

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 10, 2008**

**Invocation:** Rev. Frank Goldsmith, Koenig Lane 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, April 10, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:20 a.m.

**Announcement of future agenda items from Council:**

Council Member Kim announced she will bring recommendations to develop a program regarding community gardens.

Mayor Pro Tem Dunkerley asked for a status report on an issue that may have been sent to the Planning Commission on recommendations for regulations to control blockage of city streets by delivery trucks in the downtown area during rush hour.

**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 Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

1. Approval of the Austin City Council minutes from the March 27, 2008 meeting.  
The minutes from the meeting of March 27, 2008 were approved.
2. Approve Service Extension Request No. 2696 for wastewater service not to exceed a peak wet weather flow of 147 gallons per minute (gpm) for multi-family development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 9101 Circle Drive. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission. Not Recommended by the Environmental Board (see footnote).  
The motion approving the service extension request number 2696 was approved.
3. Approve Service Extension Request No. 2716 for water service not to exceed a peak hour flow of 14 gallons per minute (gpm) for MITCHEL AND ROSE WONG, owners of a proposed 6 single-family home development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 1700 Stoneridge Terrace. There is no unanticipated fiscal impact. Recommended by the Environmental Board; and the Water and Wastewater Commission.  
This item was postponed to May 15, 2008.

4. Approve Service Extension Request No. 2717 for water service not to exceed a peak hour flow of 3 gallons per minute (gpm) for ROSS EHLINGER, owner of an existing single-family home located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 2008 Stoneridge Terrace. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission.  
**The motion approving the service extension request number 2717 was approved.**
5. Approve an ordinance authorizing negotiation and execution of a cost participation agreement, Service Extension Request No. 2698, with MANOR INDEPENDENT SCHOOL DISTRICT, providing terms and conditions for construction of 16-inch water main and appurtenances to provide water service to the proposed Manor Elementary School Number 6 to be located at 5600 Decker Lane with City cost reimbursement in an amount not to exceed 25% of the actual construction costs ("hard costs") or \$42,439, whichever is less; and waiving the requirements of Section 25-9-62 of the City Code relating to amount of cost reimbursement; and waiving the requirements of Section 25-9-67 of the City Code relating to cost participation and cost reimbursement payment schedule. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission.  
**Ordinance No. 20080410-005 was approved.**
6. Authorize negotiation and execution of an agreement with Water Control and Improvement District No. 17 ("District"), relating to various matters, including the release of the District's water and wastewater certificate of convenience and necessity ("CCN") for the City's Water Treatment Plant #4, the granting of two easements by the City to the District, and the provision of City emergency water to the District. No fiscal impact. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an agreement with Water Control and Improvement District Number 17 was approved.**
7. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with SCA 101 Onion Creek Holdings, L.P., to increase the amount of City cost reimbursement for construction of 24 and 36-inch water main and appurtenances for the Alexan Onion Creek by \$75,302 for actual "hard" construction costs, with a new maximum "hard" construction cost amount not to exceed \$759,302; increase the amount of City cost reimbursement for professional services "soft" costs by \$38,295, for an amount not to exceed 15% of the actual "hard" construction costs of the 36-inch water main and appurtenances or \$113,895, whichever is less for an overall total additional maximum amount not to exceed \$113,597; and waiving City Code Sections 25-9-61 and 25-9-63 relating to the maximum amount of cost reimbursement, and waiving an additional \$2,652 of construction inspection and review fees established in Ordinance 20070910-008. 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. 20080410-007 was approved.**
8. Approve an Ordinance amending Chapter 13-1, Aviation Services of the City Code to be consistent with Federal Transportation Security requirements concerning access media, and performance of certain airport security functions. Recommended by the Austin Airport Advisory Commission.  
**Ordinance No. 20080410-008 was approved.**
9. Approve a resolution to authorize the fee simple acquisition of Lot 44, Block E, of Yarrabee Bend South, Section 1, a subdivision in Travis County, Texas, and locally known as 7210 Dixie Drive, Austin, Texas from Kym Stasinowsky, for the Streambank Restoration and Erosion Management Program, in the amount of \$109,000 for the land and improvements and \$22,500 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$141,500. Funding is

available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20080410-009 was approved.**

10. Approve a resolution authorizing the fee simple acquisition of Lot 47, Block E, Yarrabee Bend South Section 1, an addition in Travis County, Texas, located at 7204 Dixie Drive, Austin, Texas from Brian M. and Anita R. Secor for the Streambank Restoration and Erosion Management Program, in the amount of \$95,000 for the land and improvements plus \$5,250 tenant assisted relocation benefits, and moving related expenses not to exceed \$10,000, for a total amount not to exceed \$110,250. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20080410-010 was approved.**

11. Approve a resolution authorizing the fee simple acquisition of Lot 10-A, Resubdivision of Lots 9 thru 11 and Lots 33 thru 35 Richland Estates Section one, a subdivision in Travis County, Texas, located at 1212 Harrison Lane, from John Oliver for the Richland Estates Voluntary Buyout, in the amount of \$112,000 for the land and improvements and \$22,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$144,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**This item was postponed to April 24, 2008.**

12. Approve a resolution authorizing the fee simple acquisition of Lot 49, Richland Estates Section one, a subdivision in Travis County, Texas, located at 1305 Hyman Lane, from Liza Kennedy and Rachel Hansen for the Richland Estates Voluntary Buyout, in the amount of \$120,000 for the land and improvements and \$22,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$152,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**This item was postponed to April 24, 2008.**

13. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1 - South 2nd Street Wastewater Reroute and Area Improvements Project, a portion of the Austin Clean Water Program, to acquire a 2,859 square foot permanent wastewater line easement and a 1,015 square foot temporary working space easement out Lot1, Block C of the partition of the Estate of James E. Bouldin out of the Isaac Decker League in the City of Austin, Travis County, Texas, in the amount of \$16,692. The owners of the needed property interests are Carrie D. York, Bill Evans, Fundamentals Group, Inc., dba Texas Perspectives, Inc., Jan Ode, Scott Mattfeld, Harvey Colin Hodges, Kalila B. Homann, Seja Rachael, William L. Wolters, Shane Frampton Wolters, and Renee Miller. The property is located at 1310 South 1st Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Resolution No. 20080410-013 was approved.**

14. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1 - South 2nd Street Wastewater Re-Route and Area Improvements Project, a portion of Austin Clean Water Program, to acquire a 3,747 square foot permanent wastewater line easement, and three temporary working space easements (4,397 square foot, 518 square foot, and 829 square foot), out of Lot 9, Abe Williams Subdivision and Lots 1, 2 and 3, Block 3, Oak Cliff Addition, two subdivisions in Travis County, Texas, in the amount of \$15,450. The owner of the needed property interests is Margaret A. Quadlander aka Margaret C. Quadlander. The properties are located at/near 900 South 2nd Street, Austin, Travis County,

Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**This item was withdrawn.**

15. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle/Crosstown Sanitary Sewer Overflow Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 647 square foot permanent wastewater line easement out of Lot 13, Block A, Greenwood Heights, a subdivision in Travis County, Texas, in the amount of \$2,265. The owner of the needed property interest is Market Properties, L.P. The property is located at 1404 Greenwood Avenue, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**This item was withdrawn.**
16. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 4 - Waller Pedernales Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 1,949 square foot permanent wastewater line easement and a 1,949 square foot temporary working space easement out of Outlot 28, Division "O", as shown on "a topographical map of the government tract adjoining the City of Austin, on file in the General Land Office of the State of Texas, Travis County, Texas, in the amount of \$39,078. The owner of the needed property interests is Villasenor Family Limited Partnership, a Texas limited partnership. The property is located at 2704 East Cesar Chavez Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**Resolution No. 20080410-016 was approved.**
17. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for the A.K. Black Health Clinic Remodel in an amount not to exceed \$86,030. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Community Care Services Department. One responsive bid of two 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) by meeting the goals with 4.20% MBE and 17.69% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Southwest Corporation was approved.**
18. Authorize execution of a construction contract with AAR INCORPORATED, Liberty Hill, Texas for Demolition Services - A.B.I.A. Noise Mitigation Program REBID for an initial term of two years for \$498,300, with one twelve-month extension option not to exceed \$100,000 for a total contract amount not to exceed \$598,300. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration grants. Lowest bid 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). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.  
**The motion authorizing the execution of a construction contract with AAR Incorporated was approved.**
19. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, Texas for Los Indios Trail Culvert Upgrade and Channel Improvements project in the amount of \$343,185 plus a \$17,159 contingency, for a total contract amount not to exceed \$360,344. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. Lowest bid of five 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) by meeting the goals with 8.77% MBE and 5.24% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Austin Filter Systems, Inc. was approved.**

20. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, Texas for engineering services for Austin-Bergstrom International Airport Airfield Lighting Improvements and Airfield Pavement Rehabilitation in the amount of \$410,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department. 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 46.27% DBE sub-consultant participation to date. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with URS Corporation, A Nevada Corporation was approved.**

21. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, in an amount not to exceed \$150,000. The total amount of the authorization consisting of the original agreement and this amendment is \$1,155,381. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Neighborhood Planning and Zoning Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 6.80% MBE and 0.00% WBE subconsultant participation to date.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Copley Wolff Design Group was approved.**

**Items 22-24 were pulled to be heard after the related Briefing.**

25. Approve negotiation and execution of an Interlocal Agreement with the UNIVERSITY OF TEXAS AT AUSTIN, SCHOOL OF SOCIAL WORK, Austin, TX, for the development, implementation, and analysis of a survey regarding solicitation/panhandling on roadways, in the amount of \$48,000. Funding in the amount of \$24,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department and funding in the amount of \$24,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department. The term of the agreement is April 14, 2008 through December 31, 2008. Recommended by the Public Health and Human Services Subcommittee.

**The motion approving the negotiation and execution of an interlocal agreement with the University of Texas at Austin School of Social Work was approved. Direction was given to the City Manager to have the consultant make quarterly progress reports to the Health and Human Services Subcommittee.**

26. Authorize the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP, for legal services related to the Onion Creek Flood Mitigation Program, in the amount of \$31,500 for a total contract amount not to exceed \$80,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP was approved.**

27. Consider an amendment to set additional meeting dates to the 2008 Austin City Council meeting schedule.

The motion setting additional meeting dates on the 2008 Austin City Council meeting schedule was approved.

28. Approve an Ordinance amending Ordinance 20080228-091 to correct the legal description for the property located at 6900-6922 Villita Avenida and described in zoning case C14-2007-0242. Ordinance No. 20080410-028 was approved.

Item 29 was pulled for discussion.

30. Authorize award and execution of Amendment No. 1 to the professional service agreement contract with LARSON BURNS & SMITH, INC., Austin TX, for providing landscape, architectural design and for design services on the Walnut Creek Trail Project in an estimated amount not to exceed \$184,000, for a total amount not to exceed \$530,363. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. Contract amendment. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 10.92% MBE and 23.15% WBE participation to date. The motion authorizing the award and execution of amendment number 1 to the professional service agreement contract with Larson Burns and Smith, Inc. was approved.
31. Authorize execution of Amendment No. 2 to an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TxDOT) regarding the Barton Springs Road Bicycle Lanes Project, to allow the use of City of Austin Specifications in the development of the project. The motion authorizing the execution of amendment number 2 to an advance funding agreement between the City of Austin and the Texas Department of Transportation (TxDOT) was approved.
32. Authorize award and execution of a contract with AGILENT TECHNOLOGIES, INC., Wilmington, DE, for the purchase of a gas chromatograph/mass spectrometer in an amount not to exceed \$84,996. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid meeting specification of four 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 contract with Agilent Technologies, Inc. was approved.
33. Authorize award and execution of a contract with GE ENERGY-ALTAIR FILTER TECHNOLOGY, Louisville, KY, for the purchase of inlet air filters in an amount not to exceed \$66,990.24. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Lowest bid meeting specification 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 contract with GE Energy-Altair Filter Technology was approved.
34. Authorize award and execution of a contract with GRAYBAR ELECTRIC, Pflugerville, TX, for the purchase of Ion Meters in an amount not to exceed \$266,050. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid of three 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 contract with Graybar Electric was approved.

