

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 21, 2008**

Invocation: Pastor Gordon S. Jones, Alpha 7th Day Adventist 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, August 21, 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.

Mayor Wynn asked Council Members to report on upcoming agenda items; however, none were mentioned.

CONSENT AGENDA

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

1. Approve the minutes of the Austin City Council August 7, 2008 Regular meeting.
The minutes from the meeting of August 7, 2008 were approved.

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

3. Authorize execution of a Lease and Hangar Facility Development Agreement with Ascend AUS, LLC of Hayward, CA to design, construct, and operate a new general aviation facility at Austin-Bergstrom International Airport providing additional hangar facilities for private jet aircrafts for up to twenty-one acres of land at Austin-Bergstrom International Airport for a term not to exceed thirty years from the date of beneficial occupancy of the hangar facilities. This is a revenue generating contract. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the execution of a lease and hangar facility development agreement with Ascend AUS, LLC was approved.

Item 4 was pulled to be discussed after the related Executive Session item.

5. Authorize the negotiation and execution of two Interlocal Agreements between the City of Austin and the Capital Area Council of Governments (CAPCOG) related to the City of Austin's participation in the enhanced 9-1-1 emergency telephone system. The first agreement provides \$390,899 to the City for addressing maintenance of the 9-1-1 database on a county-wide basis for a 12-month period. The second

agreement provides \$7,000 to the City to maintain the CAPCOG Public Service Answering Points (PSAP), upgrade their equipment, and train personnel to participate in the enhanced 9-1-1 emergency telephone system in the ten-county CAPCOG region. Total reimbursements to the City for the 1-year period under both Interlocal Agreements will be \$397,899. Reimbursements from CAPCOG in the amounts of \$390,899 and \$7,000 are anticipated in the Fiscal Year 2008-2009.

The motion authorizing the negotiation and execution of two interlocal agreements between the City of Austin and the Capital Area Council of Governments (CAPCOG) was approved.

6. Approve an ordinance giving the name Tarryhill Place to an unnamed easement near the intersection of Bowman Avenue and Pecos Street in the Tarrytown area. The application fee of \$415 has been paid. The processing fee of \$250 has been determined, for one street sign to be located where the unnamed easement enters Bowman Avenue.

Ordinance No. 20080821-006 was approved.

7. Authorize negotiation and, upon City's receipt of grant funds, execution of an Interlocal Agreement among the City, the Travis County Healthcare District and the University of Texas Medical Branch under which the City will purchase tubal ligation services from the University of Texas Medical Branch for eligible Austin Women's Hospital patients from September 1, 2008 through February 28, 2009, using grant funds awarded to the City by the Texas Department of State Health Services, in an amount not to exceed \$276,408. Funding in the amount of \$46,068 is included in the Fiscal Year 2007-2008 Operating Budget of the Community Care Services Department. Funding for the remaining five months of the contract period is contingent upon available funding in future budgets.

The motion authorizing the negotiation and, upon City's receipt of grant funds, execution of an interlocal agreement among the City, the Travis County Healthcare District and the University of Texas Medical Branch was approved.

8. Authorize the fee simple acquisition of Lot 11-A, resubdivision of Lots 9 through 11 and Lots 33 through 35 Richland Estates Section One, a subdivision in Travis County, Texas, located at 1214 Harrison Lane, from John and Hilda G. Reyes for the Richland Estates Voluntary Buyout, in the amount of \$126,000 for the land and improvements and \$29,000 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$165,000. Funding in the amount of \$165,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

The motion authorizing the fee simple acquisition was approved.

9. Approve the negotiation and execution of a 60 month lease with two five-year renewal options for 37,857 square feet of office space located at 1124 South Interstate Highway 35 from HOUSING AUTHORITY OF THE CITY OF AUSTIN, for the Communication and Technology Management Office, in an amount not to exceed \$10,386,067. Funding in the amount of \$559,905 for the first year of the lease is available in the Fiscal Year 2008-2009 Proposed Operating budget of the Financial Services Department, Communication and Technology Management. The remaining 48 months of the initial term and the two five-year renewal options are contingent upon available funds in future budgets.

The motion for the negotiation and execution of a lease from Housing Authority of the City of Austin was approved.

10. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS L.P. (MBE/MH 62.64%), Austin, Texas for Traffic Systems Management (TSM) - Stassney at IH 35 Intersection Improvement in an amount of \$268,957 plus a \$13,448 contingency, for a total contract amount not to exceed \$282,405. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. One bid received. This contract will be awarded in compliance with Chapter

2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.12 % MBE and 4.16 % WBE subcontractor participation.

The motion authorizing the execution of a construction contract with Aaron Concrete Contractors L.P. was approved.

11. Authorize execution of a construction contract with TOPSIDE CONTRACTING (MBE-MH 69.60%), San Antonio, Texas for the Austin-Bergstrom International Airport Maintenance Building 8250 Roof Improvements Rebid Project in an amount not to exceed \$92,110. Funding is available in the Fiscal Year 2007-2008 Capital Budget of The Department of Aviation. Lowest bid of four received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the execution of a construction contract with Topside Contracting was approved.
12. Approve an ordinance authorizing the acceptance of grant funds in the amount of \$80,000 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Operating Budget Special Revenue Fund Ordinance No. 20070910-003 to appropriate \$80,000 for the prevention and reduction of diabetes and to transfer one full-time equivalent position from the Steps to a Healthier Austin grant program to the diabetes grant program. Funding in the amount of \$80,000 is available from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES. The grant period is from September 1, 2008 through August 31, 2009. No City match is required.
Ordinance No. 20080821-012 was approved.
13. Authorize negotiation and execution of an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, L.L.P., as lead negotiator and legal co-counsel related to labor negotiations for the Fire, Police, Emergency Management Services and Public Safety Emergency Management Departments in the amount of \$30,000 for a total contract amount not to exceed \$260,000. Funding is available in the Fiscal Year 2007-2008 Economic Development Fund.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, L.L.P. was approved.
14. Approve an ordinance authorizing the acceptance of \$100,000 in additional grant funds from the Texas State Library and Archives Commission for a total grant amount of \$300,000 for the Loan Star Libraries grant program; and amending the Fiscal Year 2007-2008 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$100,000. Funding is available from the Texas State Library and Archives Commission. The grant period is September 1, 2008 through August 31, 2009.
Ordinance No. 20080821-014 was approved.
15. Approve second/third readings of an ordinance adopting an interim update to the Austin Tomorrow Comprehensive Plan. Recommended by the Planning Commission.
This item was postponed to September 25, 2008.
16. Approve an ordinance amending Ordinance No. 20060323-Z003 to correct a mapping error for property located at 4919 Spicewood Springs Road described in Zoning Case C14-05-0202.
Ordinance No. 20080821-016 was approved.

17. Authorize execution of Amendment No. 3 to the requirements service contract with ASPLUNDH TREE EXPERT CO., Corpus Christi, TX to add three 12-month extension options for continued transmission utility line clearance services in an estimated amount not to exceed \$1,508,633 for the first extension option, \$1,524,171 for the second extension option, and \$1,532,158 for the third extension option, for a total contract amount not to exceed \$7,582,229. Funding in the amount of \$125,719.42 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 16.42% MBE and 0.50% WBE subcontractor participation to date.
The motion authorizing the execution of amendment number 3 to the requirements service contract with Asplundh Tree Expert Co. was approved.
18. Authorize execution of Amendment No. 4 to the requirements service contracts with ASPLUNDH TREE EXPERT CO., Corpus Christi, TX and DAVEY TREE SURGERY CO., Livermore, CA to add three 12-month extension options for continued distribution utility line clearance services in a combined amount not to exceed \$12,000,000 per extension option, for a total combined contract amount not to exceed \$60,000,000. Funding in the amount of \$2,000,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 10 months of the first extension option and the remaining options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 18.11% MBE and 0.49% WBE subcontractor participation to date (Asplundh); 27.61% MBE and 4.37% WBE subcontractor participation to date (Davey Tree).
The motion authorizing the execution of amendment number 4 to the requirements service contracts with Asplundh Tree Expert Co. and Davey Tree Surgery Co. was approved.
19. Authorize award and execution of a contract with CRAWFORD ELECTRIC, Austin, TX for the purchase of theatrical electrical components for the Long Center exterior expansion in an amount not to exceed \$77,899.28. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. 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.
This item was withdrawn.
20. Authorize award, negotiation, and execution of a 12-month requirements service contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, TX for custodial services in an estimated amount not to exceed \$976,274, with five 12-month extension options in estimated amounts not to exceed \$1,076,274 for the first extension option, \$1,176,274 for the second extension option, \$1,276,274 for the third extension option, \$1,376,274 for the fourth extension option, and \$1,476,274 for the fifth extension option, for a total estimated contract amount not to exceed \$7,357,644. Funding in the amount of \$27,864 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department. Funding for the remaining 11 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 2-9D 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 122, Title 8, Human Resources Code, of the Texas Government Code and no goals were established for this solicitation.
The motion authorizing the award, negotiation and execution of a requirements service contract with Texas Industries for the Blind and Handicapped (TIBH) was approved.

21. Approve ratification of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX for the purchase of 20 hybrid utility vehicles in an amount not to exceed \$535,874.38. Funding in the amount of \$106,485.36 is available in the Fiscal Year 2007-2008 Vehicle Acquisition Fund. Funding in the amount of \$190,271.96 is available in the 2007-2008 Capital Budget of the Austin Water Utility. Funding in the amount of \$53,042.68 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection & Development Review Department. Funding in the amount of \$132,606.70 is available in the Fiscal Year 2007-2008 Critical One-Time Budget for the General Fund of the Watershed Protection & Development Review Department. Funding in the amount of \$53,467.68 is available in the Fiscal Year 2007-2008 Operating Budget of the Health & Human Services Department. 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. Scheduled for review by the Water and Wastewater Commission on August 20, 2008.
The motion for the ratification of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Philpott Motors, Ltd was approved.
22. Authorize award and execution of a 36-month requirements supply contract with RUSSELL & SMITH FORD, Houston, TX for the purchase of heavy duty brake parts for city vehicles in an estimated amount not to exceed \$945,750, with three 12-month extension options in an estimated amount not to exceed \$347,288 for the first extension option, \$364,652 for the second extension option, and \$382,885 for the third extension option, for a total estimated contract amount not to exceed \$2,040,575. Funding in the amount of \$52,542 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of eight 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 Russell & Smith Ford was approved.
23. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX for the purchase of two cab and chassis with mounted animal control bodies in an amount not to exceed \$79,365.66. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Health & Human Services Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Philpott Motors, Ltd was approved.
24. Authorize award, negotiation and execution of a 16-month requirements service contract with UNIMERICA INSURANCE CO., Golden Valley, MN for a fully-insured group life insurance plan in an estimated amount not to exceed \$4,406,000, with two 12-month extension options in estimated amounts not to exceed \$4,871,000 for the first extension option and \$5,105,000 for the second extension option, for a total estimated contract amount not to exceed \$14,382,000. Funding for this contract and extension options is contingent upon available funding in future budgets. Best evaluated proposal of 10 proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority

Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a requirements service contract with Unimerica Insurance Co. was approved.

25. Authorize award, negotiation and execution of two requirements service contracts with United HealthCare Insurance Company, Plano, TX, as follows: 1) a 16-month service contract for a self-funded Health Maintenance Organization group medical plan with open access including provider network, utilization review, claims administration, and disease management services, and for Prescription Benefit Management services in an estimated amount not to exceed \$1,743,000, with three 12-month extension options in estimated amounts not to exceed \$2,036,000 for the first extension option, \$2,303,000 for the second extension option, and \$3,020,000 for the third extension option, for a total estimated contract amount not to exceed \$9,102,000; and 2) a 12-month service contract for Stop-Loss coverage for the self-funded Health Maintenance Organization group medical plan in an estimated amount not to exceed \$322,000, with three 12-month extension options in estimated amounts not to exceed \$407,000 for the first extension option, \$515,000 for the second extension option and \$651,000 for the third extension option, for a total estimated contract amount not to exceed \$1,895,000. Funding for this contract and extension options is contingent upon available funding in future budgets. These contracts will be funded by City, employee, and retiree contributions. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of two requirements service contracts with United HealthCare Insurance Company was approved.

26. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with WORTHINGTON CONTRACT FURNITURE, LP, Austin, TX, for furniture, fixtures and equipment for the North Village Branch Library for the Public Works Department in an amount not to exceed \$76,571.49. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Library Department. 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 Contract; therefore, it is exempted under Chapter 791 of the Texas Government Code. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Worthington Contract Furniture, LP was approved.

27. Authorize award and execution of a 36-month requirements service contract with SILVIA B. KENIG, INC., Austin, TX, (MWB) for Spanish language interpretation services at the Municipal Court in an estimated amount not to exceed \$1,802,400, with three 12-month extension options in an estimated amount not to exceed \$600,800 per extension option, for a total estimated contract amount not to exceed \$3,604,800. Funding in the amount of \$50,067 is available in the Fiscal Year 2007-2008 Operating Budget of the Municipal Court Department. Funding for the remaining 35 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 Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Silvia B. Kenig, Inc. was approved.

28. Approve ratification of an emergency contract with ERGON ASPHALT & EMULSIONS INC., Austin, TX for the supply of HFRS-2P asphalt emulsion for the Public Works Department for a total contract amount not to exceed \$876,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Emergency Purchase. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency contract; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion for ratification of an emergency contract with Ergon Asphalt & Emulsions Inc. was approved.
29. Authorize award and execution of a contract with LEOTEK ELECTRONICS USA, Santa Clara, CA for Light Emitting Diode (LED) traffic signal lamps in an amount not to exceed \$245,212.50. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a contract with Leotek Electronics USA was approved.
30. Authorize award and execution of a 60-month requirements service contract with BOND LOGISTIX, L.L.C. (BLX), Dallas, TX, for arbitrage compliance services in an estimated amount not to exceed \$251,250, with three 12-month extension options in an estimated amount not to exceed \$52,763 for the first extension option, \$55,401 for the second extension option, and \$58,171 for the third extension option, for a total estimated contract amount not to exceed \$417,585. Funding in the amount of \$4,188 is available in the Fiscal Year 2007-2008 Operating Budget of the Treasury Office. Funding for the remaining 59 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 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 Bond Logistix L.L.C. (BLX) was approved.
31. Approve the negotiation and execution of an agreement for a 12-month revenue sharing partnership with H-E-B Grocery Company (H-E-B) to implement a paper/cardboard recycling pilot collection program at four (4) Austin H-E-B store locations for an estimated net revenue of \$3,600. Revenue will be placed in the Operating Budget of the Solid Waste Services Department beginning in Fiscal Year 2008-2009. Revenue contract This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. This contract is a revenue contract; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Solid Waste Advisory Commission.
The motion for the negotiation and execution of an agreement for a revenue sharing partnership with H-E-B Grocery Company (H-E-B) was approved.
32. Approve an ordinance granting ZNET Texas, LP a license for placement of facilities in the public right of way. \$275,641 in Fiscal Year 2007-2008 General Fund Revenue
Ordinance No. 20080821-032 was approved.

33. Authorize negotiation and execution of a 12-month State Use Agreement with TIBH Industries, Inc. (formerly known as TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED) for vegetation control in creeks and detention/water quality ponds; and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,838,843. Funding in the amount of \$1,838,843 is included in the Fiscal Year 2008-2009 Proposed Operating Budget of the Watershed Protection & Development Review Department.
The motion authorizing the negotiation and execution of a State Use Agreement with TIBH Industries, Inc. formerly known as Texas Industries for the Blind and Handicapped was approved.
34. Approve issuance of a Street Event Permit subject to compliance with all administrative requirements for the 4th Annual Austin Bat Festival, a fee paid event on the South First Street Bridge, for a fundraising event. The event is scheduled to begin August 30, 2008 beginning at 2:00 p.m. and extending through August 31, 2008 at 10:00 p.m.
The motion for the issuance of a street event permit for the 4th Annual Austin Bat Festival was approved. Council Member Leffingwell voted nay.
35. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were made:

Board**Nominated By:**Austin Community Education Consortium

Doots DuFour

Mayor Wynn

Austin Community Technology and Telecommunications Commission

Lemuel Williams, Jr.

Council Member Morrison

Austin Mayor's Committee for People with Disabilities

Chip Howe

Council Member Shade

Austin Music Commission

Sara Hickman

Council Member Morrison

Commission for Women

Linda Medina

Council Member Martinez

Community Development Commission

Sharlene Perkins

Council Member Shade

Electric Utility Commission

Michael Warner

Council Member Martinez

Saltillo District Redevelopment Project Community Advisory Group

John Limon

Mayor Wynn

Water and Wastewater Commission

Chien Lee

Council Member Leffingwell

36. Approve waiver of the requirement for signatures by affected persons under Chapter 14-8 of the City Code for street closure associated with the Bat Fest Event to be held on August 30-31, 2008, in both the 100 and 200 block of South Congress on the Ann W. Richards Congress Avenue Bridge. (Council Member Sheryl Cole Council Member Laura Morrison Mayor Pro Tem Brewster McCracken)
This item was withdrawn.
37. Set a public hearing to consider the use of approximately 3,847 SF (0.088 acre) for a wastewater line and approximately 2,968 SF (0.068 acre) for a temporary work space to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the ACWP - Waller Pedernales Wastewater Improvement Project through dedicated parkland known as the Boggy Creek Greenbelt in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: September 25, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by Parks Board.
The public hearing was set for September 25, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.
38. Set a public hearing to consider an appeal by Frank Bomar of the Director's denial of a request for variances from right-of-way dedication requirements for an administrative site plan permit (Washington Mutual, SP-2008-1075C) for a financial services building located at 5615 Burnet Road. (Suggested date and time: August 28, 2008, 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.)
The public hearing was set for August 28, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, Texas.

Item 39 was a briefing item set for 10:30 a.m.

Items 40 through 43 were Executive Session items.

Items 44 and 45 were briefing items set for 2:00 p.m.

Items 46 through 71 were zoning items set for 4:00 p.m.

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

BRIEFING

39. Station Area Plan Presentation
The presentation was made by George Adams, Assistant Director for Neighborhood Planning and Zoning Department; Joe Pantalione, Assistant Director for Watershed Protection and Development Review; Sonya Lopez, Planner for Neighborhood Planning and Zoning Department; Stuart Strong, Acting Director for Parks and Recreation Department; Margaret Shaw, Director for Neighborhood Housing and Community Development; and Leslie Browder, Chief Financial Officer.

CITIZEN COMMUNICATION: GENERAL

Albert DeLoach -- Austin's Enchanted Forest

Pat Valls-Trelles -- Animal Issues

Paul Robbins -- City Issues. **His time was deferred to item No. 2.**

Gus Pena -- 1. Crime is on the increase 2. To discuss budget and its implications 3. To ensure the public is well served by a good budget, programs, employment, and health care 4. To advocate and support veterans issues, jobs, healthcare, real affordable housing, job training. Don't forget hire the VET 5. To discuss City Issues 6. Please increase funding for social service agencies that help the poor, the needy and the have nots.

Jimmy Castro -- Back to school for AISD

Laszlo Herczeg -- "Duplicate and conflicting city council ordinances for zoning case C14-05-0202"

Mary Arnold -- issues related to the city's golf program

Richard Troxell -- Homelessness in Austin

David Kobierowski -- Rehabilitation not incarceration

Ernest Samudio -- Ringling Brothers-Ordinances to ban cruel devices used on Elephants

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:31 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.

