

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JUNE 18, 2008**

**Invocation:** Rev. Joseph C. Parker, Jr., David Chapel Missionary Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 18, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:28 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 Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

1. Approve the minutes of the Austin City Council Worksession from June 4, 2008, the June 5, 2008 Regular meeting and amendment to the minutes from the meeting of May 15, 2008.  
The minutes of the Work Session of June 4, 2008, the June 5, 2008 Regular meeting and an amendment to the minutes from the meeting of May 15, 2008 were approved.
2. Approve an ordinance amending the Fiscal Year 2007-2008 Austin Energy Operating Budget of Ordinance No. 20070910-003 to decrease the Austin Energy Operating Fund Ending Balance by \$662,944 and increase the total Operating Requirements by the same amount in order to fund the addition of 36.5 new full time equivalent positions. Funding in the amount of \$662,944 is available from the ending balance of the Austin Energy Operating Fund. To be reviewed by the Electric Utility Commission on June 16, 2008. Recommended by the Electric Utility Commission.  
Ordinance No. 20080618-002 was approved.
3. Authorize negotiation and execution of an agreement with Greater Austin Performing Arts Center, Inc., d/b/a The Long Center for Austin Energy to purchase and install electrical equipment and infrastructure to provide power sources for outside events. Funding in the amount of \$89,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. To be reviewed by the Electric Utility Commission on June 16, 2008. Recommended by the Electric Utility Commission.  
The motion authorizing the negotiation and execution of an agreement with Greater Austin Performing Arts Center, Inc. was approved.
4. Approve a resolution appointing a stakeholders' group to the Executive Management Committee of the Austin-LCRA Water Partnership in accordance to the Supplemental Water Supply Agreement between

City of Austin and LCRA, and providing that a stakeholder is not a City official within the definition of City Code, Chapter 2-7. There is no unanticipated fiscal impact.

**Resolution No. 20080618-004 was approved.**

5. Authorize negotiation and execution of a one year Interlocal Agreement with two 12 month extensions for a potential total term of 3 years, between the City of Austin (COA) and the Lower Colorado River Authority (LCRA) to promote the Water IQ water conservation awareness campaign in an amount not to exceed \$200,000 for the initial 12 months, \$225,000 for the first extension, and \$250,000 for the second extension for a total amount not to exceed \$675,000. Funding in the amount of \$200,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for remaining 24 months of the contract period and extension options are contingent upon available funding in future budgets. Scheduled for review by the Water and Wastewater Commission on June 18, 2008.

**The motion authorizing the negotiation and execution of an interlocal agreement was approved.**

6. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Wastewater Cost Reimbursement Agreement with Lennar Buffington Zachary Scott, L.P. modifying the payment schedule; and waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments. Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Scheduled for review by the Water and Wastewater Commission on June 18, 2008. Related to item #12 and #19

**Ordinance No. 20080618-006 was approved.**

7. Authorize negotiation and execution of the Seventh Amendment to the Interlocal Agreement between the City and the Travis County Healthcare District to include two clinics, William Cannon Center and Red River Center, that were created after the effective date of the Interlocal Agreement, thereby, placing those clinics under the direction and control of the City as required by the Federal grantor. Funding for the William Cannon Center is available in the Fiscal Year 2007-2008 Operating Budget of Community Care Services Division. Funding for the Red River Center will be available in Community Care Services Division's Fiscal Year 2008-2009 Operating Budget.

**The motion authorizing the negotiation and execution of the seventh amendment to the interlocal agreement between the City and the Travis County Healthcare District was approved.**

8. Approve a resolution authorizing the fee simple acquisition of Lot 31, Richland Estates Section one, a subdivision in Travis County, Texas, located at 1304 Hyman Lane, from Manuela M. Guajardo for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$108,000 for the land and improvements and \$31,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$149,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20080618-008 was approved.**

9. Approve an ordinance vacating a portion of the 4200 block of North Lamar Boulevard. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.

**Ordinance No. 20080618-009 was approved.**

10. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, Texas for Williamson Creek - Bannockburn Storm Drain Improvements in the amount of \$1,575,584.50 plus a \$78,779.50 contingency, for a total contract amount not to exceed \$1,654,364. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. Lowest of 16 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 the achievement of Good Faith Efforts with 5.69% MBE and 2.06% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved.**

11. Authorize execution of a construction contract with BENITEZ CONSTRUCTION, INC. (MBE 64.82%), Austin, Texas, for the Austin Clean Water Program (ACWP) Rio Grande - MLK to 29th Street Wastewater Improvements project in the amount of \$427,097.50 plus a \$21,355 contingency for a total contract amount not to exceed \$448,452.50. Funding in the amount of \$448,452.50 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lowest bid of 12 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 16.26% MBE and 5.83% WBE subcontractor participation. Scheduled for review by the Water and Wastewater Commission on June 18, 2008.

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

12. Authorize execution of a construction contract with SOUTHLAND CONTRACTING, INC., Fort Worth, TX, (90.71%) for the Zachary Scott Subdivision Wastewater Improvements Tunnel Project in the amount of \$6,629,771.50 plus a \$320,000 contingency, for a total contract amount not to exceed \$6,949,771.50. Funding in the amount of \$6,949,771.50 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Lower bid of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.68% MBE and 2.47% WBE subcontractor participation. Scheduled for review by the Water and Wastewater Commission on June 18, 2008. Related to item #6 and #19

**The motion authorizing the execution of a construction contract with Southland Contracting, Inc. was approved.**

13. Authorize execution of a construction contract with AAR, INC., Liberty Hill, Texas for the Health and Human Services Department Demolition of Buildings Project located at 7201 Levander Loop in an amount not to exceed \$414,600. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Health and Human Services Department. Lowest compliant bid of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 17.47% MBE and 4.33% WBE.

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

14. Authorize execution of a contract through THE TEXAS COOPERATIVE PURCHASING NETWORK (TCPN) with GREENWAY ENTERPRISES, Austin, TX for the purchase of an electrical upgrade for the Austin Convention Center Department in the amount of \$977,948. Funding is available in the Fiscal Year 2007-2008 Capital Improvement Project Budget of the Austin Convention Center Department. 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 exempt under Chapter 791 of the Texas Government Code. No subcontracting opportunities were identified; therefore, no goals were established.

