

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, NOVEMBER 20, 2008**

**Invocation:** Pastor M. D. Harvey, College Heights 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, November 20, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:29 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 action occurred on any of the items.

1. Approval of the Austin City Council minutes from the November 6, 2008 regularly scheduled meeting. The minutes from the meeting of November 6, 2008 regular meeting were approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.
2. Approve ratification of amendments to Austin Energy's contract with Cellnet Technology, Inc., in order to expand two-way meter reading services to all of Austin Energy's meter base at an average annual amount of \$4.9 million not to exceed \$40,350,000, for a total contract amount not to exceed \$76,350,000 over the contract's fifteen-year term. Funding in the amount of \$4,000,000 is available in the fiscal year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining years of the contract is contingent upon approval of funding in future year budgets. To be reviewed by the Electric Utility Commission on November 17, 2008.  
The motion ratifying amendments to Austin Energy's contract with Cellnet Technology, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.
3. Approve Service Extension Request No. 2768 for 6720 VAUGHT RANCH RD. for water service not to exceed a peak hour flow of 29 gallons per minute (gpm) requested by property owner GSVR 2222, LLC, proposing a 6,600 square feet (sf) mixed use development at this location within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction. Not recommended by the Environmental Board. Review by the Water and Wastewater Commission on November 19, 2008.  
This item was postponed to December 11, 2008 on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

4. Approve Service Extension Request No. 2769 for 6720 VAUGHT RANCH RD. for wastewater service not to exceed an estimated peak wet weather flow of 10 gallons per minute (gpm) requested by property owner GSVR 2222, LLC, proposing a 6,600 square feet (sf) mixed use development at this location within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction. Not recommended by the Environmental Board. Review by the Water and Wastewater Commission on November 19, 2008.  
**This item was postponed to December 11, 2008 on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
5. Approve negotiation and execution of a Renewal to and Eighth Amendment of the City of Austin's Interlocal Agreement with the Travis County Healthcare District to fund the continued operation by City of the community health centers and of the District's medical assistance program for a five-month term, beginning October 1, 2008, and to adjust the District's monthly payment obligations. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Community Care Services Department.  
**The motion authorizing the negotiation and execution of a renewal to and eighth amendment of the City of Austin's interlocal agreement with the Travis County Healthcare District was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
6. Authorize the negotiation and execution of an agreement with Hill Country Conservancy (HCC) regarding cooperation on land conservation actions, including provisions for reimbursement of costs incurred in connection with the acquisition of real property and conservation easements pursuant to the November 6, 2006 Bond Election, Proposition 2, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.  
**The motion authorizing the negotiation and execution of an agreement with Hill Country Conservancy (HCC) was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
7. Authorize the acquisition for the Tuscany/Ferguson (Sprinkle Cutoff to Tuscany Way) Project for right of way of 244,676.5 square feet, drainage easements of 101,074 square feet and temporary working space easement of 3,245 square feet of land out of the John Applegate Survey, A-29 and the H. T. Davis Survey, A-214, in Travis County, Texas, located at Ferguson Lane and Sprinkle Road, from ABGN CORPORATION, Austin, Travis, Texas in the amount not to exceed \$785,070. Funding in the amount of \$785,070 is available in the Fiscal Year 2008-2009 Capital Budget of Public Works.  
**The motion authorizing the acquisition for the Tuscany/Ferguson (Sprinkle Cutoff to Tuscany Way) Project was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
8. Authorize award and execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for the purchase and installation of a truck wash system in an amount not to exceed \$140,750. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Fleet Services Division of the Finance and Administrative Services Department. Sole bid received. This contract will be awarded in compliance with the requirements of Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.01% MBE and 3.06% WBE subcontractor participation.  
**The motion authorizing the award and execution of a construction contract with Southwest Corporation was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

9. Authorize execution of a construction contract with MID-STATE PLUMBING, INC., (WBE 90.54 %), Austin, Texas for the Terminal HVAC Improvements and Checkpoint #3 Offices project in the amount of \$561,300 plus a \$56,000 contingency for a total contract amount not to exceed \$617,300. Funding is available in the Fiscal Year 2008-2009 Approved Capital Budget of the Department of the Aviation Department. Lower 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) through the achievements of Good Faith Efforts. Recommended by the Austin Airport Advisory Commission.  
**The motion authorizing the execution of a construction contract with Mid-State Plumbing, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
10. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC, Houston, TX for the Southeast Wastewater Improvements SER 2282 in the amount of \$4,189,627, plus a \$209,481 contingency, for a total contract amount not to exceed \$4,399,108. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. 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 6.32% MBE and 2.39% WBE subcontractor participation. Review by Water and Wastewater Commission on November 19, 2008.  
**The motion authorizing the execution of a construction contract with Laughlin-Thyssen, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
11. Authorize the negotiation and execution of a contract to purchase approximately 48.967 acres located off of Edwards Hollow Run on the south side of Bear Creek, and the east side of proposed S.H.45 in Travis County from AARAL Corporation, Amin I. Mawji, President, in an amount not to exceed \$865,000, from the November 6, 2006, bond package, Proposition 2 Open Space Program. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.  
**The motion authorizing the negotiation and execution of a contract was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
12. Approve the negotiation and execution of a 3-month lease renewal, with an early termination option and the possibility of future renewals for 6,835 square feet of retail space for the Book Sales Program of the Library Department, located at 2139 W. Anderson Lane Suites 2137-A and 2117, from N.V. METRO IV Ltd., Austin TX, in an amount not to exceed \$34,175 for the initial lease renewal. Funding in the amount of \$34,175 is available in the Fiscal Year 2008-2009 Operating Budget of the Library Department.  
**The motion authorizing the negotiation and execution of a lease renewal was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
13. Approve a resolution authorizing the City Manager to negotiate and execute all contracts, closing, relocation and other documents related to the purchase or other acquisition of approximately 275 properties in the Onion Creek Forest/Yarrabee Bend area that the U.S. Army Corps of Engineers (USACE) recommends be acquired in its Final Feasibility and Integrated Environmental Assessment Report for the Onion Creek Forest/Yarrabee Bend floodplain buyout program. Funding in the amount of \$10,000,000 is available in the Fiscal Year 2008 - 2009 Capital Budget of the Watershed Protection and Development Review Department for the buyout program. Funding for future fiscal years is subject to the approval of future capital budgets and Federal approval of future USACE funding. This program will be funded by a combination of City and USACE funding.

**Resolution No. 20081120-013 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

14. Approve an ordinance amending Ordinance No. 490428-A to (1) provide that the 3871 square foot property described as that former 13 foot public alley abutting the Austin Community College property at West 12th Street and Shoal Creek Boulevard is released from the conditions that it be kept open to the public forever and that it be converted to a driveway to be kept open to the public forever; (2) approve release of such property and an additional tract of 993 square foot tract from same conditions in deed recorded at Volume 960, Page 138, of the Deed Records of Travis County, Texas; and (3) allow controlled access to the property for utility easement maintenance replacement and repair.  
**Ordinance No. 20081120-014 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
15. Approve an ordinance setting the assessment rate and proposed 2009 assessment roll for the E. 6th Street Public Improvement District (PID). The 2009 assessment rate of \$0.10/\$100 valuation is estimated to produce \$41,616 at a 90% collection rate. Related to Item #69.  
**Ordinance No. 20081120-015 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
16. Approve an amendment to the contract with Pecan Street Owners Association d/b/a Sixth Street Austin, Austin TX, for the management of the E. 6th Street Public Improvement District to increase the not-to-exceed amount of the annual payment to \$87,687 for the years 2007-2009, and to increase the total agreement amount not to exceed \$404,479. Funding in the amount of \$43,500 is available in the Fiscal Year 2008-2009 Approved Operating Budget of Austin Energy. \$41,616 is anticipated in 2009 Public Improvement District assessments (at a 90% collection rate), of which \$4,000 will be maintained as a reserve. Funding for the extension options is contingent upon available funding in future budgets.  
**The motion amending the contract with Pecan Street Owners Association doing business as Sixth Street Austin was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
17. Approve an ordinance setting the assessment rate and proposed 2009 assessment roll for the Austin Downtown Public Improvement District (PID). The 2009 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,308,066 at a 96% collection rate. Related to Item #68.  
**Ordinance No. 20081120-017 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
18. Approve a resolution adopting the Austin Downtown Public Improvement District (PID) Service Plan and Budget for 2009-2010. The Downtown Austin Alliance submitted a 2009-2010 budget for the PID in the amount of \$2,562,479. This budget will be funded from a total projected revenue of \$2,662,479. This amount includes \$2,308,066 in 2009 assessments (at a 96% collection rate), \$73,230 in collections from 2008; \$131,183 interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). \$100,000 of the total amount will be retained as a reserve fund to cover adjustments to assessments resulting from settlements between property owners and the Travis Central Appraisal District or court settlements.  
**Resolution No. 20081120-018 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
19. Approve a resolution adopting the E. 6th Street Public Improvement District (PID) Service Plan and Budget for 2009. The Pecan Street Owners Association DBA Sixth Street Austin submitted a 2009 budget for the PID in the amount of \$113,687. This budget will be funded from a total projected revenue of

\$117,687. This amount includes \$41,616 in 2009 assessments (at a 90% collection rate), (\$704) in collections from 2008, \$3,275 interest accrued in the PID Account and late payments; a \$43,500 annual contribution from the City of Austin; and \$30,000 in donations to be raised by Sixth Street Austin. Appropriation of the \$87,687 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 11, 2008. \$4,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll.

**Resolution No. 20081120-019 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

20. Approve an ordinance establishing classifications and positions in the classified service of the Fire Department, eliminating and creating the number of positions in certain ranks, establishing pay rates, repealing Ordinance No. 20081002-004 relating to Fire Department classifications and positions and declaring an emergency. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department.

**Ordinance No. 20081120-020 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

21. Approve an ordinance authorizing acceptance of \$36,665 in grant funds from the Texas Department of Housing and Community Affairs, Community Services Block Grant; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$36,665 for the delivery of basic needs, case management, and preventive health services to low-income residents and to purchase equipment for these services. Funding in the amount of \$36,665 is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant. The grant period is January 1, 2008 through December 31, 2008. No City match is required. Community Development Commission approved the Community Services Block Grant 2008 Budget, March 11, 2008.

**Ordinance No. 20081120-021 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

22. Approve an ordinance authorizing the acceptance of \$289,704 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TX DSHS), TOBACCO PREVENTION and CONTROL COALITION PROGRAM, Austin, TX; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$289,704 to continue the tobacco prevention and control coalition program to prevent and reduce the use of tobacco products. Funding in the amount of \$289,704 is available from the Texas Department of State Health Services, Tobacco Prevention and Control Coalition Program, Austin, Texas. The grant period is September 1, 2008 through August 31, 2009. A City match of \$57,941 is required.

**Ordinance No. 20081120-022 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

**Item 23 was pulled for discussion.**

24. Approve a resolution authorizing the City Manager to apply to the Preserve America program to designate Austin as a Preserve America Community.

**Resolution No. 20081120-024 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

25. Approve a resolution confirming the City Manager's appointment of Rhoda Mae Kerr as Chief of the Austin Fire Department in accordance with Section 143.013 of the Texas Local Government Code.

**Resolution No. 20081120-025 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

26. Approve an ordinance amending Ordinance No. 040826-58, the North University Neighborhood Area-Neighborhood Conservation Combining District (NUNA-NCCD), to correct conditions of zoning, clarify certain uses in the commercial district and correct an exhibit for the property identified in Zoning Case C14-04-0022.

