

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 14, 2008**

Invocation: Rev. Robert Clemons, Pastoral Care Ministry, St. James Missionary Baptist 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, February 14, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:32 a.m. Council Member Kim was absent from the meeting.

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 Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was absent.

1. Approval of the Austin City Council minutes from the January 31, 2008 meeting.
The minutes from the meeting of January 31, 2008 were approved.

Item 2 was pulled to be heard after the related Executive Session item.

3. Approve an ordinance ordering a general municipal election to be held on May 10, 2008 to elect Council Members to Place 1, Place 3 and Place 4 of the City Council, and for the purpose of submitting a proposed charter amendment to the voters related to the office of the city auditor, and providing for the conduct of the election and authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election. Funding in the amount of \$904,035 is available in the Fiscal Year 2007-2008 Operating Budget of the Office of the City Clerk.
Ordinance No. 20080214-003 was approved.
4. Approve the negotiation and execution of amendment #2 to the Interlocal Agreement for GeoMap Services between the City and the Capital Area Council of Governments (CAPGOG) to extend the agreement to September 30, 2008 to acquire additional planimetric (aerial photography) and topographic data through the existing contract between CAPCOG and Sanborn Map Company, Inc. No additional funding requested.
The motion approving the negotiation and execution of amendment number 2 to the interlocal agreement between the City and the Capital Area Council of Governments (CAPGOG) was approved.
5. Authorize the City Manager to negotiate and execute a Joint-Use Parking Agreement, including a Parking Plan and Service Yard Rules, with Greater Austin Performing Arts Center, Inc., d/b/a "The Long Center",

to administer and coordinate parking and access in and to the Long Center's Leased Premises, the Service Yard, the Palmer Events Center Garage, and, in the event of overflow parking, Town Lake Center and One Texas Center.

The motion authorizing the City Manager to negotiate and execute a joint-use parking agreement with Greater Austin Performing Arts Center, Inc., doing business as "The Long Center" was approved.

6. Authorize the City Manager to negotiate and execute a Third Amendment to Second Amended and Restated Lease Agreement with Greater Austin Performing Arts Center, Inc., d/b/a "The Long Center" to define the Access Area from the Long Center's Premises over, upon, and across adjoining City land to public right-of-way. Fiscal impact to City or others is none, unless the Long Center defaults and, in that event, the O&M reserve would allow operation for that year.

The motion authorizing the City Manager to negotiate and execute a third amendment to second amended and restated lease agreement with Greater Austin Performing Arts Center, Inc., doing business as "The Long Center", was approved.

7. Authorize the City Manager to negotiate and execute a Second Amendment to Second Amended and Restated Lease Agreement with Greater Austin Performing Arts Center, Inc., dba, "The Long Center", to establish the Austin Music Memorial at The Long Center and to provide for installation, maintenance and funding of the Austin Music Memorial. Funding for the purchase and installation of the first in a projected annual series of memorial plaques has been provided by the Austin Convention Visitors Bureau. Funding for additional placquest is contingent upon available funding in future budgets.

The motion authorizing the City Manager to negotiate and execute a second amendment to second amended and restated lease agreement with Greater Austin Performing Arts Center, Inc., doing business as "The Long Center", was approved.

8. Authorize negotiation and execution of amendment #4 to the Emergency Medical Services Interlocal Cooperation Agreement with Travis County to exclude certain administrative costs. Funding from Travis County in the amount of \$10,762,371 is available in the Fiscal Year 2007-2008 Operating Budget of the Emergency Medical Services Department. (Related to item #9) Recommended by the Travis County Commissioners' Court.

The motion authorizing the negotiation and execution of amendment number 4 to the Emergency Medical Services interlocal cooperation agreement with Travis County was approved.

9. Authorize negotiation and execution of amendment #4 to the STAR Flight Interlocal Cooperation Agreement with Travis County to exclude certain administrative costs. Funding from Travis County in the amount of \$1,551,156 was included in the Fiscal Year 2007-2008 Budget of the Emergency Medical Services Travis County Reimbursed Fund (Related to item #8). Recommended by the Travis County Commissioners' Court.

The motion authorizing the negotiation and execution of amendment number 4 to the STAR Flight interlocal cooperation agreement with Travis County was approved.

10. Approve an ordinance authorizing acceptance of \$567,132 in grant funds from the TEXAS DEPARTMENT OF TRANSPORTATION, TRAFFIC OPERATIONS DIVISION; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$567,132 for the Health Promotion/Disease Unit to implement a Safe Routes to School Program implementation. Funding is available from the Texas Department of Transportation, Traffic Operations Division. The grant period is November 1, 2007 through October 31, 2010. No City match is required.

Ordinance No. 20080214-010 was approved.

11. Approve an Agreed Final Judgment in Lost Creek Municipal Utility District v. City of Austin, et al, Cause No. D-1-GN-001377, in the 126th Judicial District Court, Travis County, agreeing to Strategic Partnership Agreement and settling related matters (concerns issues related to water and wastewater contract and annexation, and arbitration of Strategic Partnership Agreement). (Lost Creek MUD includes approximately 788 acres located in the vicinity of Loop 360 and Lost Creek Blvd.)
The motion approving an agreed final judgment in Lost Creek Municipal Utility District v. City of Austin was approved.
12. Approve an ordinance amending Title 2 of the City Code relating to City boards, adopting the City's standard bylaws for boards, and providing for emergency passage.
Ordinance No. 20080214-012 was approved.
13. Approve a resolution revising the Commercial Preservation and Revitalization Zone program guidelines to modify the matching funds ratio requirements and maximum loan amounts Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Neighborhood Housing and Community Development Department.
Resolution No. 20080214-013 was approved.
14. Approve an ordinance to amend Ordinance No. 20070809-055, to correct the section number assigned to the University Hills/Windsor Park Neighborhood Plan element of the Austin Tomorrow Comprehensive Plan.
Ordinance No. 20080214-014 was approved.
15. Approve an Interlocal Agreement regarding the exchange of extraterritorial jurisdiction ("ETJ") with the Village of Volente. Approximately 27.73 acres ("Austin Release Area") will be released from Austin's ETJ to Volente's ETJ so that this area can be annexed into the Volente city limits and approximately 27.73 acres ("Volente Release Area") will be disannexed from Volente's city limits and released to Austin's ETJ.
The motion approving an interlocal agreement with the Village of Volente was approved.

Item 16 was reconsidered later in the meeting.

17. Approve second/third readings of an ordinance to annex the Grand Avenue Parkway annexation area for full purposes (approximately 556 acres in Travis County at the intersection of IH 35 North and Grand Avenue Parkway) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.
This item was postponed to February 28, 2008.
18. Approve an ordinance adopting the Coshena III and IV Annexation and Development Agreement, concerning annexation and development of the Coshena Tracts (approximately 10 acres in Travis County west of the intersection of IH 35 North and Grand Avenue Parkway), providing for a 10 year delay of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.
This item was postponed to February 28, 2008.

Item 19 was pulled for discussion.

20. Approve an ordinance to establish classifications and positions in the classified service of the Austin Police Department and repeal Ordinance No. 20070910-010. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department.
Ordinance No. 20080214-020 was approved.

21. Approve an ordinance amending Chapter 9-4 of the City Code by adding Section 9-4-54 relating to prohibiting the imitation of Austin Police Department Uniforms.
Ordinance No. 20080214-021 was approved.
22. Approve a resolution authorizing the fee simple acquisition of Lot 40, Block K, Yarrabee Bend Section 4, an addition in Travis County, Texas, located at 7102 Firefly Drive, Austin, Texas from Martha D. Alvarado for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$130,000 for the land and improvements and \$18,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$158,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-022 was approved.
23. Approve a resolution authorizing the fee simple acquisition of Lot 32, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7103 Glowworm Circle, Austin, Texas from Ernesto Antonio Flores for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$150,000 for the land and improvements and \$59,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$219,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-023 was approved.
24. Approve a resolution authorizing the fee simple acquisition of Lot 20, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7216 Firefly Drive, Austin, Texas from Dora M. Griffin for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$154,000 for the land and improvements and \$31,000 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$195,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
This item was postponed to February 28, 2008.
25. Approve a resolution authorizing the fee simple acquisition of Lot 25, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7204 Glowworm Circle, Austin, Texas from Juan Guerra for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$126,000 for the land and improvements, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$136,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-025 was approved.
26. Approve a resolution authorizing the fee simple acquisition of Lot 17, Block J, Yarrabee Bend Section 4, an addition in Travis County, Texas, located at 7101 Firefly Drive, Austin, Texas from Porfirio R. and Alicia L. Vasquez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$114,000 for the land and improvements and moving related expenses not to exceed \$10,000, for a total amount not to exceed \$124,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-026 was approved.

27. Approve a resolution authorizing the fee simple acquisition of Lot 13, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7230 Firefly Drive, Austin, Texas from Jose Navarro for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$114,000 for the land and improvements and \$25,000 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$149,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
This item was postponed to February 28, 2008.
28. Approve a resolution authorizing the fee simple acquisition of Lot 22, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7212 Firefly Drive, Austin, Texas from Teresa Sanchez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$127,000 for the land and improvements and \$32,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$169,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
This item was postponed to February 28, 2008.
29. Approve a resolution authorizing the fee simple acquisition of Lot 30, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7102 Glowworm Circle, Austin, Texas from Manuel Rodriguez and wife, Gloria Rodriguez also known as Gloria I. Lau for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$131,000 for the land and improvements and \$18,900 in owner assisted relocation benefits, plus additional expenses not to exceed \$10,000, for a total not to exceed, for a total amount not to exceed \$159,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-029 was approved.
30. Approve a resolution authorizing the fee simple acquisition of Lot 21, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 75, Page 358, of the Plat Records of Travis County, Texas, located at 7214 Firefly Drive, Austin, Texas from Harry Lee Slaton for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$146,000 for the land and improvements and \$21,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$177,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-030 was approved.
31. Approve a resolution authorizing negotiation and execution for the fee simple acquisition of Lot 26, Block K, Yarrabee Bend Section 3, an addition in Travis County, Texas, located at 7202 Glowworm Circle, Austin, Texas from Ellis G. San Jose and Marni San Jose for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$130,000 for the land and improvements and moving related expenses not to exceed \$10,000, for a total amount not to exceed \$140,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080214-031 was approved.
32. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC., Leander, Texas for Montopolis Shafts and Lateral Repair Project in the amount of \$2,099,144 plus a

\$104,957.20 contingency, for a total contract amount not to exceed \$2,204,101.20. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts of 0.34% MBE and 0.07% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Excel Construction Services, LLC. was approved.

Items 33 and 34 were pulled to be heard after the related briefing item.

35. Authorize negotiation and execution of an amendment to the professional services agreement with KELLOGG, BROWN AND ROOT TECHNICAL SERVICES, INC., Austin, Texas for engineering services for West Bouldin Creek Phase B Wastewater Interceptor Relocation Construction Phase Services in the amount of \$108,777 for a total contract amount not to exceed \$1,323,517. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 10.78% MBE and 16.14% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Kellogg, Brown and Root Technical Services, Inc. was approved.

36. Approve an ordinance to amend Section 12-4-64 (D) of the City Code to establish a 20 miles per hour school zone on West 34th Street from Kerbey Lane to Mills Avenue. Funding in the amount of \$800 is available in Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs and markings.

Ordinance No. 20080214-036 was approved.

37. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by I.H. 35 (North) East Frontage Road to the west, Airport Boulevard to the south, Rowood Road to the east and Norwood Road to the north, and the area bounded by Decker Lane to the east, Loyola Lane to the south, Valleyfield Drive to the west, and Mayview Drive to the north. Funding in the amount of \$1,800 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20080214-037 was approved.

38. Approve an ordinance amending Section 12-4-64 (D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by East Ben White Boulevard to the north, East Stassney Lane to the south, South 1st Street to the east, and South Congress Avenue to the west. Funding in the amount of \$4500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080214-038 was approved.

39. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by West Dittmar Road to the north, South 1st Street to the east, West Slaughter Lane to the south, and Union Pacific Railroad to the west. Funding in the amount of \$11,400 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080214-039 was approved.

40. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Hancock Drive to the north, Shoal

Creek proper to the east, Loop 1 (MoPac Expressway) (North) East Frontage Road to the west, and West 45th Street to the south; and to correct an error in Ordinance No. 20080117-010 by changing the speed limit in the school zone to 25 mph. Funding in the amount of \$4200 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20080214-040 was approved.

41. Approve an ordinance to amend Section 12-4-64(D) of the City Code to establish a 40 mile per hour speed limit on Nuckols Crossing Road from 1600 feet west of Salt Springs Drive (intersection of Thaxton Road) to 3780 feet west of Vertex Boulevard. Funding in the amount of \$400 is available in Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20080214-041 was approved.

42. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within an area bounded by FM 734 (Parmer Lane) to the north, Park Bend Drive to the south, Loop 1 (MoPac Expressway) (North) East Frontage Road to the west, and Metric Boulevard to the east. Funding in the amount of \$1,320 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20080214-042 was approved.

43. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by West Oltorf Street to the north, West Ben White Boulevard Service Road to the south, South 1st Street to the west, and South Congress Avenue to the east. Funding in the amount of \$7,050 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080214-043 was approved.

44. Approve an ordinance to amend Section 12-4-64(D) of the City Code to reflect a name change to Thaxton Road for a portion of Nuckols Crossing Road.

Ordinance No. 20080214-044 was approved.

45. Authorize award and execution of a 36-month requirements service contract with FIRE AND POLICE SELECTION, INC., Folsom, CA for entry-level firefighter examination and scoring services in an estimated amount not to exceed \$183,300, with three 12-month extension options in an estimated amount not to exceed \$61,100 per extension option, for a total estimated contract amount not to exceed \$366,600. Funding in the amount of \$61,100 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Fire Department. Funding for the remaining 29 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Fire and Police Selection, Inc. was approved.

46. Authorize award and execution of Amendment No. 8 to the contract with KPMG, L.L.P., Austin, TX for auditing services to increase the current contract amount in an estimated amount not to exceed \$85,000, for a revised total contract amount not to exceed \$3,203,736. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Financial & Administrative Services Department. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 32.29% MBE and 0% WBE sub-consulting participation to date including amendment.

The motion authorizing the award and execution of amendment number 8 to the contract with KPMG, L.L.P. was approved.

47. Authorize execution of a contract with AQUATERRA CREATIONS, LLC., Fredericksburg, Texas for the purchase and installation of a pond liner for the Austin Nature and Science Center in an amount not to exceed \$107,341. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation 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) by meeting the goals with 8.58% MBE and 2.40% WBE subcontracting participation.
The motion authorizing the execution of a contract with Aquaterra Creations, LLC. was approved.
48. Authorize award and execution of a contract with BRIGGS EQUIPMENT, Austin, TX for the purchase of one terminal truck tractor in an amount not to exceed \$85,286. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Solid Waste Services Department. Sole bid 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 contract with Briggs Equipment was approved.
49. Authorize the City Manager to negotiate and execute an interlocal agreement with Northtown Municipal Utility District (District) to allow the District to provide residential solid waste and recycling services to certain areas outside of the District's boundary. Recommended by the Solid Waste Advisory Commission.
The motion authorizing the City Manager to negotiate and execute an interlocal agreement with Northtown Municipal Utility District (District) was approved.
50. Authorize negotiation and execution of a ten year Interlocal Agreement with the Texas AgriLife Extension Service of Texas A&M University for analyses of landscaping product toxicity in an amount not to exceed \$3,000 for the first twelve months, with an up to 5% increase allowed for each subsequent year and for the 12-month extension option, for a total amount not to exceed \$42,620. Funding in the amount of \$1,750 is available in the Fiscal Year 2007 - 2008 Watershed Protection & Development Review Department. Funding for the remaining 125 months of the original contract period and the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an interlocal agreement; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the negotiation and execution of an interlocal agreement with the Texas AgriLife Extension Service of Texas A&M University was approved.
51. 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

Housing Authority of the City of Austin
Howard Siegel

Resource Management Commission
James Logan

Nominated By:

Mayor Wynn

Council Member Cole

52. Set a public hearing related to ordering an election in May 2008 to submit to the voters a proposed amendment to the City Charter relating to the number, selection, and term of office of the City Council members and Mayor. (Suggested date and time: February 28, 2008, 6:00 PM, Austin City Hall, 301 W. Second Street, Austin TX) (Council Member Mike Martinez Mayor Will Wynn Council Member Lee Leffingwell)
The public hearing was set for February 28, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin Texas.
53. Direct the City Manager to present a briefing on February 28, 2008 by a representative of the Charter Revision Committee related to its recommendations on single-member districts and by Mr. J. Gerald Hebert regarding district election systems. (Council Member Mike Martinez Mayor Will Wynn Council Member Lee Leffingwell)
The motion authorizing the City Manager to present a briefing on February 28, 2008 by a representative of the Charter Revision Committee was approved.
- Item 54 was pulled for discussion.**
55. Approve a resolution limiting the use of pump and haul operations to emergency uses with exceptions for routine uses and existing agreements. (Council Member Sheryl Cole Council Member Lee Leffingwell)
Resolution No. 20080214-055 was approved.
56. Approve a resolution amending Resolution No. 20071213-058 to change the name of the African American Cultural Arts District to the African American Cultural Heritage District. (Council Member Sheryl Cole Council Member Mike Martinez)
Resolution No. 20080214-056 was approved.
57. Approve a resolution establishing a sister city relationship with the City of Antalya, Turkey. (Mayor Will Wynn Council Member Lee Leffingwell)
Resolution No. 20080214-057 was approved.
58. Approve waiver of the signature requirement and certain fees under Chapter 14 of the Code for the Austin Marathon to be held on February 17, 2008. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)
The motion approving the waiver of the signature requirement and certain fees for the Austin Marathon was approved.
59. Set public hearings for the full purpose annexation of the Kitchell Tract (Approximately 3 acres in eastern Travis County at the southwest corner of the intersection of U.S. Highway 290 East and Decker Lane). (Suggested dates and times: February 28, 2008, 6:00 p.m., and March 6, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearings were set for February 28 and March 6, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.
60. Set a public hearing to consider an ordinance amending Sections 25-8-92 and 30-5-92 of the City Code relating to Critical Water Quality Zones along the shorelines of the Colorado River downstream of Town Lake. Recommended by the Environmental Board and the Planning Commission Codes & Ordinances Subcommittee. To be reviewed by the Planning Commission on February 12, 2008. (Suggested date and time: February 28, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for February 28, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.

61. Set a public hearing to consider a resolution regarding a request by Scott Talkington, the owner of property located at 5111 Airport Boulevard, for a waiver from the distance requirement of City Code, Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school. (Suggested date and time: February 28, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for February 28, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.
62. Set a public hearing to consider an ordinance on first reading regarding the application submitted by American Medical Response of Texas, Inc. (AMR) to renew a non-emergency medical transfer franchise under Chapter 10-2 of the City Code. (Suggested Date and Time: March 6, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).
The public was set for March 6, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.

Items 63 and 64 were briefing items set for 10:30 a.m.

Items 65 through 73 were Executive Session items.

Items 74 and 75 were action on Executive Session items.

Item 76 was a briefing item set for 2:00 p.m.

Items 77 through 94 were zoning items set for 4:00 p.m.

Items 95 through 98 were public hearing items set for 6:00 p.m.

BRIEFING

63. Update on the 51st Water Tower. (Related to items #33 and #34)
The presentation was made by Greg Meszaros, Director of Austin Water Utility.

DISCUSSION ITEMS

33. Authorize execution of a construction contract with LANDMARK STRUCTURES I, L.P. Fort Worth, Texas for Water Reclamation Central Phase I - B - Composite Tank in the amount of \$7,934,364 plus a \$396,718.20 contingency, for a total contract amount not to exceed \$8,331,082.20. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts. 1.01% MBE and 9.71% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. (Related to items # 34 and #63)
The motion authorizing the execution of a construction contract with Landmark Structures I, L.P. was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent.
34. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE, INC., for continued engineering services for the Water Reclamation Initiative - Central - Phase I - B elevated storage tank, in an amount of \$357,583 for a total agreement not to exceed \$2,152,006. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 39.6% MBE and 16.5% WBE

subcontractor participation to date. Considered by the Water and Wastewater Commission. (Related to items # 33 and #63)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Camp Dresser and McKee, Inc. was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent.

19. Approve an ordinance amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$145,552 to support the Austin/Travis County Combined Gang Project and to create one full-time equivalent position for this Project with funding provided under the U.S. Department of Justice Fiscal Year 2007 Gang Prevention Coordination Project. Funding is available from the U.S. Department of Justice and is available in the Fiscal Year 2007-2008 Operating Special Revenue Fund of the Austin Police Department. No match is required.
Ordinance No. 20080214-019 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Kim was absent.