**The motion authorizing execution of a contract through The Texas Cooperative Purchasing Network (TCPN) with Greenway Enterprises was approved.**

15. Authorize execution of a contract through THE TEXAS COOPERATIVE PURCHASING NETWORK (TCPN) with L. D. TEBBEN COMPANY INC (Non M/WBE 70.89%), Austin, TX for the purchase of Roof Improvements and HVAC Upgrades at the Glen Bell Service Center in the amount of \$992,734 plus

a \$49,600 contingency, for a total contract amount not to exceed \$1,042,334. Funding in the amount of \$1,042,334 is available in the Fiscal Year 2007 - 2008 Capital Budget of the Austin Water Utility. Cooperative Purchase This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Scheduled for review by the Water and Wastewater Commission on June 18, 2008.

**The motion authorizing the execution of a contract through The Texas Cooperative Purchasing Network (TCPN) with L.D. Tebben Company Inc. was approved.**

16. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, Texas for engineering services for Austin-Bergstrom International Airport (ABIA) East Runway System Perimeter Road Construction in the amount of \$200,000 for a total contract amount not to exceed \$545,158.04. Funding in the amount of \$200,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 15.39% DBE subconsultant participation to date. Recommended by the Austin Airport Advisory Commission.

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

17. Authorize negotiation and execution of professional service agreements with the following seven firms: CAMP, DRESSER & MCKEE, INC. (CDM), Austin, TX; CHIANG, PATEL & YERBY, INC., Austin, TX; KALLURI GROUP, INC., (MBE/MA) HOUSTON, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; CH2M HILL, INC., Austin, TX; KENNEDY/JENKS CONSULTANTS, INC., Austin, TX and MWH AMERICAS, INC., Austin, TX to provide engineering services for the Water and Wastewater System Facility Engineering Rotation List, for the years 2008 through 2011 or until available funding authorization is expended, with a total of the seven agreements in an amount not to exceed \$7,000,000. 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 28 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. Scheduled for Water and Wastewater Commission Meeting June 18, 2008.

**This item was withdrawn.**

18. Authorize negotiation and execution of a professional services agreement with STANLEY CONSULTANTS, INC., Austin, TX, for engineering services relative to the construction phase services of the 3-million gallon elevated Avery Ranch Reservoir in an amount not to exceed \$470,057. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract was originally approved as a cost re-imbursement in 1999 and as such was in compliance with Chapter 2-9B of the City Code Minority-Owned and Women-Owned Business Enterprise Procurement Program. Scheduled for review by the Water and Wastewater Commission on June 18, 2008.

**The motion authorizing the negotiation and execution of a professional services agreement with Stanley Consultants, Inc. was approved.**

19. Authorize negotiation and execution of a professional services agreement with LJA ENGINEERING & SURVEYING, INC., Austin, TX, for construction phase engineering services for the Zachary Scott Subdivision Wastewater Improvements Tunnel project in an amount not to exceed \$350,000. Funding in the amount of \$350,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water

Utility. This contract was originally approved as a cost re-imbursement in 2003 and as such was in compliance with Chapter 2-9B of the City Code Minority-Owned and Women-Owned Business Enterprise Procurement Program. Scheduled for review by the Water and Wastewater Commission on June 18, 2008. Related to item #6 and #12

**The motion authorizing the negotiation and execution of a professional services agreement with LJA Engineering & Surveying, Inc. was approved.**

20. Authorize negotiation and execution of a professional services agreement with ELLERBE BECKET INC., Minneapolis, MN for consulting services for the new Energy Control Center project in an amount not to exceed \$3,500,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Energy Department. Best qualification statement of 10 statements 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 of 16.5% MBE and 14.2% WBE subconsultant participation. To be reviewed by Electric Utility Commission June 16, 2008. Recommended by the Electric Utility Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with Ellerbe Becket Inc. was approved.**

21. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., Pflugerville, TX to provide support services for the Watershed Protection and Development Review Department Flood Hazard Mitigation Program, for an initial term of five years, in the amount of \$8,000,000 with the option to extend for up to two additional terms of one year each for \$1,000,000 each additional year, for a total contract amount not to exceed \$10,000,000. Funding in the amount of \$8,000,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department for the Flood Hazard Mitigation Buyout Program. Funding for future fiscal years is subject to the approval of future capital budgets and Congressional approval of future U.S. Army Corps of Engineers (USACE) funding. This program will be funded by a combination of City and USACE funding. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal of 7.50% DBE subconsultant participation.

**The motion authorizing the negotiation and execution of a professional services agreement with HDR Engineering Inc. was approved.**

22. Authorize the negotiation and execution of an economic development loan agreement and related documents providing for a loan with APPLE ANNIES, INC. in an amount not to exceed \$250,000, for the redevelopment of property located at 319 Congress Avenue, under the City's Business Retention and Enhancement (BRE) Program. Funding in the amount of \$250,000 is included in the Business Retention and Enhancement Fund.

**The motion authorizing the negotiation and execution of an economic development loan agreement and related documents providing for a loan with Apple Annies, Inc. in an amount not to exceed \$250,000 was approved.**

23. Approve an ordinance amending the Fiscal Year 2007-2008 Operating Budget of the Business Retention and Enhancement Fund of Ordinance No. 20070910-003 to increase the beginning balance by \$353,167 for a total beginning balance of \$369,889, increase expenditures by \$189,302 for total expenditures of \$250,000, and increase the ending balance by \$163,865 for a total ending balance of \$163,865; and appropriating \$250,000 for a Business Retention and Enhancement Fund Program loan to Apple Annies, Inc. for façade and interior improvements. Funding in the amount of \$189,302 is available from revenues collected through the BRE Program Fund.

**Ordinance No. 20080618-023 was approved.**

**Item 24 was pulled for discussion.**

25. Authorize the ratification of an Agreement for Automatic Aid Assistance between the City of Austin and Travis County Emergency Service District Number 9 (TCESD#9) to enable the City to pay TCESD #9 \$77,927.38 for fire protection and emergency response services provided to certain parts of the City in 2007, and authorize negotiation and execution of the Amendment Number 1 of the Agreement for Automatic Aid Assistance for a one-year term, commencing January 1, 2008 for an annual amount not-to-exceed \$100,000, with up to three one-year renewal options in an amount not to exceed \$100,000 per year, for a total contract amount not-to-exceed \$477,927.83. Funding in the amount of \$77,927.83 for calendar year 2007 service is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Fire Department. Funding for the one-year renewal terms is contingent upon available funding in future budgets.

**The motion authorizing the ratification of an Agreement for Automatic Aid Assistance between the City of Austin and Travis County Emergency Service District Number 9 (TCESD#9) was approved.**

26. Approve negotiation and execution of a nine-month contract with AIDS SERVICES OF AUSTIN INC., Austin, TX for the delivery of HIV-related outreach and medical nutrition therapy services in an amount not to exceed \$143,737, with one 12-month renewal option in an amount not to exceed \$143,737 for a total contract amount not to exceed \$287,474. Funding in the amount of \$143,737 is available in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part A HIV Emergency Relief Services grant. The contract period is June 1, 2008 to February 28, 2009. The grant period is March 1, 2008 to February 28, 2009. Austin Area Comprehensive HIV Planning Council initially approved allocation of funds for the purchase of these services on July 11, 2007, and reconfirmed their allocation plan on March 11, 2008, following receipt of the Notice of Grant Award.