**Ordinance No. 20081120-026 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

27. Approve an ordinance to annex the ABIA Outparcel Annexation Area for full purposes (Approximately 3 acres in southeastern Travis County west of General Aviation Avenue approximately 1,500 feet north of Burleson Road). 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. 20081120-027 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

28. Approve an ordinance to annex the Anderson Mill Road & US 183 Annexation Area for full purposes (Approximately 74 acres in Williamson County northwest of the intersection of Anderson Mill Road and US 183). 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. 20081120-028 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

29. Approve an ordinance to annex the Ashbrook Annexation Area for full purposes (Approximately 39 acres in Travis County southwest of the intersection of FM 1626 and South First Street). 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. 20081120-029 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

30. Approve an ordinance to annex the Bridges of Bear Creek Annexation Area for full purposes (Approximately 13 acres in Travis County at the southeast corner of the intersection of Frate Barker Road and Brodie Lane); establish I-SF-4A interim zoning designations for portions of the annexed area; and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. 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. 20081120-030 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

31. Approve an ordinance to annex the Burleson Road ROW Annexation Area for full purposes (Approximately 14 acres in southeastern Travis County west of the intersection of Burleson Road and FM 973). 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. 20081120-031 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

32. Approve an ordinance to annex the Hollow at Slaughter Creek Annexation Area for full purposes (Approximately 42 acres in Travis County south of Slaughter Lane approximately 270 feet west of the intersection of Bilbrook Place and Genoa Drive). 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. 20081120-032** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

33. Approve an ordinance to annex the SBC Annexation Area for full purposes (Approximately 1 acre in Travis County south of FM 1626 approximately 500 feet west of the intersection of FM 1626 and South First Street). 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. 20081120-033** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

34. Approve an ordinance to annex the Shady Hollow Gardens Annexation Area for full purposes (Approximately 40 acres in Travis County south of Frate Barker Road approximately 160 feet east of the intersection of Frate Barker Road and Brodie Lane). 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. 20081120-034** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

35. Approve a resolution authorizing the extension of line of duty injury leave at full pay for Austin Police Department Sergeant Robert McGowen. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department.

**Resolution No. 20081120-035** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

36. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for Travis County to reimburse the City of Austin for 9-1-1 system related expenditures. Funding in the amount of \$15,600 is available from Travis County from their reimbursement from the Capital Area Council of Governments.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

37. Approve a resolution refining the alignment of the Lance Armstrong Bikeway through the downtown area to 3rd Street as an alternative to 4th Street, from Trinity Street to Nueces Street (with the transition from 3rd Street to 4th street on Trinity Street). Recommended by the Urban Transportation Commission.

**Resolution No. 20081120-037** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

38. Approve an ordinance to amend Section 12-4-64(D) of the City Code to establish a 40 miles per hour speed limit on a portion of Avery Ranch Boulevard, east of Parmer Lane. Funding in the amount of \$1,500 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department for the installation of necessary signs.

**Ordinance No. 20081120-038** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

39. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Wilson Parke Avenue and Vista Parke Drive to the list of streets having a maximum speed limit of 25 miles per hour during certain times for students attending Grandview Hills Elementary School ; and provide for emergency passage. Funding in the amount of \$24,000 for the installation of signs is available in the 2008-2009 Child Safety Fund of the Public Works Department.

**Ordinance No. 20081120-039** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

40. Approve an ordinance amending Section 12-4-64(D) of the City Code by establishing school zones with a maximum speed of 20 mph at certain times on Lott Avenue, Chico Street, and Garland Avenue to increase the safety of students attending Ortega Elementary School; and provide for emergency passage. Funding in the amount of \$600 is available in Fiscal Year 2008-2009 Operating Budget of the Public Works Department for the installation of necessary signs.

**Ordinance No. 20081120-040** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

41. Approve an ordinance amending Section 12-4-64(D) of the City Code to reduce the school zone speed limit from 30 miles per hour to 25 miles per hour during certain times on a portion of Avery Ranch Boulevard for students attending Patsy Sommer Elementary School; and provide for emergency passage. Funding in the amount of \$550 for the installation of signs is available in the 2008-2009 Child Safety Fund of the Department of Public Works.

**Ordinance No. 20081120-041** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

42. Approve an ordinance to amend Section 12-4-64(D) of the City Code to establish a 50 mile per hour speed limit on a portion of Wilson Parke Avenue, and a 40 mile per hour speed limit on portions of Wilson Parke Avenue, Vista Parke Drive, and Woodbay Parke Drive. Funding in the amount of \$1,250 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department for the installation of necessary signs.

**Ordinance No. 20081120-042** was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

43. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with ACE FLOOR SOLUTIONS, LLC, San Antonio, TX for the purchase and installation of office carpeting at Austin Energy's Town Lake Center in an amount not to exceed \$85,729. Funding in the amount of \$85,729 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. 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 Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Ace Floor Solutions, LLC was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

44. Authorize award and execution of Amendment No. 7 to the contract with E SOURCE, Boulder, CO, to increase the contract authorization to include additional subscription services and annual price increases for the existing subscription services in an estimated amount not to exceed \$71,900, and increase the final extension option in an estimated amount not to exceed \$71,900, for a revised total estimated contract amount not to exceed \$780,775. Funding in the amount of \$193,800 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining extension option 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). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.



The motion authorizing the award and execution of amendment number 7 to the contract with E Source was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

45. Authorize award and execution of five 24-month requirements supply contracts for electrical maintenance supplies with CRAWFORD ELECTRIC SUPPLY, Austin, TX, in an estimated amount not to exceed \$398,048, with two 12-month extension options in an estimated amount not to exceed \$199,024 per extension option, for a total estimated contract amount not to exceed \$796,096; DEALERS ELECTRICAL SUPPLY, Austin, TX, in an estimated amount not to exceed \$82,556, with two 12-month extension options in an estimated amount not to exceed \$41,278 per extension option, for a total estimated contract amount not to exceed \$165,112; STUART C. IRBY CO., Austin, TX, in an estimated amount not to exceed \$70,122, with two 12-month extension options in an estimated amount not to exceed \$35,061 per extension option, for a total estimated contract amount not to exceed \$140,244; TECHLINE INC., Austin, TX, in an estimated amount not to exceed \$65,028, with two 12-month extension options in an estimated amount not to exceed \$32,514 per extension option, for a total estimated contract amount not to exceed \$130,056; and with KBS ELECTRICAL DISTRIBUTORS, INC., Austin, TX, in an estimated amount not to exceed \$17,292, with two 12-month extension options in an estimated amount not to exceed \$8,646 per extension option, for a total estimated contract amount not to exceed \$34,584. Funding in the amount of \$263,769 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids meeting specification of seven 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 five requirements supply contracts with Crawford Electric Supply, Dealers Electrical Supply, Stuart C. Irby Co., Techline Inc., and KBS Electrical Distributors, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.
46. Authorize award and execution of a 24-month requirements service contract with ENTECH SALES AND SERVICE, INC., Dallas, TX for heating ventilation and air conditioning services at the Combined Transportation, Emergency & Communications Center in an estimated amount not to exceed \$119,136, with three 12-month extension options in an estimated amount not to exceed \$59,568 per extension option, for a total estimated contract amount not to exceed \$297,840. Funding in the amount of \$49,640 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 14 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 2-9C 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 Entech Sales and Service, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.
47. Authorize award, negotiation, and execution of a 24-month requirements service contract with KEMA, INC., Burlington, MA, for distribution management system and data acquisition system consulting services for Austin Energy in an estimated amount not to exceed \$300,000, with three 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for an estimated contract amount not to exceed \$750,000. Funding in the amount of \$150,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 12 months of the original contract period and extension options is contingent upon available funding in future budgets. Best

