



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, JANUARY 17, 2008**

**Invocation:** Dr. Charles Kutz-Marks, Sr. Minister, University Christian Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 17, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:23 a.m.

The Mayor asked Council Members to report on upcoming agenda items:

Mayor Pro Tem Dunkerley announced she will bring an item on January 31, 2008 related to construction and deliveries in the downtown area to allow evening activities to help alleviate obstruction of traffic in the morning rush hour.

Council Member Cole announced on January 31, 2008 she will bring an update on Waller Creek and an action item related to the hiring of a design consultant.

Council Member Martinez announced the Public Safety Task Force will bring a report on the impact in other communities of regulations prohibiting cell phone usage while driving; except for hands free devices. They will also bring recommendations to Council to develop a policy framework for labor negotiations with the public safety departments.

Mayor Wynn announced on February 14, 2008 he will bring a report from the Clean Air Coalition concerning an update and renewal of the 03 flex plan.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

1. Approval of the Austin City Council minutes from the January 10, 2008 regular meeting and the Special Called Meetings from January 9, 2008.  
The minutes from the regular meeting of January 10, 2008 and the Special Called Meeting of January 9, 2008 were approved.
2. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2501, with WANDERING CREEK INVESTMENTS, L.P., providing terms and conditions for construction of 24 and 36-inch water mains and appurtenances to provide water

service to the Wandering Creek Subdivision located south and west of Elroy Road and east of McAngus Road with City cost reimbursement in an amount not to exceed \$3,929,265; waiving the requirements of Section 25-9-61 and Section 25-9-63 of the City Code relating to the amount of cost reimbursement for eligible projects. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20080117-002 was approved.**

3. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2502, with WANDERING CREEK INVESTMENTS, L.P., providing terms and conditions for construction of a 36-inch gravity wastewater main and appurtenances to provide wastewater service to the Wandering Creek Subdivision located south and west of Elroy Road and east of McAngus Road with City cost reimbursement in an amount not to exceed \$6,691,275; waiving the requirements of Section 25-9-61 and Section 25-9-63 of the City Code relating to the amount of cost reimbursement for eligible projects, and waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20080117-003 was approved.**

4. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2530, with BOYCE LANE, L.P., providing terms and conditions for construction of 24-inch water main and appurtenances to provide water service to the Bellingham Meadows Subdivision located along East Parmer Lane at Boyce Lane and Farmhaven Road with City cost reimbursement in an amount not to exceed \$2,060,700, for actual construction costs, and waiving the requirements of Section 25-9-61 and Section 25-9-63 of the City Code relating to the amount of cost reimbursement for eligible projects. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20080117-004 was approved.**

5. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2531, with BOYCE LANE, L.P., providing terms and conditions for construction of an 15 and 18-inch gravity wastewater main and appurtenances to provide wastewater service to the Bellingham Meadows Subdivision located along East Parmer Lane at Boyce Lane and Farmhaven Road with City cost reimbursement in an amount not to exceed \$1,276,413, for actual construction costs; waiving the requirements of Section 25-9-61 and Section 25-9-63 of the City Code relating to the amount of cost reimbursement for eligible projects, and waiving the requirements of Section 25-9-62 of the City Code relating to amount of cost participation. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20080117-005 was approved.**

6. Approve an ordinance authorizing the acceptance of \$90,000 in grant funds from the Texas State Library and Archives Commission for a total grant amount of \$200,000 for the Loan Star Libraries Grant Program; and amending the Fiscal Year 2007-2008 Operating Budget, Library Department Special Revenue Fund, of Ordinance No. 20070910-003 to appropriate \$90,000 for the Loan Star Libraries Grant Program. Funding is available from the Texas State Library and Archives Commission. The grant period is September 1, 2008 through August 31, 2009.

**Ordinance No. 20080117-006 was approved.**

7. Authorize the advertisement for sealed bid offers and authorize the negotiation of final offers for the sale of a 12,176-square-foot access easement on a portion of a 5.00 acre tract of City owned 9-1-1 antenna site

land, being a part of the T.C. RR. Co. Survey No. 193 in Travis County, Texas, and located at 11941 Lime Creek Road, for not less than the fair market value.

**The motion authorizing the advertisement for sealed bid offers and the negotiation of final offers was approved.**

8. Authorize execution of a construction contract with EAS CONTRACTING, LP of Carrollton, Texas for Austin-Bergstrom International Airport Airfield Lighting Improvements and Airfield Pavement Rehabilitation in the amount of \$6,061,369 plus a \$300,000 contingency, for a total contract amount not to exceed \$6,361,369. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department. One bid received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 11.43% DBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.  
**This item was postponed to January 31, 2008.**
9. Authorize the approval of an Interlocal Agreement with the Federal Highway Administration for the Bicycle Commuting Project and the acceptance of an amended version of a Transportation Equity Act for the 21st Century (TEA-21) grant in the amount of \$371,740 for the Austin Bicycle Commuting Project. Funds appropriated in the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning and Sustainability Department are now within the Bicycle and Pedestrian Program of the Public Works Department.  
**This item was postponed to February 28, 2008.**
10. Approve an ordinance amending Section 12-4-64(D) of the Code by establishing a school zone on Huntland Drive to increase the safety of students attending Saint Francis School; and provide for emergency passage. Funding in the amount of \$15,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs and flashers.  
**Ordinance No. 20080117-010 was approved on emergency passage.**
11. Authorize award, negotiation, and execution of a 24-month requirements service contract with MCCOULOUGH HEATING AND AIR CONDITIONING, Austin, TX, AIRTECH, Austin, TX, and CLIMATE MECHANICAL, Austin, TX for the weatherization of single family homes, manufactured homes, and duplexes for low-income, elderly, or disabled Austin Energy customers in an estimated combined amount not to exceed \$910,000, with three 12-month extension options in an estimated combined amount not to exceed \$455,000 per extension option, for a total estimated combined contract amount not to exceed \$2,275,000. Funding in the amount of \$303,333 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Best three evaluated proposals of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Resource Management Commission.  
**The motion authorizing the award, negotiation, and execution of a requirements service contracts with McCoulough Heating and Air Conditioning and Climate Mechanical was approved.**
12. Approve ratification of a contract with HOT ROD MECHANICAL, INC., Austin, TX for the purchase and installation of one 20-ton Liebert air conditioning unit for the Town Lake Center Data center in an amount not to exceed \$61,587.50. Funding is available in the fiscal Year 2007-2008 Capital Budget of Austin Energy. Critical Business Need. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing ratification of a contract with Hot Rod Mechanical, Inc. was approved.**

13. Authorize award and execution of a 36-month requirements service contract with STERICYCLE, INC., Bannockburn, IL, for medical waste disposal services for five City departments in an estimated amount not to exceed \$190,109, with three 12-month extension options in an estimated amount not to exceed \$76,446 for the first extension option, \$84,091 for the second extension option, and \$92,500 for the third extension option, for a total estimated contract amount not to exceed \$443,146. Funding in the amount of \$33,504 is available in the Fiscal Year 2007-2008 Operating Budgets of various departments: CCSD, \$14,700; HHSD, \$8,575; EMS, \$6,125; APD, \$3,981; and SWS, \$123. Funding for the remaining 29 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsible bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with Stericycle, Inc. was approved.**

14. Authorize award and execution of a 36-month requirements supply contract with GT DISTRIBUTORS, INC., Austin, TX, for Whelen brand lightbars and accessories in an estimated amount not to exceed \$420,000, with three 12-month extension options in an estimated amount not to exceed \$180,000 for the first extension option, \$200,000 for the second extension option, and \$220,000 for the third extension option, for a total estimated contract amount not to exceed \$1,020,000. Funding in the amount of \$105,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Communications and Technology Department. Funding for the remaining 27 months of the original contract period and the extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with GT Distributors, Inc. was approved.**

15. Authorize award and execution of a 24-month requirements supply contract through U.S. Communities Government Purchasing Alliance, Los Angeles County, CA, with OFFICE DEPOT, Austin, TX for the purchase of office supplies, printer equipment and supplies, and office equipment in an amount not to exceed \$5,200,000, with one 24-month extension option in an estimated amount not to exceed \$5,596,500, for a total estimated contract amount not to exceed \$10,796,500. Funding in the amount of \$1,733,333 is available in the Fiscal Year 2007-2008 Operating Budgets for all City Departments. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through U.S. Communities Government Purchasing Alliance with Office Depot was approved.**

16. Authorize award and execution of a contract with LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, TX for the purchase of one truck cab & chassis and mounted aerial device in an amount not to exceed \$868,736. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Energy Department. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program).

