

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JUNE 5, 2008**

**Invocation:** Father Isidore, Pastor, St. Albert the Great Catholic 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, June 5, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

**Mayor Wynn called the Council Meeting to order at 10:25 a.m.**

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

**Council Member Martinez asked the City Manager to investigate the possibility of creating an Arts and Cultural Affairs Department in the City.**

**Mayor Pro Tem Dunkerley announced the visibility standard ordinance has been postponed to June 18, 2008. Two of the controversial issues, the no step entrance and all doors on the first floor being thirty inches wide, will be sent back to the committee to develop a plan for voluntary compliance.**

**CONSENT AGENDA**

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

1. Approve the minutes of the Austin City Council Worksession and Special Called Meeting from May 21, 2008, the May 22, 2008 Regular meeting and amendment to the minutes from the meeting of April 24, 2008.  
The minutes from the City Council worksession and special called meeting for May 21, 2008, the May 22, 2008 regular meeting minutes and amendment to the minutes for the April 24, 2008 meeting were approved.
2. Approve an ordinance amending the Fiscal Year 2007-2008 Austin Energy Operating Budget of Ordinance No. 20070910-003 and the Fiscal Year 2007-2008 Austin Energy Capital Budget of Ordinance No. 20070910-004 to decrease the Austin Energy Operating Fund ending balance by \$8,400,000 in order to increase operating requirements for conservation rebates and incentives funding by \$1,400,000 and increase the transfer out to the electric capital improvement program by \$7,000,000, and to appropriate an additional \$20,000,000 for electric system capital improvements. Funding is available from the ending balance of the Austin Energy Operating Fund.  
Ordinance No. 20080605-002 was approved.

3. Approve an ordinance amending ordinance 20070910-003, the Fiscal Year 2007-2008 Operating Budget of Austin Energy, by accepting and appropriating \$66,000 in funds contributed by other participants in the Central Texas Clean Cities program toward administration of the program. Funding is available from Central Texas Clean Cities participants. Recommended by the Electric Utility Commission  
**Ordinance No. 20080605-003 was approved.**
4. Authorize negotiation and execution of a 15-month Interlocal Agreement with the University of Texas LBJ School of Public Affairs, Austin, TX, to conduct for Austin Energy a 2008-2009 Policy Research Project on the topic of "Steps to Develop a Sustainable Municipal Electric Utility" in an amount not to exceed \$25,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas LBJ School of Public Affairs was approved.**
5. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to Office Depot for the installation of a solar photovoltaic system at the project located at 2620 Anderson Lane, Austin, TX. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Electric Utility Commission and the Resource Management Commission.  
**The motion authorizing the issuance of a letter of intent for a rebate was approved.**
6. Approve an ordinance amending Exhibits A and C of Ordinance 20080522-003 calling the June 14, 2008 Runoff Election to adopt changes to Election Day polling place locations and early voting places.  
**Ordinance No. 20080605-006 was approved.**
7. Approve a resolution authorizing the fee simple acquisition of Lot 11, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5606 Vine Hill Drive from Richard Craig Todd for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$67,000 for the land and improvements, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$77,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20080605-007 was approved.**
8. Approve a resolution authorizing the negotiation and execution of a contract for the fee simple acquisition of Lots 40, 41 and 42, Block B, COMANCHE CANYON RANCH AREA THREE, a subdivision in Travis County, Texas fronting on Bullick Hollow Road, from Comanche Canyon Development, Inc., a Texas corporation, by Robert H. Theriot, its President, in a total amount not to exceed \$7,225,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility.  
**Resolution No. 20080605-008 was approved.**
9. Approve a resolution authorizing the negotiation and execution of a contract to purchase four tracts of land being approximately 38.04 acres located along F.M. 2769, Austin, Texas from Kenny Dryden for use by the Austin Water Utility in an amount not to exceed \$6,400,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility.  
**Resolution No. 20080605-009 was approved.**
10. Approve an ordinance vacating the 12800 Block of Delcour Drive to be used as a private drive for the unified office development adjacent to Delcour Drive. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.  
**Ordinance No. 20080605-010 was approved.**

11. Authorize negotiation and execution of a professional services agreement with HALFF ASSOCIATES, INC., Austin, TX, for engineering services for the Dry Creek East Hydrologic and Hydraulic Modeling and Mapping project, in an amount not to exceed \$700,000. The project will be performed in two phases with Phase 1 in an amount not to exceed \$400,000. Funding in the amount of \$400,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. Funding of the remaining \$300,000 is contingent upon approval of the Fiscal Year 2008-2009 Capital Budget. Best qualification statement of eight 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) by meeting the goals of 16.50% MBE and 14.20% WBE subconsultant participation.  
**The motion authorizing the negotiation and execution of a professional services agreement with Halff Associates, Inc. was approved.**
12. Authorize negotiation and execution of professional service agreements with the following 13 firms: ESPEY CONSULTANTS, INC., Austin, TX; MWM DESIGN GROUP (MBE/MH), Austin, TX; PBS&J, Austin, TX; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, TX; DAVCAR ENGINEERING SERVICES, (MBE/MH) Austin, TX; K FRIESE & ASSOCIATES, INC., (WBE/FR) Austin, TX; OTHON, INC., Austin, TX; HEJL, LEE & ASSOCIATES, INC., (MBE/MA) Austin, TX; CARTER & BURGESS, INC., Austin, TX; BROWN & GAY ENGINEERS, INC., Austin, TX; DANNENBAUM ENGINEERING COMPANY-AUSTIN, LLC, Austin, TX; BLACK & VEATCH CORPORATION, Austin, TX; and KELLOGG BROWN & ROOT, Austin, TX to provide engineering services for the Water and Wastewater System Pipeline Engineering Rotation List for the Years 2008 through 2011 or until available funding authorization is expended, with a total of the 13 agreements in an amount not to exceed \$9,750,000. Funding is available in the Fiscal Year 2007-2008 Capital budget and/or Operating and Maintenance budgets of the Austin Water Utility. Best qualification statements of 48 statements 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. 16.5% MBE and 14.2% WBE subcontractor participation. No recommendation by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of professional service agreements with thirteen firms: Espey Consultants, Inc.; MWM Design Group; PBS and J; Raymond Chan and Associates, Inc.; Davcar Engineering Services; K Friese and Associates, Inc.; Othon, Inc.; Hejl, Lee and Associates, Inc.; Carter and Burgess, Inc.; Brown and Gay Engineers, Inc.; Dannenbaum Engineering Company-Austin, LLC; Black and Veatch Corporation; and Kellogg Brown and Root was approved.**
13. Authorize execution of a construction contract with GIBSON & ASSOCIATES, INC., Balch Springs, TX for the 2008 Miscellaneous Bridge Maintenance Project in an amount not to exceed \$435,844.60 plus a contingency amount not to exceed \$43,000, for a total contract amount not to exceed \$478,844.60. Funding is available in the Fiscal Year 2007-2008 Approved Operating Budget of the Public Works Department. Lowest of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 0.00% MBE and 0.10% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Gibson and Associates, Inc. was approved.**
14. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD., Belton, TX for Davis Water Treatment Plant Security Improvements, Phase 1, in the amount of \$934,000 plus a \$46,700 contingency, for a total contract amount not to exceed \$980,700. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest 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 10.12% MBE and 2.65% 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.**

15. Approve an ordinance authorizing the acceptance of \$100,000 in funds and amending the Fiscal Year 2007-2008 Economic Growth and Redevelopment Services Office Capital Budget of Ordinance No. 20070910-004 to appropriate \$100,000 for the Pfluger Bridge Art Project. Funding is available for Public Art from Gables Realty pursuant to the Park Plaza Master Agreement. Recommended by the Austin Arts Commission and Art in Public Places Panel.  
**Ordinance No. 20080605-015 was approved.**
16. Authorize negotiation and execution of a professional services agreement with Rosario Marquardt and Roberto Behar, collectively known as R&R Studios for artwork, in an amount not to exceed \$135,000. Funding in the amount of \$100,000 is available for public art from Gables Realty pursuant to the Park Plaza Master Agreement and \$35,000 is available for Bowie Street Underpass Art in Public Places Project. The Austin Arts Commission recommended the artist's final design and the Art in Public Places Panel approved the artist's final design.  
**The motion authorizing negotiation and execution of a professional services agreement with Rosario Marquardt and Roberto Behar, collectively known as R and R Studios, was approved.**
17. Approve an ordinance authorizing the acceptance of \$152,190 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA), Washington, D.C.; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20070910-003 to appropriate \$152,190 for the Ryan White Emergency Relief Project that provides medical and supportive services to people with the human immunodeficiency virus. Funding is available from the Department of Health and Human Services (DHHS) Health Resources and Services Administration (HRSA). The grant period is from March 1, 2008 to February 28, 2009. No City match is required.  
**Ordinance No. 20080605-017 was approved.**
18. Approve an ordinance authorizing the acceptance of \$30,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, GOVERNOR'S ADVISORY COUNCIL ON PHYSICAL FITNESS, 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 \$30,000 to restructure the Mayor's Fitness Council and create a web-based Austin Fitness Index. Funding in the amount of \$30,000 is available from the Texas Department of State Health Services, Governor's Council on Physical Fitness, Austin, Texas. The grant period is May 1, 2008 through October 31, 2008.  
**Ordinance No. 20080605-018 was approved.**
19. Consider and approve an amendment to the Austin City Council 2008 meeting schedule to cancel the regular meeting on June 19, 2008.  
**The motion authorizing an amendment to the Austin City Council 2008 meeting schedule was approved.**
20. Approve an Ordinance authorizing the acceptance of grant funds from the Economic Development Initiative (EDI) Program of the U.S. Department of Housing and Urban Development in the amount of \$147,000; and amending the Fiscal Year 2007-2008 Operating Budget of the Neighborhood Housing and Community Development Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$147,000 for the City's East Austin Façade Improvement Program for financial assistance for

renovation/rehabilitation to exterior facades of eligible commercial buildings. Funding is available from the U.S. Department of Housing and Urban Development Economic Development Initiative Program  
**Ordinance No. 20080605-020 was approved.**

21. Approve an ordinance amending the Fiscal Year 2007-2008 Neighborhood Planning and Zoning Department Capital Budget of Ordinance No. 20070910-004 to appropriate \$200,000 for the Second Street Streetscape Art in Public Places Project. Funding in the amount of \$100,000 for Public Art is available from AMLI Residential Properties pursuant to the Block 22 lease agreement; and \$100,000 for Public Art is available from Stratus Block 21 Investments pursuant to the Block 21 sale agreement. Recommended by Arts Commission.  
**Ordinance No. 20080605-021 was approved.**
22. Approve a resolution appointing the Board of Directors to the Austin Rosewood Community Development Corporation and authorizing the City Manager to file documents with the Secretary of State to maintain the corporation.  
**Resolution No. 20080605-022 was approved.**
23. Approve an ordinance authorizing the acceptance of \$297,000 in grant funds from the U.S. Department of Justice, Office of Justice Programs; and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$297,000 for the City of Austin Sex Offender Registration and Notification Act Implementation Project. Funding is available from the U.S. Department of Justice, Office of Justice Programs for the grant period of April 1, 2008 to March 31, 2009. A 25% cash match of \$100,000 was included in the application and will be met using the existing salaries of Austin Police Department Sex Offender Apprehension and Registration Unit personnel.  
**Ordinance No. 20080605-023 was approved.**
24. Approve an ordinance authorizing the acceptance of \$512,138 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$512,138 for the High Priority grant project traffic safety programs. Funding in the amount of \$512,138 is available from the US Department of Transportation. The Austin Police Department is requesting that \$128,208 be appropriated from the FY 2008 Police Impound fund to cover the required 20% match.  
**Ordinance No. 20080605-024 was approved.**
25. 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 areas bounded by (1) Barton Springs Road, Robert E. Lee Road, Rabb Road, Rae Dell Avenue, Barton Skyway, South Lamar Boulevard, Barton Creek proper and South Capital of Texas Highway; (2) Anderson Lane, U.S. 290 and Cameron Road, and (3) Parmer Lane, Yager Lane and Donovan Circle; (4) Manchaca Road, West Stassney Lane, Union Pacific Rail Road and West William Cannon Drive; (5) West William Cannon Drive, West Gate Boulevard, Piney Creek Bend, Dandelion Trail, Davis Lane and Brodie Lane; (6) West William Cannon Drive, Beckett Road, Convict Hill Road and US Highway 290 West; and (7) Manchaca Road, Rockland Drive, Union Pacific Rail Road, the current Austin city boundary line, Mary Hargrove Lane, Mayo Street and Chappell Lane. Funding in the amount of \$36,710 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.  
**Ordinance No. 20080605-025 was approved.**
26. Approve a resolution authorizing negotiation and execution of an Interlocal agreement (Utility Attachment Agreement for On-System Bridges) between the City and the Texas Department of

Transportation to allow the City to attach a wastewater line to the FM 973 bridge over the Colorado River. There is no anticipated fiscal impact. Recommended by the Water and Wastewater Commission. **Resolution No. 20080605-026 was approved.**

27. Authorize award and execution of Amendment No. 6 to a requirements service contract with TRITECH SOFTWARE SYSTEMS, San Diego, CA, for a 120-day holdover for software maintenance and support in an estimated amount not to exceed \$403,714, for a revised total estimated contract amount not to exceed \$10,724,763.40. Funding in the amount of \$403,714 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. **The motion authorizing the award and execution of amendment number 6 to a requirements service contract with Trittech Software Systems was approved.**
28. Approve ratification of a contract with CENTRAL TEXAS COMMERCIAL A/C & HEATING, INC., Austin, TX, for a 6-month rental of an emergency diesel generator at Dell Children's Hospital in an amount of \$168,440. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Critical Business Need. 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 to ratify a contract with Central Texas Commercial A/C and Heating, Inc. was approved.**
29. Approve ratification of Amendment No. 3 to the requirements supply and services contract with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) Austin, TX, for the purchase of Maximo software, installation, technical services, training, and maintenance by increasing the contract authorization in an estimated amount not to exceed \$7,298,380; and to authorize the award and execution of two additional extension options for maintenance services for this software, including one 12-month extension option in an estimated amount not to exceed \$245,771, and one 3-month extension option in an estimated amount not to exceed \$64,515, for a revised total estimated contract amount not to exceed \$30,387,815. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Critical Business Need. This purchase was 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 to ratify amendment number 3 to the requirements supply and services contract with the State of Texas Department of Information Resources (DIR) was approved.**
30. Authorize award and execution of a 24-month requirements service contract with NALCO COMPANY, Naperville, IL, for equipment supply and service for chemical water treatment programs at various city facilities in an estimated amount not to exceed \$2,700,000, with one 24-month extension option in an estimated amount not to exceed \$2,700,000, for a total estimated contract amount not to exceed \$5,400,000. Funding in the amount of \$337,500 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 21 months of the original contract period and extension option is contingent upon available funding in future budgets. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements service contract with Nalco Company was approved.**

31. Authorize award, negotiation, and execution of a 12-month requirements service contract with NAVIGANT CONSULTING, Austin, TX for consulting services for Austin Energy Performance Measurement Program in an estimated amount not to exceed \$169,500, with four 12-month extension options in an estimated amount not to exceed \$169,500 per extension option, for a total estimated contract amount not to exceed \$847,500. Funding in the amount of \$42,375 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award, negotiation and execution of a requirements service contract with Navigant Consulting was approved.**
32. Authorize award and execution of a 12-month requirements supply contract with CARBONITE FILTER CORPORATION, Delano, PA, for the purchase of anthracite filter material for the Austin Water Utility in an estimated amount not to exceed \$103,281, with two 12-month extension options in estimated amounts not to exceed \$129,102 for the first extension option and \$161,378 for the second extension option, for a total estimated contract amount not to exceed \$393,761. Funding in the amount of \$34,427 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining eight months of the original contract period and extension options is contingent upon funding in future budgets. Lowest bid of five 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. Recommended by the Water and Wastewater Commission. **The motion authorizing the award and execution of a requirements supply contract with Carbonite Filter Corporation was approved.**
33. Authorize award and execution of a 12-month requirements supply contract with HERSEY METERS COMPANY, LLC, Cleveland, NC, for the purchase of water meters in an estimated amount not to exceed \$199,650, with two 12-month extension options in estimated amounts not to exceed \$249,562 for the first extension option, and \$311,952 for the second extension option, for a total estimated contract amount not to exceed \$761,164. Funding in the amount of \$66,550 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D 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. Recommended by the Water and Wastewater Commission. **The motion authorizing the award and execution of a requirements supply contract with Hersey Meters Company, LLC was approved.**
34. Authorize award, negotiation, and execution of a 120-month revenue agreement with CONCOURSE COMMUNICATIONS GROUP, LLC, Chicago, IL, to design, install, operate, maintain, and manage a neutral host distributed antenna system to provide cell phone and Wi-Fi coverage at Austin-Bergstrom International Airport, with an estimated expense of \$417,015 and an estimated revenue of \$3,627,736. \$60,462 estimated revenue for Fiscal Year 2007-2008. Revenue for the remaining 118 months of the original contract period will be included in future budgets. Funding in the amount of \$417,015 is available in the 2007-2008 Capital Budget of Aviation. Sole proposal 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 contract. A local Women-Owned Business Enterprise has been selected as the subcontractor. Recommended by the Airport Advisory Commission.

**The motion authorizing the award, negotiation and execution of a revenue agreement with Concourse Communications Group, LLC was approved.**

35. Authorize award and execution of a 36-month requirements service contract with SIMPLEX GRINNELL L.P., Round Rock, TX, for full inspection, testing, maintenance, and repair services of the fire suppression system for the Austin Convention Center in an estimated amount not to exceed \$403,450, with three 12-month extension options in an estimated amount not to exceed \$134,483 per extension option, for a total estimated contract amount not to exceed \$806,899. Funding in the amount of \$44,828 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Convention Center 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 2-9C of the City Code (Minority - Owned and Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.

**The motion authorizing the award and execution of a requirements service contract with Simplex Grinnell L.P. was approved.**

36. Authorize award and execution of two 36-month requirements service contracts for full inspection, testing, maintenance, and repair of fire alarm systems with SIMPLEX GRINNELL L.P., Round Rock, TX, for services at the Austin Convention Center in an estimated amount not to exceed \$460,413, with three 12-month extension options in an estimated amount not to exceed \$153,471 per extension option, for a total estimated contract amount not to exceed \$920,826, and with FIRETROL PROTECTION, Austin, TX for services at Palmer Events Center in an estimated amount not to exceed \$230,610, with three 12-month extension options in an estimated amount not to exceed \$76,870 per extension option, for a total estimated contract amount not to exceed \$461,220. Funding in the amount of \$76,781 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Convention Center Department. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority - Owned and Woman 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 two requirements service contracts with Simplex Grinnell L.P. and Firetrol Protection was approved.**

37. Authorize award and execution of a 36-month requirements service contract with LION TOTAL CARE, INC., Dayton, OH, for bunker gear cleaning and repair services for the Austin Fire Department in an estimated amount not to exceed \$261,699, with three 12-month extension options in an estimated amount not to exceed \$87,233 per extension option, for a total estimated contract amount not to exceed \$523,398. Funding in the amount of \$7,269 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Fire Department. Funding for the remaining 35 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 requirements service contract with Lion Total Care, Inc. was approved.**

38. Authorize award and execution of two 12-month requirements service contracts for vehicle washing services with: MACE CAR WASH, DBA GENIE CAR WASH, Horsham, PA in an estimated amount



not to exceed \$60,000, with three 12-month extension options in an estimated amount not to exceed \$60,000 per extension option, for a total estimated contract amount not to exceed \$240,000, and with PICKENS AND PICKENS, DBA AUSTIN QUALITY CAR WASH, Austin, TX in an estimated amount not to exceed \$15,000, with three 12-month extension options in an estimated amount not to exceed \$15,000 per extension option, for a total estimated contract amount not to exceed \$60,000. Funding in the amount of \$25,000 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. 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 two requirements service contracts with Mace Car Wash, doing business as Genie Car Wash, and Pickens and Pickens, doing business as Austin Quality Car Wash, was approved.**

39. Authorize award and execution of Amendment No. 12 to the interlocal agreement with LOWER COLORADO RIVER AUTHORITY (LCRA), AUSTIN, TEXAS, for an additional 12-month agreement to provide the maintenance, repair, and testing services for the City's fleet of truck-mounted aerial devices in an estimated amount not to exceed \$200,000, with four 12-month extensions options in an estimated amount not to exceed \$200,000 per extension option, for a total revised estimated contract amount not to exceed \$3,828,000. Funding in the amount of \$66,667 is available in the Fiscal Year 2007-2008 Operating Budgets of various City departments. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets. Interlocal Agreement.

**The motion authorizing the award and execution of amendment number 12 to the interlocal agreement with Lower Colorado River Authority (LCRA) was approved.**

40. Authorize execution of a 36-month requirements service contract with MEALS ON WHEELS AND MORE INC., Austin, TX to supply summer meals and senior congregate meals in an estimated amount not exceed \$1,886,250, with three 12-month extension options in an estimated amount not to exceed \$628,750 per extension option, for total estimated contract amount not to exceed \$3,772,500. Funding in the amount of \$393,798 is available in the Fiscal Year 2007-2008 Special Revenue Fund of the Parks and Recreation Department through Federal grants from the U.S. Department of Agriculture and Texas Department of Health and Human Services. Funding in the amount of \$341,293, which includes a required local match of \$27,049 is available in the Fiscal Year 2007-2008 Operating Budget of the Parks and Recreation Department. Funding for the remaining 32 months 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 execution of a requirements service contract with Meals on Wheels and More Inc. was approved.**

41. Authorize award and execution of a 24-month revenue contract with VISTA FIBERS, San Antonio, TX, for the transport, processing, and sale of commingled recycling material for an estimated revenue of \$3,000,000, with two 6-month extension options for an estimated revenue of \$750,000 per extension option, for a total estimated revenue of \$4,500,000. Revenue will be included the Fiscal Year 2008-2009 Operating Budget of the Solid Waste Services Department. Revenue Contract. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Solid Waste Advisory Commission with the recommendation to solicit the transportation component.

The motion authorizing the award and execution of a revenue contract with Vista Fibers was approved.

42. Approve an ordinance amending section 15-2-15(A) of the City Code relating to exemption from the Drainage Utility Fee for private institutions of higher education.  
**Ordinance No. 20080605-042 was approved.**
43. Approve an ordinance relating to development of Mission Bethany Subdivision. (This concerns property in the Barton Springs Zone.)  
**Ordinance No. 20080605-043 was approved.**
44. 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:**

Austin Community Technology and Telecommunications Commission

Chip Rosenthal

Council Member Kim

Board of Adjustment

Nora Salinas

Council Member Martinez

Mexican American Cultural Center Advisory Board

Sylvia Orozco

Council Member Martinez

Urban Renewal Agency

Cristina De La Fuente-Valadez

Mayor Wynn

45. Approve an Ordinance creating a Downtown Street Event Closure task force, and waiving the requirements of the City Code Sections 2-7-63 AND 2-7-64. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Mike Martinez)  
**Ordinance No. 20080605-045 was approved.**
46. Approve a resolution directing the City Manager to identify potential funding sources for a comprehensive Downtown Open Spaces Plan; evaluate the feasibility of incorporating the Downtown Open Spaces Plan into Phase II of the Downtown Austin Plan; and identify staff resources that would execute a comprehensive Downtown Open Spaces Plan that takes into account previous planning efforts made by community and stakeholder groups. (Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole and Council Member Lee Leffingwell)  
**Resolution No. 20080605-046 was approved.**
47. Approve a resolution directing the City Manager to require that contractors and subcontractors pay the prevailing wage when the City participates in a public - private project. (Council Member Lee Leffingwell Council Member Mike Martinez Council Member Brewster McCracken)  
**Resolution No. 20080605-047 was approved.**
48. Authorize payment of Austin Police Department (APD) costs in an amount not to exceed \$1,531.92 for the 5th Annual Pre-Alvin Patterson Battle of the Bands & Drumline Competition Loyola Lane Parade, to be held on June 20, 2008 (Council Member Sheryl Cole Council Member Mike Martinez Council Member Lee Leffingwell)

The motion authorizing the payment of Austin Police Department (APD) costs in an amount not to exceed \$1,531.92 for the 5<sup>th</sup> Annual Pre-Alvin Patterson Battle of the Bands and Drumline Competition Loyola Lane Parade was approved.

49. Set a public hearing to consider an ordinance amending Chapter 25 of the City Code relating to the application of the Central Urban Redevelopment (CURE) combining district to property designated Downtown Mixed Use (DMU) district. (Suggested date and time: June 18, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX)  
The public hearing was set for June 18, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
50. Set a public hearing to consider an ordinance adopting an interim update to the Austin Tomorrow Comprehensive Plan. (Suggested date and time: June 18, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)  
The public hearing was set for June 18, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
51. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to create a height 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%. (Suggested date and time: June 18, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)  
The public hearing was set for June 18, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
52. Set a public hearing to consider an ordinance approving the continuation and readoption of Chapter 9-3 of the City Code, relating to juvenile day and night-time curfews. (Suggested date and time: June 18, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.).  
The public hearing was set for June 18, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.

Item 53 was a briefing item set for 10:30 a.m.

Items 54 through 59 were Executive Session items.

Item 60 was an action on Executive Session item.

Item 61 was a briefing item set for 2:00 p.m.

Items 62 through 71 were zoning items set for 4:00 p.m.

Items 72 through 78 were public hearing items set for 6:00 p.m.

### **BRIEFINGS**

53. Staff briefing and update on the Waller Creek project  
The presentation was made by Joe Pantaloni, Assistant Director for Watershed Protection and Development Review.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:30 a.m.

### **EXECUTIVE SESSION**

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

54. Discuss legal issues relating to the development of the Green Water Treatment Plant and Austin Energy Control Center sites (Private Consultation with Attorney - Section 551.071). Related to Item # 58.  
**This item was withdrawn.**

**Item 55 was discussed later in Executive Session.**

56. Discuss legal issues related to a claim presented by Robertson Hill Land, Ltd. for breach of contract (concerns a cost reimbursement contract (Private consultation with attorney - Section 551.071). Related to Item #60.
57. Discuss legal issues related to the administration of employee heritage events. (Private Consultation with Attorney - Section 551.071).  
**This item was withdrawn.**
58. Discuss legal issues related to the redevelopment of the Seaholm Water Intake building and property (Private Consultation with Attorney - Section 551.071). Related to Item #54.  
**This item was withdrawn.**
59. Discuss real estate issues related to the redevelopment of the Seaholm Water Intake building and property (Real Property - Section 551.072). Related to Item #55.  
**This item was withdrawn.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:56 a.m.**

#### **ACTION ON EXECUTIVE SESSION**

60. Approve a settlement of the claim presented by Robertson Hill Land, Ltd. for breach of contract (concerns a cost reimbursement contract). Related to Item #56.  
**The motion for a settlement in the amount of \$785,805 cost overruns, in addition to the initial authorization of \$550,000, as presented by Robertson Hill Land, Ltd. was approved on Council Member McCracken's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

#### **CITIZEN COMMUNICATION: GENERAL**

Marcelo Tafoya -- Chicano Quality of Life.

Marcos De Leon -- Chicano Quality Of Life. He was not present when his name was called.

Frances Martinez -- Chicano Quality of Life. Council Member Leffingwell requested information from staff regarding necessary funding and staffing to have bathrooms at Palm Park.

Gavino Fernandez, Jr. -- Chicano Quality of Life Paul Robbins - City Issues

Paul Hernandez -- Chicano Quality Of Life

Paul Robbins – City Issues

Gus Pena - 1.City Issues and Budget 2. Crime is on the increase 3 Please advocate for our Veterans. Veterans are being denied services by different Governmental Agencies. Veterans need job training, affordable housing, healthcare, employment, opportunities. Remember "Don't Forget, Hire the Vet"

David Smallwood - APD needs to serve and protect in a friendly, courteous, respectful manner and instead they act like KKK, They've isolated a black person on a country road. He was not present when his name was called.

Joye Pulshier - Austin is not a green City- we need to do more. She was not present when her name was called.

Carolannerose Kennedy - LETTER TO OSAMA O'DRAMA AND SONG FOR HILLARY. She was not present when her name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:30 p.m.

#### EXECUTIVE SESSION CONTINUED

55. 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). Related to Item # 59.

Executive Session ended at 2:24 p.m.

Mayor Wynn recessed the Council Meeting at 2:25 p.m.

Mayor Wynn called the Council Meeting back to order at 3:35 p.m.

#### BRIEFING

61. Presentation and discussion relating to the CreateAustin cultural master plan including an overview of the process and community recommendations.  
The presentation was made by Vincent Kitch, Cultural Arts Program Manager for Economic Growth and Redevelopment Services; Bill Bulick, Principal for Creative Planning Inc.; Cookie Gregory Ruiz, Executive Director for Ballet Austin; and, Rosy Jalifi, Assistant Director for Economic Growth and Redevelopment Services.

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Kim was off the dais.

62. 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.

**Ordinance No. 20080605-062 for neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning with amendments was approved. The amendments were to replace the words “accessory use” with “two-family use” and to allow an accessory building to be a maximum of 15 percent of site area.**

63. C14-2007-0225 - Parmer Place - Approve second/third readings of 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. First reading approved on May 8, 2008. Vote: 7-0. Applicant: Austin Dessau, LLC (Paul Joseph). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20080605-063 for multi-family residence-low density (MF-2) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2 was approved.**

64. C14-2008-0038 - 1705 & 1715 Guadalupe Street - Approve second/third readings of 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. First reading approved on May 8, 2008. Vote: 7-0. City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20080605-64 for downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning was approved. The property owners agreed to enter into a restrictive covenant which includes compliance with the City of Austin Great Streets design criteria for Guadalupe and West 18<sup>th</sup> Streets and the Austin Energy Green Building Program (GBP).**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was off the dais.

65. C14-2008-0071 - Twin Liquors - Hancock Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1000 E. 41st Street (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Thrower Design (Ron Thrower). Agent: Regency Centers, LP (Patrick Krejs). City Staff: Joi Harden.

**Ordinance No. 20080605-065 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved.**

66. C14H-2007-0017 - Dorothy Nichols Duplex - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 Lorrain Street (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Staff recommendation: To grant multi-family residence-medium

density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant multi-family residence-medium density-historic-neighborhood plan (MF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.  
**This item was postponed to July 24, 2008 at the staff's request.**

67. C14-2008-0088 - Allandale 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 Allandale Neighborhood Planning Area, bounded by West Anderson Lane on the north; Burnet Road on the east; West North Loop Boulevard and Hancock Drive on the south; and North MoPac Expressway Northbound on the west (Shoal 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 Allandale 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: Andrew Holubeck, 974-2054.  
**This item was postponed to June 18, 2008 at the staff's request.**

68. C14-2008-0032 - North Shoal Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the North Shoal Creek Neighborhood Planning Area, bounded by Research Boulevard Service Road southbound on the north; Burnet Road on the east; West Anderson Lane on the south; and North MoPac Expressway Northbound on the west (Little Walnut Creek watershed; Shoal 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 North Shoal Creek 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: Greg Montes, 974-2629.  
**This item was postponed to June 18, 2008 at the staff's request.**

69. C14-2008-0002.001 - North Loop Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to properties bounded by East 56th Street to the north, Middle Fiskville Road to the east, and the Austin and Northwestern Railroad to the west (Waller Creek; East Boggy Creek watersheds) within the North Loop Neighborhood Planning Area. 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 from the overlay district. Planning Commission Recommendation:

To grant vertical mixed use building (V) district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.

**Ordinance No. 20080605-069 for vertical mixed use building (V) district was approved.**

70. C14-2008-0019.001- 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 2121 South Lamar Boulevard (West Bouldin Creek watershed) within the South Lamar Neighborhood Planning Area. 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 2121 South Lamar Boulevard from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

**The first reading of the ordinance for vertical mixed use building (V) district was approved.**

71. C14-2008-0034 - University 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 University Hills Neighborhood Planning Area, bounded by U.S. Highway 290 and U.S. Highway 183 on the north, U.S. Highway 183 on the east, Manor Road on the south and Northeast Drive on the west (Little Walnut 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 University Hills Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

**This item was postponed to June 18, 2008 at the staff's request.**

**Mayor Wynn recessed the Council Meeting at 4:18 p.m.**

### **LIVE MUSIC**

Mike & Ike

### **PROCLAMATIONS**

Proclamation -- Employee Safety Month -- to be presented by Mayor Will Wynn and to be accepted by Shelley Buchman

Proclamation -- The Superhero Group -- to be presented by Mayor Will Wynn and to be accepted by Stephen Schultz and Matt Curtin

Distinguished Service Award -- Lolita Slagle -- to be presented by Mayor Will Wynn and City Manager Marc Ott and to be accepted by the honoree



Proclamation -- National Homebuyer Month Proclamation -- Reusable Bag Day -- to be presented by Council Member Lee Leffingwell and to be accepted by Brian Block

Proclamation -- CPR/AED Awareness Week -- to be presented by Mayor Will Wynn and to be accepted by Jason Martin and Brian Bowser

Proclamation -- Reusable Bag Day -- to be presented by Council Member Lee Leffingwell and to be accepted by Brian Block

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

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

72. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code relating to the East Sixth Street/Pecan Street (PS) Overlay District. (Alternate Recommendation by Planning Commission.)  
**This item was postponed to June 18, 2008 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.**
73. Conduct a public hearing and consider an ordinance amending Chapters 2-1 and 25-2 of the City Code to amend the requirements and process for approving a planned unit development (PUD) district. (Recommended by Environmental Board and Planning Commission.)  
**This item was postponed to June 18, 2008 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.**
77. Conduct a public hearing and consider an ordinance amending City Code Chapter 5-1 (Housing Discrimination), the 2006 International Residential Code, and the 2005 Electrical Code to require all new single-family homes and duplexes to comply with certain accessibility or "visitability" standards now applicable only to publicly funded housing. Recommended by the Austin Mayor's Committee for People with Disabilities. No recommendation from the Electrical Board. Scheduled for review by the Building and Fire Code Board of Appeals on June 4th.  
**This item was postponed to June 18, 2008 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.**
74. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Richard P. Whitmore on behalf of Mr. Marc A. Knox and Ms. Janna S. Knox to allow construction of a single-family residence at 10021 Wild Dunes Drive in the 100-year floodplain of Onion Creek with proposed finished floor elevation being one foot above the 100-year floodplain elevation and limiting the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by excluding the footprint of the proposed structure from the easement dedication requirement.  
**The public hearing was closed and the motion to deny the variance request was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was off the dais.**
75. Conduct a public hearing and consider an ordinance granting a site-specific amendment to City Code Section 25-8-514 (Save our Springs Initiative) to allow construction of a pollution prevention device upstream of Dry Fork Sink in the Critical Water Quality Zone of Williamson Creek. Recommended by the Environmental Board, the Code and Ordinance Subcommittee of the Planning Commission and the Planning Commission.

The public hearing was closed and Ordinance No. 20080605-075 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Kim was off the dais.

76. Conduct a public hearing on the proposed elimination of the replacement provisions for non-conforming off-premise signs under City Code Chapter 25-10 (Sign Regulations), and consider an ordinance amending various sections of Chapter 25-10 regarding off-premise signs and mobile billboards. Reviewed by the Design Commission; Urban Transportation Commission; Codes and Ordinances Subcommittee of the Planning Commission; and the Planning Commission.

The public hearing was closed and the motion to approve the ordinance failed on a 4-2 vote. Those voting aye were: Mayor Pro Tem Dunkerley and Council Members Leffingwell, Martinez and McCracken. Those voting nay were: Mayor Wynn and Council Member Cole. Council Member Kim was off the dais.

The motion to reconsider this item was approved on Council Member McCracken's motion, Council Member Martinez' second on a 6-0 vote. Council Member Kim was off the dais.

The public hearing was closed and Ordinance No. 20080605-076 was approved with the following amendments on Council Member Martinez' motion, Council Member McCracken's second on a 5-1 vote. Mayor Wynn voted no and Council Member Kim was off the dais. The amendments include: Delete City Code Section 25-10-152(B)(5), which allows replacement of existing non-conforming signs, and renumber the remaining sections accordingly. Also delete any references to this provision elsewhere in the code, including all of Section 25-10-152(B) (6) (j). This amendment is consistent with the Planning Commission's recommendation to eliminate the replacement provisions. Make the following clarifications: A. In order to discourage illegal replacement, add the following language (from the original resolution) to Section 25-10-152(B) (5) (b): Any tract upon which an off-premise sign has been unlawfully replaced shall not be eligible as a site for a relocated sign. B. In order to strengthen the registration requirements, add the following language (from the original resolution) to Section 25-10-152(F) (1) (e): A sign owner is prohibited from relocating a sign if the sign owner is in violation of the registration requirements for any sign owned by that sign owner within the City's jurisdiction.

78. Conduct a Public Hearing to receive citizen comments on the City's (1) Annual Action Plan for Fiscal Year 2008-2009, required by the U.S. Department of Housing and Urban Development (HUD), and (2) the Community Development Fiscal Year 2008-2009 Program, required by Chapter 373, Texas Local Government Code, including proposed funding allocations for Fiscal Year 2008-2009.

The public hearing was conducted.

Mayor Wynn adjourned the meeting at 7:18 p.m. without objection.

The minutes for the Regular meeting of June 5, 2008 were approved on this the 18th day of June 2008 on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.