35. Authorize award and execution of a 12-month installment purchase contract through the Houston-Galveston Area Council of Governments (H-GAC) with BAYSTONE FINANCIAL GROUP, Manhattan, KS, for the lease of pharmacy management software, computer hardware, and support services in an amount not to exceed \$54,694, with four 12-month extension options for software maintenance services in an amount not to exceed \$8,457 per extension option, for a total contract amount not exceed \$88,522. Funding is available in Fiscal Year 2007-2008 Operating Budget of the Community Care Services Department. 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.

**This item was withdrawn.**

36. Authorize award and execution of a 12-month requirements service contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SONITROL, INC., Westlake, TX, for fire and security systems equipment, monitoring, and maintenance in an estimated amount not to exceed \$70,760, with three 12-month extension options in an estimated amount not to exceed \$77,836 for first extension option, \$85,620 for the second extension option, and \$94,182 for the third extension option, for a total estimated contract amount not to exceed \$328,398. Funding in the amount of \$13,798 is available in the Fiscal Year 2007-2008 Operating Budget of the Community Care Services Department. Funding in the amount of \$21,582 is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department. Funding for the remaining six 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 service contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Sonitrol, Inc. was approved.**

37. Authorize award and execution of Amendment No. 1 to the requirements supply and services contract with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) Austin, TX, for the purchase of computer software products, maintenance, training, information technology services and telecommunication products and services by increasing the contract authorization in an estimated amount not to exceed \$5,279,149, for a revised total estimated contract amount not to exceed \$22,779,149. Funding in the amount of \$1,755,206 is available in the Fiscal Year 2007-2008 Operating Budgets of various City departments. Funding in the amount of \$5,000 is available in the Fiscal Year 2007-2008 Grant Budgets of various City departments. Funding in the amount of \$3,518,943 is available in the Fiscal Year 2007-2008 Capital Budgets of various City departments. 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 amendment number 1 to the requirements supply and services contract with the State of Texas Department of Information Resources (DIR) was approved.**

38. Authorize award and execution of a 24-month service contract with TRIPLE D SECURITY, Austin, TX for armored car services in an amount not to exceed \$134,760, with two 12-month extension options in an amount not to exceed \$70,749 for the first extension option, and \$74,287 for the second extension option, for a total contract amount not to exceed \$279,796. Funding in the amount of \$33,690 is available in the Fiscal Year 2007-2008 Operating Budget of various City departments. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C 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 service contract with Triple D Security was approved.**

39. Authorize award and execution of a 14-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with ARNOLD OIL COMPANY OF AUSTIN, LP, Austin, TX, for the purchase of oil, grease, and lubricants in an estimated amount not to exceed \$560,000, with two 12-month extension options in an estimated amount not to exceed \$480,000 per extension option, for a total estimated contract amount not to exceed \$1,520,000. Funding in the amount of \$240,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Services Fund. Funding for the remaining eight 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 Woman-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 Texas Local Government Purchasing Cooperative (BuyBoard) with Arnold Oil Company of Austin, LP was approved.**

40. Authorize award and execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with SANTEX TRUCK CENTERS, LTD., San Antonio, TX, for the purchase of 29 biodiesel equipped heavy trucks in an amount not to exceed \$2,759,852. Funding in the amount of \$588,385 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Funding in the amount of \$475,256 is available in the Fiscal Year 2007-2008 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$167,136 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. Funding in the amount of \$1,221,131 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Funding in the amount of \$307,944 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Energy Department. 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 contract through the Houston-Galveston Area Council of Governments (H-GAC) with Santex Truck Centers, Ltd. was approved.**

41. Authorize award and execution of a 36-month requirements service contract with UNIQUE MANAGEMENT SERVICES, INC., Jeffersonville, IN, for the collection of overdue library materials, fines, and fees in an estimated amount not to exceed \$225,540, with three 12-month extension options in an estimated amount not to exceed \$75,180 per extension option, for a total estimated contract amount not to exceed \$451,080. Funding in the amount of \$43,855 is available in the Fiscal Year 2007-2008



Operating Budget of the Library 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 two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

42. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PARK PLACE RECREATION DESIGNS, INC., San Antonio, TX, for the purchase and installation of a water play system in Ricky Guerrero Park in an amount not to exceed \$290,261.65. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. 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 execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Park Place Recreation Designs, Inc. was approved.**

43. Authorize award and execution of a 24-month requirements supply contract with GT DISTRIBUTORS, INC., Austin, TX to purchase badges for sworn personnel of the Austin Police Department in an estimated amount not to exceed \$111,654, with two 12-month extension options in an estimated amount not to exceed \$17,922 per extension option, for a total estimated contract amount not to exceed \$147,498. Funding in the amount of \$91,500 is available in the Mayor Roy Butler Badge Program grant. Funding in the amount of \$2,232 is available in the Operating Budget Special Revenue Fund of the Austin Police Department. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of three bids received. This contract will be awarded in compliance with Chapter 2-9D 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.**

44. Authorize award and execution of a 34-month requirements service contract through the State of Texas, Comptroller of Public Accounts (CPA) with ALLIED BARTON SECURITY SERVICES, Austin, TX, for unarmed security guard services for Solid Waste Services' Kenneth Gardner Service Center located at 4108 Todd Lane in an estimated amount not to exceed \$173,090, with three 12-month extension options in an estimated amount not to exceed \$64,920 per extension option, for a total estimated contract amount not to exceed \$367,850. Funding in the amount of \$30,546 is available in the Fiscal Year 2007-2008 Operating Budget of the Solid Waste Services Department. Funding for the remaining 28 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 2-9C 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 service contract through the State of Texas Comptroller of Public Accounts (CPA) with Allied Barton Security Services was approved.**

45. Approve an ordinance authorizing the acceptance of grant funds in the amount of \$1,672,375 from the Office of the Governor, Division of Emergency Management; and amending the 2007-2008 Operating Budget, Watershed Protection and Development Review Department Special Revenue Fund, of Ordinance No. 20070910-003 to appropriate \$1,672,375 to the DR-1606 Hurricane Rita HMGP Program for the buyout and demolition of single family houses in the floodplain of Onion Creek near the intersection of South Pleasant Valley Road and East William Cannon Boulevard. Funding in the amount up to \$1,672,375 is available in Federal Emergency Management Agency Hazard Mitigation Grant Program funding administered by the Texas Department of Public Safety Division of Emergency Management. Local matching funds are required and \$557,459 in local matching funds is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**Ordinance No. 20080410-045 was approved.**

46. 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**

**Waterfront Overlay Task Force**

Jeff Francell  
Dale Glover  
Wendy Price Todd

**Nominated By:**

Mayor Wynn  
Council Member McCracken  
Council Member Kim

**Item 47 was pulled for discussion.**

48. Approve a resolution adopting a plan for reducing by fifty percent the number of plastic bags entering the city solid waste stream. (Council Member Lee Leffingwell Council Member Mike Martinez Mayor Will Wynn)

**Resolution No. 20080410-048 was approved.**

49. Approve a resolution directing the City Manager to negotiate and execute a co-sponsorship agreement with First Night Austin to co-sponsor future First Night Austin New Year's Eve celebration events to be held in downtown Austin on December 31 and January 1 for a period not to exceed five years; and process any necessary Council action for funding of the co-sponsorship agreement. (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole Council Member Mike Martinez)

**Resolution No. 20080410-049 was approved.**

50. Approve a resolution authorizing a co-sponsorship agreement for the Asia Fest 2008 special event to be held on May 3, 2008. (Council Member Jennifer Kim Council Member Lee Leffingwell Council Member Mike Martinez)

**Resolution No. 20080410-050 was approved.**

51. Approve a resolution directing the City Manager to fully support communications and participation with the Emergency Management and Research Institute (EMRI) of Hyderabad, Andhra Pradesh, India, as stated in the attached "Statement of Alliance" with EMRI, and to appoint a City liaison to coordinate such participation, including the pursuit of shared interests in improving emergency communications and response internationally, sharing ideas and working together to explore grant funding opportunities for joint efforts to improve emergency communications and response services. (Council Member Jennifer Kim Council Member Sheryl Cole)

This item was postponed indefinitely and removed from the agenda.

52. Approve waiver of the signature requirement under Chapter 14-8 of the City Code for use of streets associated with the Texas Round-Up 10K to be held on April 26, 2008. (Mayor Will Wynn Council Member Brewster McCracken )  
**The motion approving the waiver of the signature requirement for use of streets associated with the Texas Round-Up 10K was approved.**
53. Approve reimbursement and waiver of fees and requirements under Chapter 14 of the Code for the Kiker Elementary School's Bikefest, to be held on Saturday, May 10, 2008. (Council Member Brewster McCracken Council Member Lee Leffingwell Council Member Jennifer Kim)  
**The motion approving the reimbursement and waiver of fees and requirements for the Kiker Elementary School's Bikefest was approved.**
54. Approve waiver of fees and requirements under Chapter 14 of the Code for the Austin Jewish Academy's Bagelfest 5K, to be held on Sunday, May 18, 2008. (Council Member Brewster McCracken Council Member Lee Leffingwell Council Member Jennifer Kim)  
**The motion approving the waiver of fees and requirements for the Austin Jewish Academy's Bagelfest 5K was approved.**
55. Set public hearings for the full purpose annexation of the St. Dominic annexation area (Approximately 45 acres in Williamson County located at 9400 Neenah Avenue, approximately three quarters of a mile east of the intersection of Parmer Lane and Lakeline Blvd). (Suggested dates and times: May 15, 2008, 6:00 p.m. and May 22, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for May 15 and 22, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**
56. Set a public hearing to consider the use of approximately 3,635 SF (0.083 acre) for a wastewater line and approximately 3,014 square feet (0.069 acre) for a temporary work space to construct, use, maintain, repair and replace a wastewater line for construction of a portion of the Govalle I - South 2nd Street Wastewater Improvement Project through dedicated parkland known as the East Bouldin Creek Greenbelt and located behind Bouldin Creek Condominiums, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: May 8, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.  
**The public hearing was set for May 8, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**
57. Set a public hearing to consider an ordinance amending Section 25-8-514 (Save Our Springs Initiative) of the City Code to allow construction of a pollution prevention device upstream of Dry Fork Sink in the Critical Water Quality Zone of Williamson Creek. (Suggested date and time: April 24, 2008 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Environmental Board, the Code and Ordinance Subcommittee of the Planning Commission and the Planning Commission.  
**The public hearing was set for April 24, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**

Item 58 was a briefing item set for 10:30 a.m.

Items 59 through 61 were Executive Session items.

Item 62 was an action on Executive Session item.

Item 63 was a briefing item set for 2:00 p.m.

Items 64 through 82 were zoning items set for 4:00 p.m.

Items 83 and 84 were public hearing items set for 6:00 p.m.

### **BRIEFING**

58. Dr. Steven Moore's report to council on Solutions for Trees and Utility Lines  
This item was withdrawn.

### **DISCUSSION ITEMS**

29. Approve an ordinance renaming various portions of the approximately 21-acres of the "Butler Civic Center" west of the Palmer Events Center between Riverside Drive and Barton Springs Road and waiving the requirements of Chapter 14-1 of the city code for the renaming of a city facility. Recommended by the Parks and Recreation Board  
Ordinance No. 20080410-029 was approved with the following amendments on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Beginning with Part 2, the ordinance should read:

**"Part 2. The new 21-acre park located west of Palmer Events Center between Riverside Drive and Barton Springs Road is to be renamed "Butler Park" in honor of the Butler Family for their donation of the property to the City of Austin for civic use.**

**Part 3. The fountain is to be renamed "Liz Carpenter Fountain" in honor of Liz Carpenter, the Executive Assistant to Vice President Lyndon Baines Johnson and Press Secretary to the First Lady, Lady Bird Johnson.**

**Part 4. The future children's garden is to be renamed "Alliance Children's Garden" in honor of the numerous citizens who contributed to the establishment of the park.**

**Part 5. The hill with the spiral walkway just south of Riverside is to be renamed "Doug Sahm Hill" in honor of Doug Sahm in recognition of his great talents in the music industry.**

**Part 6. The Great Lawn area is to be renamed "Willie Wells Field" in honor of Willie Wells the baseball legend.**

**Part 7. The Council waives applicable requirements of Chapter 14-1 of the City Code related to renaming various portions of the approximately 21 acres of the "Butler Civic Center" west of Palmer Events Center between Riverside Drive and Barton Springs Road."**

47. Approve a resolution authorizing negotiation and execution a lease with Mobile Loaves and Fishes for its Habitat on Wheels program, that serves the public purpose of providing low and / or moderate income housing on land owned by the City adjacent to the East Service Center located on Harold Court. (Council Member Mike Martinez Mayor Will Wynn Council Member Sheryl Cole)

Resolution No. 20080410-047 was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to include options in the lease to adjust and/or terminate arrangement if not working and continue to look for a site for families and children.

Mayor Wynn recessed the Council Meeting at 11:54 a.m.

Mayor Wynn called the Council Meeting back to order at 12:14 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Carolannerose Kennedy – TAXXXES

Paul Robbins – City Issues. He was not present when his name was called.

Pat Johnson – TBA. He was not present when his name was called.

Gus Pena – 1. To discuss the budget and expectations and concerns from the people as it relocates to the budget 2. City Issues 3. Please advocate military veteran's issues such as health care, jobs, job training and housing for homeless veterans and their families 4. Help bridge the gap between the haves and have nots. The gap continues to widen.

Waller T. Burns – The sewage situation and the sewer are all torn up in Austin. The negligence of the city as well as how much tax payers are billed on and out. How much is the city paying?

Ken Vasseau – Austin are trash 4 recycling. He was not present when his name was called.

Jennifer Gale – Austin resolution No\_10 months without a contract for mechanics, Island workers and bus operators at the capitol metropolitan transit authority may bring on an area wide strike

Richard Halpin – Green Jobs

Ted Roan – Green Jobs

Nailah Sankofa – Various Issues concerning Black artists in Austin

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:39 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.

59. Discuss legal issues relating to the Seaholm Power Plant building and property on West Cesar Chavez Street (Private Consultation with Attorney - Section 551.071).
60. Discuss the proposed sale or lease of the Seaholm Power Plant building and property on West Cesar Chavez Street for redevelopment. (Real Property - Section 551.072)

This item was withdrawn.

61. Discuss legal issues related to a request for limited adjustment from City Code Chapter 25-8, Subchapter A, Article 12 (Save our Springs Initiative) for the PromiseLand Church West located at 8901 S.H. 71 West. (This limited adjustment concerns development in the Barton Springs Zone) (Private Consultation with Attorney - Section 551.071) Related to Item #62

Executive Session ended at 1:18 p.m.

Mayor Wynn called the Council Meeting back to order at 2:04 p.m.

#### Action on Executive Session

62. 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 PromiseLand Church West located at 8901 S.H. 71 West and set a public hearing if required. (This limited adjustment concerns development in the Barton Springs Zone). Related to Item #61

Resolution No. 20080410-062 was approved as follows on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. The resolution should read as follows:

**"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 PromiseLand Church West, located at 8901 S.H. 71 West, City file No. C8-2008-0031.0A, 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 the United States and Texas Constitutions and provide maximum protection of water quality is set for April 24, 2008 at 6:00 p.m. at the City Council Chambers."

#### BRIEFING

63. Briefing on Seaholm Power Plant redevelopment project  
The presentation was made by Laura Huffman, Assistant City Manager; John Rosato, Partner in Seaholm Power, LLC.; and Sue Edwards, Director for Economic Growth & Redevelopment Services.

#### DISCUSSION ITEMS CONTINUED

22. Approve an ordinance amending the Fiscal Year 2007-2008 Economic Growth and Redevelopment Services Capital Budget or Ordinance No. 20070910-004 to appropriate \$14,970,750 for the Seaholm Redevelopment Project. Funding is available in debt to be issued in conjunction with the Seaholm Master Development Agreement in August 2008 or later. Related to items #23 and #24.  
Ordinance No. 20080410-022 was approved on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.
23. Approve an ordinance authorizing negotiation and execution of a Master Development Agreement with SEAHOLM DEVELOPMENT LLC, including but not limited to the following components: incentives provided for the Transfer Price, Street Improvements, Power Plant Rehabilitation, Plaza, and

Reimbursable Fees; and SEAHOLM DEVELOPMENT LLC will design and construct improvements to the Power Plant Building, Hotel/Condo Building, Office Building, Plaza Property, the Offsite Parking Garage, and Streets. Funding in the amount of \$14,970,750 is available in debt to be issued in conjunction with the Seaholm Master Development Agreement in August 2008 or later. Related to items #22 and #24.

Ordinance No. 20080410-023 was approved with direction to staff on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote. The City Manager was directed to incorporate the MBE/WBE language into the final Seaholm Master Development Agreement, in lieu of the current language in the draft MDA. The "covenant" language is to be inserted at Section 3.2(d), and the "reporting requirement" language is to be incorporated at Section 3.2(c)(ii). Further, the covenant does not require Seaholm to change the team of professionals that it has already put together to work on the design of the improvements it plans to build."

**Covenant (MDA Section 3.2(d)):**

Commencing on the Effective Date, with respect to the design and construction of the Improvements, Seaholm, its architect and its general contractor will meet the following annual, ethnic-specific participation goals or demonstrate its good faith efforts to meet the goals:

	Professional Services Participation Goals	Construction Participation Goals
African-American-owned Business Enterprises	1.7%	1.7%
Hispanic-owned Business Enterprises	9.5%	9.7%
Asian-American and Native American-owned Business Enterprises	5.3%	1.5%
Women-owned Business Enterprises	14.2%	12.6%

The City will provide a list of certified firms to Seaholm from which Seaholm shall solicit participation in the design and construction of the Improvements. The City will assist Seaholm to identify potential scopes of work, establish the bid packages available, schedule and host outreach meetings, and assist Seaholm in soliciting M/WBE firms to provide bids.

The foregoing covenant shall not require Seaholm to solicit participation during a period in which Seaholm is not designing and/or constructing the Improvements, but rather, requires Seaholm to incorporate the standards and principles of the M/WBE Ordinance into its development process as and when such process exists. Additionally, Seaholm's covenant to meet the M/WBE goals or demonstrate a good faith effort to meet the M/WBE goals does not require Seaholm to modify or amend any contract or agreement that Seaholm has entered into prior to the Effective Date. The foregoing covenant does not require Seaholm to change or modify the composition of the Approved Team, which is the team of professionals assembled by Seaholm prior to the Effective Date to work on the design of the Improvements.

**Reporting Requirement (MDA Section 3.2(c)(ii)):**

Seaholm shall provide quarterly reports to allow DSMBR to track (a) the utilization on a percentage basis of M/WBE firms in the design and construction of the Improvements, and (b) a summary of Seaholm's efforts to implement City Council resolution number 20071109-127, relating

to M/WBE compliance. The City shall provide the forms to be used by Seaholm in submitting such reports.

Staff was directed to move forward with the creation of a Tax Increment Financing District for this area. Council Member McCracken asked staff to begin work on operational and technology issues for the parking garage.

24. Approve a resolution declaring the City of Austin's official intent to reimburse itself from long-term tax-exempt debt to be issued by or on behalf of the City in the amount of \$12,365,000 for expenditures related to real estate acquisitions and improvements associated with the Seaholm Redevelopment Project. Funding of \$12,365,000 in tax exempt long-term debt expected to be issued by or on behalf of the City no earlier than August 2008. Related to items #22 and #23.  
**Ordinance No. 20080410-024 was approved on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:12 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:06 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 Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

64. C14-2007-0210 and C14H-2007-0011 - Kocurek Building - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 511 West 41st Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. First reading approved on March 27, 2008. Vote: 6-0 (Cole off the dais). Applicant and Agent: Vanguard Design Build (Michael Rhoades). City Staff: Jorge E. Rousselin, 974-2975.  
**This item was postponed to April 24, 2008 at the applicant's request.**
65. C14-2008-0004 - Rosedale Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of 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. First Reading approved on March 20, 2008. Vote: 6-0 (Leffingwell-off the dais). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.  
**Ordinance No. 20080410-065 was approved.**



66. C14-2007-0084 - Elm Terrace - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough North 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. Second reading approved on February 28, 2008. Vote: 7-0. 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 withdrawn by the applicant.**

### 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 Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

67. C14-2008-0012 - Buckner Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11110 Tom Adams Drive (Walnut Creek Watershed) from multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Buckner Retirement Services, Inc. (Lloyd McWilliams). Agent: Site Specifics (John Hussey). City Staff: Joi Harden, 974-2212.  
**Ordinance No. 20080410-067 for general office-conditional overlay (GO-CO) combining district zoning was approved.**
68. C14-2008-0015 - Cloyd Residence - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14107 and 14109 Panaroma Drive (Lake Travis Watershed) from development reserve (DR) district zoning to single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: George G. Cloyd and Susan S. Cloyd. Agent: Land Answers (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20080410-068 for single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning was approved.**
69. C14-2008-0018 - Rancho Alto 5 Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12000-12120 Rancho Alto Road; 2100-2140 O'Callahan Drive; 12000-12032 Herb Brooks Drive; and 2101-2133 Craig Patrick Way (Bear Creek watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to single-family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Applicant: Rancho Alto Ventures, Ltd. (Doyle Wilson). Agent: Carlson, Brigrance & Doering, Inc. (Stephen P. Cates). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20080410-069 for single-family residence-standard lot (SF-2) district zoning was approved.**

70. C14-2008-0026 - Praetorian Properties - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12633 Research Boulevard (U.S. Highway 183 Northbound) (Walnut Creek Watershed) from community commercial (GR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant and Agent: Praetorian Properties (Ross Silvey). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20080410-070 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
71. C14-2007-0042 - 1801 Nelms Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1801 Nelms Drive (Williamson Creek Watershed) from family residence (SF-3) district zoning and family residence-historic landmark(SF-3-H) combining district zoning to multi-family residence-moderate high density (MF-4) district zoning and multi-family residence-moderate high density-historic landmark (MF-4-H) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic landmark-conditional overlay (MF-3-H-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning and family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Invest Smart Homes (Todd Rayer). Agent: Thrower Design (Ron Thrower). City Staff: Jerry Rusthoven, 974-3207.  
**This item was postponed to April 24, 2008 at the staff's request.**
72. C14-2007-0264 - TPWD 6.6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 100 East 50th Street (Waller Creek Watershed) from unzoned to multi-family residence-low density-neighborhood conservation combining district-neighborhood plan (MF-2-NCCD-NP) combining district zoning and multi-family residence-moderate high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-limited density-neighborhood conservation combining district-neighborhood plan (MF-1-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-limited density-neighborhood conservation combining district-neighborhood plan (MF-1-NCCD-NP) combining district zoning with conditions. Applicant: Texas Park and Wildlife Department (Scott Boruff). Agent: Bennett Consulting (Jim Bennett). City Staff: Jorge E. Rousselin, 974-2975.  
**This item was postponed to April 24, 2008 at the neighborhood's request.**
73. C14-2008-0043 - Barton Hills 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 Barton Hills Neighborhood Planning Area, bounded by Robert E. Lee, Rabb Road, Rae Dell Avenue, Barton Skyway, & Lamar Boulevard to the east, Stearns Lane & MoPAC Expressway Northbound to the west, and Lady Bird Lake to the north (Barton Creek, Eanes Creek and Town Lake 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 Barton Hills 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: Gregory Montes, 974-2629.

This item was postponed to April 24, 2008 at the staff's request.

Mayor Wynn recessed the Council Meeting at 5:42 p.m.

### LIVE MUSIC

The Tip Hats

### PROCLAMATIONS

Presentation to the City – Fleet Award to be presented by James B. Wright, Fleet Counselor Services Inc. and to be accepted by Mayor Will Wynn and City Manager Marc Ott

Proclamation – National Infant Immunization Week – to be presented by Mayor Will Wynn and to be accepted by Wilmia Perez

Proclamation – National Start! Walking Day – to be presented by Mayor Will Wynn and to be accepted by David Laird and Alison Trotter

Proclamation – Bengali New Year – to be presented by Council Member Sheryl Cole and to be accepted by Rashad Islam

Certificate of Congratulations – Navonil Ghosh – to be presented by Council Member Jennifer Kim and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:33 p.m.

### ZONING DISCUSSION ITEMS

78. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Conduct a public hearing and approve an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for all properties within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. Planning Commission Recommendation: To approve the station area plan and transit oriented development (TOD) district zoning. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The public hearing was closed and the first reading of the ordinance for the station area plan and transit oriented development (TOD) district zoning with the following amendments was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.

1. Change 10% to 25%
2. Direct the creation of a TIF to fund public responsibilities
3. Develop utility financing structure the same as we did for UNO
4. Come up with interim implementation plan prior to 2<sup>nd</sup> reading:
  - a. Identify specific parks acquisition sites
  - b. Do not up-zone the proposed park acquisition sites

- c. Prepare park acquisition plan for Council approval
- d. Financial subsidies on housing
- 5. Require mixed use
- 6. Identify rail stop at Manor
- 7. Enough ROW reserved for double tracking
- 8. If any utility or city department imposes requirements that alter this plan (including criteria manual requirements, etc.), they have to come to Council with a waiver application within 45 days
- 9. No fee-in-lieu on residential projects without Council waiver
- 10. Don't waive compatibility standards-make part of affordable housing density bonuses
- 11. Develop sustainable landscape standards, including green infrastructure standards
  - a. Present proposal to make Appendix E mandatory

Accept the Planning Commission recommendations to:

Approve the draft MLK Station Area Plan and associated amendment to neighborhood plans with the following amendments:

1. Allow for alternate compliance to the provision of affordable housing required in exchange for a development bonus.
2. Explore the impact that decreased transportation costs have on the budget for housing.
3. Prioritize fee-in-lieu funds generated from a development bonus in the MLK TOD District for future expenditure in the MLK TOD District.
4. The Director of the Neighborhood Housing and Community Development Department should work with the Community Development Commission to determine if a fee-in-lieu for affordable housing should be approve.
5. The draft plan should take a position on the request by the Chestnut Neighborhood to increase the compatibility setback from the homes on Miriam Avenue when the Plan is presented to the City Council.

The Planning Commission recommends that for all TODS, the City Council:

1. Establish a clear and firm plan to help developers achieve the 25% affordability goal in the TOD Ordinance using the tools presented by the affordable housing consultant, Diana McIver and Associates;
2. Consider amending the scoring process for the allocation of affordable housing bond funds so that projects in TOD Districts are prioritized; and
3. Designate CIP funds to infrastructure improvement projects within and connecting to the TOD Districts.

A friendly amendment was made by Council Member Leffingwell and accepted by the maker of the motion and Council Member Martinez who seconded the motion. The friendly amendment was to accept the three amendments proposed by the Upper Boggy Creek as follows:

1. The 100 foot zone for compatibility be 200 feet or 140 feet into the site for the triangular tip of the TOD.
2. That this property remain medium density residential even though the owner wants it changed to TOD Mixed Use.
3. That Alexander Street be extended through and connect to Clarkson.

**Council Member McCracken asked staff to develop some sustainable site landscaping standards using native plants, less water, and acting as water detention.**

79. NPA-2008-0003.01 - Chestnut Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Chestnut Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). Planning Commission Recommendation: To approve transit oriented development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The public hearing was closed and the first reading of the ordinance to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use to transit oriented development (TOD) for certain properties in the Chestnut Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

80. NPA-2008-0008.01 - Rosewood Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Rosewood Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). Planning Commission Recommendation: To approve the transit oriented development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The public hearing was closed and the first reading of the ordinance to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use to transit oriented development (TOD) for certain properties in the Rosewood Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

81. NPA-2008-0012.01 - Upper Boggy Creek Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Upper Boggy Creek Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). Planning Commission Recommendation: To approve transit oriented development (TOD) designation. Applicant: City of Austin, Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The public hearing was closed and the first reading of the ordinance to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use to transit oriented development (TOD) for certain properties in the Upper Boggy Creek Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

82. NPA-2008-0015.01 - East MLK Combined Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the MLK Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). Planning Commission Recommendation: To approve transit oriented

development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The public hearing was closed and the first reading of the ordinance changing the land use designation on the future land use to transit oriented development (TOD) for certain properties in the East MLK Combined Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

74. C14-2008-0029 - Plaza Saltillo Station Area Plan - Conduct a public hearing and approve an ordinance adopting the Plaza Saltillo Station Area Plan and TOD base district zoning for all properties within the boundaries of the Plaza Saltillo Station Area, generally bounded by E. 7th Street and the E. 7th Street alley on the north; the east side of Chicon Street on the east; E. 3rd Street, the alley between E. 3rd and 4th Streets, and E. 4th Street on the south; and the northbound frontage road of IH-35 on the west. Planning Commission Recommendation: To approve the station area plan and transit oriented development (TOD) district zoning. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The public hearing was closed and the first reading of the ordinance adopting the Plaza Saltillo Station Area Plan and TOD base district zoning with the following amendments was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.

Council Member McCracken proposed these amendments:

1. Change 10% to 25%.
2. Direct the creation of a TIF to fund public responsibilities.
3. Develop utility financing structure the same as we did for UNO.
4. Come up with interim implementation plan prior to 2<sup>nd</sup> reading:
  - a. Identify specific parks acquisition sites and paseo acquisition sites, including paseo sites identified on p. 61
  - b. Do not up-zone the proposed park acquisition sites
  - c. Prepare park and paseo acquisition plan for Council approval
  - d. ROW acquisition for Lance Armstrong Bikeway and implementation of the last paragraph of page 45:
 

“The Lance Armstrong Bikeway has been designated along E. 4<sup>th</sup> and 5<sup>th</sup> Streets through the Plaza Saltillo TOD. The current improvement consists of signage. However, upon redevelopment of the land owned by Capital Metro, a more significant improvement is envisioned. The potential design could include a tree-lined dedicated space for the Lance Armstrong Bikeway that would parallel 4<sup>th</sup> Street.”
  - e. Financial subsidies on housing
5. Require mixed use in TOD mixed use and Corridor mixed use zones.
6. Do not rezone Cap Metro site from P zoning
7. Initiate catalyst project
8. If any utility or city department imposes requirements (including criteria manual requirements, etc.) that alter this plan, they have to come to Council with a waiver application within 45 days.
9. No fee-in-lieu on residential projects without Council waiver

**10. Don't waive compatibility standards—make part of affordable housing density bonuses**

**11. Develop sustainable landscape standards, including green infrastructure standards**

**a. Present proposal to make Appendix E mandatory**

**Accept the Planning Commission Recommendations to approve the draft Plaza Saltillo Station Area Plan as presented by staff and associated amendments to the neighborhood plans with the following amendments:**

- 1. Development bonuses including a reduction in compatibility standards as proposed in the draft plan should not be permitted for the list of properties submitted by the East Cesar Chavez Neighborhood Planning Team.**
- 2. The City of Austin property at 2001 E. 5<sup>th</sup> Street is recommended to go into a Community Land Trust so that it provides affordable housing meeting or exceeding 25% affordability at 80% M.F.I. for home ownership and 60% M.F.I. for rental.**
- 3. Recommend including the TOD Districts language from the University Neighborhood Overlay (UNO) Ordinance that speaks to de-coupling rent from the leasing of a parking space. That language states that: "A parking space must be leased or sold separately from a dwelling unit."**

**The Planning Commission recommends that for all TODs, the City Council:**

- 4. Establish a clear and firm plan to help developers achieve the 25% affordability goal in the TOD Ordinance using the tools presented by the affordable housing consultant, Diana McIver and Associates;**
- 5. Consider amending the scoring process for the allocation of affordable housing bond funds so that projects in TOD Districts are prioritized; and**
- 6. Designate CIP funds to infrastructure improvement projects within and connecting to the TOD Districts.**

- 75. NPA-2008-0009.01 - Central East Austin Neighborhood Plan 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 include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the Central East Austin Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit oriented development. Planning Commission Recommendation: To approve transit oriented development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.**

**The public hearing was closed and the first reading of the ordinance to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use to transit oriented development (TOD) for certain properties in the Central East Austin Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

- 76. NPA-2008-0010.01 - Holly Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-43, the Holly Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the Holly Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit oriented development. Planning Commission Recommendation: To approve transit oriented development (TOD) designation. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.**

The public hearing was closed and the first reading of the ordinance to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use to transit oriented development (TOD) for certain properties in the Holly Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

77. NPA-2008-0002.01 - East Cesar Chavez Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 990513-70, the East Cesar Chavez Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the East Cesar Chavez Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit Oriented development (TOD). Planning Commission Recommendation: To approve the transit oriented development (TOD) designation. Applicant: city of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The public hearing was closed and the first reading of the ordinance to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use to transit oriented development (TOD) for certain properties in the East Cesar Chavez Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

#### PUBLIC HEARINGS

84. Conduct a public hearing and consider an ordinance amending Chapter 25-10, Sign Regulations and Chapter 13-2, Ground Transportation Services to clarify Chapter 25-10 and allow off-premise signs on limited portions of scenic roadways; prohibit advertisements on vehicles if such vehicles are driven solely or primarily for the purpose of advertising businesses that are unrelated to the vehicle's primary business; allow signs to be relocated to commercial districts with sign face areas of up to 672 square feet; change the way sign height is measured; define elevated travel ways and except major interchanges and intersections from that definition; clarify sign location measurements; allow the face size of newly relocated signs to be as large as the total aggregate square footage of the signs being relocated; require off-premise sign owners to register the signs and pay fees for all signs within the city's planning jurisdiction; require energy efficient, pollution reduction lighting for off-premise signs within a certain time frame; require annual registration of all non-conforming off-premise signs; prohibit signs owners from relocating a sign if that sign owner is in violation of the sign regulations; establish notice requirement to notify sign owners of registration expiration; clarify and establish penalties for violations of the sign regulations; and impose registration requirements and registration fees on vehicles that transport passengers for profit and advertise unrelated businesses; and other clarifying amendments. To be reviewed by the Design Commission on April 7, 2008; and both the Planning Commission and Urban Transportation Commission on April 8, 2008.

This item was postponed to April 24, 2008 on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. Staff was directed to ensure this item is ready for discussion by the postponement date and to advise Council what options are available when the Planning Commission delays Council's action.

83. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.151 acre to construct, use, maintain, repair, and replace an existing water line for the construction of William Cannon Drive over Onion Creek for a water Line improvement project through dedicated parkland known as the Onion Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.



The public hearing was closed and Resolution No. 20080410-083 was approved on Council Member Kim's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.

Mayor Wynn adjourned the meeting at 8:32 p.m. without objection.

The minutes for the Regular Meeting of April 10, 2008 were approved on this the 24th day of April 2008 on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.