**The motion for the negotiation and execution of a contract with AIDS Services of Austin Inc. was approved.**

27. Approve a resolution amending Resolution No 20080117-022 pertaining to the City Manager's housing allowance, to clarify the duration of the allowance. Funding is available in the Fiscal Year 2007-2008 Operating Budget.

**Resolution No. 20080618-027 was approved.**

28. Authorize execution of change order #12 to the construction contract with SOUTHWEST CORPORATION, AUSTIN, TEXAS, for additional plumbing and electrical work, for the Manchaca Road Branch Library Improvements Project, in the amount of \$9,655.73, for a total contract amount not to exceed \$650,893.47. Funding in the amount of \$9,655.73 is available in the Fiscal Year 2007-2008 Capital Budget of the Library Department. 12.53% MBE and 1.61% WBE subcontractor participation to date including this change order.

**The motion authorizing the execution of change order #12 to the construction contract with Southwest Corporation was approved.**

29. Authorize negotiation and execution of an agreement with the Austin Public Library Foundation concerning the use of Block 21 proceeds and the use of Foundation matching funds for the purpose of establishing and maintaining limited use accounts that dedicate the interest from the accounts to operating and maintenance costs of the new central library. The Foundation is required to provide matching funds. Proceeds from the sale of Block 21, approximately \$9.9 million, will be placed in a fund to generate interest income to help operate the new central library. Term is 10 years commencing July 1, 2008.

The motion authorizing the negotiation and execution of an agreement with the Austin Public Library Foundation was approved.

30. Approve an ordinance amending Chapter 2-1 of the City Code relating to City Boards and Commissions; amending Chapter 14-2 of the City Code relating to the People's Renaissance Market; and repealing Section 2-1-106 of the City Code relating to the Austin Area Comprehensive HIV Planning Council, Section 2-1-109 of the City Code relating to the Austin-Travis County EMS Advisory Board, Section 2-1-149 of the City Code relating to the Impact Fee Advisory Committee, Section 2-1-166 of the City Code relating to the Renaissance Market Commission, Section 2-1-170 relating to the Sign Control Board, Section 2-1-184 relating to the Urban Renewal Agency, and Section 14-2-42 relating to an appeal by an applicant or licensee to sell merchandise at the People's Renaissance Market.  
**Ordinance No. 20080618-030 was approved with amendments. The amendments were to remove the last sentence in Part 7 (D) and to strike Parts 16, 17, 18, 19, 20, 21, 22, 23, 29, 30 and 34; staff is directed to bring all struck provisions back in a new ordinance on July 24, 2008.**
31. Approve the negotiation and execution of a loan to Apple Annies, Inc., Austin, Texas, in an amount not to exceed \$250,000 under the Neighborhood Commercial Management Loan Program, in compliance with applicable federal requirements and performance goals, to purchase furniture, fixtures, equipment and machinery for a restaurant located at 319 Congress, Austin, Texas. Funding in the amount of \$250,000 is available from the Neighborhood Commercial Management Program Section 108 Loan Fund which is a portion of the Fiscal Year 2007 - 2008 Neighborhood Housing and Community Development Department Special Revenue Fund. This loan is subject to completion of the federal environmental assessment and fund release process.  
**The motion for the negotiation and execution of a loan to Apple Annies, Inc. in an amount not to exceed \$250,000 was approved.**
32. Approve an ordinance granting approval of the location of a Capital Metropolitan Transit Authority commuter rail train station at Howard Lane and MoPac Blvd., pursuant to Section 451.153, Texas Transportation Code. Recommended by Zoning and Platting Commission.  
**Ordinance No. 20080618-032 was approved.**
33. Approve an ordinance to annex the St. Dominic Catholic High School Annexation Area for full purposes (Approximately 45 acres in Williamson County located at 9400 Neenah Avenue, approximately three quarters of a mile east of the intersection of Parmer Lane and Lakeline Blvd). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.  
**Ordinance No. 20080618-033 was approved.**
34. Approve an ordinance authorizing execution of an Advance Funding Agreement and acceptance of \$1,505,000 in funds from the Texas Department of Transportation (TxDOT); and amending the Fiscal Year 2007-2008 Parks and Recreation Department Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$1,505,000 for construction of the Northern Walnut Creek Hike & Bike Trail Phase 2 project; and amending the Fiscal Year 2007-2008 Parks and Recreation Department Capital Budget of Ordinance No. 20070910-004 to appropriate \$1,505,000 from the Parks and Recreation Department Special Revenue Fund for the Northern Walnut Creek Hike & Bike Trail Phase 2 project. Funding in the amount of \$457,150 for grant participation is available in the Fiscal Year 2007-2008 Amended Capital Budget of the Parks and Recreation Department; funding in the amount of \$1,505,000 is available in grant funds from the Texas Department of Transportation.  
**Ordinance No. 20080618-034 was approved.**