40. Discuss matters concerning Austin Energy fuel and generation resource plans (Public Power Utility Competitive Matter - Section 551.086). Related to Item #2.
42. Discuss legal issues relating to the labor negotiations for Fire, Police, EMS, and PSEM departments. (Private Consultation with Attorney - Section 551.071).
43. Discuss legal issues related to negotiation and execution of the renewal of a municipal franchise for Pedernales Electric Cooperative, Inc. (Private Consultation with Attorney - Section 551.071).
This item was withdrawn.

Executive Session ended at 3:22 p.m.

Mayor Wynn called the Council Meeting back to order at 3:27 p.m.

DISCUSSION ITEMS CONTINUED

2. Authorize negotiation and execution of a 20-year power purchase agreement with NACOGDOCHES POWER, LLC c/o BAYCORP HOLDINGS, LTD, Portsmouth, NH, for the purchase of 100 megawatts (MW) of biomass-generated power in an estimated amount of \$115,000,000 per year for a total estimated contract amount not to exceed \$2,300,000,000. Funding will be provided through the Electric Fuel Charge revenue or future Green Choice Charge revenue. 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. Recommended by the Electric Utility Commission. Recommended by the Resource Management Commission. Related to Item #40.

The motion authorizing the negotiation of a power purchase agreement with Nacogdoches Power, LLC in care of Baycorp Holdings, Ltd. was approved on Council Member Cole's motion, Mayor Wynn's second on a 7-0 vote. Staff was directed to hire outside legal counsel and postpone the execution of the agreement to August 28, 2008. Staff was directed to include requirements for reports in the contract that would be made available to the public through Austin Energy to address air emission, waste water discharge, and any other compliance or enforcement issues that have come up and to report on the fuel sources, the inputs, what they are, where they are coming from, and how much of each.

BRIEFINGS

44. Austin Technology Incubator Presentation

The presentation was made by Isaac Barchas, Austin Technology Incubator.

45. Presentation of the Fiscal Year 2008-2009 Proposed Budget for: Neighborhood Planning and Zoning, Watershed Protection and Development Review, Public Works - Transportation Fund, the Economic Growth and Redevelopment Services Office, and Austin Energy.

The presentation was made by Roger Duncan, Director of Austin Energy and Robert Goode, Assistant City Manager. The remainder of the budget presentation will be done on Wednesday, August 27, 2008 at 9:00 a.m.

Mayor Wynn recessed the Council Meeting for Live Music and Proclamations and to go into Executive Session at 5:45 p.m.

EXECUTIVE SESSION CONTINUED

41. Discuss legal issues related to the November 4, 2008 election, proposed ballot language, and proposed Stop Domain Subsidies Charter amendment including its effect on City projects and economic development agreements (Private Consultation with Attorney - Section 551.071). Related to Item #4.

LIVE MUSIC

Samantha Miller

PROCLAMATIONS

Executive Session ended at 7:18 p.m.

Mayor Wynn called the Council Meeting back to order at 7:25 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

75. Conduct a public hearing and consider an ordinance amending City Code Sections 25-1-83 and 30-1-114 regarding applications relating to development over a closed municipal solid waste landfill. Recommended by the Environmental Board on March 19, 2008 and the Code and Ordinance Subcommittee of the Planning Commission on June 17, 2008. Recommended by the Planning Commission on August 12, 2008.

This item was postponed to September 25, 2008 on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

78. Conduct a public hearing and 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.

This item was postponed indefinitely and withdrawn from the agenda on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

74. Approve second/third readings of an ordinance amending Chapter 25-2 of the City Code relating to University Neighborhood Overlay (UNO) District redevelopment requirements. Recommended by Planning Commission.

The public hearing was closed and the second reading of the ordinance was approved with amendments on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. The amendments should were that Section 25-2-754, Part 2, G(2) should read: "the parking area is screened from the street by a six foot tall solid wall." Section 25-2-760 should have provisions added so that all new sidewalks must be flush with the adjacent curb.

76. Conduct a public hearing and consider a resolution authorizing the use of approximately 46,000 square feet for Temporary Working Space use for the Green Water Treatment Plant Decommissioning and Deconstruction Project through dedicated parkland known as Sand Beach Reserve Park and Shoal Beach Park on Lady Bird Lake and portions of Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by Parks Board.

The public hearing was closed and Resolution No. 20080821-076 was approved on Mayor Pro Tem McCracken's motion, Council Member Martinez' second on a 7-0 vote.

77. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. and Mrs. Roel Martinez to allow construction of a single-family residence at 7406 Latta Drive in the 25-year and the 100-year floodplain of Williamson Creek and limiting the requirement to dedicate a drainage easement to the limits of the 100-year floodplain by excluding the footprint of the residence from the easement dedication requirement.

The public hearing was closed and Ordinance No. 20080821-077 was approved on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 6-0 vote. Council Member Cole was off the dais.

72. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2008-2009 Proposed Budget.

The public hearing was closed on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Martinez was off the dais. Direction was given to staff to identify targeted sidewalks in coordination with ADAPT.

DISCUSSION ITEMS CONTINUED

Item 4 was reconsidered later in the meeting.

ZONING CONSENT ITEMS

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

46. C14-2008-0082 - 1403 Morgan Lane - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Morgan Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and limited office (LO) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning for Tract 1; and general office-conditional overlay (GO-CO) combining district zoning for Tract 2. First reading approved on July 24, 2008. Vote: 5-0 (Cole and Shade off the dais.) Applicant and Agent: Robb Buchanan. City Staff: Jerry Rusthoven, 974-3207.
Ordinance No. 20080821-046 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning for Tract 1; and general office-conditional overlay (GO-CO) combining district zoning for Tract 2 was approved.
47. NPA-2008-0001.01 - Oak Meadows - Approve second/third readings of an ordinance amending Ordinance No. 980827-B, the Dawson Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation of 3715 South 1st Street (East Bouldin Creek Watershed) from civic to mixed use and multi-family use. First reading approved on July 24, 2008. Vote: 7-0. Applicant: South First Baptist Church (Susan Maipalni). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Dee Dee Quinnelly, 974-2976.
Ordinance No. 20080821-047 to change the land use designation to mixed use and multi-family use designation was approved.
48. C14-2008-0105 - Oak Meadows - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3715 S. 1st Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-vertical mixed use building-conditional overlay (GO-V-CO) combining district zoning. First reading approved on July 24, 2008. Vote: 7-0. Applicant: South First Baptist Church (Susan Maipalni). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Jerry Rusthoven, 974-3207.
Ordinance No. 20080821-048 for general office-vertical mixed use building-conditional overlay-neighborhood plan (GO-V-CO-NP) combining district zoning was approved.
49. 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 valid petition has been filed in opposition to this rezoning request.
The second reading of the ordinance for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved. Council Member Morrison voted nay.
50. C14-2008-0034 - University 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 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. First reading approved on July 24, 2008. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

Ordinance No. 20080821-050 was approved as follows: Tract 1 was zoned vertical mixed use building (V) with dimensional standards, parking reduction and additional ground floor uses in office districts. Tracts 2, 3, 4, 5 and 6 were excluded from the VMU overlay district. An affordability level of 60% of the median family income for 10% of rental units was included

51. C14-2008-0088 - Allandale 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 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. First reading approved on June 18, 2008. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

Ordinance No. 20080821-051 was approved as follows. Tracts 1, 4, 6, and 11-13 were approved for vertical mixed use building (V) zoning with dimensional standards, parking reduction and uses in office districts. 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.

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

52. C14-2008-0088 (PART)- Allandale Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and 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 tract 5 (6318-6546 1/2 Burnet Road), tract 14 (2917-3025 West Anderson Lane; 7847-7849 Shoal Creek Blvd), and tract 15 (7800-7858 Shoal Creek Blvd) 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 tracts 5A, 5B, 14A, 14B, and 15 from the overlay district. First Reading approved on July 24, 2008. Vote: 5-0 (Cole and Shade off the dais). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

Ordinance No. 20080821-052 was approved with the following amendment. Part 5, B should read: "Vehicular access for a vertical mixed use building (VMU) project on Tract 5B is prohibited from or through an adjacent residential property located along Nasco Drive, Twin Oaks Drive, or White Horse Trail, as currently configured, as well as from or through property zoned less intensely than CS-V. Emergency vehicular access is allowed for fire or safety purposes."

53. C14-2008-0044.001 - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations 5701 Cameron Road and 1200 Ridgehaven Drive within the Windsor Park Neighborhood Planning Area (Tannehill Branch; Fort Branch Watersheds) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to limited office-mixed use-vertical mixed use building-neighborhood plan (LO-MU-V-NP) combining district zoning. Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude 5701 Cameron Road and 1200 Ridgehaven Drive from the overlay district. Planning Commission Recommendation: To be reviewed on September 23, 2008. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.
This item was postponed to October 2, 2008 at the staff's request.
54. NPA-2008-0014.01 - Ben White/IH-35 Bioretention Extended Detention Pond - Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from commercial to civic for the property located at 5405 1/2 South IH-35 Service Road Northbound (Williamson Creek Watershed). Staff Recommendation: To approve Civic land use designation. Planning Commission Recommendation: To approve civic land use designation. Applicant: City of Austin. Agent: Darryl Haba, City of Austin. City Staff: Gregory Montes, 974-2629.
Ordinance No. 20080821-054 to change the land use designation to civic land use designation was approved.
55. C14-2008-0102 - Ben White/IH-35 Bioretention/Extended Detention Pond - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5405 1/2 South IH-35 Service Road Northbound (Williamson Creek Watershed) from community commercial-conditional overlay neighborhood plan (GR-CO-NP) combining district zoning to public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Watershed Protection and Development Review Department (Virginia Bohlich). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20080821-055 for public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning was approved.
56. C14-2008-0114 - 2105 & 2107 W. Slaughter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2105 & 2107

West Slaughter Lane (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Gloria and Doyle Sartin; Hazel Scherer. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20080821-056 for limited office-conditional overlay (LO-CO) combining district zoning was approved.

57. C14-2008-0118 - Westgate Professional Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4701 Westgate Boulevard (Williamson Creek Watershed) from limited office (LO) district zoning and general office (GO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Westgate Professional Center Partnership, Ltd. (Michael B. Elliott). Agent: DuBois Bryant & Campbell (Henry H. Gilmore). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20080821-057 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.

58. C14-2008-0135 - Frate Barker Nursing Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2101 Frate Barker Road (Bear Creek Watershed) from interim-rural residence (I-RR) district zoning to general office (GO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Caroline and Jim Foley. Agent: Vickrey & Associates, Inc. (Steven G. Frost, P.E.). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20080821-058 for limited office-conditional overlay (LO-CO) combining district zoning was approved.

59. C14H-2008-0018 - Continental Club Historic Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning a property locally known as 1315 S. Congress Avenue (East Bouldin Creek Watershed) from commercial liquor sales-vertical mixed use building-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-1-V-CO-NCCD-NP) combining district zoning to commercial-liquor sales-historic landmark-vertical mixed use building-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-1-H-V-CO-NCCD-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-historic landmark-vertical mixed use building-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-1-H-V-CO-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-historic landmark-vertical mixed use building-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-1-H-V-CO-NCCD-NP) combining district zoning. Applicant: Stephen Wertheimer. Agent: Thrower Design (Ron Thrower). City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20080821-059 for commercial-liquor sales-historic landmark-vertical mixed use building-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-1-H-V-CO-NCCD-NP) combining district zoning was approved.

60. C14-2008-0052- TJG - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9609 Swanson's Ranch Road (Slaughter Creek

Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To deny general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: T.J. Greaney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to September 25, 2008 at the applicant's request.

62. C14-2008-0115 - William Cannon - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4808 West William Cannon Drive (Williamson Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Staff Recommendation: To deny neighborhood commercial-mixed use (LR-MU) combining district zoning. Planning Commission Recommendation: To deny neighborhood commercial-mixed use (LR-MU) combining district zoning. Applicant: Marcus Whitfield & Eskew Place, Ltd. (Gail and Marcus Whitfield). Agent: McClean & Howard, L.L.P. (Jeffrey Howard). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to August 28, 2008 at the owner's request.

63. C14-2008-0020 - Sundberg Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8219 Burleson Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; and general commercial services-mixed use (CS-MU) combining district zoning with conditions for Tract 2. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1, and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning for Tract 2 with conditions. Applicants: Joan Elaine Frensley Smith; Frances E and Robert W. Bauman; Sundberg Farm Limited Partnership (Jean and Marvin Chernosky); Sundberg C&C Partners, Ltd. (Camille C. Mealy); Ralph & Olga Schneider Family Partnership (Elaine Schnieder and John P. Schneider, M.D.); and Robert Carl Wolter. Agent: Bury & Partners (Melissa Matthiesen). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to September 25, 2008 at the applicant's request.

64. C14-2008-0130.SH/SOL - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1129 and 1133 Altum Street (Boggy Creek Watershed) from single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Perry Equity Partners (Brad Deal). Agent: Perry Equity Partners (Chris Krager). City Staff: Joi Harden, 974-2122.

Ordinance No. 20080821-064 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.

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

ZONING DISCUSSION ITEMS

69. NP-2008-0025 - Oak Hill Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Oak Hill Combined Neighborhood Plan, generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed.
The public hearing was held open and this item was postponed to August 28, 2008 to discuss uncontested cases and to set a hearing date for contested cases on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
70. C14-2008-0125 - West Oak Hill Combined Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property bounded by Southwest Parkway to the north, West William Cannon Drive to the east, F.M. 1826, Davis Lane, Clairmont Drive, Abilene Trail, and Convict Hill Road to the south, and Thomas Springs Road, Circle Drive and West View Road to the west (6,155.03 acres). The proposed zoning change will create the West Oak Hill Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the Oak Hill Combined Neighborhood Plan for a total of 70 tracts (555.69 acres). The City Council may approve a zoning change to any of the following districts: Rural Residence (RR); Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Vertical Mixed Use Building (V); Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To approve zonings and rezonings that implement the land use recommendations of the West Oak Hill Neighborhood Plan on 20 tracts of land (140.11 acres), with conditions. Planning Commission Recommendation: To approve zonings and rezonings that implement the land use recommendations of the West Oak Hill Neighborhood Plan with conditions. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Maureen Meredith, Neighborhood Planning & Zoning Department, 974-2695; Minal Bhakta, Neighborhood Planning & Zoning Department; 974-6453 and Gregory Montes, Neighborhood Planning & Zoning Department, 974-2629.
The public hearing was held open and this item was postponed to August 28, 2008 to discuss uncontested cases and to set a hearing date for contested cases on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
71. C14-2008-0129 - East Oak Hill Combined Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property bounded by Southwest Parkway to the north, the Barton Creek Greenbelt to the northeast, Convict Hill Road and Loop 1 to the south, and West William Cannon Drive and Beckett Road to the west (4,968.06 acres). The proposed zoning change will create the East Oak Hill Neighborhood

Plan Combining District (NPCD) and implement the land use recommendations of the Oak Hill Combined Neighborhood Plan for a total of 70 tracts (555.69 acres). The City Council may approve a zoning change to any of the following districts: Rural Residence (RR); Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Vertical Mixed Use Building (V); Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To approve zonings and rezonings that implement the land use recommendations of the East Oak Hill Neighborhood Plan on 50 tracts of land (415.58 acres), with conditions. Planning Commission Recommendation: To approve zonings and rezonings that implement the land use recommendations of the East Oak Hill Neighborhood Plan with conditions. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Maureen Meredith, Neighborhood Planning & Zoning Department, 974-2695; Minal Bhakta, Neighborhood Planning & Zoning Department; 974-6453 and Gregory Montes, Neighborhood Planning & Zoning Department, 974-2629.

The public hearing was held open and this item was postponed to August 28, 2008 to discuss uncontested cases and to set a hearing date for contested cases on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

61. C14-2008-0100 - South Congress Storage Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8008 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Mark S. Yandow. Agent: Bryan Webb. City Staff: Wendy Rhoades, 974-7719.
The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning including the removal of three prohibited uses was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Shade was off the dais. The three prohibited uses that were removed were: automobile washing of any type, convenience storage and vehicle storage.
65. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). Staff Recommendation: To grant neighborhood mixed use. Planning Commission Recommendation: To grant neighborhood mixed use. Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877

This item was postponed to September 25, 2008 on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 6-0 vote. Council Member Shade was off the dais.

66. C14-2008-0099 - 1600 Block of East MLK - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600, 1602, 1604 and 1606 E. Martin Luther King Jr. Boulevard (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-conditional overlay- neighborhood plan (LR-V-MU-CO-NP) combining district zoning. Applicant: E-MLK Properties, L.L.C.. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to September 25, 2008 on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 6-0 vote. Council Member Shade was off the dais.

67. NPA-2008-0016.01 - Govalle/Johnston Terrace Combined Planning Area, Vertical Mixed Use Opt-In/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the land use designation on the future land use map (FLUM) from commercial to mixed use, and office to mixed use/office on selected tracts along East 7th Street. The planning area is bounded by Pleasant Valley and Webberville Roads to the west; Oak Springs, Airport Boulevard, and the Austin Northwestern Railroad to the north; US 183 to the east; and the Colorado River to the south (Boggy Creek; Colorado River; Fort Branch; Tannehill Branch; and Town Lake watersheds). Planning Commission Recommendation: To approve mixed use and mixed use/office land use designation. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen 974-7226.

The public hearing was closed and the first reading of the ordinance to change the land use designation to mixed use and mixed use/office land use designation was approved on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 6-1 vote. Council Member Morrison voted nay.

68. 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.

The public hearing was closed and the first reading of the ordinance for vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district was approved

on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 6-1 vote. Council Member Morrison voted nay.

4. Approve an ordinance ordering a municipal election to be held on November 4, 2008, to submit proposed charter amendments to the voters related to the Office of the City Auditor and to a citizen's initiative; providing for the conduct of the election; and declaring an emergency. Authorize the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election. Funding in the amount of \$1,157,457 is available in the Fiscal Year 2008-2009 Proposed Operating Budget of the Office of the City Clerk. Related to Item #41.
Ordinance No. 20080821-004 ordering the November 4, 2008 election with an amendment to Part 2 of the draft ordinance to substitute the City Attorney's recommended ballot language for the draft placeholder language for Proposition 2 was approved on Mayor Pro Tem McCracken's motion, Council Member Shade's second on a 7-0 vote. Part 2, Proposition 2 shall read: "Shall the City Charter be amended to prohibit the City from entering into future agreements to provide financial incentives and to stop the City from providing financial incentives under certain existing agreements, in connection with the development or redevelopment of property that includes one or more retail uses?"

A motion to reconsider Item 4 was approved on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Ordinance No. 20080821-004 was approved, with the following friendly amendment, on a motion by Mayor Pro Tem McCracken's motion, Council Member Shade's second on a 7-0 vote. The friendly amendment from Council Member Shade was to replace the Proposition 2 ballot language in Part 2 with the following: "Shall the City Charter be amended to prohibit the City from entering into future agreements to provide financial incentives in connection with the development or redevelopment of property that includes one or more retail uses, and to stop the City from providing financial incentives under certain existing agreements in connection with the development or redevelopment of property that includes one or more retail uses?"

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

73. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2008-2009. The public hearing was closed on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 11:19 p.m. without objection.

The minutes for the Regular meeting of August 21, 2008 were approved on this the 28th day of August 2008 on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.