

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, DECEMBER 11, 2008**

Invocation: Bishop Sid D. Johnson, Higher Dimension 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, December 11, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

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

CONSENT AGENDA

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

1. Approval of the Austin City Council minutes from the November 17, 2008 special called and November 20, 2008 regularly scheduled meetings.
The minutes from the November 17, 2008 special called and November 20, 2008 regularly scheduled meetings were approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to Alori Properties - Live Oak Court for the installation of a solar photovoltaic system at the project located at 2900 S. Congress, Austin, Texas, 78704. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
The motion authorizing the issuance of a letter of intent for a rebate was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
3. Authorize reimbursement of costs to RREEF DOMAIN LP for electricity, water and wastewater services to power temporary cooling and heating equipment in an estimated annual amount not to exceed \$220,000, with one twelve (12) month extension option, for a total estimated contract amount not to exceed \$440,000. Funding in the amount of \$220,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for extension options is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.
The motion authorizing the reimbursement of costs to RREEF Domain LP was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

4. Authorize negotiation and execution of an Interlocal Agreement among the City of Austin, Travis County and the Austin Independent School District (AISD) to support the Harvest Foundation, a 501(c)(3) nonprofit corporation, in coordinating five African-American Men and Boys conferences, for an initial one-year term not to exceed \$25,000, with three optional one-years terms not to exceed \$25,000, for a total contract amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy.
The motion authorizing the negotiation and execution of an interlocal agreement among the City of Austin, Travis County and the Austin Independent School District (AISD) was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
5. Authorize negotiation and execution of a sponsorship agreement with McKinsey & Company, Inc., for a study entitled "Unlocking the Full Potential of Energy Efficiency in the United States" regarding the steps needed to accelerate the capture of energy efficiency opportunities on an economy-wide basis, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission and the Resource Management Commission.
The motion authorizing the negotiation and execution of a sponsorship agreement with McKinsey & Company, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
6. Approve the issuance of a Letter of Intent for a rebate in the amount of \$99,792 to SOLA Management, LLC for the installation of a solar photovoltaic system at the project located at 701 S. Lamar Blvd., Austin, Texas, 78704. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
The motion authorizing the issuance of a letter of intent for a rebate was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
7. Authorize negotiation and execution of an agreement with the Travis County Water Control and Improvement District (WCID) #17 to obtain utility easements in an amount not to exceed \$116,551.80. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.
The motion authorizing the negotiation and execution of an agreement with the Travis County Water Control and Improvement District (WCID) #17 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
8. Authorize the exercising of options to obtain 30-year easements from Wilson Brothers Pecos Ranch, LP, a Texas limited partnership, and from the S.H. Murray Trust and Murray Pecos Ranch Ltd., a Texas limited partnership, on a total of approximately 17,500 acres of land in Pecos County, Texas, to serve as potential sites for wind power generation units in a combined annual amount not to exceed \$150,000, for a total combined amount not to exceed \$4,500,000. Funding in the amount of \$150,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remainder is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission and the Resource Management Commission.
The motion authorizing the exercising of options to obtain 30 year easements from Wilson Brothers Pecos Ranch, LP a Texas limited partnership and the S.H. Murray Trust and Murray Pecos Ranch Ltd. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
9. Approve issuance of a rebate in the amount of \$126,475 to Water Management, Inc. for the installation of water efficient toilets at the University of Texas at Austin's central campus. Funding is available in the

amount of \$2,868,728 in the Fiscal Year 2008-2009 Operating Budget of Austin Water Utility Conservation Rebates and Incentives Fund. Recommended by the Citizens Water Conservation Implementation Task Force, Resource Management Commission, and Water and Wastewater Commission.

The motion authorizing the issuance of a rebate was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

Items 10 and 11 were pulled for discussion.

12. Authorize negotiation and execution of a three-month professional services agreement among the City, the Travis County Healthcare District, and Emergency Service Physicians, P.L.L.C., Austin, TX to provide physician services at the Red River Community Health Center, in an amount not to exceed \$269,892. Funding in the amount of \$269,892 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 services agreement among the City, the Travis County Healthcare District and Emergency Service Physicians, P.L.L.C. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

13. Approve an ordinance vacating the 5,525 square foot alley that runs parallel to Congress Avenue located east of Congress Avenue, west of Brazos Street, and bounded by 5th and 6th Streets. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.