35. Authorize negotiation and execution of an addendum to the existing agreement with the Friends of the O. Henry Museum Inc., a Texas non-profit organization, for the City to reimburse costs in an amount not to exceed \$523,675 for improvements and renovations to the Suzanna Dickinson House; and authorizing the City Manager to establish best value selection criteria for contract awards using the best value competitive bidding process. Funding in the amount of \$523,675 is included in the Parks and Recreation Department amended Fiscal Year 2007 - 2008 Capital Budget.  
**The motion authorizing the negotiation and execution of an addendum to the existing agreement with the Friends of the O. Henry Museum Inc. was approved.**
36. Approve an ordinance amending Chapter 9-2 (Noise and Amplified Sound) of the City Code to authorize issuance of a permit allowing operation of equipment to deliver and pour concrete in the Central Business District between 7:00 p.m. and 6:00 a.m.  
**Ordinance No. 20080618-036 was approved.**
37. Approve a resolution authorizing execution of an Interlocal Agreement with the Capital Metropolitan Transportation Authority (Capital Metro) for the establishment and maintenance of quiet zones at various highway-rail grade crossings along the Capital Metro commuter rail line, to eliminate the need for sounding of locomotive audible warning devices at such crossings. Related to Item #38.  
**Resolution No. 20080618-037 was approved.**
38. Approve an ordinance amending City Code Section 13-4-61, "Railroad Quiet Zones", to add Capital Metropolitan Transportation Authority (Capital Metro) commuter rail line quiet zones. Related to Item #37.  
**Ordinance No. 20080618-038 was approved.**
39. Approve an ordinance amending Section 12-4-64(D) of the City Code to reduce the length of the existing 20 miles per hour school zone on Exposition Boulevard. This action will modify the existing school zone designation to reflect the location of signage for the 20 mph school zone on Exposition Boulevard in front of Casis Elementary School. Funding is available in Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20080618-039 was approved.**
40. Authorize negotiation and execution of an Assignment Agreement between the City of Austin and West Campus Partners III Limited Partnership, a Texas limited partnership for the 23rd Street Streetscape Improvement Project in the amount of \$165,496.70. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Neighborhood Planning and Zoning Department.  
**The motion authorizing the negotiation and execution of an Assignment Agreement between the City of Austin and West Campus Partners III Limited Partnership was approved.**
41. Authorize award and execution of Amendment No. 2 to a requirements services contract with SUCCESSFACTORS (USA), San Mateo, CA, for the purchase of an Application Service Provider (ASP) performance management software, software maintenance, training and related consulting services by increasing the contract authority in an estimated amount not to exceed \$300,000 for the current term, increase the first extension option in an estimated amount of \$150,000, reduce the third extension option (by \$150,000), and delete the final extension option (\$300,000), for a revised total estimated contract amount not to exceed \$1,899,999. Funding in the amount of \$58,333 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise



Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of amendment number 2 to a requirements services contract with Successfactors (USA) was approved.**

42. Authorize award and execution of three 12-month requirements service contracts for grounds maintenance services with the following vendors: ANDY J. WILHELM, San Marcos, TX, for services at lift-stations in the southwest region and water pump stations in the north, south, and west regions in an estimated amount not to exceed \$133,212, with three 12-month extension options in an estimated amount not to exceed \$122,365 per extension option, for a total estimated contract amount not to exceed \$500,307; with STILLWATER LANDSCAPES, Elgin, TX to provide services for lift-stations in the northwest in an estimated amount not to exceed \$45,965, with three 12-month extension options in an estimated amount not to exceed \$37,655 per extension option, for a total estimated contract amount not to exceed \$158,930; and with BIO-GARDENER, Austin, TX to provide services to lift-stations in the northeast and southeast region in an estimated amount not to exceed \$43,737, with three 12-month extension options in an estimated amount not to exceed \$41,957, per extension option, for a total estimated contract amount not to exceed \$169,608. Funding in the amount of \$74,305 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. Lowest bids of six 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. Scheduled for Water and Wastewater Commission meeting on June 18, 2008.

**The motion authorizing the award and execution of three requirements service contracts with Andy J. Wilhelm, Stillwater Landscapes and Bio-Gardener was approved.**

43. Approve ratification of Amendment No. 1 to the contract with HAYWARD BAKER, INC., Keller, TX for additional work that was performed during the emergency repair of a 72-inch diameter water transmission main for the Austin Water Utility (AWU) in an amount not to exceed \$57,567.50, for a total revised contract amount not to exceed \$376,326.50. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Emergency Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Scheduled for the Water and Wastewater Commission on June 18, 2008.

**The motion for the ratification of amendment number 1 to the contract with Hayward Baker, Inc. was approved.**

44. Authorize award and execution of a five-year requirements service contract with TRANSPORTATION SECURITY CLEARINGHOUSE, Alexandria, VA, for fingerprinting and criminal history background check services in an estimated amount not to exceed \$300,000, with two 5-year extension options in an estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed \$900,000. Funding in the amount of \$15,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Aviation Department. Funding for the remaining 57 months of the original contract period is contingent upon 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 Austin Airport Advisory Commission.

**The motion authorizing the award and execution of a requirement service contract with Transportation Security Clearinghouse was approved.**

45. Authorize award and execution of a five-year contract with HONEYWELL INTERNATIONAL INC., San Antonio, TX, for software support and maintenance that is used to manage the heating, ventilation, and cooling (HVAC) system for the Aviation Department in an amount not to exceed \$305,575, with one 5-year extension option in an amount not to exceed \$305,575, for a total contract amount not to exceed \$611,150. Funding in the amount of \$15,279 is available in the Fiscal Year 2007-2008 Operating Budget of the Aviation Department. Funding for the remaining 57 months of the original contract period and extension option is contingent upon 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 Austin Airport Advisory Commission. **The motion authorizing the award and execution of a contract with Honeywell International Inc. was approved.**
46. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with SOUTHWEST SOLUTIONS GROUP INC, Round Rock, TX, for the purchase and installation of a spacesaver storage system for the Aviation Department in an amount not to exceed \$50,819.22 Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Aviation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission. **The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Southwest Solutions Group Inc. was approved.**
47. Authorize award, negotiation, and execution of Amendment No. 1 to a cooperative contract through the United States General Services Administration with CIGNEX TECHNOLOGIES, INC., Santa Clara, CA for the Open Government Online Web Redesign Project to extend and increase the authorization of the current contract term for six additional months in an estimated amount not to exceed \$979,168, and add one three-month extension option in an estimated amount not to exceed \$200,000, for a total revised estimated contract amount not to exceed \$1,229,093.60. Funding in the amount of \$479,168 is available in the Fiscal Year 2007-2008 Capital Budget of the Financial Services Department, Communications and Technology Management Office. Funding for the remaining two months of the original contract period and the extension option is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. **The motion authorizing the award, negotiation and execution of amendment number 1 to a cooperative contract through the United States General Services Administration with Cignex Technologies, Inc. was approved.**
48. Authorize award, negotiation and execution of a 24-month requirements service contract with DELOITTE & TOUCHE LLP, Austin, TX, for professional auditing services in an estimated amount not to exceed \$1,695,395, with three 12-month extension options in estimated amounts not to exceed \$915,644 for the first extension option, \$964,582 for the second extension option and \$1,016,457 for the third extension option, for a total estimated contract amount not to exceed \$4,592,078. Funding in the amount of \$375,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department. Funding for the remaining 20 months of the original contract period and extension options 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 Business Enterprise Procurement Program) through the achievement of good faith efforts with 15% MBE Subcontractor Participation. Recommended by the Audit and Finance Committee.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Deloitte and Touche LLP was approved.**

49. Authorize award and execution of a 36-month requirements supply contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with GULF COAST PAPER COMPANY, Corpus Christi, TX, for janitorial supplies in an estimated amount not to exceed \$3,018,000. Funding in the amount of \$335,333 is available in the Fiscal Year 2007-2008 Operating Budget of various City Departments. Funding for the remaining 32 months is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Gulf Coast Paper Company was approved.**