CITIZEN COMMUNICATION: GENERAL

Ted M. Linder - Parking on Comal Street

Paul Robbins - City Issues

CarolAnneRose Kennedy - MENTAL HELLth: HOME ON deranged. She was not present when her name was called.

Gus Pena - (1) City Budget Issues (2) A.P.D. needs to improve relations with the community (3) Spring Break occurs in March. Make sure all Youth Programs are fully operational and fully funded to keep the youth occupied and away from gangs and off the streets

Jennifer Gale - Driving in Austin

Jimmy Castro - Star of Texas Fair & Rodeo

Kenneth Koym spoke for Cynthia Valladez - Southwest Key Funding Contract

Diana Castaneda - Community Concerns in East Austin

Pat Johnson - City Manager's Office defy City Council Approved Wrecker Ordinance JEAPORDIZING the Public's Safety for the sake of Convicted Child Molesters and Deadly Conduct towards our Citizens. He was not present when his name was called.

Dick Kallerman - Nuclear Energy

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:28 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.

Item 65 was discussed later in Executive Session.

66. Discuss legal issues related to the implementation of the current City Manager's compensation and benefits resolution. (Private consultation with Attorney - Section 551.071). (Related to item # 75)
67. Discuss legal issues relating to the statutory framework for management of growth in the State Highway 130 corridor (Private Consultation with Attorney - Section 551.071).
This item was withdrawn.
68. Discuss legal issues related to a request for limited adjustment from City Code Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) by Koontz-McCombs, LLC for the Encino Trace development located at 5707 Southwest Parkway. (This limited adjustment concerns development in the Barton Springs Zone.) (Private Consultation with Attorney - Section 551.071) (Related to item #74)
69. Discuss legal issues related to use of City of Austin land located at 18524 FM Road 9696, Webberville, Travis County, Texas (Private Consultation with Attorney - Section 551.071).
70. Discuss legal issues relating to the development of the Green Water Treatment Plant site (Private Consultation with Attorney - Section 551.071).
This item was withdrawn.

Item 71 was discussed later in Executive Session.

72. Discuss purchase and value, including non-monetary attributes, of property in Western Travis County, as a potential site for Water Treatment Plant No. 4. (Real Property - Section 551.072)
This item was withdrawn.
73. Generation resource planning issues (Public Power Utility Competitive Matters - Section 551.086). (Related to item # 2)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:37 p.m.

ACTION ON EXECUTIVE SESSION

74. Consider an application for a limited adjustment under Chapter 25-8, Subchapter A, Article 12, Land Development Code (SOS Initiative Ordinance) for a development project for Encino Trace located at 5707 Southwest Parkway and set a public hearing if required. (This limited adjustment concerns development in the Barton Springs Zone.) (Related to item #68)
Resolution No. 20080214-074 was approved as follows on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent. The resolution should read:

"BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council hereby determines, pursuant to Sections 25-8-518 and 25-1-252 of the City Code, that the application of City Code Chapter 25-8, Subchapter A, Article 12 (*Save Our Springs Initiative*) to the project known as Encino Trace, located at 5707 Southwest Parkway, Site Plan No. SP-2007-0438CS, meets the requirements in Section 25-1-252(3) for a limited adjustment.

BE IT FURTHER RESOLVED:

That a public hearing to determine the minimum adjustment required to comply with federal and state laws and constitutions and provide maximum protection of water quality is set for February 28, 2008, at 6:00 p.m. at the City Council Chambers."

DISCUSSION ITEM CONTINUED

2. Approve a resolution stating that the City not participate in ownership of the proposed addition of new nuclear generating units at the South Texas Project. Recommended by the Electric Utility Commission on February 11, 2008. (Related to item # 73)
Resolution No. 20080214-002 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was absent.
75. Take possible action regarding the implementation of the current City Manager's compensation and benefits resolution. (Related to item #66)
This item was withdrawn.

BRIEFING

64. Presentation of the phase one report of the Downtown Austin Plan and discussion of and possible action on policy direction for next steps.
The presentation was made by Laura Huffman, Assistant City Manager; Jim Adams, Roma Design Group; Jana McCann, Roma Design Group; and John H. Alschuler, HR and A Advisors, Inc. Staff was directed to bring back on February 28, 2008 a scope of service and an action item that would include evaluating transportation options in the Downtown area, to Mueller, the airport, 7th, Pleasant Valley and Zilker Park. The scope of services would include a route and equipment analysis. Staff should bring back recommendations as to how the stakeholding community could work towards the design and payment of Phase 2.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:51 p.m.

EXECUTIVE SESSION CONTINUED

71. Discuss real estate development options related to the sale or lease of the Green Water Treatment Plant site (Real Property - Section 551.072).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 5:01p.m.

BRIEFING

76. Presentation and update on City's Webberville Property
The presentation was made by Bert Lumbreras, Assistant City Manager, and Greg Meszaros, Director of Austin Water Utility.

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 5:10 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 5:22 p.m.

16. Approve an ordinance to annex the SH 130/US 290 Retail annexation area for full purposes (Approximately 88 acres in Travis County approximately 1,000 feet west of the intersection of State Highway 130 and US Highway 290 East) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.
Ordinance No. 20080214-016 was approved as part of the consent motion.

A motion to reconsider Item 16 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was absent.

Ordinance No. 20080214-016 was approved with the corrected legal description on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was absent.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member McCracken's second on a 5-0 vote. Council Member Kim was absent. Council Member McCracken was off the dais.