No subcontracting opportunities were identified; therefore, no goals were established for this procurement.

**The motion authorizing the award and execution of a contract with Longhorn International Trucks, Ltd. was approved.**

17. Authorize award and execution of a 45-month requirements supply contract through the State of Texas, Texas Multiple Award Schedule (TXMAS) with TCI TIRE CENTERS, LLC, Austin, TX, for the supply of retread tires for Fleet Services in an estimated amount not to exceed \$3,966,930. Funding in the amount of \$793,386 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Services Fund. Funding for the remaining 36 months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through the State of Texas, Texas Multiple Award Schedule (TXMAS) with TCI Tire Centers, LLC was approved.**

18. Authorize award and execution of a 36-month requirements supply contract with UniFirst CORPORATION, Austin, TX, for the rental of work uniforms, shop towels and cleaning services for Fleet Services and the Solid Waste Services Department, in an estimated amount not to exceed \$700,863, with three 12-month extension options in estimated amounts not to exceed \$245,302 for the first extension option, \$257,568 for the second extension option, and \$270,446 for the third extension option, for a total estimated contract amount not to exceed \$1,474,179. Funding in the amount of \$45,962 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Management Fund. Funding in the amount of \$129,254 is available in the Fiscal Year 2007-2008 Operating Budget of the Solid Waste Services Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with UniFirst Corporation was approved.**

19. Authorize execution of a 36-month Interlocal Agreement with AUSTIN STATE SCHOOL, a facility of the State of Texas, Aging and Disability Services Department, Austin, TX, to provide distribution services of employee and retiree benefit packets and other related services in an estimated amount not to exceed \$121,485, with three 12-month extension options in an estimated amount not to exceed \$40,495 per extension option, for a total estimated contract amount not to exceed \$242,970. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Human Resources Department. Funding for the remaining 24 months of the original contract and extension options is contingent upon available funding in future budgets. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). This contract is an Interlocal Agreement; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of an interlocal agreement with Austin State School was approved.**

20. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement between the City of Austin and the Lower Colorado River Authority for additional flood hazard reduction study activities for the Williamson Creek watershed by the U.S. Army Corps of Engineers in an amount not to exceed \$488,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. Recommended by the Environmental Board.  
**Resolution No. 20080117-020 was approved.**
21. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were made:**

**Board****Nominated By:****Citizen's Water Conservation Implementation Task Force**

Joseph "Jody" McDaniel

*(representative for commercial property management companies)***Downtown Commission**

Mandy Dealey

*(representative of the Planning Commission)*

Patrick Goetz

*(representative of the Urban Transportation Commission)*

Mayor Wynn

Consensus

**Item 22 was pulled for discussion.**

23. Approve waiver of certain fees and authorize payments of certain costs for the Austin Area Heritage Council's 2008 Martin Luther King, Jr. Parade and Community Celebration to be held January 20, 21, and 26th, 2008. (Council Member Sheryl Cole Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)  
**The motion authorizing the waiver of certain fees and payments of certain costs for the Austin Area Heritage Council's 2008 Martin Luther King, Jr. Parade and Community Celebration was approved.**
24. Approve waiver of fees under Chapter 14 of the Code, and authorize payment of certain APD costs in an amount not to exceed \$2000 for the St. James Baptist Church's 5K Walk and Run to be held on March 1, 2008. (Council Member Sheryl Cole Council Member Jennifer Kim)  
**The motion authorizing the waiver of fees and payment of certain APD costs in an amount not to exceed \$2,000 for the St. James Baptist Church's 5K Walk and Run was approved.**
25. Set a public hearing to consider an ordinance amending Chapter 25-4 of the City Code relating to subdivision blocks, streets, and pedestrian access (C2o-07-022). (Suggested date and time: February 14, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Planning Commission.  
**The public hearing was set for February 14, 2008 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**
26. Set a public hearing to consider an ordinance amending the residential service tariff in the Electric Rate Schedule in Exhibit A of Ordinance No. 20070910-008 to exclude on an optional basis any church, synagogue or other place of public group religious worship services having a demand for power sufficient to qualify for service under the general service - demand (E06) tariff (Suggested date and time: January 31, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Electric Utility Commission.

The public hearing was set for January 31, 2008 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

50. Approve issuing a free lifetime swim pass for Barton Springs Pool to John Duncan. (Mayor Will Wynn, and Council Member Lee Leffingwell).

The motion authorizing the issuance of a free lifetime swim pass for Barton Springs Pool to John Duncan was approved.

Items 27 through 29 were Executive Session items.

Items 30 through 46 were zoning items set for 4:00 p.m.

Items 47 through 49 were public hearing items set for 6:00 p.m.

Item 50 was an addendum item from Council.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:13 a.m.

#### EXECUTIVE SESSION

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

Item 27 was discussed later in Executive Session.

28. Discuss legal issues related to the search for a new City Manager (Private Consultations with Attorney - Section 551.071).

This item was withdrawn.

Item 29 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:05 p.m.

#### CITIZEN COMMUNICATION: GENERAL

John Boulton - Duplexes in SF-2 Zoning

Robert Hageman - Increased Crime Level Downtown

Nina Batts - Restriction of Square Footage on Small Lots in East Austin. She was not present when her name was called

Don A. Williamson - Amigos de los Nino's

G. Pena - (1) City Issues (2) Crime is on the increase. The Process of selecting a City Manager is flawed. The Public should be allowed to participate from the start and not just at the end (4) APD Needs to improve Relations with the community

Paul Robbins - City Issues

Richard Troxell - Homelessness in Austin

Nelson Lender – New City Manager.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:41 p.m.

#### EXECUTIVE SESSION

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

27. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).
29. Discuss legal issues concerning PODER, Govalle/Johnston Terrace Neighborhood Planning Team, Old West Austin Neighborhood Association, and Fix Austin v. City of Austin, et al., Cause No. D-1-GN-07-003351; 353rd Judicial District Court, Travis County, Texas (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:29 p.m.

#### DISCUSSION ITEMS

22. Take possible action concerning the appointment of Jelynn Burley or Marc Ott as the new Austin City Manager and establishing compensation and benefits for the new City Manager. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley )

The motion authorizing the appointment of Marc Ott as the new Austin City Manager with direction to the City Attorney to meet with Arcus to draft language for the formal resolution regarding City Manager benefits was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim abstained.

Resolution No. 20080117-022 appointing Marc A. Ott as City Manager effective February 18, 2008 with a salary of \$242,000, deferred compensation of \$788/pay period, Executive allowance of \$7,200/year, car allowance of \$8,400/year and other benefits as outlined in the resolution was approved on Council Member Cole's motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Dunkerley was off the dais. Council Member Kim abstained.

Mayor Wynn recessed the Council Meeting at 1:35 p.m.

Mayor Wynn called the Council Meeting back to order at 4:21 p.m.

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.