Ordinance No. 20081211-013 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

14. Authorize the acquisition for the Wells Branch Parkway Extension Project for right of way of 14,219 square feet, slope and drainage easements of 6,792 square feet and fee simple acquisition of 172,372 square feet of land out of Wells Point Commercial, Section Three, Section Five and Section Seven, in the L. C. Cunningham Survey, No. 68, A-163, in Travis County, Texas, located at 1015, 1101, 1215, 1301, 1307, 1218, 1212, 1204 and 1114 Wells Branch Parkway, from RIVER CITY PARTNERS, LTD, Austin, Travis, Texas in the amount not to exceed \$663,950. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Public Works.

The motion authorizing the acquisition for the Wells Branch Parkway Extension Project was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

15. Authorize negotiation and execution of a 24-month lease renewal for approximately 4,000 square feet of office space and approximately two acres of equipment parking and materials storage space, with the possibility of additional future renewals for the Public Works Central District Street and Bridge Division, located at 3511 Manor Road, from CONTRACT CARRIERS INC c/o CSA MANAGEMENT Austin, TX, in an amount not to exceed \$244,800 for the initial renewal term. Funding in the amount of \$80,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of a lease renewal was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

16. Authorize execution of three, 12 month construction contracts with PEABODY GENERAL CONTRACTORS, INC, Dripping Springs, TX, for wastewater line relays and spot repairs for the Austin Water Utility, in amounts not to exceed \$1,515,810 (Zone A), \$2,082,480 (Zone B) and \$1,515,810 (Zone C) respectively for a total contract amount not to exceed \$5,114,100. Funding in the amount of \$5,114,100 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Low Bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code

(Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts (Zones A through C) with 5.01% MBE, 1.23% WBE. subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of three construction contracts with Peabody General Contractors, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

17. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC. Leander, TX for the South Austin Regional Screw Pump Replacement Project in the amount of \$3,013,250 plus a \$300,000 contingency, for a total contract amount not to exceed \$3,313,250. Funding in the amount of \$3,313,250 is included in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest of four (4) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 3.27% MBE and 0.06% WBE subcontractor participation. Recommended by Water and Wastewater Commission.
- The motion authorizing the execution of a construction contract with Excel Construction Services, LLC was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.**

18. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX for Pleasant Valley Bike Route Phase 2 in the amount of \$765,435.50 plus a \$76,543.55 contingency, for a total contract amount not to exceed \$841,979.05. Funding in the amount of \$754,199.05 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department and funding in the amount of \$87,780 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.86% MBE and 2.49% WBE subcontractor participation. Recommended by Water and Wastewater Commission.
- The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.**

19. Authorize execution of a construction contract with BPI ENVIRONMENTAL SERVICES, INC., Lakeway, TX for the Water Treatment Plant 4 (WTP4) Property Fencing project in the amount of \$318,720 plus a \$15,936 contingency, for a total contract amount not to exceed \$334,656. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lower of two (2) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 35.09% MBE and 7.06% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
- The motion authorizing the execution of a construction contract with BPI Environmental Services, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.**

20. Authorize negotiation and execution of a professional services agreement with the following three firms: CH2M HILL, Inc., Austin, TX; URS CORPORATION, Austin, TX and; S. KANETZKY ENGINEERING, LLC, Austin TX for the Solar Photovoltaic (PV) System Design Rotation List for a period of three years or until financial authorization is expended with a total of the three agreements, in an amount not to exceed \$1,000,000. Funding in the amount of \$1,000,000 is available in the Fiscal Year 2008-2009 Capital budgets and/or Operating and Maintenance budgets of the various departments for which services are needed. Best qualification statement of seven (7) statements received. These contracts

will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subcontractor participation. Recommended by the Resource Management Commission.

The motion authorizing the negotiation and execution of a professional services agreement with the following three firms: CH2M Hill, Inc.; URS Corporation; and S. Kanetzky Engineering, LLC was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

21. Authorize negotiation and execution of a professional services agreement with HALFF ASSOCIATES, INC., AUSTIN, TX for engineering services for Southern Walnut Creek Trail in an amount not to exceed \$1,600,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Best qualification statement of twelve (12) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subcontractor participation.

The motion authorizing the negotiation and execution of a professional services agreement with Halff Associates, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

22. Authorize negotiation and execution of an amendment to the professional services agreement with PBS&J, Austin, Texas, for engineering services for the Loop 360 Area Water Improvements Project in the amount of \$1,804,798.05, for a total contract amount not to exceed \$3,178,069.38. 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) with 11.56 % MBE and 21.87 % WBE subconsultant participation to date. Recommended by Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with PBS&J was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

23. Authorize negotiation and execution of professional service agreements with the following three firms: HDR/CLAUNCH & MILLER, Austin, TX; JACOBS ENGINEERING GROUP, INC., Austin, TX; SUB TERRA, INC., Austin, TX to provide consulting engineering services for the Trenchless Construction Engineering Rotation List, for the years 2008 through 2011-Reissue or until available funding authorization is expended, with a total of the three agreements in an amount not to exceed \$1,200,000. Funding in the amount of \$1,200,000 is available in the Fiscal Year 2008-2009 Capital budgets and/or Operating and Maintenance budgets of the various departments for which services are needed. Best qualification statements of nine (9) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by Water and Wastewater Commission.