77. C14-2007-0143 - 130/290 Retail - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Decker Lane @ U.S. 290 East and SH 130 (southeast corner of Decker Lane and U.S. 290 East) (Decker and Gilleland Creek Watersheds) from unzoned (UNZ) to commercial highway-conditional overlay (CH-CO) combining district zoning. First reading approved on November 29, 2007. Vote 6-0 (Cole off the dais). Applicant: LeCadeau (Lucy R. Ross). Agent: Graves, Dougherty, Hearon & Moody (Peter Cesaro). City Staff: Robert Heil, 974-2330.
Ordinance No. 20080214-077 for commercial highway-conditional overlay (CH-CO) combining district zoning was approved.
78. C14-2007-0147 - Riverside Nursing Home Facility - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6801 E. Riverside Drive (Carson Creek Watershed) from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning; and neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. First reading approved on November 29, 2007. Vote: 6-0 (Cole off the dais). Applicant: Swift River Land Company (Jack Bradshear). Agent: Vickery & Associates (Steven Frost). City Staff: Robert Heil, 974-2330.
Ordinance No. 20080214-078 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning was approved.
79. C14-2007-0084 - Elm Terrace - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough South Watershed) from unzoned and family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. First reading approved on November 29, 2007. Vote: 7-0. Applicant: Austin Elm Terrace, LP (Steve D. Buerlein). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to February 28, 2008 at the Council's request.
80. 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.
Ordinance No. 20080214-080 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with the following amendments was approved. The amendment to

the ordinance was, Part 2(D) should read, "No single building within the property shall have a "footprint" or foundation/slab area which exceeds 10,000 square feet." The amendments to the restrictive covenant were: (1)(e) should read, "post fiscal surety in the amount of \$50,000.00 for the installation of any traffic calming devices that the Director of the City's Public Work Department determines is appropriate along Cumberland Road, other street adjacent to the property, or other streets within the Galindo Neighborhood boundaries, prior to the time of site plan approval. The owner's agreement with GENA to post surety for traffic calming shall not impair the City's ability under the City Code, and the City reserves the right to require other traffic improvements to the degree necessary to mitigate other traffic impacts from development of the Property." (2) should read, "If Owner has not satisfied its obligation to GENA under Paragraph 1 within sixty (60) months after the date on which the City of Austin approves a site plan for the development of the Property (or a portion thereof), then the Owner will not object to the rezoning of the property by the City to single family residence limited density (SF-3) zoning district."

81. C14-2007-0146.SH - The Govalle Land - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Linden Street (Boggy Creek Watershed) from multi-family residence-medium density (MF-3-NP) combining district zoning to single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. First reading approved on January 31, 2008. Vote: 7-0. Applicant: Govalle Partners Ltd. Agent: Michael Casias. City Staff: Robert Heil, 974-2330.
Ordinance No. 20080214-081 for single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning was approved.
82. NPA-2007-0003.01 - 1309 Chicon Development - Approve second/third readings of an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from commercial to mixed use for property located at 1309 Chicon Street, (LOT 9 & 10, BLK 8, OLT 34, Division B). First reading approved on January 31, 2008. Vote: 7-0. Applicant and Agent: Jonathan Jensen. City Staff: Maureen Meredith, 974-2695.
Ordinance No. 20080214-082 to change the land use designation to mixed use on the future land use map (FLUM) was approved.
83. C14-2007-0136 - 1309 Chicon Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1309 Chicon (Boggy Creek Watershed) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. First reading approved on January 31, 2008. Vote: 7-0. Applicant and Agent: Jonathan Jensen. City Staff: Robert Heil, 974-2330.
Ordinance No. 20080214-083 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved.
84. C14H-2007-0031 - Henry Colley House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 718 Norwalk Lane (Lake Austin Watershed) from family residence (SF-3) district zoning to family residence- Historic (SF-3-H) combining district zoning. First reading approved on January 31, 2008. Vote: 4-3. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454. A valid petition has been filed in opposition to this rezoning request.
The motion to deny the historic zoning was approved.

Mayor Wynn recessed the Council Meeting to go into Executive Session and Live Music and Proclamations at 5:34 p.m.

EXECUTIVE SESSION CONTINUED

65. Discuss legal issues related to the transition of the Community Care Services clinic system to the Travis County Healthcare District (Private consultation with Attorney - Section 551.071).

LIVE MUSIC

D Madness

PROCLAMATIONS

Honorary Citizen Certificates -- Russian High School Students and Certificates of Appreciation -- Anderson HS Host Families -- to be presented by Mayor Will Wynn and to be accepted by the honorees

Distinguished Service Award -- James Armstrong, Austin Lyric Opera -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation -- Engineers Week -- to be presented by Mayor Will Wynn and to be accepted by Rich McMaster

Proclamation -- Austin Energy Regional Science Festival-- to be presented by Mayor Will Wynn and to be accepted by Ingrid Weigand

Distinguished Service Award - Heroism - Cole Kuykendall -- to be presented by Council Member Jennifer Kim and to be accepted by the honoree

Certificate of Congratulations -- St. John Community -- to be presented by Council Member Sheryl Cole and to be accepted by Allen Weeks

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:58 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 public hearings were closed and consent items were approved on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was absent.

85. C14-2008-0004 - Rosedale Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Rosedale Neighborhood Planning Area, bounded by Burnet Road and 45th Street on the east, West 35th Street and West 38th Street on the south, North MoPac Expressway Northbound on the west, and Hancock Drive and West North Loop Boulevard on the north (Taylor Slough North, Johnson Creek, Shoal Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Rosedale Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To be reviewed on February 26, 2008. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.

This item was postponed to March 20, 2008 at the staff's request.

86. C14-2007-0250 - Amarra Drive, Lot 1, Block A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8718-8734 Southwest Parkway; 5105-5301 Barton Creek Boulevard; 5305-5325 Barton Creek Boulevard (Barton Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to multi-family residence-limited density (MF-1) district zoning. Staff Recommendation: To grant multi-family residence-limited density conditional overlay (MF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 19, 2008. Applicant: Stratus Properties Operating Co., L.P. (John Baker). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to February 28, 2008 at the staff's request.

87. C14-2007-0207 - The Village Mixed Use Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2700 West Anderson Lane (Shoal Creek Watershed) from community commercial (GR) district zoning to community commercial-vertical mixed use (GR-V) combining district zoning. Staff Recommendation: To grant community commercial-vertical mixed use (GR-V) combining district zoning. Planning Commission Recommendation: To be reviewed on February 26, 2008. Applicant: Lamy Anderson Lane, Ltd. (Joe Lamy). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Jorge Rousselin, 974-2975.

This item was postponed to March 20, 2008 at the neighborhood's request.

88. C14-2007-0173 - 6414 Manchaca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6414 Manchaca Road (Williamson Creek Watershed) from community commercial (GR) district zoning; and multi-family residence-medium density density (MF-3) district zoning to community commercial-mixed use-vertical mixed use (GR-MU-V) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-vertical mixed use conditional overlay (GR-MU-V-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use conditional overlay (GR-MU-V-CO) combining district zoning for Tract 1; and community commercial-mixed use conditional overlay (GR-MU-CO) combining district zoning for Tract 2. Applicant and Agent: Peter Kehle. City Staff: Wendy Rhoades, 974-7719.

This item was postponed to March 6, 2008 at the staff's request.

89. C14-2007-0241 - Grandview Hills Section 9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12200-12700 Block of Wilson Parke Avenue (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Applicant: Tomen-Parke Associates, Ltd. (Daisuke Eto). Agent: Rvi Planning & Landscape Architecture (D'Anne Williams). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20080214-089 for limited office (LO) district zoning was approved.

90. C14-2007-0233 - 2811 Del Curto Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2811 Del Curto Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence-conditional overlay (SF-5-CO) combining district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Planning Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Applicant and Agent: Austin Infill Builders (Michael Friedman and Ron Pena). City Staff: Robert Levinski, 974-1384.
Ordinance No. 20080214-090 for urban family residence-conditional overlay (SF-5-CO) combining district zoning was approved.
91. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Windsor Road Neighborhood Planning Area, bounded by West 35th Street on the north, North Lamar Boulevard on the east, Enfield Road on the south and North MoPac Expressway Northbound on the west (Town Lake, Shoal Creek, Johnson Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Windsor Road Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719.
The first reading of the ordinance for vertical mixed use building (V) district was approved except for Tracts 1 and 2 (1811 W. 35th Street, 1815 W. 35th Street, 1721 W. 35th Street, 1807 W. 35th Street, and 1803 W. 35th Street) which were postponed to March 20, 2008.
94. C14H-2007-0028 - Burch-Jackson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 Canterbury Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff recommendation: To deny family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to February 28, 2008 at the neighborhood's request.

DISCUSSION ITEM CONTINUED

54. Approve a resolution providing criteria and guidelines regarding the Request for Proposals (RFP) for redevelopment of the Green Water Treatment Plant site. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)
Resolution No. 20080214-054 was approved with the following amendments on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Member Kim was absent. Council Member Leffingwell was off the dais. The amendments were: second paragraph on page 2 should read, "WHEREAS, the City of Austin values affordable housing that serves deep income levels for long periods of time throughout our community including downtown;

and” page 4, number 1 should read, “That the City council will achieve the policies articulated in this Resolution by the following actions: 1. The issuance of a request for proposal (RFP) to solicit proposals for the sale and redevelopment of the property currently occupied by the Green Water Treatment Plant (Plant Property) and for the property currently occupied by the Austin Energy Control Center. Such RFP shall require submittals to provide for the design and construction of a fully-utilized parking facility to support the Seaholm District and the new central public library by a parking facility owned by the public, and, in the alternative, by a parking facility owned by the developer. Page 5, last paragraph of number 1 should read, “The City Council desires to sell the approximately 1.749 acres of property comprising the Austin Energy Control Center and use the proceeds from that sale for the relocation of this Austin Energy function.” On page 6, 3e should read, “community values, public facilities and/or public benefits.” Page 7 number 5 should read, “Proposals that include rental housing shall provide for a minimum of ten percent (10%) of the units to individuals earning at or below eighty percent (80%) of area median income, and any proposals that include a housing component shall include an option for the City to participate in a public/private partnership for additional units and/or deeper affordability.” Order of preference on page 7, number 5 should read, “The establishment of additional public amenities, including affordable housing, to be identified by the City Council, within the Seaholm East Redevelopment District.”

ZONING DISCUSSION ITEMS

92. NPA-2008-0011.01 - North Loop Neighborhood Planning Area Vertical Mixed Use Building - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, the North Loop Neighborhood Plan, to change the land use designation on the future land use map (FLUM) from commercial to mixed use or office mixed use on certain tracts, bounded by IH-35 on the east; 45th Street, Red River Street and 51st Street on the south, Lamar Boulevard on the west, and Koenig Lane on the north (Waller Creek, East Boggy Creek watersheds). Planning Commission Recommendation: To change the land use designation on the Future Land Use Map from commercial to mixed use or office mixed use on certain tracts. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.

The motion to close the public hearing and approve first reading to change the land use designation on the future land use map for Tracts 10, 22, 23, 24B, 103, and 104A to Mixed Use was approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 6-0 vote. Council Member Kim was absent.

The motion to close the public hearing and approve first reading to change the land use designation on the future land use map for Tracts 21, 24A, and 26 to Office Mixed Use was approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 6-0 vote. Council Member Kim was absent.

93. C14-2008-0002 - North Loop Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the North Loop Neighborhood Planning Area, bounded by IH-35 on the east, 45th Street, Red River Street and 51st Street on the south, Lamar Boulevard on the west and Koenig Lane on the north (Waller Creek, East Boggy Creek watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the North Loop Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V)

district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.

The public hearing was closed and the first reading of the ordinance was approved as follows.

Tracts 1-23, 24A, 24B, and 25-32 were zoned vertical mixed use building (V) with dimensional standards, parking reduction and additional uses in office districts on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was absent.

Tracts 101-103, 104A, 104B, 105-106, and 121 were zoned vertical mixed use building (V) with dimensional standards, parking reduction, and additional uses in office districts on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was absent.

An affordability level of 80% was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim was absent.

PUBLIC HEARINGS

95. Conduct a public hearing and consider an ordinance amending Chapter 25-4 of the City Code relating to subdivision blocks, streets, and pedestrian access (C20-07-022). Recommended by the Planning Commission.

The public hearing was closed and Ordinance No. 20080214-095 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent.

96. Conduct a public hearing and consider an ordinance amending Chapter 25-6 of the City Code to require sidewalks for new buildings, major additions to buildings, and relocated buildings; to provide for administrative waivers from sidewalk installation requirements; and to allow a person to pay into a sidewalk fund instead of installing a sidewalk. Recommended by the Planning Commission.

The public hearing was closed and Ordinance No. 20080214-096 was approved with the following amendments on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was absent. The amendments to the ordinance are:

25-6-354 should read, "(A) an applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the person submits a permit application in the manner prescribed by the director. An applicant who has not filed a request at the time of application may later amend the application to request to pay fee instead of installing a sidewalk.

(B) For a sidewalk required under Section 25-6-353 (Sidewalk Installation with Building or Relocation Permit), the director shall approve payment of a fee instead of installation of a sidewalk if the director determines that:

- (1) the property is used only for a residential use and has not more than two dwelling units;
- (2) on the date the property was subdivided, the land development regulations did not include a sidewalk requirement; and
- (3) less than 50 percent of the block face on which the property is located has a sidewalk.

(C) For a sidewalk required under Section 25-6-351 (Sidewalk Installation in Subdivisions), the director shall approve payment of a fee instead of installation of a sidewalk if the subdivision:

- (1) consists of five or fewer lots;
- (2) only includes residential lots, each of which contains no more than two dwelling units;
- (3) is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and

(4) less than 50 percent of the block face on which the property is located has a sidewalk.

(D) The director may approve payment of a fee instead of installation of a sidewalk if the director determines that installation is impractical because:

- (1) there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks;
- (2) installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
- (3) a stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;
- (4) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
- (5) other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.

(E) In making a determination under Subsection (D), the director shall give primary consideration to the following:

- (1) the adopted neighborhood plan;
- (2) information provided by the neighborhood planning team;
- (3) information provided by a registered neighborhood association; and
- (4) the approved City sidewalk plan.

(F) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the Transportation Criteria Manual.

(G) A fee paid under this section must be used to install a sidewalk or curb ramp in the same service area, as established by the Transportation Criteria Manual.

(H) The City may refund the fee to the applicant if it is not spent within 10 years of the date of its collection.

97. Conduct a public hearing and consider an appeal by CWS Capital Partners, LLC, of the Planning Commission's decision to deny requested Waterfront overlay variances, under Section 25-2-713(B) of the City Code for property located at 300 E. Riverside Drive. On August 28, 2007, the Parks and Recreation Board recommended denial of the requested Waterfront Overlay variances; October 9, 2007, the Planning Commission denied the requested Waterfront Overlay variances and site plan.

This item was postponed to April 24, 2008 on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was absent.

98. Conduct a public hearing and consider an appeal by CWS Capital Partners, LLC, of the Planning Commission's decision to deny requested Waterfront overlay variance, under Section 25-2-713(B) of the City Code for property located at 222 E. Riverside. The Parks and Recreation Board recommended denial of the requested Waterfront Overlay variance; The Planning Commission denied the requested Waterfront Overlay variance and site plan.

This item was postponed to April 24, 2008 on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was absent.

Mayor Wynn adjourned the meeting at p.m. 8:26 without objection.

The minutes for the Regular Meeting of February 14, 2008 were approved on this the 28th day of February 2008 on Council Member McCracken's motion, Mayor Pro Dunkerley's second on a 7-0 vote.