50. Authorize award and execution of an 11-month requirements supply contract through America Saves Program with OFFICEMAX Contract Inc., Warren, MI, for the purchase of office supplies, printer equipment and supplies, and office equipment in an estimated amount not to exceed \$41,000. Funding in the amount of \$11,182 is available in the Fiscal Year 2007-2008 Operating Budgets of the Financial and Administrative Services Department, City Clerk's Office, and the Economic Growth and Redevelopment Services Office. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through America Saves Program with OfficeMax Contract Inc. was approved.**

51. Authorize award and execution of a 36-month requirements supply contract with D.F. SALES, Channelview, TX, for the purchase of bench stock parts for the Fleet Services in an estimated amount not to exceed \$204,913, with three 12-month extension options in an estimated amount not to exceed \$75,246 for the first extension option, \$79,008 for the second extension option, and \$82,959 for the third extension option, for a total estimated contract amount not to exceed \$442,126. Funding in the amount of \$22,768 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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 D.F. Sales was approved.**

52. Authorize award and execution of three contracts through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with EQUIPMENT SOUTHWEST, Irving, TX for the purchase of one truck-mounted dump body with front loader attachment in an amount not to exceed \$86,292.50; with PLANET DODGE, Humble, TX for the purchase of four platform trucks and one

service body truck in an amount not to exceed \$218,381; and with FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of one volumetric concrete mixer truck and one step van service truck in an amount not to exceed \$262,140. Funding in the amount of \$129,868 is available in the Fiscal Year 2007-2008 Vehicle Acquisition Fund. Funding in the amount of \$157,784 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection Development and Review Department. Funding in the amount of \$86,292.50 is available in the Fiscal Year 2007-2008 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$192,869 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of three contracts through the Texas Local Government Purchasing Cooperative (Buyboard) with Equipment Southwest, Planet Dodge and Freightliner of Austin was approved.**

53. Authorize award and execution of a 36-month requirements supply contract with KLEPZIG MATERIAL & TRUCKING, Hutto, TX, for decomposed granite aggregate in an estimated amount not to exceed \$330,000, with three 12-month extension options in an estimated amount not to exceed \$110,000 per extension option, for a total estimated contract amount not to exceed \$660,000. Funding in the amount of \$27,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Parks and Recreation Department. Funding for the remaining 33 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Klepzig Material and Trucking was approved.**

54. Authorize award and execution of a 36-month requirements service contract with NET TRANSCRIPTS, INC., Tempe, AZ, for transcription services for the Austin Police Department in an estimated amount not to exceed \$555,792, with three 12-month extension options in an estimated amount not to exceed \$185,264 per extension option, for a total estimated contract amount not to exceed \$1,111,584. Funding in the amount of \$46,331 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department. Funding for the remaining 33 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

55. Authorize award and execution of a 12-month requirements supply contract with STRUCTURAL & STEEL PRODUCTS, INC., Fort Worth, TX for the purchase of steel traffic signal poles and mast arms in an estimated amount not to exceed \$621,431, with four 12-month extension options in estimated amounts not to exceed \$683,575 for the first extension option, \$751,932 for the second extension option, \$827,125 for the third extension option, and \$909,838 for the fourth extension option, for a total estimated contract amount not to exceed \$3,793,901. Funding in the amount of \$207,144 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Funding for the remaining eight 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 Structural and Steel Products, Inc. was approved.

56. Authorize award and execution of a 36-month requirements service with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, TX for weed and lot mowing/clearing, tire disposal, and right-of-way and orphan property maintenance services in an estimated amount not to exceed \$2,557,538, with three 12-month extension options in estimated amounts not to exceed \$1,028,424 for first extension option, \$1,131,267 for second extension option, and \$1,244,393 for the third extension option, for a total estimated contract amount not to exceed \$5,961,622. Funding in the amount of \$284,171 is available in the Fiscal Year 2007-2008 Operating Budget of the Solid Waste Services Department. Funding for the remaining 32-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). This contract is a cooperative purchase with the services performed by disabled persons; therefore, it is exempted under Chapter 122, Title 8 of the Human Resources Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service with Texas Industries for the Blind and Handicapped (TIBH) was approved.

57. Approve an ordinance authorizing the City Manager to negotiate and execute an amendment to the Letter of Credit and Reimbursement Agreement between the City and Landesbank Hessen-Thüringen Girozentrale relating to the \$50,000,000 Combined Utility Systems Taxable Commercial Paper Notes program, and the approval of all related documents. The estimated \$250,000 Letter of Credit fee will be included in the Fiscal Year 2008-2009 Proposed Operating Budget of Austin Energy and is contingent upon approval of future funding. There is no unanticipated fiscal impact. A fiscal note is not required. Ordinance No. 20080618-057 was approved.

58. 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 Airport Advisory Commission

Carolyn Lowe

Council Member McCracken

Building and Fire Code Board of Appeals

Steve King

Council Member Leffingwell

Downtown Street Event Closure Task Force

Paul Carrozza - CoChair

Jack Hightower - CoChair

Chip Brees

Gary Manley

David Merhar

Tom Segesta

Carol Arnold

Nad Elias

Mayor Wynn

Council Member Leffingwell

Council Member Cole

Mayor Pro Tem Dunkerley

Council Member Kim

Council Member Martinez

Council Member Leffingwell

Council Member Leffingwell

Jamie Lagarde  
Ramona Magid  
Paul Noetzel  
Matthew Payne  
Jennifer Stuart  
Kathie Tovo  
John Conley

Council Member Leffingwell  
Council Member Leffingwell  
Council Member Leffingwell  
Council Member Leffingwell  
Council Member Leffingwell  
Council Member Leffingwell  
Council Member McCracken

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Arron Brooks

Council Member Cole

Water and Wastewater Commission

Cheryl Scott Ryan

Mayor Wynn

**Appointments to Intergovernmental Bodies**

Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board

Appointing Council Member Cole and Council Member Leffingwell to the board to positions currently held by Mayor Pro Tem Dunkerley and Council Member Kim.

59. Approve a resolution directing the City Manager to conduct a feasibility study for combining the functions of the Cultural Affairs Division of the Parks and Recreation Department with the Cultural Contracts Funding Program, Art in Public Places Program, and Civic Arts Program of the Cultural Arts Division from Economic Growth and Redevelopment Services Office into a new City Department of Arts and Culture. (Council Member Mike Martinez Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)  
**Resolution No. 20080618-059 was approved.**
60. Approve a resolution directing the City Manager to allocate \$25,000 from the Holly Good Neighbor "Cultural Arts" Projects to fund the ATX Music Festival on July 27, 2008. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)  
**Resolution No. 20080618-060 was approved.**
61. Approve a resolution directing the City Manager to allocate \$50,000 from the Holly Good Neighbor "After School" Program to fund the HOSTS Mentoring & Intervention Solutions Program at Metz Elementary School. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)  
**Resolution No. 20080618-061 was approved.**
62. Approve a resolution directing the City Manager to negotiate and execute all documents necessary to enter into a long term lease agreement with Williamson County for the purpose of leasing approximately 37.34 acres of parkland in support of the regional Brushy Creek Trail & Greenway project and to contribute \$150,000 from the Parks and Recreation Department Fiscal Year 2008 - 2009 Capital Budget to Williamson County. (Council Member Brewster McCracken Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)  
**Resolution No. 20080618-062 was approved.**

63. Approve a resolution directing the City Manager to initiate amendments to the East 11th Street Neighborhood Conservation Combining District to ensure consistency with proposed revisions to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley and Council Member Lee Leffingwell )  
**Resolution No. 20080618-063 was approved. Direction was given to staff to initiate the appropriate amendments for the 12<sup>th</sup> Street Neighborhood Conservation Combining District to ensure consistency with proposed revisions to the Urban Renewal Plan.**
64. Approve a resolution directing the City Manager to review City Code provisions and operating policies related to large annual events in the downtown area to address public safety issues and to provide a report to Council on or before August 28, 2008. (Council Member Sheryl Cole Council Member Lee Leffingwell )  
**This item was postponed to July 24, 2008.**
65. Set a public hearing to consider the use of approximately 128,384 square feet (2.95 acres) for Drainage use, approximately 43,416 square feet (1.00 acre) for Storm Water Subterranean Tunnel use, approximately 7,567 square feet (0.17 acre) for Access use, approximately 48,170 square feet (1.11 acres) for Temporary Working Space use and approximately 74,078 square feet (1.70 acres) for Temporary Staging Area and Material Storage Site use for the construction of the Waller Creek Tunnel Project through dedicated parkland known as Waterloo Park, Waller Creek Greenbelt, Palm Park and Waller Beach Park near Lady Bird Lake in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: July 24, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. To be reviewed by the Parks and Recreation Board June 24, 2008.  
**The public hearing was set for July 24, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**
66. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Gabriel A. Bruehl, P.E. of Bury & Partners, Inc. on behalf of their client, Fortis Communities - Austin, L.P., to allow construction of a commercial office building and parking garage at 800 West 6th Street and 600-700 West Avenue in the 25-year and 100-year floodplains of Shoal Creek. The applicant proposes finished floor elevations two feet 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 structures from the easement dedication requirement. (Suggested date and time: July, 24, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set for July 24, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**
67. Set a public hearing to consider an appeal by Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield of the Watershed Protection and Development Review Department Director's decision to approve an administrative site plan permit for Hyde Park Baptist Church's Religious Assembly/Education building located at 3901 Speedway (SP-2007-0321C). (Suggested date and time: July 24, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set for July 24, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**

Items 68 through 72 were Executive Session items.

Item 73 was an action on Executive Session item.

Items 74 through 89 were zoning items set for 4:00 p.m.

Items 90 through 98 were public hearing items set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:39 p.m.

#### EXECUTIVE SESSION

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

68. Discuss legal issues relating to the settlement in the Matter of the Application of Hays County Water Control and Improvement District No. 1 for Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014293001, Before the State Office of Administrative Hearings, SOAH Docket No. 582-08-0202, TCEQ Docket No. 2007-1426-MWD (concerns permit for direct discharge of waste water into Bear Creek)(Private consultation with Attorney - Section 551.071). Related to Item #73.

Items 69 through 72 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:28 p.m.

#### CITIZEN COMMUNICATIONS: GENERAL

Akwasi Evans - African American Quality of life

Carolannerose Kennedy - THE DEAD KENNEDY'S: UNCLES and SKUNKLES. She was not present when her name was called.

Nailah Sankofa - Issues of black artists in east Austin and public transportation concerns

Sylvia Mendoza - I can't get a dental appointment because every time I call, they are booked

Erika Gonzalez -- Protect the East Austin community! Relocate Pure Casting Industrial Facility away from Zavala Elementary, Pan Am Rec Center, and hundreds of homes!

Carmen Llanes -- Protect the East Austin community! Relocate Pure Casting Industrial Facility away from Zavala Elementary, Pan Am Rec Center, and hundreds of homes!

Madelein Santibanez -- Protect the children & families of East Austin - Relocate Pure Casting Facility, 2110 E. 4th Street

Diana Perez- Estrada -- Protect the East Austin community! Relocate Pure Casting Industrial Facility away from Zavala Elementary, Pan Am Rec Center, and hundreds of homes!

Susana Almanza -- Protect the children - Relocate chemical using facility, Pure Casting from residential community!



Gus Pena - 1. Discuss City Issues 2. Crime is on the increase 3. Please allocate more funding for social service issues. This economy is bad, it affects senior citizens, the poor, the needy and have nots. We are in a recession. Let's acknowledge it and deal with it 4. Please fully fund and expand youth programs (summer) keep youth active. Advocate for veteran issues

### ACTION ON EXECUTIVE SESSION

73. Approve the settlement in the Matter of the Application of Hays County Water Control and Improvement District No. 1 for Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014293001, Before the State Office of Administrative Hearings, SOAH Docket No. 582-08-0202, TCEQ Docket No. 2007-1426-MWD (concerns permit for direct discharge of waste water into Bear Creek) Related to Item #68.

The motion to adopt the settlement in the matter of the application of Hays County Water Control and Improvement District number 1 was approved with conditions on Council Member Leffingwell's motion, Council Member Kim's second on a 6-0 vote. Council Member Martinez was off the dais. The conditions were to approve the settlement contingent upon the approval of the settlement agreement by the other governmental bodies who are parties.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:07 p.m.

### EXECUTIVE SESSION CONTINUED

69. 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).
70. 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).  
**This item was withdrawn.**
71. Discuss legal issues related to the administration of employee heritage events. (Private Consultation with Attorney - Section 551.071).  
**This item was withdrawn.**
72. Discuss legal issues relating to the labor negotiations for Fire, Police, EMS, and PSEM departments. (Private consultation with Attorney Section 551.071).

Executive Session ended and Mayor Wynn recessed the Council Meeting at 2:46 p.m.

Mayor Wynn called the Council Meeting back to order at 4:20 p.m.

### DISCUSSION ITEM

24. Approve a resolution authorizing the City Manager to: (1) negotiate and execute an exclusive negotiating agreement with one of five developers; and (2) negotiate an agreement with that developer, for the sale and redevelopment of the Green Water Treatment Plant and the Austin Energy Control Center.  
Resolution No. 20080618-024 naming Trammel Crow as the developer was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on 7-0 a vote. Direction was given to staff to provide written response to legal questions.

### 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.

74. C14-2008-0050 - Clark & Southside 13 - Approve second/third readings of an ordinance amending Chapter 25-2 of the City Code by rezoning property locally known as 8104 and 8200 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning, rural residence-conditional overlay (RR-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on May 22, 2008. Vote: 7-0. Applicant: Southside Storage, Inc. (Bobby New) and Chris Clark. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. **Ordinance No. 20080618-074 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
77. C14-2008-0045 - St. Dominic Savio Catholic High School - Approve second/third readings of 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. First reading approved on May 22, 2008. Vote: 7-0. Applicant: Catholic Diocese of Austin (Bishop Gregory M. Aymond). Agent: Baker-Aicken & Associates (David Kneuper, P.E.) City Staff: Sherri Sirwaitis, 974-3057. **Ordinance No. 20080618-077 for general office-conditional overlay (GO-CO) combining district zoning was approved with an effective date of July 7, 2008.**
79. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1A, 1B, 1D and 2 - 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 Tracts 1A, 1B, 1D and 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. First Reading approved on May 22, 2008. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request. **Ordinance No. 20080618-079 excluding Tracts 1A, 1B, 1D and 2 from the Vertical Mixed Use Overlay district was approved.**
81. C14-2008-0019.001- South Lamar 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 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. First Reading approved on June 5, 2008. Vote: 6-0 (Kim off the dais.) Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

**Ordinance No. 20080618-081 for Vertical Mixed Use Building (V) zoning was approved.**

82. C14-2008-0043 - Barton Hills 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 Barton Hills Neighborhood Planning Area, bounded by Robert E. Lee, Rabb Road, Rae Dell Avenue, Barton Skyway, and 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. First Reading approved on May 22, 2008. Vote: 6-0 (Martinez-off the dais). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Gregory Montes, 974-2629.

**Ordinance No. 20080618-082 for Vertical Mixed Use Building (V) zoning was approved.**

### **ZONING CONSENT ITEMS**

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

83. C14-06-0144(RCA) - Rancho Alto Commercial - Conduct a public hearing to approve a restrictive covenant amendment for the property located at the southeast corner of Frate Barker Road and Rancho Alto Road (Bear Creek Watershed). Staff Recommendation: To amend the restrictive covenant and clarify that its application is limited to the subject property. Zoning and Platting Commission Recommendation: To amend the restrictive covenant and clarify that its application is limited to the subject property. Applicant: Rancho Alto Ventrues, Ltd. (Doyle Wilson). Agent: Carlson, Brigance & Doering, Inc. (Debbie Guerra). City Staff: Wendy Rhoades, 974-7719.

**The restrictive covenant amendment was approved.**

84. C14-2007-0259 - Govalle-Johnston Terrace Combined 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 Govalle-Johnston Terrace Combined Neighborhood Planning Area, bounded by the Austin and Northwestern Railroad on the north, U.S. 183 on the east, the Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (East Boggy Creek, Colorado River, Fort Branch and Tannehill Branch 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 Govalle-Johnston Terrace Combined 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 August 7, 2008 at the staff's request.**

85. 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 and to exclude certain tracts from the mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.  
**This item was postponed to July 24, 2008 at the staff's request.**
86. C14-2008-0043(PART) - 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 Tract 4B, located at 3600 South Lamar within the Barton Hills Neighborhood Planning Area (Barton Creek; West Bouldin 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 Tract 4B from the overlay district. Planning Commission Recommendation: To exclude Tract 4B 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.  
**This item was postponed to August 7, 2008 at the owner's request.**
87. C14-2007-0262 - Central Austin Combined 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 Central Austin Combined Neighborhood Planning Area, bounded by 38th Street on the north, IH-35 on the east, Martin Luther King, Jr. Boulevard on the south, excluding the University of Texas at Austin campus, and Lamar Boulevard and 45th Street on the west (Shoal Creek, Waller 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 Central Austin Combined Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To be reviewed on June 24, 2008. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.

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

89. 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.

The first reading of the ordinance for vertical mixed use building (V) district was approved. Tract six is allowed dimensional standards.

#### ZONING DISCUSSION ITEMS

75. C14-2007-0067 - Clawson - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3608 and 3706 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. First reading approved on October 11, 2007. Vote: 6-0 (Cole off the dais). Second reading approved on January 10, 2008. Vote: 7-0. Applicant: Maria Riccobono, Richard Roberts and James Barnett. Agent: Jay Dupont. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

Ordinance No. 20080618-075 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote. The owner has agreed to comply with the Austin Energy Green Building program, achieve a minimum of two star rating and implement the following water conservation measures: provide more efficient toilets and; multi family residential units, including condominiums, shall be separately metered or sub-metered for water use. The conditional overlay was a maximum of 300 vehicle trips per day.

76. C14-2007-0144 - 800 West Avenue - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Avenue (Shoal Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First reading approved on November 29, 2007. Vote: 7-0. Applicant: Joseph T. Wells. Agent: Armbrust and Brown (Lynn Ann Carley). City Staff: Robert Heil, 974-2330.

A motion to deny the postponement and to approve the ordinance for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was made by Mayor Pro Tem Dunkerley and seconded by Council Member McCracken.

The substitute motion to postpone this item to July 24, 2008 was approved on Council Member Leffingwell's motion, Council Member Kim's second on a 4-3 vote. Those voting aye were: Mayor

Wynn and Council Members Kim, Leffingwell and Martinez. Those voting nay were: Mayor Pro Tem Dunkerley and Council Members Cole and McCracken.

Mayor Wynn recessed the Council Meeting at 5:40 p.m.

### LIVE MUSIC

Acadia

### PROCLAMATIONS

Certificate of Congratulations -- Mr. Natural -- to be presented by Council Member Mike Martinez and to be accepted by Jesus and Maria Mendoza

Distinguished Service Awards -- Mayor Pro Tem Dunkerley, Council Member Jennifer Kim and their staff members -- to be presented by the Mayor and Council Members and to be accepted by the honorees

"Quittin' Time" song in honor of Mayor Pro Tem Betty Dunkerley to be sung by Michael Hill

Mayor Wynn called the Council Meeting back to order at 7:11 p.m.

### DISCUSSION ITEMS CONTINUED

78. C14-2008-0066 - Overton-5 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7700 and 7704 Latta Drive (Williamson Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to family residence (SF-3) district zoning with conditions. First reading approved on May 22, 2008. Vote: 7-0. Applicant: Volma and Shirley Overton. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**The motion to approve the ordinance for single-family residence-standard lot (SF-2) district zoning that was made by Council Member Leffingwell failed due to the lack of a second.**

**Ordinance No. 20080618-078 for family residence (SF-3) district zoning with conditions was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Leffingwell voted nay. The conditions were all those presented in the first reading plus allowing a maximum of 12 dwelling units on the property.**

80. C14-2008-0019-South Lamar 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 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. First reading

approved on May 22, 2008. Votes: 6-1 (Leffingwell-nay); 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

**Ordinance No. 20080618-080 for vertical mixed use building (V) zoning was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote. The conditions were all those presented in the first reading and excluding Tract 4.**

88. 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.
- The public hearing was closed and the first reading of the ordinance was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote as follows. Tracts 1, 4, 6, and 11-15 were approved for vertical mixed use building (V) zoning with dimensional standards, parking reduction and uses in office districts. Tract 5 was approved for vertical mixed use building (V) zoning with no incentives. Tracts 2-3 and 7-10 were excluded from the vertical mixed use Overlay District. An affordability level of 80% of the median family income for 10% of rental units in a vertical mixed use building was included.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTIONS**

95. Conduct a public hearing and 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.
- This item was postponed to July 24, 2008 on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.**
96. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code relating to University Neighborhood Overlay (UNO) District redevelopment requirements. Recommended by Planning Commission.
- The motion to keep the public hearing open and adopt the first reading of the ordinance was approved on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.**
97. 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.)
- The public hearing was closed and Ordinance No. 20080618-097 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
94. Conduct a public hearing and consider an ordinance amending City Code Chapter 5-1 (Housing Discrimination), City Code Section 25-12-241 (Residential Code), and the 2006 International Residential

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, and waiving the requirement for a technical board recommendation under Section 25-1-502(D). Recommended by the Austin Mayor's Committee for People with Disabilities. No recommendation from the Building and Fire Code Board of Appeals, which tabled the amendments on June 4th, 2008, or the Electrical Board.

The public hearing was closed and Ordinance No. 20080618-094 was approved with amendments on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. The amendments were: to require all new single-family and duplex construction, whether public or private, to include: A) blocking in a first-floor bathroom, so that it can be easily converted for wheelchair use; and B) if a bathroom is provided on the first floor, have at least one bathroom with a door that is 30-inches clear or greater in width; and C) delete the section of the ordinance repealing the current visitability requirements for publicly funded housing. Direction was given to staff to work with all the stakeholders on a voluntary incentivized program that is substantial in nature to see how much voluntary compliance can be encouraged over the next 24 months. Staff was directed to report back to Council and see if it is appropriate to add more mandatory provisions. Direction was also given to staff to evaluate the total number of visitable units currently in the city and to assess the projected need for visitability. All legislative language provided to Council in the agenda backup should be incorporated into the ordinance along with all the other amendments.

92. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code relating to the use, site development, and permitting requirements applicable to a fly tower (the structure and rigging used to move set pieces, lights, microphones, and other equipment on and off stage) within a performing arts theater.

The public hearing was closed and the first reading of the ordinance with the following amendments was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. Direction was given to staff to bring back on July 24, 2008. The amendments were:

(1) Fly towers shall be subject to Residential Compatibility Standards; (2) the provisions of the ordinance shall include "private" as well as public performing arts theatres; (3) amendment shall apply to a small number of zoning district in which theatres would normally operate, specifically: Central Business District (CBD); Downtown Mixed Use (DMU); Commercial Services (CS); and Commercial – Liquor Sales (CS-1) and (4) a performing arts theatre with a fly tower that exceeds the maximum height of the base zoning district, up to 33% of the zoning district height limit, shall be a Conditional Use subject to discretionary approval.

90. Conduct a public hearing and consider an ordinance that amends and continues City Code Chapter 9-3, relating to juvenile day and night time curfews.

The public hearing was closed and Ordinance No. 20080618-090 was approved on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

91. Conduct a public hearing and consider an ordinance adopting an interim update to the Austin Tomorrow Comprehensive Plan. (Recommended by Environmental Board and Planning Commission.)

The public hearing was closed and the first reading of the ordinance was approved on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Kim was off the dais.



93. Conduct a public hearing and 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 related sections of city code regarding compatibility and to single family and duplex site development standards and procedures. Reviewed by the Planning Commission.

The public hearing was closed and Ordinance No. 20080618-093 was approved as amended on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote. The amendments were: to correct a typo on page 10 to state that a sidewall articulation is required when the structure is an "average distance of less than 9 feet" rather than "9 feet or less;" and to include an uncoded section directing the City Manager to conform the drawings to the revised code language.

98. 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.

There was a motion to close the public hearing and approve the first reading of the ordinance that was made by Council Member Martinez' and seconded by Council Member Leffingwell. Council directed staff to clean up the language in the ordinance concerning affordability before the final reading.

Council Member McCracken offered a friendly amendment that 2.5.3 should read, "Either at least 10% of the units or 10% of the rental habitable square footage and 2.5.4 would read 5% of owner occupied or 5% of habitable square footage within the PUD." This was not accepted by Council Member Martinez, the maker of the motion.

Council Member McCracken offered the following amendment to the main motion that was seconded by Council Member Cole and passed on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Dunkerley and Council Members Cole and McCracken. Those voting nay were: Council Members Kim, Leffingwell and Martinez. The amendment was that 2.5.3 should read, "Either at least 10% of the units or 10% of the rental habitable square footage and 2.5.4 would read 5% of owner occupied or 5% of habitable square footage within the PUD."

On Council Member Martinez' motion and Council Member Leffingwell's second, without objection the main motion was amended to approve the ordinance on all three readings and to include in the ordinance a provision that requests for PUD district zoning initiated before the adoption of this ordinance shall be processed and reviewed under the standards in effect on the date of adoption of this ordinance and those standards are continued in effect for that purpose only.

There was a substitute motion from Council Member McCracken to approve the first reading only of the ordinance allowing staff time to clean up the language concerning affordability. This failed for lack of a second.

Council Member McCracken offered a friendly amendment that the language in 2.5.3 and 2.5.4 regarding units being on-site or off-site be deleted so that 2.5.3 and 2.5.4 specify that affordable units must be a certain percentage and meet the other requirements of those sections to receive the bonus. This was accepted by Council Member Martinez, the maker of the motion.

The public hearing was closed and Ordinance No. 20080618-098 was approved with the amendments on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 12:38 a.m. without objection.

The minutes for the Regular meeting of June 18, 2008 were approved on this the 24th day of July 2008 on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.