30. C14-2007-0129 Cumberland Residential - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 Cumberland Road (West Bouldin Creek Watershed) from multi-family residence-limited density (MF-1) district zoning and multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on December 13, 2007. Vote: 6-0 (McCracken off the dais). Applicant: Salvation Army (Major Stephen Ellis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Robert Heil, 974-2330. **This item was postponed to January 31, 2008 at the applicant's request.**
31. C14-2007-0218 - 620/183 Limited Partnership - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-10704 Lakeline Mall Drive (Lake Creek Watershed) from community commercial-mixed use (GR-MU) combining district zoning to multi-family residence-moderate-high density (MF-4) district zoning. First reading approved on December 13, 2007. Vote: 6-0 (McCracken off the dais). Applicant: 620/183 Limited Partnership (Fred Thomas). Agent: Smith, Robertson, Elliott, Glen, Klein & Bell, LLP (David Hartman). City Staff: Sherri Sirwaitis, 974-3057. **This item was postponed to January 31, 2008 at the applicant's request.**
32. C14-2007-0095 - Justin Substation - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7520-7530 North Lamar Boulevard (Waller Creek Watershed) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. First reading approved on November 29, 2007. Vote: 6-0 (Cole-off the dais). Applicant: City of Austin, Austin Energy. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975. **This item was postponed to February 28, 2008 at the applicant's request.**
33. NPA-07-0017.01 - Austin Energy & Crestview Station - Approve second/third readings of an ordinance amending Ordinance No. 041401-Z-2, the Crestview/Wooten Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from Major Planned Development to Utilities for 7520-7530 N. Lamar Boulevard (Waller Creek Watershed). First reading approved on November 29, 2007. Vote: 6-0 (Cole-off the dais). Applicant: Austin Energy and Crestview Station LLR Land LP. Agents: Lena Lund (Austin Energy) and Alice Glasco (Crestview Station LLR Land LP). City Staff: Kathleen Fox, 974-7877. **This item was postponed to February 28, 2008 at the applicant's request.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

34. C14-2007-0215A - Springfield 7 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as East William Cannon Drive, west of McKinney Falls Parkway (Cottonmouth Creek and Onion Creek Watersheds) from single-family residence-standard lot (SF-2) district zoning; multi-family residence-low density (MF-2) district zoning; neighborhood commercial (LR) district zoning; and community commercial (GR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning with

conditions. Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**This item was postponed to January 31, 2008 at the applicant's request.**

35. C14-06-0215D - Springfield 11 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the southwest corner of East William Cannon Drive and McKinney Falls Parkway (Marble Creek Watershed) from single-family residence-standard lot (SF-2) district zoning; single-family residence-small lot (SF-4A) district zoning; multi-family residence-low density (MF-2) district zoning; and community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed to January 31, 2008 at the applicant's request.**
36. C14-06-0215C - Springfield 12 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the northwest corner of East William Cannon Drive and McKinney Falls Parkway (Cottonmouth Creek and Onion Creek Watersheds) from multi-family residence-low density (MF-2) district zoning; community commercial (GR) district zoning and warehouse-limited office (W/LO) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed to January 31, 2008 at the applicant's request.**
37. C14-06-0215B - Springfield 14 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the west side of Jane's Ranch Road (Marble Creek Watershed) from limited office (LO) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning with conditions. Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed to January 31, 2008 at the applicant's request.**
38. C14R-86-057(RCT) - 1015 East Braker Lane Restrictive Covenant - Conduct a public hearing to approve termination of a restrictive covenant for the property located at 1015 East Braker Lane (Walnut Creek Watershed). Staff Recommendation: To terminate the restrictive covenant. Zoning and Platting Commission Recommendation: To terminate the restrictive covenant. Applicant: Schuh Family Limited Partnership. Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.  
**The motion authorizing the termination of a restrictive covenant was approved.**
39. C14-2007-0190 - Braker Lane Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1015 East Braker Lane (Walnut Creek Watershed) from limited office (LO) district zoning and neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant 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: Schuh Family Limited Partnership (Dwain J. Schuh). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20080117-039 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

40. C14-2007-0227 - Rio Vista - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the southeast corner of South Quinlan Park Road and Selma Hughes Park Road (Lake Austin Watershed) from development reserve (DR) district zoning to single-family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant 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: TR Vista Preserve, LIC (W.T. Field). Agent: C. Faulkner Engineering (Casey Giles). City Staff: Jorge Rousselin, 974-2975.  
**Ordinance No. 20080117-040 for single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved.**
41. C14-2007-0228 - 11722 Bell Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11722 Bell Avenue (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Ronald Jones. Agent: P&R Construction (Ronald Jones). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20080117-041 for family residence (SF-3) district zoning was approved.**
42. C14-95-0183(RCA2) - Vina Plaza Restrictive Covenant Amendment #2 - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 800 East Parmer Lane (Walnut Creek and Harris Branch Watersheds). Staff Recommendation: To approve the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Ly and Nguyen, L.C. (Kevn Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.  
**The motion authorizing the restrictive covenant amendment was approved.**
43. C14-2007-0102 - Hill Country Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10019 IH-35 South (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and rural residence (RR) district zoning for Tract 3. Applicant and Agent: Hill Country Springs (Lonnie K. and Cathy Ardrey). City Staff: Wendy Rhoades, 974-7719.  
**The first reading of the ordinance for limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and rural residence (RR) district zoning for Tract 3 was approved.**
45. NPA-2007-0009.01 - Central East Austin NPA McMansion Ordinance Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to modify the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-

ratio (FAR) for development subject to the City's Land Development Code, Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (the new "Residential Standards," also referred to as the "McMansion Ordinance"). Staff Recommendation: To approve modification of the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR) with conditions. Planning Commission Recommendation: To approve modification of the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR). Applicant & Agent: Neighborhood Planning and Zoning Department, on behalf of the Central East Austin Neighborhood Plan Contact Team. City Staff: Jerry Rusthoven, 974-3207.

**This item was withdrawn.**

**Mayor Wynn recessed the Council Meeting at 5:31 p.m.**

### LIVE MUSIC

El Tule

**Mayor Wynn called the Council Meeting back to order at 6:11 p.m.**

### ZONING DISCUSSION ITEM

46. C14-01-0148.005 - Central East Austin NPA McMansion Ordinance Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code to modify the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR) for development subject to the City's Land Development Code, Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (the new "Residential Standards," also referred to as the "McMansion Ordinance"). Staff Recommendation: To approve modification of the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR) with conditions. Planning Commission Recommendation: To approve modification of the maximum square footage and maximum floor-to-area-ratio (FAR) permitted in the plan area to 0.4 floor-to-area-ratio (FAR). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207.

**The motion to deny the ordinance was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

### PUBLIC HEARINGS

47. Conduct a public hearing for the full purpose annexation of the SH-130/US-290 Retail Area (Approximately 88 acres in Travis County approximately 1,000 feet west of the intersection of State Highway 130 and US Highway 290).  
**The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**
48. Conduct a public hearing and approve an ordinance amending local standards of care for the Parks and Recreation Department Children's Recreation Program. There is no unanticipated fiscal impact. A fiscal note is not required Recommended by the Parks and Recreation Board.  
**The public hearing was closed and Ordinance No. 20080117-048 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
44. C14-06-0209 - 12th Street NCCD - 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 809-1951 East 12th Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining

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combining district zoning; general commercial services-historic-mixed use-neighborhood conservation combining district-neighborhood plan (CS-H-MU-NCCD-NP) combining district zoning; and family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance was approved with the following amendments on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendment was to adopt the Urban Renewal Board recommendation without the vegetative buffer, add a provision that all parking structures must have complete shielding on the rear side of the structure and the adjacent rear-most fifty percent (50%) of the side walls adjoining such rear wall, remove from all parking structures language allowing commercial uses on the ground floor (pedestrian oriented uses only), remove Track 9 and property located at 1425 E. 12<sup>th</sup> Street, and strike cocktail lounges from the list of Pedestrian Oriented Uses.

49. Conduct a public hearing and consider an ordinance amending the East 11th and 12th Streets Urban Renewal Plan, including changes to permitted uses, conditional uses, fencing requirements, variances, and multi-level parking structure requirements. Recommended by the Urban Renewal Board and Planning Commission.

The public hearing was closed and the first reading of the ordinance was approved with the following amendments on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendment was to adopt the Urban Renewal Board recommendation without the vegetative buffer, replace current parking structure shielding provision and replace with all parking structures must have complete shielding on the rear side of the structure and the adjacent rear-most fifty percent (50%) of the side walls adjoining such rear wall; remove from all parking structures language allowing commercial/retail uses on the ground floor (pedestrian oriented uses only); remove Track 9 and property located at 1425 E. 12<sup>th</sup> Street.

Mayor Wynn adjourned the meeting at 8:54 p.m. without objection.

The minutes for the Regular Meeting of January 17, 2008 were approved on this the 31st day of January 2008 on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote.