

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 8, 2008**

Invocation: City of Austin employee Pamela Hart singing the "Our Father"

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, May 8, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:21 a.m.

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 Kim's motion, Council Member Martinez' second on a 7-0 vote.

1. Approve the minutes of the Austin City Council Worksession from April 23, 2008; and the April 24, 2008 Regular and Special Called meetings.
The minutes from the Council Worksession of April 23, 2008 and the Regular and Special Called Council Meetings of April 24, 2008 were approved.
2. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with WANDERING CREEK INVESTMENTS, L.P., to change the schedule for cost reimbursement payments related to the construction of 24 and 36-inch water mains and appurtenances for the Wandering Creek Subdivision; and waiving the requirements of Section 25-9-67 of the City Code relating to the schedule for cost reimbursement. No additional fiscal impact to the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Ordinance No. 20080508-002 was approved.
3. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with WANDERING CREEK INVESTMENTS, L.P., to change the schedule for cost reimbursement payments related to the construction of a 36-inch gravity wastewater main and appurtenances for the Wandering Creek Subdivision; and waiving the requirements of Section 25-9-67 of the City Code relating to the schedule for cost reimbursement. No additional fiscal impact to the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Ordinance No. 20080508-003 was approved.

4. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement related to Service Extension Request No. 2542, with ONION ASSOCIATES, LTD., providing terms and conditions for construction of 24 and 42-inch water mains and appurtenances to provide water service to the Fox Hill Subdivision located east of South IH-35, south of Onion Creek and west of Bradshaw Road with City cost reimbursement in an overall total amount not to exceed \$9,749,485; and waiving the following requirements of these Code sections or ordinance provisions: Section 25-9-61 relating to the maximum amount of cost reimbursement for eligible projects; Section 25-9-63 relating to the amount of cost reimbursement for eligible projects and reimbursement for actual construction costs; Section 25-9-67 relating to the schedule for cost reimbursement payments; and Ordinance 20070910-008 relating to construction, inspection and review fees associated with the proposed 42-inch water main and appurtenances in an amount not to exceed \$200,000. The 42-inch water main has been identified as part of the South IH-35 Water and Wastewater Infrastructure Improvements Program. Funding in the amount of \$9,749,485 is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
This item was withdrawn.
5. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD., Belton, Texas for the Harris Branch WWTP Filter and Chlorine Contact Replacement Project- PWC0150 in the amount of \$607,000 plus a \$60,700 contingency, for a total contract amount not to exceed \$667,700. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest of seven bids received. This contract was bid in compliance with Chapter 2-9A of the City Code (Minority Owner and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 6.21% MBE and 0.52% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Matous Construction, Ltd. was approved.
6. Approve a resolution authorizing the fee simple acquisition of Lot 27, a subdivision in Travis County, Texas, located at 1213 Harrison Lane, from James Toombs for the Richland Estates Voluntary Buyout Program, in the amount of \$105,000 for the land and improvements and \$39,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$154,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080508-006 was approved.
7. Approve a resolution authorizing the fee simple acquisition of Lot 16, Block A, Onion Creek Plantations Section 1, an addition in Travis County, Texas, located at 7101 Foy Circle, Austin, Texas from Anthony Palacios and Leticia Gonzalez for the Streambank Restoration and Erosion Management Program, in the amount of \$115,000 for the land and improvements and \$55,000 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$180,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20080508-007 was approved.
8. Approve a resolution to authorize the negotiation and execution of a fee simple acquisition of Lot 46, Block E, of Yarrabee Bend South, Section 1, a subdivision in Travis County, Texas, and locally known as 7206 Dixie Drive, Austin, Texas from Rafael Corral Ortiz and Pabla Hernandez, for the Streambank Restoration and Erosion Management Program, in the amount of \$94,200 for the land and improvements and \$50,300 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000,

for a total amount not to exceed \$154,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20080508-008 was approved.

9. Approve a resolution authorizing the fee simple acquisition of approximately 102.64 acres of land, on the east side of McKinney Falls Parkway and north side of Onion Creek, being approximately 43.27 acres of open undeveloped land and approximately 59.37 acres with a former quarry and concrete batch plant, in Travis County, Texas, located at 0 Bureson Rd., Austin, Texas from PAP Realty Partnership, The WP & AP, Ltd., a Texas Limited Partnership, MVE Venture, a Texas General Partnership & CMG Partnership, Ltd., in the amount of \$6,500,000, plus closing costs. Funding is available in Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility.

Resolution No. 20080508-009 was approved.

10. Approve a resolution authorizing the filing of eminent domain proceedings for the Braker at I-35 Traffic Systems Management (TSM) Project to acquire a 640 square foot right of way dedication and a 2,829 square foot temporary construction easement out of the John Applegait Survey No. 58, Abstract No. 29, Travis County, Texas, in the amount of \$15,013. The owner of the needed property interests is MP Braker, L.P., a Texas limited partnership. The property is located at 611 East Braker Lane, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department.

Resolution No. 20080508-010 was approved.

11. Approve the negotiation and execution of a 12-month sublease renewal for approximately 5,000 square feet of space for the South Day Labor program of the Health and Human Services Department, located at 2201 East Ben White Blvd., from ESTATE-CARLTON, INC., San Antonio, TX, in an amount not to exceed \$36,000 for the initial renewal term. Funding in the amount of \$13,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department. Funding for the remaining contract period is contingent upon available funding in future budgets.

The motion for the negotiation and execution of a sublease renewal was approved.

12. Authorize execution of a construction contract with VIKING CONSTRUCTION, INC., Georgetown, TX for 2008 Miscellaneous Streets Slurry Seal and Micro-Surfacing in an amount not to exceed \$1,845,928.80. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprises Procurement Program) through the achievements of good faith efforts with 3.88% MBE and 4.29% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with Viking Construction, Inc. was approved.

13. Authorize negotiation and execution of a design-build agreement with PB AMERICAS, INC. + TIC (THE INDUSTRIAL COMPANY) JOINT VENTURE, Kingwood, TX, to provide design-build services at the Sand Hill Energy Center site, in an amount not to exceed \$24,000,000. Funding is available in the 2007-2008 Capital Budget of Austin Energy. Best qualification statement of five received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.5% MBE and 14.2% WBE subcontractor participation. Recommended by the Electric Utility Commission.

The motion authorizing the negotiation and execution of a design-build agreement with PB Americas, Inc. + TIC (The Industrial Company) Joint Venture was approved.

14. Authorize negotiation and execution of professional service agreements with the following three firms: CARTER & BURGESS, INC., Austin, TX; STANLEY CONSULTANTS, INC., Austin, TX and ACR ENGINEERING, INC, Austin, TX for engineering services for energy plants and distribution systems for an estimated period of one year with the possibility of two one-year extensions, or until available funding authorization is expended, with a total of the three agreements in an amount not to exceed \$2,000,000. Funding is available in the Fiscal Year 2007-2008 Capital budgets and/or Operating budget of the Austin Energy. Best qualification statements of seven received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.5% MBE and 14.2% WBE subcontractor participation. Recommended by the Electric Utility Commission.
- The motion authorizing the negotiation and execution of professional service agreements with the following three firms: Carter and Burgess, Inc., Stanley Consultants, Inc. and ACR Engineering, Inc. was approved.

Item 15 was pulled for discussion.

16. Approve an ordinance authorizing the acceptance of \$119,290 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TX DSHS), TOBACCO PREVENTION AND CONTROL COALITION PROGRAM, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$119,290 for the Health Promotion/Disease Prevention Unit to implement a Tobacco Prevention and Control Coalition Program and adding two full-time equivalent positions. Funding in the amount of \$119,290 is available from the Texas Department of State Health Services, Tobacco Prevention and Control Coalition Program. The grant period is February 15, 2008 through August 31, 2008 with one 12-month extension option. A City match of \$5,963 is required.
- Ordinance No. 20080508-016 was approved.**
17. Approve an ordinance authorizing the acceptance of \$354,420 grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), PUBLIC HEALTH PREPAREDNESS SECTION, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$354,420, for a total grant amount of \$1,486,420 to purchase emergency response for materials and equipment. Funding is available from the Texas Department of State Health Services, Public Health Preparedness Section. The grant period is September 1, 2007 through July 31, 2008. No City match is required.
- Ordinance No. 20080508-017 was approved.**
18. Approve an ordinance amending the Fiscal Year 2007-2008 Health and Human Service Department Operating Budget Travis County Reimbursed Fund of Ordinance No. 20070910-003 to appropriate revenue from Travis County in the amount of \$24,482 and to increase operating expenditures in the amount of \$24,482 for summer youth employment stipends. Funding in the amount of \$24,482 is available from the increased expense reimbursement revenue from Travis County. Related to Item # 19.
- Ordinance No. 20080508-018 was approved.**
19. Approve negotiation and execution of Amendment No. 6 to the Interlocal Agreement between the CITY OF AUSTIN and TRAVIS COUNTY to fund and administer the Summer Youth Employment Stipend program for the period October 1, 2007 through September 30, 2008 for an annual amount not to exceed \$473,811 (\$294,329 City; \$179,482 County). Funding in the amount of \$248,106 is available in the Fiscal Year 2007-2008 Operating Budget for the Health and Human Services Department. Funding in the amount of \$46,223 is available in the Fiscal Year 2007-2008 Operating Budget for the Human Resources

Department. Funding in the amount of \$179,482 is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department Travis County Reimbursed Fund. Related to Item # 18.

The motion for the negotiation and execution of amendment number 6 to the interlocal agreement between the City of Austin and Travis County was approved.

20. Approve negotiation and execution of an amendment to the legal services agreement with the law firm of Kirkpatrick & Lockhart Preston Gates Ellis, LLP, formerly known as Hughes & Luce, L.L.P, related to the Seaholm development project and the development of the Green Water Treatment Plant grounds and adjacent property to increase the amount by \$86,000, for a total contract amount of \$436,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Economic Growth and Redevelopment Services Offices.
The motion for the negotiation and execution of an amendment to the legal services agreement was approved.
21. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG) in an amount not to exceed \$72,684. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Neighborhood Planning and Zoning Department.
Resolution No. 20080508-021 was approved.
22. Approve a resolution authorizing the application for \$59,654 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, State Criminal Justice Planning Program for one existing full-time equivalent (FTE) Victim Services Counselor for the Austin Police Department Victim Services Division Major Crimes Support Program. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, State Criminal Justice Planning Program (Fund 421) for the grant period September 1, 2008 to August 31, 2009. This is the first year of a 5-year grant project. There is no required match.
Resolution No. 20080508-022 was approved.
23. Approve a resolution authorizing the application for and acceptance of \$61,239 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, State Criminal Justice Planning Program for one existing full-time equivalent (FTE) for the Austin Police Department Victim Services Division, On-Scene Crisis Response Program. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, State Criminal Justice Planning Program (Fund 421) for the grant period September 1, 2008 to August 31, 2009. This is the first year of a 5-year grant project. There is no required match.
Resolution No. 20080508-023 was approved.
24. Approve a resolution authorizing the application of grant renewal funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act in the amount of \$134,604 for three existing full-time equivalent (FTE) Victim Counselors for a Comprehensive Victim Services Program. Funding is available in the grant period of September 1, 2008 - June 30, 2009 from the State of Texas, Governor's Office, Criminal Justice Division. The required 20% match of \$33,653 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department Victim Services Program.
Resolution No. 20080508-024 was approved.
25. Approve a resolution authorizing the application for renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act in the amount of \$98,828 for two existing full-time equivalent (FTE) Victim Counselors for a comprehensive Major Crimes Investigations Support victim services program. Funding is available in the grant period of July 1, 2008 - June 30, 2009

from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act. The required 20% match for July-September 2008 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department Victim Services Program and the remaining match will be included in the proposed Fiscal Year 2008-2009 budget.

Resolution No. 20080508-025 was approved.

26. Approve a resolution authorizing the application of renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act in the amount of \$69,270 for two (2) existing full-time equivalent (FTE) Victim Services Counselors for the Austin Police Department Victim Services Division. Funding is available in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act, for the grant period September 1, 2008 - August 31, 2009. The required cash match of \$37,301 is contingent upon available funding in future budgets.

Resolution No. 20080508-026 was approved.

27. Approve a resolution authorizing the application for \$75,000 in grant funds from the State of Texas, Texas Alcoholic Beverage Commission, for the Austin/Travis County Enforcement of Underage Drinking Laws Program. Funding is available from the State of Texas, Texas Alcoholic Beverage Commission, for the grant period June 1, 2008 to May 31, 2009. A 25% cash match is required and will be met using the existing salary of the Alcohol Control Team Sergeant.

Resolution No. 20080508-027 was approved.

28. Approve an ordinance authorizing the acceptance of \$10,000 in additional grant funds from the State of Texas, Alcoholic Beverage Commission for the City of Austin Enforcing Underage Drinking Laws (EUDL) Project; and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$10,000 for a total grant amount of \$45,000 for enforcement of underage drinking laws. Funding is available from the State of Texas, Alcoholic Beverage Commission, for enforcement efforts from June 1, 2007 to May 31, 2008. No additional match is required for acceptance of these additional funds.

Ordinance No. 20080508-028 was approved.

29. Approve a resolution authorizing the application of \$55,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, Juvenile Justice and Delinquency Prevention (JJDP) Act Fund Program for the operation of the APD/Lifeworks Delinquency Prevention Project. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Juvenile Justice and Delinquency Prevention (JJDP) Act Fund Program for the grant period September 1, 2008 - August 31, 2009. There is no required match.

Resolution No. 20080508-029 was approved.

30. Approve a resolution authorizing the application for renewal funding from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority, in the amount of \$394,597 in grant funds for the Austin Police Department project entitled "Auto Burglary and Theft Interdiction Project." Funding is available from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority, for the grant period September 1, 2008 - August 31, 2009. An in kind match of 20% is required and will be met using the salaries of existing personnel. Funding for the program is contingent upon available funding in future APD budgets.

Resolution No. 20080508-030 was approved.

31. Approve a resolution authorizing the application for \$26,228 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Grant

Program for the operation of the APD Gang Prevention Project. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Grant Program for the grant period September 1, 2008 - August 31, 2009. This is the second year of a 5-year grant project. There is no required match.

Resolution No. 20080508-031 was approved.

32. 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 Stassney Lane, East William Cannon Drive, I.H. 35 (South) East Frontage Road, and South Pleasant Valley Road. Funding in the amount of \$6,750 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080508-032 was approved.

33. 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 Lakewood Club Neighborhood area bounded by Lakemoore Drive, Lemonwood Drive, Lakewood Drive, and North Cat Mountain (proper). Funding in the amount of \$1,100 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20080508-033 was approved.

34. 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 Stassney Lane, Manchaca Road, West William Cannon Drive, and West Gate Boulevard. Funding in the amount of \$7,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080508-034 was approved.

35. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by West William Cannon Drive, Brodie Lane, Deer Lane, Davis Lane, and South Mopac Expressway. Funding in the amount of \$13,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080508-035 was approved.

36. 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 William Cannon Drive, West Dittmar Road, Manchaca Road, and South 1st Street. Funding in the amount of \$7,200 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20080508-036 was approved.

37. Authorize award and execution of a contract with ABB c/o POWER SUPPLY INC., Austin, TX, for one circuit breaker in an amount not to exceed \$120,740.36. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Energy Department. Lowest bid meeting specifications 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 ABB in care of Power Supply Inc. was approved.

38. Authorize award, negotiation, and execution of a 12-month service contract with FRONTIER ASSOCIATES LLC., Austin, TX, for the development and implementation of an Application Service Provider (ASP) hosted Web-based tool to automate business functions for the Green Building program in an estimated amount not to exceed \$145,470, with four 12-month extension options for maintenance and support in an estimated amount not to exceed \$30,000 per extension option, for a total estimated contract amount not to exceed \$265,470. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals received. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 11.0% MBE and 0.0% WBE subcontractor participation.
The motion authorizing the award, negotiation and execution of a service contract with Frontier Associates LLC was approved.
39. Authorize award and execution of a contract with POWER SUPPLY INC., Austin, TX, for the purchase of extended power transformer bushings in an amount not to exceed \$57,555. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Sole Source. 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 Power Supply Inc. was approved.
40. Authorize award and execution of Amendment No. 5 to the 60-month contract through the State of Texas Multiple Awards Schedule (TXMAS) with XEROX CORPORATION, Austin, TX for the lease of multi-function business machines and maintenance services for an increase in an amount not to exceed \$233,630, for a total revised contract amount not to exceed \$3,409,993.40. Funding in the amount of \$64,985 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining twenty-seven months of the original of contract period is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C 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 amendment number 5 to the contract through the State of Texas Multiple Awards Schedule (TXMAS) with Xerox Corporation was approved.
41. Authorize award and execution of a 36-month requirements supply contract with WAYEST SAFETY, INC., Forney, TX, for firefighter airpacks and replacement parts in an estimated amount not to exceed \$975,000, with three 12-month extension options in an estimated amount not to exceed \$325,000 per extension option, for a total estimated contract amount not to exceed \$1,950,000. Funding in the amount of \$108,333 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Fire Department. Funding for the remaining 32 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 2-9D 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 Wayest Safety, Inc. was approved.

42. Authorize award and execution of a 11-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with ALL AMERICAN SALES CORPORATION, Houston, TX for Tomar brand lightbars, sirens, and replacement parts and accessories in an estimated amount not to exceed \$337,332, with two 12-month extension options in an estimated amount not to exceed \$371,065 for the first extension option, \$408,172 for the second extension option, for a total estimated contract amount not to exceed \$1,116,569. Funding in the amount of \$31,518 is available in the Fiscal Year 2007-2008 One-time Expenditure fund and \$9,775 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department. Funding in the amount of \$31,250 is available in the Operating Budget of the Wireless Communications Fund of the Communications and Technology Management 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 2-9C of the City Code (Minority-Owned and Woman Owned Business Enterprise Procurement Program). This contract is a cooperative contract; therefore, it is exempted under Chapter 791 of the Texas Government Code, and no subcontracting opportunities 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 All American Sales Corporation was approved.

43. Authorize award, negotiation, and execution of a professional services contract with INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC., Westchester, IL for the development and administering of assessment centers for the ranks of Police Lieutenant and Police Commander in an amount not to exceed \$67,025. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Human Resources Department. Professional Services. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This is a professional services contract; therefore, it is exempted under Chapter 252 of the Texas Local Government Code. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a professional services contract with Industrial/Organizational Solutions, Inc. was approved.

44. Authorize award and execution of a 36-month requirements service agreement with AUSTIN SOFTBALL UMPIRES ASSOCIATION, INC., Austin, TX, for adult softball umpire operations and management program services in an estimated amount not to exceed \$814,815, with three 12-month extension options in an estimated amount not to exceed \$274,500 per extension option, for a total estimated contract amount not to exceed \$1,638,315. Funding in the amount of \$113,169 is available in the Fiscal Year 2007-2008 Operating Budget, Softball Enterprise Fund of the Parks and Recreation Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service agreement with Austin Softball Umpires Association, Inc. was approved.

45. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

Board**Nominated By:**African American Resource Advisory Commission

Sandra Frazier

Mayor Wynn

Board of Adjustment

Bryan King

Council Member Cole

Building and Fire Code Board of Appeals

Frank Haught

Mayor Wynn

Building and Fire Code Board of Appeals

Rescind the appointment made on April 24, 2008.

Building and Standards Commission

Tim Hill

Mayor Wynn

Sign Review Board

Cathy French

Mayor Wynn

Urban Renewal Agency

Sean Garretson

Mayor Wynn

Waterfront Overlay Task Force

Leibel Harelik

Council Member Cole

46. Approve an ordinance appointing Anne Harutunian to the Minority-Owned and Women-Owned Business Enterprise and Small Business Enterprise Procurement Program Advisory Committee, and waiving the residency requirement under Section 2-1-21 of the City Code, for that appointment. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)
Ordinance No. 20080508-046 was approved.
47. Approve a resolution directing the City Manager to initiate amendments to City Code Section 25-2-531 (Height Limitations) to create an exception for a fly tower constructed for and within a public performing arts theater to permit the fly tower to exceed a zoning district height limit by up to 33%, to be presented to Council on or before June 5, 2008. (Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)
Resolution No. 20080508-047 was approved.
48. Approve a resolution directing the City Manager to initiate amendments to City Code Chapter 5-1 (Housing Discrimination), the 2006 International Residential Code, the 2005 Electrical Code, and other related codes, adopting Visitability standards for all new single-family homes and two-family dwellings (duplexes). (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)
Resolution No. 20080508-048 was approved.
49. Approve a resolution directing the City Manager to begin the zoning process for land in the City that is currently unzoned (Council Member Mike Martinez Council Member Lee Leffingwell and Council Member Jennifer Kim)
Resolution No. 20080508-049 was approved.

Item 50 was pulled for discussion.

51. Approve a resolution to direct the City Manager to fully support communications and participation with the Emergency Management and Research Institute (EMRI) of Hyderabad, Andhra Pradesh, India, 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)
Resolution No. 20080508-051 was approved.
52. Approve a resolution directing the City Manager to present monthly updates to Council on the current financial position of the City of Austin. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)
Resolution No. 20080508-052 was approved.
53. Approve waiver of the signature requirement under Chapter 14 of the Code for the March of Dimes March for Babies Event, to be held on Saturday, May 10, 2008 (Council Member Brewster McCracken Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)
The motion for the waiver of the signature requirement for the March of Dimes March for Babies Event was approved.
54. Approve waiver of park rental fees for the Austin Firefighters Retirement Party, to be held at Fiesta Gardens on May 13, 2008. (Council Member Mike Martinez Council Member Jennifer Kim Council Member Lee Leffingwell)
The motion for the waiver of park rental fees for the Austin Firefighters Retirement Party was approved.
55. Approve waiver of fees and authorize reimbursement under Chapter 14 of the Code for the Paramount and State Theater's Gala, to be held on Saturday, May 17, 2008. (Council Member Brewster McCracken Council Member Lee Leffingwell Council Member Jennifer Kim)
The motion for the waiver of fees and authorizing the reimbursement for the Paramount and State Theater's Gala was approved.
56. Set a public hearing to consider an ordinance authorizing the addition of new neighborhoods to the Restricted Parking Area Map (Front and Side Yard Parking) in accordance with Section 12-5-29 of the City Code. (Suggested date and time: May 15, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for May 15, 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 designating areas in which additional distance regulations will be applied to mobile food establishments. (Suggested date and time: May 15, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for May 15, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX.
58. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code relating to University Neighborhood Overlay (UNO) District development requirements. (Suggested date and time: May 22, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for May 22, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.

59. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards), commonly referred to as the "McMansion" ordinance, and the sections of city code relating to site development standards and procedures. (Suggested date and time: May 15, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Reviewed by the Planning Commission.
The public hearing was set for May 15, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX. This hearing will likely be postponed to May 22; however, staff was directed to do a briefing concerning proposed amendments limiting the number of FAR exemptions for garages and carports, the definition of gross floor area, duplex regulations and all additional stakeholder recommendations on May 15, 2008.
60. Set a public hearing to consider an ordinance amending Article 6 of City Code Chapter 25-1 (Interested Parties, Notice, and Public Hearing Procedures) related to: (1) "interested party" criteria for public hearings and administrative decisions related to land development; and (2) notice requirements for public hearings, administrative decisions, and applications. (Suggested date and time: May 15, 2008, 6:00 pm, at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission.
The public hearing was set for May 15, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
61. Set a public hearing to consider an ordinance granting variances from City Code Sections 25-8-454 (Uplands Zone) and 25-8-452 (Critical Water Quality Zone), and establishing an administrative variance process for limited variances to City Code Sections 25-8-301 (Construction of a Roadway or Driveway), 25-8-302 (Construction of a Building or Parking Area), 25-8-341 (Cut Requirements), and 25-8-342 (Fill Requirements) to allow construction of the Water Treatment Plant Number 4 plant site, pump station site, and raw water intake facility. (Suggested date and time: May 15, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Code and Ordinance Subcommittee of the Planning Commission; Environmental Board; and, Planning Commission.
The public hearing was set for May 15, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.

Item 62 was a briefing item set for 10:30 a.m.

Items 63 through 65 were Executive Session items.

Items 66 and 67 were action on Executive Session items.

Items 68 through 87 were zoning items set for 4:00 p.m.

Items 88 and 89 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

50. Approve a resolution directing the City Manager to identify areas within the upcoming fiscal year 2008-2009 budget to conduct facilitated community discussions of the Hispanic/Latino quality of life issues in Austin; develop strategies to address the findings coming out of a Community Scorecard and the discussions; and report back to Council with recommendations incorporating key strategies in the City's overall economic development program. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Sheryl Cole)
Resolution No. 20080508-050 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

15. Authorize negotiation and execution of a professional services agreement with one of the following three firms: ROMA DESIGN GROUP/ROMA AUSTIN COLLABORATIVE DESIGN STUDIO - JOINT VENTURE, San Francisco, CA, or SASAKI ASSOCIATES, INC., Watertown, MA or URS CORPORATION, Austin, TX, for professional planning services for the Waller Creek Master Plan in an amount not to exceed \$400,000. Staff recommendation for award is to the highest ranked firm, ROMA DESIGN GROUP/ROMA AUSTIN COLLABORATIVE DESIGN STUDIO - JOINT VENTURE, San Francisco, CA. Funding is available in the fiscal Year 2007-2008 Capital Budget of the Watershed Protection & Development Review Department. Best qualification statements of seven 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 16.5% MBE and 14.2% WBE subcontractor participation.
- The motion authorizing the negotiation and execution of a professional services agreement with Roma Design Group/Roma Austin Collaborative Design Studio – Joint Venture was approved on Council Member Cole’s motion, Mayor Pro Tem Dunkerley’s second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Paul Robbins - City Issues

Vickie Karp - Voting Machines

Karen Renick - Election integrity

Jenny Clark - Electronic Voting Machines

Paul Avina - Crime

Gus Pena - 1.To discuss City Issues and the Budget 2. Crime is on the increase, increase police efforts in Henry Sector 3.Let's keep Austin Affordable 4.Ensure that summer job programs for the youth are fully funded and increase positions if possible to employ as many youth as possible 4.Please help advocate and support veterans issues; health care, jobs, education, affordable housing.

Phillip A. Dick - Innocent Inmates, Representatives and public servants that I have ran into, are using my family and my identity. They have stolen my identity.

Jennifer Gale - Election 2008 was not covered by Channels 42,36,7,24 or by the Austin American Statesman or the Chronicle, no coverage at all.

Jimmy Castro - AISD bond election

Carolannerose Kennedy - donot sergit ta VOTE.

BRIEFINGS

62. Presentation from the Family and Children Task Force
The presentation was made by Robert Schneider and Jennifer Peters, Family and Children Task Force Members.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:27 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.

63. Discuss legal issues related to the development of Block 21. (Private Consultation with Attorney-Section 551.071). Related to Item # 66.
64. Discuss real estate development options related to the sale of the Green Water Treatment Plant and Austin Energy Control Center sites (Real Property - Section 551.072; Economic Development - Section 551.087).
65. Discuss legal issues related to Anne Ashmun, the City of Austin, Neighbors Organized to Protect the Environment, Inc., and John Sikoski v. Texas Commission on Environmental Quality and KBDJ, L.P., Cause No. 03-07-0069-CV, In the Court of Appeals 3rd District of Texas (concerns approval by TCEQ of KBDJ quarry located on the Recharge Zone). (Private Consultation with Attorney - Section 551.071). Related to Item # 67.

This item was postponed to May 22, 2008.

Executive Session ended at 2:50 p.m. and the Council Meeting was recessed.

Mayor Wynn called the Council Meeting back to order at 4:13 p.m.

ACTION ON EXECUTIVE SESSION

66. Approve a resolution authorizing negotiation and execution of an estoppel certificate and agreement related to the development of Block 21. Related to Item # 63.
Resolution No. 20080508-066 was approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.
67. Approve settlement in Anne Ashmun, the City of Austin, Neighbors Organized to Protect the Environment, Inc., and John Sikoski v. Texas Commission on Environmental Quality and KBDJ, L.P., Cause No. 03-07-0069-CV, In the Court of Appeals 3rd District of Texas (concerns approval by TCEQ of KBDJ quarry located on the Recharge Zone). Related to Item # 65.
This item was postponed to May 22, 2008.

ZONING CONSENT ITEMS

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

68. C14-2007-0210 and C14H-2007-0011 - Kocurek Building - Approve third reading 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). Second Reading approved on April 24, 2008. Vote: 7-0. Applicant and Agent: Vanguard Design Build (Michael Rhoades). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to May 22, 2008 at the staff's request.

69. C14-2007-0263 - Hyde Park 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 Hyde Park Neighborhood Planning Area, bounded by 51st Street to the north, Red River to 45th Street to Duval Street to the east; 38th Street to the south and Guadalupe Street to 47th Street and along Waller Creek to the south (Waller Creek watershed). 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 Hyde Park Neighborhood Planning Area from the overlay district. First Reading approved on March 6, 2008. Vote: 4-2 (Leffingwell, Cole-Nay; Kim-off the dais.) Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.

This item was postponed to May 22, 2008 at the staff's request.

70. C14-2007-0264 - TPWD 6.6 - Approve second/third readings of 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 (MF-2-NCCD) combining district zoning and multi-family residence-moderate high density-neighborhood conservation combining district (MF-4-NCCD) combining district zoning. First reading approved on April 24, 2008. Vote: 6-0 (McCracken off the dais.) 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 May 15, 2008 at the staff's request.

71. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1C and Tracts 3-21 - 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 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. First Reading approved on February 14, 2008. Vote: 6-0 (Kim-absent). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed by a property owner in opposition to the rezoning request for Tract 3A, located at 1715 West 35th Street.

This item was postponed to May 22, 2008 at the staff's request.

ZONING CONSENT ITEMS

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

72. C14-2007-0133 - Doak Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3103 and 3105 Slaughter lane (Slaughter Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to neighborhood office (NO) district zoning. Staff Recommendation: To grant neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office (NO) district zoning. Applicant and Agent: Philip and Mary Ellen Doak. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request. **This item was withdrawn.**
73. C14-2007-0225 - Parmer Place - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600-1622 East Parmer Lane (Walnut Creek and Harris Branch Watersheds) from development reserve (DR) district zoning and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning to multi-family residence-low density (MF-2) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2. Staff Recommendation: To grant single-family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2 with conditions. Applicant: Austin Dessau, LLC (Paul Joseph). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for multi-family residence-low density (MF-2) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2 with conditions with an amendment was approved. The amendment was the traffic impact analysis recommendation by staff for the signalization improvements at Dessau lane should not be 100% on page 5, but only 68.8%.
74. C14-2007-0263.001 - Hyde Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 100 - 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 Tract 100, located at 4000 Avenue B, within the Hyde Park Neighborhood Planning Area, from neighborhood commercial-mixed use-neighborhood conservation combining district (LR-MU-NCCD) zoning to neighborhood commercial-mixed use-vertical mixed use building-neighborhood conservation combining district (LR-MU-V-NCCD) zoning (Waller Creek watershed). 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 Tract 100 from the overlay district. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-neighborhood conservation combining district (LR-MU-V-NCCD) zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719.
This item was postponed to May 22, 2008 at the staff's request.
75. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1A, 1B, 1D and Tract 2 - 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 Tracts 1A, 1B, 1D and Tract 2 (1807 West 35th Street, 1811 West 35th Street, 1815 West 35th Street and 1721 West 35th Street) 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 located at from the overlay district. Planning Commission Recommendation: To exclude Tracts 1 and 2 from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. Valid petitions have been filed by property owners in opposition to this rezoning request.

This item was postponed to May 22, 2008 at the staff's request.

76. C14-2008-0019-South Lamar 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 South Lamar Neighborhood Planning Area, bounded by West Oltorf Street to the north, the Union Pacific Railroad to the east; West Ben White Boulevard to the south and South Lamar Boulevard to the west (West Bouldin Creek, Williamson Creek, Barton Creek - Barton Springs Zone 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 South Lamar 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: Melissa Laursen, 974-7226.

This item was postponed to May 22, 2008 at the staff's request.

78. C14-2008-0039 - Airport Self Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2725 Lyle Road (Colorado River Watershed) from interim-rural residence (I-RR) 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: Mandalay Financial Corporation (David Holle). Agent: Airport Shelf Storage (Laura Brown). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20080508-078 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.

79. 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. A valid petition has been filed by a property owner in opposition to this rezoning request for Tract 4B, located at 3600 South Lamar Blvd.

This item was postponed to May 22, 2008 at the staff's request.

80. C14-2008-0044(PART) - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 30 - 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 Tract 30, located at 1801 Briarcliff Boulevard within the Windsor Park Neighborhood Planning Area (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning. 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 Tract 30 from the overlay district. Planning Commission Recommendation: To grant community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

This item was postponed to May 22, 2008 at the staff's request.

81. C14-2008-0044.001 - Windsor Park 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 5701 Cameron Road and 1200 Ridgehaven Drive within the Windsor Park Neighborhood Planning Area (Tannehill Branch; Fort Branch Watersheds) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to limited office-mixed use-vertical mixed use building-neighborhood plan (LO-MU-V-NP) combining district zoning. 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 5701 Cameron Road and 1200 Ridgehaven Drive from the overlay district. Planning Commission Recommendation: To be reviewed on June 24, 2008. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

This item was postponed to August 7, 2008 at the staff's request.

82. C14-2008-0045 - St. Dominic Savio Catholic High School - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9400 Neenah Avenue (Lake Creek Watershed) from unzoned to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant:

Catholic Diocese of Austin (Bishop Gregory Aymond). Agent: Baker-Aicken & Associates (David Kneuper, P.E.). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to May 22, 2008 at the applicant's request.

84. C14-2008-0061 - East 11th Street NCCD (A portion of Subdistrict 3) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 North IH-35 Service Road Northbound (Waller Creek Watershed) from general commercial services- neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning to general commercial services- neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning to change a condition of zoning. Applicant: JH West 12th Street Partners, LTD (Haythem, Dawlett and John Scardino). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Joi Hardin, 974-2212.
Ordinance No. 20080508-084 for general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning to change a condition of zoning was approved.
85. C14-2008-0062 - East 11th Street NCCD (A portion of Subdistrict 3) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1103 and 1105 N. IH-35 Service Road Northbound (Waller Creek Watershed) from commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning and commercial-liquor sales-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-1-CO-NCCD-NP) combining district zoning to commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning. Applicant: Matt Mathias and Richard Hardin. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Joi Hardin, 974-2212.
Ordinance No. 20080508-085 for commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning was approved.
86. C14-2008-0064 - Heritage Duval Gardens - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5301 Duval Road (Walnut Creek Watershed) from family residence (SF-3) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: CWP-Duval, L.P. (Charles W. Putnam, Jr.). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20080508-086 for general office-conditional overlay (GO-CO) combining district zoning was approved.
87. NPA-2008-0023.02 - Windsor Park Neighborhood Planning Area, Tract 30 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-055, the University Hills/Windsor Park Neighborhood Plan, an element of the Austin Comprehensive Plan, to change the land use designation of 1801 Briarcliff Boulevard (Tannehill Branch Watershed) from commercial to mixed use. Planning

Commission Recommendation: To approve a change in the Future Land Use Map from commercial to mixed use. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

This item was postponed to May 22, 2008 at the staff's request.

ZONING DISCUSSION ITEMS

77. C14-2008-0038 - 1705 & 1715 Guadalupe Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1705 and 1715 Guadalupe Street (Shoal Creek Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning. Staff Recommendation: To grant downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning. Planning Commission Recommendation: To deny downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning. Applicant and Agent: StrataGem Development, Ltd. (Brent W. Ryan). City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed and the first reading of the ordinance for downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning was approved on Council Member Cole's motion, on a 7-0 vote. If the building is constructed over 170 feet, then 20% of the total floor and space must be devoted for residential use.

83. C14-2008-0049 - South Edge II (Part 3) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6224 Crow Lane (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Applicant: Captuity Investments Three, LP (Darin Davis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and the first reading of the ordinance for multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to have Neighborhood Housing look at the architectural scheme and see which if any potential housing products or programs might qualify.

Mayor Wynn recessed the Council Meeting at 5:04 p.m.

LIVE MUSIC

Mary Welch y Los Curanderos

PROCLAMATIONS

Proclamation -- Clean Fuel Day -- to be presented by Mayor Will Wynn and to be accepted by Stacy Neef

Proclamation -- Tibetan Intercultural Exchange Week -- to be presented by Mayor Will Wynn and to be accepted by delegation of Tibetan Monks

Certificate of Congratulations -- Austin High Jazz Ensemble Days -- to be presented by Mayor Will Wynn and to be accepted by Director Tonia Mathews, Solomon Rupp and Matt Kennon

Proclamation -- Livestrong Day -- to be presented by Council Member Brewster McCracken and to be accepted by Lee Ann Alexander

Proclamation -- Israel@60 Community Festival -- to be presented by Council Member Lee Leffingwell and to be accepted by Lisa Goodgame

Proclamation -- River City Youth Foundation Recognition Day -- to be presented by Council Member Mike Martinez and to be accepted by Mona Gonzales

Mayor Wynn called the Council Meeting back to order at 6:15 p.m.

PUBLIC HEARINGS

88. Conduct a public hearing and consider a resolution authorizing the use of approximately 3,635 square feet (0.083 acre) 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 08, 2008 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West 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 closed and Resolution No. 20080508-088 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

89. 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. Reviewed by the Design Commission; Urban Transportation Commission; Codes and Ordinances Subcommittee of the Planning Commission; and Planning Commission.

The public hearing was closed and the first reading of the ordinance was approved with the following amendments on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote. An additional amendment concerning the removal of the replacement section will be taken to the Planning Commission for review and be back to Council on June 5, 2008.

I. Eliminate definitions of “Elevated Travel Ways, “Elevated Travel Lanes,” and “Main Travel Way.”

- ✓ In Part 2 of the ordinance, delete new Subsections (3) and (5) from City Code Section 25-10-3 (*Definitions*) and renumber the remaining subsections accordingly. Retain the new definition of “Mobile Billboard.”

II. Ban mobile billboards, but allow existing operators two years to continue operating.

- ✓ Delete Part 3 of the ordinance and replace with the following:

PART 3. City Code Section 25-10-102 (*Signs Prohibited in All Sign Districts*) is amended to read:

§ 25-10-102 SIGNS PROHIBITED IN ALL SIGN DISTRICTS.

Unless the building official determines that the sign is a nonconforming sign, the following signs are prohibited:

- (1) an off-premise sign, unless the sign is authorized by another provision of this chapter;
- (2) a sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign;
- (3) a festoon, including tinsel, strings of ribbon, small commercial flags, streamers, and pinwheels;
- (4) a sign not permanently affixed to a building, structure, or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes, excluding a sidewalk sign described in Section 25-10-153 (*Sidewalk Sign In Downtown Sign District*); [-]
- (5) a tethered, pilotless balloon or other gas-filled device used as a sign; [~~and~~]
- (6) a sign that uses an intermittent or flashing light source to attract attention, excluding an electronically controlled changeable-copy sign; and [-]
- (7) a mobile billboard within the City’s full-purpose jurisdiction, except that a mobile billboard operator with an office located within the boundaries of the Capitol Area Metropolitan Planning Organization on the effective date of Ordinance No. _____ is not subject to the prohibition until two years after the effective date of the ordinance.

III. Add requirements for energy efficient lighting.

- ✓ Add a new subsection (B)(6)(h) to Part 4 and renumber the subsequent sections accordingly.

PART 4. Subsection (B) of City Code Section 25-10-152 is amended to read:

- (B) A person may not change or alter a nonconforming sign except as provided in this subsection.
- (1) The face of the sign may be changed.
 - (2) The sign may be changed or altered if the change or alteration does not:
 - (a) increase the degree of the existing nonconformity;
 - (b) change the method or technology used to convey a message; or
 - (c) increase the illumination of the sign.
 - (3) The sign may be relocated on a tract, if the building official determines that the relocated sign will not be hazardous, and the sign is:

- (a) located on a tract that is partially taken by condemnation or partially conveyed under threat of condemnation; or
 - (b) moved to comply with other regulations.
- (4) Except as provided in Subsection (B)(5), a nonconforming sign may be modified or replaced in the same location, if the modification or replacement reduces:
 - (a) the sign area by at least 20 percent;
 - (b) the height of the sign by at least 20 percent; or
 - (c) both sign area and height of the sign by an amount which, combined, is equal to at least 20 percent of the sign area and height.
- (5) A nonconforming off-premises sign may be replaced if:
 - (a) each owner of a property from which a sign is to be removed or on which a sign is to be replaced agrees to the sign removal or replacement, as applicable;
 - (b) each owner of a property from which a sign is to be removed designates the person who is responsible for removing the sign; and
 - (c) the replacement sign:
 - (i) does not direct illumination onto a property zoned or used for a residential use;
 - (ii) does not exceed the height of the sign it replaces; and
 - (iii) is constructed in the same location with same type of materials and construction design as the sign it replaces, and:
 - 1. the face height and width of the replacement sign are each at least 25 percent less than the face height and width of the sign being replaced; or
 - 2. the replacement sign is not located in, or within 500 feet of, a historic sign district, its sign area is at least 25 percent smaller than the sign area of the sign it replaces, and:
 - a. one other nonconforming off-premises sign is permanently removed, the location of the sign to be removed is not included in a site plan that is pending approval, and if, before removal, the sign to be removed is:
 - i. located in a scenic road-way sign district;
 - ii. located in, or within 500 feet of, a historic sign district; or
 - iii. of monopole construction; or
 - b. two other non-conforming off-premises signs are permanently removed, and the location of a sign to be removed is not included in a site plan that is pending approval.
- (6) The owner of a nonconforming off-premise sign may relocate the sign to another tract under these provisions if the requirements of this paragraph are met.
 - (a) The original location of the sign must be:
 - (i) in the area bounded by Highway 183 from Burnet Road to Highway 71, Highway 71 from Highway 183 to Lamar Boulevard, Lamar Boulevard from Highway 71 to 45th Street, 45th Street from Lamar Boulevard to Burnet Road, and Burnet Road from 45th Street to Highway 183, or on a tract that abuts the street right-of-way of a boundary street;
 - (ii) in a scenic roadway sign district;
 - (iii) within 500 feet of:
 - 1. a historic sign district; or
 - 2. a residential structure located in a residential base zoning district; or
 - (iv) within the boundaries of a registered neighborhood association that has requested removal of the sign.
 - (b) The sign must be permanently removed from the original tract and may not be replaced.
 - (c) The tract to which the sign is relocated:
 - (i) must be in:

1. an expressway corridor sign district; or
2. for a sign with a sign area of 300 square feet or less, an expressway corridor sign district or a commercial sign district;
- (ii) may not be on a scenic roadway;
- (iii) may not be within 500 feet of
 1. a historic sign district; or
 2. a residential structure located in a residential base zoning district; and
- (iv) if the tract is within the zoning jurisdiction, it must be zoned as a commercial or industrial base district.
- (d) Sign district restrictions on sign height and face size otherwise applicable to the relocation tract do not apply to the relocated sign, but the sign height of the relocated sign may not exceed 42 feet above ground level street pavement.
- (e) A relocated sign must be permanently removed from the new location not later than 25 years after the date the relocation application is approved unless within the 25 year time period the sign owner permanently removes and does not relocate a second nonconforming off-premise sign from a location described in Paragraph (6)(a).
- (f) The council may waive or modify, with or without conditions, a requirement of Paragraph (6)(a)-(e) if the council determines that the waiver or modification is justified by the aesthetic benefit to the City.
 - (i) In making the determination, the council may consider:
 1. the number of nonconforming off-premises signs to be removed;
 2. the characteristics of the sites from which the signs are to be removed;
 3. the characteristics of the site on which the sign is to be relocated; and
 4. other relevant factors.
 - (ii) The council shall hold a public hearing before acting on a proposed waiver or modification.
 - (iii) The director of the Watershed Protection and Development Review Department shall give notice of the hearing in accordance with Section 25-1-132(B) (*Notice Of Public Hearing*).
- (g) A sign may not be relocated or removed under this paragraph unless the sign is registered and all registration fees are paid as required by Subsection (F).
- (h) For each non-conforming off-premise sign relocated under this section, the sign owner must install lighting that is energy efficient, as determined by Austin Energy, and meets or exceeds International Dark Sky standards for pollution reduction. The lighting required under this subsection must be installed:
 - (i) no later than six months after the effective date of Ordinance No. _____, if the sign was relocated prior to that date;
 - (ii) upon installation of the relocated sign, if the relocation occurs after the effective date of Ordinance No. _____; or
 - (iii) for all other off-premise signs, within 36 months after the sign is registered in accordance with Subsection (F).
- ~~(i)(h)~~ An applicant must:
 - (i)~~[i-]~~ be the owner of each sign to be relocated or removed;
 - (ii)~~[ii-]~~ file an application for sign relocation with the director [~~of the Watershed Protection and Development Review Department~~] at least 90 days before relocating the sign; and
 - (iii)~~[iii-]~~ include with the application:
 1. a statement from the owner of each tract from which the sign is to be removed agreeing to the permanent removal of the sign; or

2. a document approved by the city attorney indemnifying the city for all costs and claims arising from the sign relocation, sign removal, or permit issuance and providing that the city attorney may hire counsel for and shall direct the defense of the claims.
- (j)(+) An applicant must relocate a sign not later than one year after the date the director of the Watershed Protection and Development Review Department approves the application.
- (k)(+) An application under this paragraph supersedes an application under Paragraph (5).

IV. **Require sign owner to register signs annually and provide inventory information regarding all other signs owned.**

- ✓ Delete Part 5 of the ordinance and insert the following in its place:

PART 5. Subsection (F) of City Code Section 25-10-152 is amended to read:

- (F) This subsection applies to an off-premise sign.
- (1) This paragraph prescribes registration and identification requirements.
 - (a) The owner of the ~~[property on which the]~~ sign ~~[is located]~~ must register the sign every year ~~[two years]~~ with the director.
 - (b) The sign ~~[property]~~ owner shall, on a form prescribed by the director, provide:
 - (i) information regarding the sign location, height, size, construction type, materials, setback from property boundaries, and illumination; and
 - (ii) the name and address of the sign owner~~[, if the sign is owned by a person other than the property owner].~~
 - (c) The sign ~~[property]~~ owner shall initially register the sign by August 31, 1999, or within 180 days after the date the sign becomes subject to the City's planning jurisdiction, as applicable, and shall pay a registration fee set by separate ordinance.
 - (d) A person who fails to register a sign as required by this paragraph commits an offense.
 - (e) The sign owner shall place identifying markers on the sign as required by the director. Such markers shall include, but not be limited to, the applicable registration number and measurement points to assist in verifying the height of a sign.
 - (f) A sign owner shall, in a manner prescribed by the director, provide an annual inventory of all signs owned by that sign owner, including but not limited to a description of the sign, the location of the sign, and the owner of the property on which the sign is located.
 - (g) The building official shall notify the property owner of the pending expiration of a sign registration, no earlier than 90 days and no later than 30 days prior to the expiration. The director shall provide the same notice to the sign owner if the inventory required under subsection (f) has been provided.
 - (2) The director shall mail notice of an application to repair or replace a sign not later than the 7th day after the application is filed to the:
 - (a) applicant;
 - (b) neighborhood organization; and
 - (c) sign owner, if a sign owner is identified in accordance with Paragraph (1).

V. **Create an accessible online database of information on billboards.**

- ✓ Add a new Part 8 to the ordinance read as follows, and renumber existing Part 8:

PART 8. The City Manager is directed to create and maintain an accessible online database containing information provided by sign owners as part of the billboard inventory required under Subsection 25-10-152(F) (*Nonconforming Signs*).

VI. Revise the caption of the ordinance.

- ✓ Revise the caption to be consistent with the amendments enumerated above.

Mayor Wynn adjourned the meeting at 7:22 p.m. without objection.

The minutes for the Regular Meeting of May 8, 2008 were approved on this the 15th day of May 2008 on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote.