning base districts. Planning Commission Recommendation: To

grant the request. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item Z-2)

- Z- 4** NPA-05-0018.01 - Brentwood/Highland Combined Neighborhood Plan - Conduct a public hearing and approve an ordinance amending the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from utilities land use designation to mixed use land designation for property located at 5700 North Lamar Blvd. Planning Commission Recommendation: To grant mixed use land designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Scott Whiteman, 974-2865. (Related Item Z-5)
- Z- 5** C14-05-0090 - Wireless Toyz - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5700 North Lamar Blvd. (Walnut Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: City of Austin (Dean Harris). Agent: H&H Wireless (James Hase). City Staff: Jorge Rousselin, 974-2975. (Related Item Z-4)
- Z- 6** C14-05-0101 - Onion Creek Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11111 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single family residence - standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Onion Creek LC 1992 (Robert W. McDonald, III). Agent: Vigil & Associates (Herman Vigil). City Staff: Wendy Walsh, 974-7719.

- Z- 7** **C14-05-0102 - Terrace at Onion Creek -** Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2110 Boca Raton Drive (Onion Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: TAOC Ltd. (Robert McDonald, III). Agent: Vigil & Associates (Hermann Vigil). City Staff: Wendy Walsh, 974-7719.
- Z- 8** **C14-05-0071 - Tetco #77 -** Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3324 Northland Drive (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Tetco Inc. (Shawn Brooke). Agent: Site Specifics (John Hussey). City Staff: Jorge Rousselin, 974-2975.
- Z- 9** **C14-05-0078 - Shelton Medical Office -** Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4615 Spicewood Springs Road (West Bull Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Edward Calogero. Agent: Steve and Deborah Shelton. City Staff: Jorge Rousselin, 974-2975..
- Z- 10** **C14-05-0082 - Parmer Lane Retail -** Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 Parmer Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning and neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: YH Parmer/Metric Partners, LP. Agent: Richard Crank. City Staff: Jorge Rousselin, 974-2975.

- Z- 11 C14-05-0096 - Trimbuilt - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12800 North Lamar Boulevard (Walnut Creek Watershed) from development reserve (DR) district zoning to warehouse limited office (W/LO) district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Applicant and Agent: Trimbuilt Construction (B. Scott and Lisa Trimm). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 12 C14-79-151 (RCT) - Z-Lofts Subdivision - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 2919 Martin Luther King Jr. Blvd. East (Boggy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Marbella Development. Agent: Jan Davis. City Staff: Robert Heil, 974-2330.
- Z- 13 C14-05-0025 - 1706 & 1708 W. 6th Street - Old West Austin Neighborhood Plan rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 W. 6th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Property Owners: 1706-Sara & Jeffrey Leon; 1708-Don Henry. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS**LIVE MUSIC**

Elizabeth McQueen

PROCLAMATIONS

Proclamation - Prostate Cancer Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Leibel Harelik and Dr. Randy Fagin

Proclamation - Austin Recovery Day - to be presented by Mayor Will Wynn and to be accepted by Stephanie Sheppard

Proclamation - Building Owners and Managers Association (BOMA) Day of Remembrance for 9/11 - to be presented by Mayor Will Wynn and to be accepted by Jack Drummond

Proclamation - Cans for Cash - to be presented by Mayor Will Wynn and to be accepted by Willie Rhodes

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Austin Water Utility**

65. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2005-2006 Proposed Budget.

Financial and Administrative Services

66. Conduct a public hearing on the proposed ad valorem tax rate for Fiscal Year 2005-2006.

Financial and Administrative Services - Budget

67. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Austin Water Utility, the Solid Waste Services Department, and Austin Energy.

Watershed Protection and Development Review

68. Conduct a public hearing to receive public comment on the proposed rate fee increases for the Drainage Fee of the Watershed Protection and Development Review Department as part of the Fiscal Year 2005-2006 Proposed Budget.

69. Conduct a public hearing to consider a variance request by Mitchell and Jan Davis to allow construction of a single-family house in the 25-year and 100-year floodplains of Boggy Creek at Clifford Avenue, at Lots 1, 2 and 3, Block A of the proposed Z-Lofts Subdivision located at the southeast corner of the intersection of Martin Luther King Jr. Boulevard and Clifford Avenue.

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 at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar 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