evaluated proposal of two 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 Kema, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

48. Authorize award and execution of a contract with TECHLINE, Austin, TX for fiber optic patch panels in an amount not to exceed \$54,600. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Lowest bid meeting specification of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Techline was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

49. Authorize award, negotiation, and execution of a 12-month requirements service contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, for maintenance and support of the Austin Mobile Data Radio Communication System in an estimated amount not to exceed \$69,099, with four 12-month extension options in estimated amounts not to exceed \$71,172 for the first extension option, \$73,307 for the second extension option, \$75,506 for the third extension option, and \$76,985 for the fourth extension option, for a total estimated contract amount not to exceed \$366,069. Funding in the amount of \$57,583 is available in the Fiscal Year 2008-2009 Operating Budget, General Fund Agencies Radio Maintenance Account. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Motorola Communications and Electronics, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

50. Authorize award, negotiation and execution of a 12-month requirements service contract with Fidelity National Insurance Company, Dallas, TX for flood insurance through the National Flood Insurance Program for the City of Austin in an estimated amount not to exceed \$70,704, with four 12-month extension options in estimated amounts not to exceed \$81,310 for the first extension option, \$93,506 for the second extension option, \$107,532 for the third extension option, and \$123,662 for the fourth extension option for a total estimated contract amount not to exceed \$476,714. Funding is included in the Fiscal Year 2008-2009 Operating Budget of the Human Resources Department. Funding for the extension options is contingent upon available funding in future budgets. Single Source. 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 Fidelity National Insurance Company was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

51. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with WHEELED COACH INDUSTRIES, Winter Park, FL for the purchase of 10 ambulances in an amount not to exceed \$1,590,539. Funding in the amount of \$1,590,539 is available in the Fiscal Year 2008-2009 Vehicle Acquisition Fund of the Financial and Administrative 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 Contract; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established.  
**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Wheeled Coach Industries was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
52. Approve a resolution granting Texas Gas Service an application to recover its gas facility relocation costs by applying a surcharge to customers in a new rate schedule.  
**Resolution No. 20081120-052 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
53. Approve an ordinance amending the Fiscal Year 2008-2009 Watershed Protection and Development Review Department Capital Budget of Ordinance No. 20080908-003 to increase appropriations by \$230,400 for the acquisition of land within the Barton Springs Recharge Zone. Funding in the amount of \$230,400 is available from Mitigation Funds provided by an AISD agreement.  
**Ordinance No. 20081120-053 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
54. Authorize execution of an Interlocal Cooperation Agreement between the City of Austin and the City of Buda to delegate development review and approval authority to the City of Buda, for an 18 acre tract of land located in Hays County at the intersection of I-35 and South Loop 4 south of Buda.  
**The motion authorizing the execution of an interlocal cooperation agreement between the City of Austin and the City of Buda was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
55. Authorize negotiation and execution of Amendment No. 4 to an Interlocal Agreement with the University of North Texas (UNT) for a native vegetation restoration project to be conducted in Lake Austin and Lady Bird Lake for prevention of nuisance hydrilla growth to extend the termination date to January 31, 2010 and increase funding in an estimated amount not to exceed \$60,000, for a revised estimated contract amount not to exceed \$375,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2008-2009 CIP Budget of the Watershed Protection and Development Review Department. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the negotiation and execution of amendment number 4 to an interlocal agreement with the University of North Texas (UNT) was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
56. Approve a resolution establishing a policy and general criteria under which the City Council will consider requests to create public improvement districts.  
**This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

57. 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 on consent:

**Board****Nominated By:****Renaissance Market Commission**

Arron Brooks

Council Member Cole

**Robert Mueller Municipal Airport Plan Implementation Advisory Commission**

Ashley Fisher

Mayor Pro Tem McCracken

58. Approve an ordinance amending Chapter 2-1 of the City Code relating to City Boards and Commissions to add Section 2-1-170 establishing the Sustainable Food Policy Board. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Laura Morrison)  
**Ordinance No. 20081120-058 was approved with the following friendly amendment on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent. The friendly amendment from Council Member Leffingwell was Part I, (8) should read: "The City of Austin wishes to ensure that the region maintains the natural resources, land base, infrastructure and skill sets necessary to produce fresh, nutritious and sustainably-and-locally grown food, including organic, pasture-based, and humane farming products." This was accepted by Council Member Martinez, the maker of the motion.**
59. Approve a resolution requesting that the State Legislature and the Governor of Texas appropriate \$200 million annually to the Texas Rail Relocation and Improvement Fund during the 2009 regular session and subsequent sessions of the Texas Legislature. (Council Member Sheryl Cole Mayor Pro Tem Brewster McCracken )  
**Resolution No. 20081120-059 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
60. Approve reimbursement of certain park rental fees for the Ending Community Homelessness Coalition's Stand Down Event to be held on November 15, 2008 at the Oswaldo A. B. Cantu Pan American Recreation Center. (Council Member Laura Morrison Council Member Randi Shade Mayor Pro Tem Brewster McCracken)  
**The motion reimbursing certain park rental fees for the Ending Community Homelessness Coalition's Stand Down Event was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
61. Approve waiver of the signature requirement under Chapter 14-8 of the Code for 3M's Half Marathon and Relay to be held on January 25, 2009. (Council Member Lee Leffingwell Mayor Will Wynn )  
**The motion waiving the signature requirement for 3M's Half Marathon and Relay was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
62. Approve waiver of fees and requirements under Chapter 14-8 of the City Code for the Chuy's Giving to Children Parade to be held on Saturday, November 29, 2008. (Council Member Mike Martinez Council Member Sheryl Cole Mayor Pro Tem Brewster McCracken)  
**The motion waiving fees and requirements for the Chuy's Giving to Children Parade was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

63. Approve waiver of fees and certain requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the Sustainable Food Center's 2009 Austin Farmer's Markets to be held at Republic Square Park and Triangle Avenue (at the intersection of Triangle Avenue and 46th Street, bordering Triangle Park, without a closed street) on selected Saturdays in 2009. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)  
**The motion waiving fees and certain requirements and authorizing payment of certain costs for the Sustainable Food Center's 2009 Austin Farmer's Markets was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
64. Approve waiver of fees under Chapter 14-8 of the City Code in an amount not to exceed \$1,859 for the St. James Baptist Church's 5K Walk and Run to be held on March 28, 2009. (Council Member Sheryl Cole Mayor Pro Tem Brewster McCracken Council Member Lee Leffingwell)  
**The motion waiving fees in an amount not to exceed \$1,859 for the St. James Baptist Church's 5K Walk and Run was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
65. Approve waiver of fees and requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the 2009 Martin Luther King Jr. parade to be held January 19, 2009. Council Considers this a City Co-Sponsored event per resolution 021003-40. (Council Member Sheryl Cole Mayor Pro Tem Brewster McCracken and Mayor Will Wynn)  
**The motion waiving fees and requirements and authorizing the payment of certain costs for the 2009 Martin Luther King Jr. parade was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
66. Set a public hearing to consider a resolution regarding the change in use and conveyance of approximately 0.048 acre (2,101 square feet) of land in fee simple to Travis County for right-of-way purposes through dedicated Balcones Canyonland Preserve (BCP) tract known Coldwater Canyon located along City Park Road, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 18, 2008, 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).  
**The public hearing was set for December 18, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
67. Set a public hearing to consider a resolution regarding the change in use and conveyance of approximately 741 square feet of land in fee simple to Michael and Linda C. Wetzel through Austin Water Utility's Water Quality Protection Lands located along Wyldwood Drive, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 18, 2008, 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).  
**The public hearing was set for December 18, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**
68. Set a public hearing on the Austin Downtown Public Improvement District (PID) 2009 assessments. (Suggested date and time: December 11, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Item #17 and #18.

The public hearing was set for December 11, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

69. Set a public hearing on the E. 6th Street Public Improvement District (PID) 2009 assessments. (Suggested date and time: December 11, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Item #15 and 16.

The public hearing was set for December 11, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

70. Set a public hearing to consider and approve amendments to the Electric Rate Schedule of Ordinance No. 20080908-006 to (1) add a Batch 6 Green Power Charge to the GreenChoice(r) Energy Rider, (2) change the power factor standard in all billing demand clauses from 85% to 95%, (3) raise the cap on allowable on-site generation from renewable resources in the Large Primary Service - Special Contract Riders I & II and the Large Primary Service Special Contract - Industrial Rider from 20kw to 500kw, and (4) repeal the Load Cooperative Rider. (Suggested date and time: December 11, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second St., Austin, Texas.) To be reviewed by the Electric Utility Commission on November 17, 2008.

The public hearing was set for December 11, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

106. Authorize award, negotiation, and execution of a contract with HPI, LLC., Houston, TX for an upgrade of the gas turbine controls at the Decker Creek Power Station in an amount not to exceed \$1,597,769. Funding in the amount of \$1,597,769 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a contract with HPI, LLC was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

Item 71 was an Executive Session item.

Items 72 through 74 were briefing items set for 2:00 p.m.

Items 75 through 101 were zoning items set for 4:00 p.m.

Items 102 through 105 were public hearing items set for 6:00 p.m.

### DISCUSSION ITEM

23. Approve settlement in Hutchinson Construction, Inc. v. City of Austin, Cause No. D-1-GN-07-002807, in connection with the construction of the Henry B. Terrazas Library and Circle C Fire & EMS Station Projects.

The motion authorizing a settlement in the amount of \$325,000 was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:18 a.m.

**EXECUTIVE SESSION**

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

71. Discuss legal issues concerning Daniel Rocha, Deceased, by Daniela Rocha, Mother and Representative of Estate and Gerardo Rocha, Father v. City of Austin, Julie Schroeder and Don Douglas Doyle; Case No. A-06-CA-067-LY; U.S. District Court, Western District, Austin Division (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:06 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Rae Nadler-Olenick -- Water Fluoridation

CarolAnneRose Kennedy -- GIVING THANKS

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

Paul Robbins -- City Issues

Linda Messier -- Business Practices

Walt Esquivel -- Travis County health care district

Jennifer L. Gale -- Representative Government

Francoise Luca -- Development Agreement

Gus Pena -- 1.City Issues, 2.Crime is on the increase, 3.We are in recession. This will have an adverse impact on the poor and the needy and the have nots.

Sylvia A. Mendoza -- I want Police Officers to give tickets for mid-block crossing at William Cannon and Bluff Springs. This was announced on the news about the tickets. It needs to be enforced.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:40 p.m.

**EXECUTIVE SESSION CONTINUED**

The Mayor announced that Council would discuss item number 73 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:06 p.m.

**BRIEFINGS**

72. Briefing on the proposed Homestead Preservation Reinvestment Zone, a tax increment financing (TIF) zone supporting affordable housing in the Homestead Preservation District.  
The presentation was made by Margaret Shaw, Director of Housing and Community Development for Neighborhood Housing; and Leslie Browder, Chief Financial Officer.
73. Briefing on the Design Team RFQ Process for the New Central Library and Staff's Recommendation.  
The presentation was made by Bert Lumbreras, Assistant City Manager; and Teresa Oppedal and Tim Stayley of the Austin Public Library Foundation.
74. Live Music Task Force Briefing  
The presentation was made by Paul Oveisi, Chair of the Live Music Task Force; Bobby Garza, Entertainment Districts Subcommittee; James Moody, Venues Subcommittee; Dave Sullivan, Musician Services Subcommittee; and Brandon Aghamalian, Sound Enforcement and Control Subcommittee.

Mayor Wynn recessed the Council Meeting at 3:55 p.m.

Mayor Wynn called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:07 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:28 p.m.

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No action occurred on any of the items.

75. NPA-2008-0016.01 - Govalle/Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve third reading of an ordinance amending Ordinance Nos. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Austin Comprehensive Plan, to change the land use designation on the Future Land Use Map from commercial and office to mixed use and mixed use/office on selected tracts within the Vertical Mixed Use Overlay district within the 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, Tannehill Creek, Colorado River and Fort Branch watersheds). First reading approved on August 21, 2008. Vote: 6-1 (Morrison-nay). Second reading approved on November 6, 2008. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.  
Ordinance No. 20081120-075 to change the land use designation on the future land use map to mixed use land use designation for tracts 3, 4, 6B, 9A, 10, 11, 13, 14A, 14B, and 15 and mixed use/office land use designation for tract 5 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was absent.
76. C14-2007-0259 - Govalle/Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve third reading 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 Govalle/Johnston Terrace Combined Neighborhood Planning Area, bounded by Pleasant Valley and Webberville Roads on the west; Oak Springs, Airport Boulevard, and the Austin Northwestern Railroad on the north; U.S. 183 on the east; and the Colorado River on the south (East Boggy Creek, Tannehill Creek, Colorado River and Fort 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. First reading approved on August 21, 2008. Vote 6-1 (Morrison-nay). Second reading approved on November 6, 2008. Vote 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

**Ordinance No. 20081120-076 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was absent. The ordinance includes: amending the boundaries of the VMU Overlay District to exclude tracts 1, 2A, 2B, 6A, 7, 8 and 12; approve vertical mixed use building (V) zoning with parking reduction and additional uses in Office Districts to tracts 3, 4, 5, 6B, 9A, 10, 11, 13, 14A, 14B and 15; and approve an affordability level of 60% of the median family income for 10% of the rental units in a vertical mixed use building.**

### **ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No action occurred on any of the 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 consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

77. NPA-2008-0016.02 - Govalle/Johnston Terrace Combined Vertical Mixed Use Neighborhood Plan Amendment, Tract 9B - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Austin Comprehensive Plan, to change the land use designation on the Future Land Use Map from commercial to mixed use on Tract 9B (720 Airport Boulevard) within the Vertical Mixed Use Overlay district within the 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 (Colorado River watershed). Staff Recommendation: To approve a mixed use land use designation. Planning Commission Recommendation: To approve a mixed use land use designation. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

**The public hearing was closed and Ordinance No. 20081120-077 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent. The ordinance includes: change the land use designation to mixed use land use designation for Tract 9B.**

78. C14-2007-0259.001 - Govalle/Johnston Terrace Combined Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 9B - 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 9B (720 Airport Boulevard) within the Govalle/Johnston Terrace Combined Neighborhood Planning Area (Colorado River 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 located at 720 Airport Boulevard from the overlay district. Planning Commission Recommendation: To apply Vertical Mixed Use Building (V) zoning regulations. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

The public hearing was closed and Ordinance No. 20081120-078 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent. The ordinance includes: change the land use designation to mixed use land use designation for Tract 9B; approve vertical mixed use building (V) zoning with dimensional standards and parking reduction to tract 9B and approve an affordability level of 60% of the median family income for 10% of the rental units in a vertical mixed use building.

79. 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 December 9, 2008. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

This item was postponed to December 18, 2008 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

80. NPA-2008-0022.02 - Water Quality Pond #2 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 industry to civic for the properties located at 3700 and 3708 Warehouse Row. (Blunn Creek Watershed). Staff Recommendation: To approve the civic land use designation. Planning Commission Recommendation: To approve the civic land use designation. Applicant: Greater South River City Plan Team. Agent: Neighborhood Planning and Zoning Department. City Staff: Kathleen Fox, 974-7877

The public hearing was closed and Ordinance No. 20081120-080 to change the land use designation to civic land use designation was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

81. C14-2008-0169 - Warehouse Row Water Quality Ponds #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3700 & 3708 Warehouse Row (Blunn Creek Watershed) from limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant and Agent: City of Austin - Watershed Protection and Development Review Department (Tom Franke). City Staff: Stephen Rye, 974-7604.

The public hearing was closed and Ordinance No. 20081120-081 for public-neighborhood plan (P-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

82. C14-2008-0167 - Warehouse Row Water Quality Ponds #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 400

Block of East Alpine Road (Blunn Creek Watershed) from rural residence-neighborhood plan (RR-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: to grant public-neighborhood plan (P-NP) combining district zoning. Applicant and Agent: City of Austin - Watershed Protection and Development Review Department (Tom Franke). City Staff: Stephen Rye, 974-7604.

**The public hearing was closed and Ordinance No. 20081120-082 for public-neighborhood plan (P-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

83. C14H-2008-0019 - Blondie Pharr House - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Highland Avenue (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) to multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. First reading approved on November 6, 2008. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20081120-083 for multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

84. C14H-2008-0026 - Dunbar-Eilers House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2502 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence - historic Landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family Residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: David and Suzanne Deaderick. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20081120-084 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

85. C14H-2008-0028 - Woody House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 709 Bouldin Avenue (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Stephen Yelenosky and Jill McRae. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20081120-085 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

86. NPA-2008-0014.02 - Expo Business Park - 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 mixed use to industry for the property located at 6133-6235 E. Stassney Lane (Williamson Creek Watershed). Staff Recommendation: To approve industry land use designation. Planning Commission Recommendation: To approve industry land use designation. Applicant: Trammell Crow. Agent: Brad Maples, City of Austin. City Staff: Gregory Montes, 974-2629.

**The public hearing was closed and Ordinance No. 20081120-086 for industry land use designation was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

87. C14-2008-0200 - Expo Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6133-6235 East Stassney Lane (Williamson Creek Watershed) from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning to limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning with conditions. Applicant: Expo GLO, L.L.C. (Lance Sallis). Agent: Trammell Crow Company (Brad Maples). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20081120-087 for limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

88. C14-2008-0185 - Victory Medical and Family Care - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2110 West Ben White (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: 4303 Victory Drive Austin Texas 78704 (Dr. William Franklin). Agent: Vaughn & Associates, Inc. (Rick Vaughn). City Staff: Stephen Rye, 974-7604.

**The public hearing was closed and Ordinance No. 20081120-088 for limited office-conditional overlay (LO-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

89. C14-2008-0191 - Naser Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12100 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood office (NO) 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 and Agent: Nasib Naser. City Staff: Stephen Rye, 974-7604

**The public hearing was closed and Ordinance No. 20081120-089 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

90. C14-2008-0197 - Chase Bank - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 140 West Slaughter Lane (Onion Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning to change

a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning. Applicant: Capitol City Warehousing, Inc. (Bert Pence). Agent: C. Faulkner Engineering (Colleen Smith). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20081120-090 for general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

91. C14-2008-0199 - Time Warner 620 Hub - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11827 Buckner Road (Lake Travis Watershed) from development reserve (DR) district zoning to limited office-conditional overlay (LO-CO) combining 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 and Agent: Elsie Higdon. City Staff: Stephen Rye, 974-7604

**The public hearing was closed and Ordinance No. 20081120-091 for limited office-conditional overlay (LO-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

92. C14-2008-0211 - The Waters at Bluff Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7707 South IH-35 Service Road Northbound (South Boggy Creek Watershed) from interim-rural residence (I-RR) district zoning and community commercial (GR) district zoning to multi-family residence-moderate high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning. Applicant: Waters at Bluff springs, L.L.C. (Carol McBride). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20081120-092 for multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.**

93. C14-2007-0108 - Camden North Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5300, 5304 & 5400 North Lamar Blvd. (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Applicant: 5400 Lamar Ltd. (Abe Zimmerman). Agent: Drenner and Golden, Stuart, Wolff, LLP (Michele Rogerson). City Staff: Clark Patterson, 974-7691.

**The public hearing was closed and Ordinance No. 20081120-093 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP)**

combining district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

95. C14-2008-0053 - 5.93 Acre deLisser Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3000 Block of East SH 71 Eastbound (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Lou Langford deLisser. Agent: LJA Engineering and Surveying, Inc. (Paul J. Viktorin). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to December 11, 2008 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

99. C14H-2008-0023 - Bradford-Nohra House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse and condominium residence-neighborhood conservation combining district (SF-6-NCCD) combining district zoning to townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Staff Recommendation: To deny townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Susan Villarreal, 974-3524. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to December 11, 2008 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

### ZONING DISCUSSION ITEMS

94. C14-2008-0142 - 6800 Manchaca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Manchaca (Williamson Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Applicant: James W. Watters, Jr. Agent: Garrett-Ihnen-Civil Engineers (Michael W. Wilson). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20081120-094 as follows was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was absent. The ordinance included: Community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2 with the following conditions: trip

limitation of 2,000 trips per day and right-of-way dedications on Manchaca Road. The following uses were conditional: community recreation private and community recreation public. The following uses were prohibited: automobile rentals; automobile repair services; automobile sales; automobile washing; bail bonds services; business and trade schools; business support services; commercial off street parking; communication services; drop off recycling facility; exterminating services; food preparation; funeral services; hospital services general; hotel; motel; indoor entertainment; indoor sports and recreation; outdoor entertainment; outdoor sports and recreation; pawn shop services; personal improvement services; research services; residential treatment; and theatre uses.

96. C14-2008-0070 - South Lamar and Bluebonnet - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2323 South Lamar, 2315 South Lamar and 2421 Bluebonnet (West Bouldin Creek Watershed) from family residence (SF-3) district zoning (Tracts 1 and 2); and general commercial services-vertical mixed use building (CS-V) combining district zoning (Tract 3) to community commercial (GR) district zoning for Tracts 1 and 2; and community commercial-vertical mixed use building (GR-V) combining district zoning for Tract 3. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning for Tract 3. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning for Tract 3. Applicant: Talisman Group, Inc. (James T. Ross). Agent: Dubois, Bryant & Campbell (Henry Gilmore). City Staff: Clark Patterson, 974-7691.

There was a motion that was made by Council Member Morrison to close the public hearing and approve the following on first reading. This motion died for a lack of a second. The motion was for limited office-mixed use (LO-MU) combining district zoning to residential uses for Tract 1 with limited uses of water detention pond and parking. It required community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2 with condition of one cut on Blue Bonnet; and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning for Tract 3.

The public hearing was closed and Ordinance No. 20081120-096 was approved as follows on Council Member Cole's motion, Council Member Martinez' second on a 5-1 vote. Mayor Pro Tem McCracken was absent. Council Member Morrison voted nay. The ordinance included: limited office-conditional overlay (LO-CO) combining district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning for Tract 3. The conditions on Tracts 1, 2 and 3 were 2,000 trips per day limitation and the driveway to Blue Bonnet lane be a single cut. The prohibited uses on Tracts 2 and 3 were: auto repair services; automotive rentals; automotive sales; automobile washing of any type; exterminating services; funeral services; and pawnshop services.

98. C14-2008-0112 - Minware - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4209 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Planning commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: Robert W. Anderson, Jr. City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to December 11, 2008 at the neighborhoods request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

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

### LIVE MUSIC

Steve Bernstein

### PROCLAMATIONS

Mayor Wynn called the Council meeting back to order at 6:37 p.m.

### ZONING DISCUSSION ITEMS CONTINUED

97. 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.

The public hearing was closed and the first reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning with the following conditions was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was absent. The conditional overlay would limit the property to personal services as the only permitted general office use and allow all other neighborhood office uses and (NO) site development standards. All parking must be located on-site and the property is limited to a development of 150 trips per day and the conditions that are contained in the neighborhood traffic analysis.

### PUBLIC HEARINGS AND POSSIBLE ACTION

102. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. and Mrs. Carmelo Macias to allow construction of a single-family residence at 10017 Wild Dunes Drive in the 100-year floodplain of Onion Creek with proposed finished floor elevation being one foot above the 100-year floodplain elevation and limiting the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by excluding the footprint of the proposed structure from the easement dedication requirement.

The public hearing was closed and Ordinance No. 20081120-102 was approved on Council Member Martinez' motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

103. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.156 acre for a permanent wastewater easement and temporary working space use for the Pickfair Wastewater Lift Station Abandonment Project through dedicated parkland known as the Pickfair Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: November 20, 2008 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by Parks and Recreation Board.



The public hearing was closed and Resolution No. 20081120-103 was approved on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.

104. Conduct a public hearing and consider an ordinance modifying the East 11th and 12th Streets Urban Renewal Plan. July 21, 2008, Urban Renewal Board approved a recommendation on the proposed modifications regarding the 900 Blk of East 11th Street (Blk 16) and 1425 East 12th Street; August 18, 2008, Urban Renewal Board recommended that City Council not approve the proposed modifications regarding the 1100 Blk of East 11th Street (Blk 18); September 23, 2008, Planning Commission approved a recommendation on the proposed modifications regarding 900 Blk of East 11th Street (Blk 16) and approved a modified version of the proposed modifications regarding 1100 Blk of East 11th Street (Blk 18) that was presented as a Neighborhood and Business Consensus; October 14, 2008 Planning Commission approved a recommendation on the proposed modifications regarding 1425 East 12th Street. The public hearing was closed and Ordinance No. 20081120-104 modifying the Urban Renewal Plan for 900 Block of East 11<sup>th</sup> Street (Block 16) and 1425 East 12th Street was approved on Council Member Cole's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem McCracken was absent. Council Member Martinez was off the dais. Block 18 was postponed indefinitely and withdrawn from the agenda.
100. C14-2008-0156 - East 11th Street NCCD Amendment (City Initiated) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 900 Block of East 11th Street (Block 16) which is bounded by East 11th Street on the south, Juniper Street on the north, Branch Street on the west, and Curve Street on the east, and the 1100 Block of East 11th Street (Block 18) which is bounded by East 11th Street on the south, Juniper Street on the north, Waller on the west and Lydia Street on the east (Boggy Creek and Town Lake Watersheds) from (various zoning) to modify the East 11th Street Neighborhood Conservation Combining District (NCCD) for various development regulations such as, but not limited to, an increase in height limits, Floor-to-Area-Ratio (FAR), maximum building coverage, maximum impervious cover, changes in parking requirements, changes in permitted uses, creating new sub-districts and the deletion of project controls. Staff Recommendation: To modify the East 11th Street Neighborhood Conservation Combining District (NCCD) for various development regulations such as, but not limited to, an increase in height limits, Floor-to-Area-Ratio (FAR), maximum building coverage, maximum impervious cover, changes in parking requirements, changes in permitted uses, creating new sub-districts and the deletion of project controls for Blocks 16 and 18. Planning Commission Recommendation: To modify the East 11th Street Neighborhood Conservation Combining District (NCCD) for various development regulations such as, but not limited to, an increase in height limits, Floor-to-Area-Ratio (FAR), maximum building coverage, maximum impervious cover, changes in parking requirements, changes in permitted uses, creating new sub-districts and the deletion of project controls for Blocks 16 and 18. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this zoning request for Block 18. The first reading of the ordinance to modify the East 11th Street Neighborhood Conservation Combining District (NCCD) for various development regulations was approved on Council Member Cole's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem McCracken was absent. Council Member Martinez was off the dais. Block 18 was postponed indefinitely and withdrawn from the agenda.
101. C14-2008-0163 - East 12th St. NCCD Amendment (City Initiated) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1425 East 12th Street (Boggy Creek Watershed) from community commercial-mixed use-neighborhood conservation combining district-neighborhood plan (GR-MU-NCCD-NP) combining district zoning to community commercial-mixed use-neighborhood conservation combining district-

neighborhood plan (GR-MU-NCCD-NP) combining district zoning to amend the East 12th Street Neighborhood Conservation Combining District (NCCD) to allow an additional permitted use for the property located at 1425 East 12th Street. Staff Recommendation: To amend the East 12th Street Neighborhood Conservation Combining District (NCCD) to allow an additional permitted use for the property located at 1425 East 12th Street. Planning Commission Recommendation: To amend the East 12th Street Neighborhood Conservation Combining District (NCCD) to allow an additional permitted use for the property located at 1425 East 12th Street. Applicant: Neighborhood Planning and Zoning Department. Agent: Brown McCarroll, L.L.P. (Nikelle Meade). City Staff: Joi Harden, 974-2122.

**Ordinance No. 20081120-101 to amend the East 12th Street Neighborhood Conservation Combining District (NCCD) to allow an additional permitted use for service stations for the property located at 1425 East 12th Street was approved on Council Member Cole's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem McCracken was absent. Council Member Martinez was off the dais.**

105. Conduct a public hearing and consider an ordinance creating the proposed Tax Increment Financing Reinvestment Zone No. 18 for the Seaholm Redevelopment Project, establishing a Board of Directors for the zone, and related matters. The proposed zone is to be located within the area bounded on the west by the planned Seaholm Drive from Third Street south to Cesar Chavez Street; on the south by Cesar Chavez Street from the planned West Avenue east to Seaholm Drive; on the east by West Avenue from Cesar Chavez Street north to Third Street; and on the north by Third Street between Seaholm Drive and West Avenue.

The public hearing was closed on Council Member Shade's motion, Council Member Leffingwell's second on a 5-0 vote. Mayor Pro Tem McCracken was absent.

Mayor Wynn adjourned the meeting at 7:28 p.m. without objection.

The minutes for the Regular meeting of November 20, 2008 were approved on this the 11th day of December 2008 on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.