The motion authorizing the negotiation and execution of professional service agreements with the following three firms: HDR/Claunch & Miller; Jacobs Engineering Group, Inc. and Sub Terra, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

24. Authorize negotiation and execution of a professional services agreement with ECOLOGICAL COMMUNICATIONS CORPORATION (ECOMM), Austin, TX to provide professional archaeological services for the Zilker Park Archaeological Investigation project, in an amount not to exceed \$700,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best qualification statement of two (2) statements received. This contract will be awarded in compliance with

Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.30% MBE and 20.00% WBE subconsultant participation. Recommended by Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Ecological Communications Corporation (ECOMM) was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

Item 25 was pulled for discussion.

26. Authorize negotiation and execution of an artwork commission agreement with JERALD DON EVANS, Dallas, TX, to design and create a bronze figurative sculpture for the African American Firefighters Memorial at the George Washington Carver Museum, in an amount not to exceed \$55,000. Funding in the amount of \$38,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Fire Department. Funding in the amount of \$17,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. The Art in Public Places Panel approved the selection of Jerald Don Evans, Dallas, TX on October 6, 2008; The Austin Arts Commission approved the selection of Jerald Don Evans, Dallas, TX on October 20, 2008.

The motion authorizing the negotiation and execution of an artwork commission agreement with Jerald Don Evans was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

27. Authorize negotiation and execution of an economic development loan agreement, and related documents, providing for a loan to EL SOL Y LA LUNA in an amount not to exceed \$250,000, for the redevelopment of property located at 600 East 6th Street, under the City's Business Retention and Enhancement Program. Funding in the amount of \$250,000 is included in the Business Retention and Enhancement Fund.

The motion authorizing the negotiation and execution of an economic development loan agreement and related documents was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to provide a DVD of this Council Meeting to each of the fire fighter's family.

28. Approve an ordinance creating the 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. There is no unanticipated financial impact. A fiscal note is not required.

Ordinance No. 20081211-028 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

29. Approve a resolution adopting the City's Legislative Program for the 81st Texas Legislative Session. Resolution No. 20081211-029 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote. Council Member Martinez proposed the following friendly amendment that the City of Austin Legislative Program be amended under the Departmental Issues, Financial Services, first bullet to read as follows, "Monitor (instead of oppose) legislation that would mandate increases to employee pension programs by the City." Add a new bullet under the Departmental Issues, Austin Police Department that reads, "Monitor legislation as it relates to use of cell phones and texting while driving." Direction was given to staff to not bring forward an ordinance until after we see what the legislature does. The Mayor proposed the following friendly amendment under Departmental Issues, 1)re-title "Energy and Water

Conservation” to “Air Quality and Energy Water Conservation” and 2) add a new bullet that would read as follows, “Support legislation that would protect regional air quality through improvements to air permitting requirements for stationary sources and improved standards for mobile sources.” These were accepted by Council Member Morrison, the maker of the motion and Council Member Cole, who seconded the motion.

30. Authorize negotiation and execution of fifty-one social service contracts between the City and forty-eight social service agencies for one-year terms beginning on January 1, 2009, in an amount not to exceed \$10,063,140, with options to renew each contract for one year in an amount not to exceed \$10,063,140 for the renewal term, for a total amount not to exceed \$20,126,280. Funding in the amount of \$7,280,813 is included in the Fiscal Year 2008-2009 Approved Operating Budget of the Health and Human Services Department. Funding in the amount of \$104,639 is included in the Fiscal Year 2008-2009 Approved Certification Fund. Funding in the amount of \$110,000 is included in the Fiscal Year 2008-2009 Operating Budget of the Parks and Recreation Department. Funding in the amount of \$60,750 is included in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding in the amount of \$80,000 is included in the Fiscal Year 2008-2009 Operating Budget of Watershed Protection Development Review. The term of each contract is for the period of January 1, 2009 through December 31, 2009 with one year renewal option. Funding for the balance of the contracts is contingent on available funding in future budgets. Recommended by the Public Health and Human Services Subcommittee. The motion authorizing the negotiation and execution of fifty-one social service contracts between the City and forty-eight social service agencies was approved on consent on Council Member Morrison’s motion, Council Member Cole’s second on a 7-0 vote.
31. Approve an ordinance authorizing acceptance of \$32,425 in grant funds from the Texas Department of State Health Services, HIV/STD Epidemiology and Surveillance Branch, Bureau of HIV and STD Prevention; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$32,425 to conduct active surveillance and reporting of human immunodeficiency virus/acquired immune deficiency syndrome and sexually transmitted disease cases in Travis County. Funding in the amount of \$32,425 is available from the Texas Department of State Health Services, HIV/STD Epidemiology and Surveillance Branch, Bureau of HIV and STD Prevention. The grant period is January 1, 2009 through December 31, 2009. No City match is required. Ordinance No. 20081211-031 was approved on consent on Council Member Morrison’s motion, Council Member Cole’s second on a 7-0 vote.

Item 32 was pulled for discussion.

33. Approve an ordinance consenting to the annexation of approximately 0.7 acres into Senna Hills Municipal Utility District ("MUD"), approving negotiation and execution of the Third Amendment to the First Amended and Restated Agreement Concerning Creation and Operation of Senna Hills Municipal Utility District, and providing a site specific amendment to Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) for the 0.7 acre tract. The 0.7 acre tract lies within the area known as the Barton Springs Zone in which the City's Save Our Springs Initiative regulations ("SOS") apply. No fiscal impact. Recommended by Planning Commission and Water and Wastewater Commission. This item was withdrawn on consent on Council Member Morrison’s motion, Council Member Cole’s second on a 7-0 vote.
34. Approve an ordinance to annex the Peninsula Municipal Annexation Plan Area for full purposes. (The area is approximately 432 acres in Travis County located west of Westlake Drive approximately 210 feet south of the intersection of Westlake Drive and Trailview Mesa 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. Related to item 35

This item was postponed to December 18, 2008 on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

35. Approve a resolution ordering City ad valorem taxes to be collected on properties located within the Lake Austin Shoreline Area adjacent to the Peninsula Annexation area (approximately 59 acres in Travis County located below the 504.9 foot mean sea level contour line). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services. Related to item 34

This item was postponed to December 18, 2008 on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

36. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by current Austin city boundary line paralleling Bee Caves Road, Loop 1 (Mopac Expressway) (South) West Service Road, Loop 360 (Capital of Texas Highway) (South), and current Austin city boundary line paralleling Walsh Tarlton Lane. Funding in the amount of \$7,500 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department for installation of necessary signs.

Ordinance No. 20081211-036 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

37. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation for construction (relocation) of Austin Water Utility water lines within the State's Roadway construction contract on Loop 360 at Westlake Drive, in the amount of \$23,966 plus a \$5,992 contingency, for a total amount not to exceed \$29,958. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

38. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation for construction/relocation of Austin Water Utility water lines within the State's roadway construction contract on FM 2304 (Manchaca Road) from Ravenscroft Drive to FM 1626, in the amount of \$1,730,400 plus a \$432,600 contingency, for a total amount not to exceed \$2,163,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

39. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation for construction (relocation) of Austin Water Utility water lines within the State's roadway construction contract on Old Manor Road at Walnut Creek, in the amount of \$85,860 plus a \$21,465 contingency, for a total amount not to exceed \$107,325. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

40. Authorize award and execution of a 24-month requirements supply contract with AIRGAS SOUTHWEST, Austin, TX for specialty gases in an estimated amount not to exceed \$60,780, with three 12-month extension options in an estimated amount not to exceed \$30,390 per extension option, for a total estimated contract amount not to exceed \$151,950. Funding in the amount of \$22,793 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with Airgas Southwest was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
41. Authorize award and execution of a 12-month requirements service and supply contract with FACILITY SOLUTIONS GROUP, Austin, TX for energy efficient lighting retrofits in commercial buildings in an estimated amount not to exceed \$1,520,518 with four 12-month extension options in an estimated amount not to exceed \$1,520,518 per extension option, for a total estimated contract amount not to exceed \$7,602,590. Funding in the amount of \$1,267,098 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy and the Fiscal Year 2008-2009 Austin Energy Operating Budget Performance Contracting Fund. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service and supply contract with Facility Solutions Group was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
42. Authorize award and execution of a 12-month requirements service contract through the Texas Multiple Award Schedule (TXMAS) with JOHNSON CONTROLS, Austin, TX for preventive and corrective maintenance services on 15 chillers in an estimated amount not to exceed \$281,229, with four 12-month extension options in estimated amounts not to exceed \$283,664 for the first extension option, \$290,629 for the second extension option, \$293,348 for the third extension option, and \$296,150 for the fourth extension option, for a total estimated contract amount not to exceed \$1,445,020. Funding in the amount of \$210,922 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman 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 requirements service contract through the Texas Multiple Award Schedule (TXMAS) with Johnson Controls was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
43. Authorize award, negotiation, and execution of a contract with PACE GLOBAL ENERGY SERVICES, LLC, Fairfax, VA, for support of Austin Energy's long-range energy resource planning process in an amount not to exceed \$364,344. Funding is available in the Fiscal Year 2008-2009 Operating Budget for Austin Energy. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business

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

The motion authorizing the award, negotiation and execution of a contract with Pace Global Energy Services, LLC was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

44. Authorize award, negotiation, and execution of a contract with STANDARD AUTOMATIC FIRE ENTERPRISES, INC., College Station, TX for an upgrade of the fire protection system at Sand Hill Energy Center in an amount not to exceed \$134,143. Funding in the amount of \$134,143 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a contract with Standard Automatic Fire Enterprises, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

45. Approve ratification of an emergency purchase with AUSTIN UNDERGROUND, INC. (MBE-MH), Austin, TX for the installation of a 66-inch diameter concrete steel cylinder for the Austin Water Utility in an amount not to exceed \$54,850. Funding is available in the Fiscal Year 2008 - 2009 Operating Budget of the Austin Water Utility. Emergency Purchase. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This is an emergency purchase contract; therefore it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion for ratification of an emergency purchase with Austin Underground, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

46. Authorize award and execution of a contract with BPI ENVIRONMENTAL SERVICES, INC., Lakeway, TX, for the purchase and installation of fencing within the Water Quality Protection Lands of the Austin Water Utility in an amount not to exceed \$66,445. Funding is available in the Fiscal Year 2008-2009 Wildland Conservation Fund of the Austin Water Utility. 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. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract with BPI Environmental Services, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

47. Authorize award and execution of a contract with LAKESIDE EQUIPMENT CORP, Bartlett, IL, for the purchase and installation of a sludge inlet screen cartridge assembly for the Austin Water Utility in an amount not to exceed \$82,500. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract with Lakeside Equipment Corp was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

48. Authorize award and execution of a 24-month requirements supply contract with RTI HOT MIX, LTD, Pflugerville, TX for the purchase of hot mix-cold laid asphaltic concrete in an estimated amount not to exceed \$1,098,500, with three 12-month extension options in an estimated amount not to exceed \$686,563 per extension option, for a total estimated contract amount not to exceed \$3,158,189. Funding in the amount of \$411,938 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission. **The motion authorizing the award and execution of a requirements supply contract with RTI Hot Mix, Ltd was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.**
49. Authorize award and execution of a 24-month requirements supply contract with WACHS VALVE & HYDRANT SERVICES, LLC (dba Wachs Utility Services), Lincolnshire, IL, for fire hydrant maintenance and repair services for the Austin Water Utility in an estimated amount not to exceed \$2,623,800, with four 12-month extension options in an estimated amount not to exceed \$1,639,875 per extension option, for a total estimated contract amount not to exceed \$9,183,300. Funding in the amount of \$983,925 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 15 months of the initial contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of five 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. Recommended by the Water and Wastewater Commission. **The motion authorizing the award and execution of a requirements supply contract with Wachs Valve & Hydrant Services, LLC was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.**
50. Authorize the award, negotiation, and execution of a 60-month revenue contract with CARTER TRANSPORTATION SERVICES, INC. d/b/a SUPERSHUTTLE OF AUSTIN, INC., Cedar Park, TX, to operate a demand-responsive shared ride shuttle service to transport passengers and baggage between Austin-Bergstrom International Airport and locations within Austin, Texas and surrounding communities with an estimated revenue of \$474,887 for the concession and an estimated revenue of \$257,000 for rental and occupancy of space inside the terminal, for a total estimated revenue of \$731,887. Estimated concession revenue of \$85,660 is included in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Estimated rental revenue of \$48,920 is included in Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) and 49 CFR Part 23 of the Federal Regulations (Airport Concession Disadvantaged Owned Business Enterprises Program (ACDBE)) through the achievement of Good Faith Efforts with 3.00% ACDBE subcontractor participation. Recommended by the Austin Airport Advisory Commission. **The motion authorizing the award, negotiation and execution of a revenue contract with Carter Transportation Services, Inc. doing business as Supershuttle of Austin, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.**
51. Authorize award, negotiation, and execution of Amendment No. 9 to a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, to increase the contract in an amount not to exceed \$1,271,000 for the purchase of subscriber radio equipment, add-on radios for new positions

and vehicles, budgeted system upgrades, replacement units, and related equipment and services for City departments for a revised total contract amount not to exceed \$97,843,932. Funding in the amount of \$1,271,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Financial and Administrative Services Department, Communications and Technology Management, Wireless Division. 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, negotiation and execution of amendment number 9 to a contract with Motorola Communications And Electronics, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

52. Authorize award and execution of a 36-month contract with SIDDONS FIRE APPARATUS, Houston, TX for the supply of captive repair parts and repair services for Pierce fire trucks in an estimated amount not to exceed \$788,125, with three 12-month extension options in estimated amounts not to exceed \$289,406 for the first extension option, \$303,876 for the second extension option, and \$319,070 for the third extension option, for a total estimated contract amount not to exceed \$1,700,477. Funding in the amount of \$208,333 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a contract with Siddons Fire Apparatus was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

53. Authorize award and execution of a 36-month requirements supply contract with STERLING & WESTERN STAR OF AUSTIN, Austin, TX for the supply of captive repair parts for Cummins diesel engines in an estimated amount not to exceed \$472,875, with three 12-month extension options in estimated amounts not to exceed \$173,644 for the first extension option, \$182,326 for the second extension option, and \$191,442 for the third extension option, for a total estimated contract amount not to exceed \$1,020,287. Funding in the amount of \$131,354 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Sterling & Western Star of Austin was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

54. Authorize award and execution of a 24-month requirements supply contract with WHEELED COACH INDUSTRIES, INC., Winter Park, FL for the supply of captive repair parts for Wheeled Coach ambulances in an estimated amount not to exceed \$153,750, with two 12-month extension options in estimated amounts not to exceed \$82,688 for the first extension option, and \$86,822 for the second extension option, for a total estimated contract amount not to exceed \$323,260. Funding in the amount of \$64,063 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned

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

The motion authorizing the award and execution of a requirements supply contract with Wheeled Coach Industries, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

55. Authorize award and execution of a 12-month requirements supply contract with BAKER & TAYLOR, Charlotte, NC for the purchase of music compact discs for the Austin Public Library in an estimated amount not to exceed \$137,360, with two 12-month extension options in an estimated amount not to exceed \$137,360 per extension option, for a total estimated contract amount not to exceed \$412,080. Funding in the amount of \$114,467 is available in the Fiscal Year 2008-2009 Operating Budget of the Library Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Baker & Taylor was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

56. Authorize award and execution of a 36-month requirements supply contract with RECORDED BOOKS, LLC, Prince Frederick, MD for unabridged audio books on compact disc for the Austin Public Library in an estimated amount not to exceed \$756,000, with three 12-month extension options in an estimated amount not to exceed \$252,000 per extension option, for a total estimated contract amount not to exceed \$1,512,000. Funding in the amount of \$210,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Library Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Recorded Books, LLC was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

57. Approve ratification of a 6-month requirements service contract with COGENT SYSTEMS, INC., South Pasadena, CA, for maintenance services for the existing automated fingerprint identification system in the amount of \$22,916; and authorize the award, negotiation, and execution of a 30-month requirements service contract for the continuation of maintenance services for this system, related software, and peripherals in an estimated amount not to exceed \$535,784, for a total estimated contract amount not to exceed \$558,700. Funding in the amount of \$91,662 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department and \$421,207 is available in the 2007 Bureau of Justice Assistance Targeting Violent Crime Grant. Funding for the remaining 12 months of the original contract period 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 for ratification of a requirements service contract with Cogent Systems, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

58. Authorize award and execution of a 36-month requirements supply contract with GT DISTRIBUTORS, INC., Austin, TX for the purchase of duty belts and accessories for Austin Police Department in an estimated amount not to exceed \$422,374, with three 12-month extension options in an amount not to exceed \$140,792 per extension option, for a total agreement amount not to exceed \$844,750. Funding in the amount of \$117,326 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with GT Distributors, Inc. was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
59. Authorize award and execution of a 12-month service contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUY BOARD) with HOLT CAT, Austin, TX, for the rental of a Cat 320DL Excavator in an amount not to exceed \$99,228, with two 12-month extension options in amounts not to exceed \$103,200 for the first extension option, and \$107,328 for the second extension option, for a total contract amount not to exceed \$309,756. Funding in the amount of \$82,690 is available in the Fiscal Year 2008-2009 Operating Budget of the Solid Waste Services Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; 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 service contract through the Texas Local Government Purchasing Cooperative (Buy Board) with Holt Cat was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
60. Approve an ordinance amending Chapter 2-9A of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Construction. Approved by the MBE/WBE, Small Business Advisory Committee and Small Business Council Subcommittee.
Ordinance No. 20081211-060 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
61. Approve an ordinance amending Chapter 2-9B of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Professional Services. Approved by the MBE/WBE, Small Business Advisory Committee and Small Business Council Subcommittee.
Ordinance No. 20081211-061 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
62. Approve an ordinance amending Chapter 2-9C of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Non-Professional Services. Approved by the MBE/WBE, Small Business Advisory Committee and Small Business Council Subcommittee.
Ordinance No. 20081211-062 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
63. Approve an ordinance amending Chapter 2-9D of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Commodities. Approved by the MBE/WBE, Small Business Advisory Committee and Small Business Council Subcommittee.

Ordinance No. 20081211-063 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

64. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Capital Metropolitan Transit Authority (CMTA) regarding the resolution of drainage utility upgrades for the CMTA Manor Siding Project as it relates to the Red line light rail construction within the MLK Transit Oriented Development District. Funding in the amount of \$136,783 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department (WPDR).
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Capital metropolitan Transit Authority (CMTA) was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
65. 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 on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote:

Board

Nominated By:

2006 Bond Oversight Committee

Tyler Anderson

Mayor Wynn

Community Development Commission

Sandy Battise

Mayor Wynn

Federally Qualified Health Center Board

Jessie Cleveland

Karen Fromberg

Rose Lancaster

Julia Mitchell

Council Member Cole

Mayor Wynn

Council Member Martinez

Mayor Wynn

Housing Authority of the City of Austin

Tyra Duncan-Hall

Henry Flores

Thelma Pannell

Mayor Wynn

Mayor Wynn

Mayor Wynn

Human Rights Commission

Jay Chung

Council Member Leffingwell

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Aarinisha Brewer

Council Member Cole

Sustainable Food Policy Board

Brandi Clark

Melanie McAfee

Council Member Shade

Council Member Leffingwell

Nominations to an Intergovernmental Body

Austin-Travis County EMS Advisory Board

Susan Pascoe

Mayor Wynn

Employees' Retirement System

Elizabeth Gonzales

Council

66. Approve an ordinance for reimbursement of Austin Water Utility capital recovery fees in an amount not to exceed \$700 for the development of the Blackshear Neighborhood Community Garden. (Council Member Sheryl Cole Mayor Pro Tem Brewster McCracken Council Member Laura Morrison)
Ordinance No. 20081211-066 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
67. Approve a resolution directing the City Manager to amend the vending guidelines and permit application to allow display of merchandise in the South Congress corridor, and to initiate a code amendment to Chapter 25-10 (sign regulations) of the Land Development code to allow sidewalk signs in the South Congress corridor. (Council Member Mike Martinez Council Member Laura Morrison)
Resolution No. 20081211-067 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
68. Approve a resolution directing the City Manager to process amendments to Title 25 of the City Code to change the period of time for which site plans are valid to five years from the date of approval and requesting both the Planning Commission and the Zoning and Platting Commission to provide recommendations to Council on the proposed amendments. (Mayor Pro Tem Brewster McCracken Council Member Randi Shade Council Member Sheryl Cole)
This item was withdrawn.

Items 69 through 71 were pulled for discussion.

72. Approve waiver of the signature requirement under Chapter 14 of the Code for the Austin Marathon to be held on February 15, 2009. (Mayor Pro Tem Brewster McCracken Mayor Will Wynn Council Member Randi Shade)
The motion for waiver of the signature requirement for the Austin Marathon was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
73. Set a public hearing to consider an ordinance regarding the creation of the "Homestead Preservation Reinvestment Zone Number One," a tax increment reinvestment zone for affordable housing for the Homestead Preservation District project area, generally located within the boundaries of IH-35 on the west; Lady Bird Lake on the south; Springdale Road to Lyons Road to Webberville Road to Oak Springs Drive to Airport Boulevard on the east; and 38th 1/2 Street to Cherrywood Road to Manor Road on the north. (Suggested date and time: December 18, 2008, 6:00 PM at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for December 18, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.
74. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Jeffry Russell to allow construction of a single-family residence at 8204 and 8206 Sandalwood Cove in the 25-year and 100-year floodplains of Shoal Creek and including a request to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain. (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 W. Second Street, Austin, Texas on consent on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

Items 75 and 76 were Executive Session items.

Item 77 was a bond sale item set for 2:00 p.m.

Items 78 and 79 were briefing items set for 2:00 p.m.

Items 80 through 117 were zoning items set for 4:00 p.m.

Items 118 through 120 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

10. 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. Recommended by the Water and Wastewater Commission.
The motion to deny Service Extension Request number 2769 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
11. 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. Recommended by the Water and Wastewater Commission.
The motion to deny Service Extension Request number 2768 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
25. Authorize negotiation and execution of a professional services agreement with one of the following firms: BARNES GROMATZKY KOSAREK ARCHITECTS AND TANIGUCHI WITH HOLZMAN MOSS Joint Venture, Austin, TX (staff recommendation); PAGE SOUTHERLAND PAGE / PATKAU ARCHITECTS Joint Venture, Austin, TX; LAKE / FLATO ARCHITECTS AND SHEPLEY BULFINCH RICHARDSON & ABBOTT Joint Venture, San Antonio, TX to provide architectural services for the New Central Library in an amount not to exceed \$7,200,000. Funding in the amount of \$7,200,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Library Department. Best qualification statement of twenty-two (22) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 22.40% MBE and 14.30% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement with Lake/Flato Architects and Shepley Bulfinch Richardson & Abbot Joint Venture was approved on Mayor Wynn's motion, Council Member Leffingwell's second on a 6-1 vote. Council Member Morrison voted nay.
32. Approve a settlement in 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.
The motion authorizing a settlement in the amount of \$1,000,000 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 11:50 a.m.

Mayor Wynn called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Michael Bruce Shaw -- littering and our city's image as a result He was not present when his name was called.

Richard Troxell -- Homelessness in Austin

Carolannerose Kennedy -- THE FiRST NOhELL

Howard Kells -- Austin Energy and Dona Emilias

Francoise Luca -- Citizen's Task Force on Public Health

William Fraser -- Auditorium Shores

Walt Esquivel -- Travis County Healthcare District's lack of accountability to the voters = "taxation without representation".

Linda Messier -- Travis County Health Care District, TBD

Robert Thomas -- Labor and industrial relations at the rosewood park and recreation center

Colin Clark -- Water Conservation

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:50 p.m.

EXECUTIVE SESSION

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

The Mayor announced that Council would discuss items number 70 and 71 on the regular agenda during Executive Session.

75. Discuss matters relating to Austin Energy's generation resource plans (Public Power Utility Competitive Matter - Section 551.086).
76. Discuss legal issues regarding consolidation of the Public Safety and Emergency Management law enforcement officers into the Austin Police Department (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:20 p.m.

BOND

77. Approve an ordinance authorizing the issuance of City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2008A, in an amount not to exceed \$175,000,000 and approving related documents. \$5,181,944 estimated debt service requirement and \$400 annual paying agent/registrar fee was included in the Fiscal Year 2008-2009 Budget of the Utility Revenue Bond Redemption Fund.
Ordinance No. 20081211-077 in amount not to exceed \$175,000,000 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

71. Approve a resolution directing the City Manager to enter into a contract on December 12, 2008 with Allison, Bass & Associates, L.L.P. to provide legal counsel regarding the purported BFI/City of Austin settlement agreement and other issues related to the TCEQ State Administrative Law Hearing in an amount not to exceed \$25,000. (Council Member Laura Morrison Council Member Mike Martinez Council Member Lee Leffingwell)
Resolution No. 20081211-071 was approved with revisions as read into record on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

69. Approve a resolution directing the City Manager begin the process of considering amendments to Title 25 of the City Code to grant a one-time extension of the period of time for which current projects and site plans are valid by two additional years from the site plan expiration date (including any extensions previously granted). (Mayor Pro Tem Brewster McCracken Council Member Randi Shade Council Member Sheryl Cole)
Resolution No. 20081211-069 with the following amendments was approved on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote. The amendment was as follows: to not make the extensions automatic but instead applicants could request a one time two year extension on the condition of compliance of certain necessary code amendments. Direction was given to the City Manager to work with various boards and commissions including but not limited to the Planning Commission, Zoning and Platting Commission, Design Commission and the Environmental Board to identify those necessary code amendments required for extension. Those requirements should include at a minimum: compliance with the current flood plains maps, environmental regulations and sidewalk requirements and direction was given to the City Manager to draft administrative guidelines for Managed Growth Agreements that can assist site plans that might otherwise expire due to the down turn in the economy.

The friendly amendment from Mayor Pro Tem McCracken was asking boards and commissions to add to their recommendations whether the language should be "maybe granted administratively" or "shall be granted administratively" in either case contingent upon current criteria manual and sidewalk standards being met on criteria manual standards for Environmental Water Quality. This was accepted by Council Member Morrison, the maker of the motion and Mayor Wynn who made the second.

70. Approve a resolution directing the City Manager: (1) to process an amendment to the City Code to establish a procedure for public notice and input during the review and consideration of a development agreement regarding the regulations applicable to a project proposed by a governmental entity; and (2) prior to Council consideration of the amendment, to process a request for a development agreement in accordance with the requirements for a zoning application, with applicable notice costs to be paid by the City. (Council Member Laura Morrison Council Member Mike Martinez)
Resolution No. 20081211-070 was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

BRIEFINGS

78. Zero Waste Strategic Plan Briefing and "Recycle the Bag" Pilot Project Update
The presentation was made by Willie Rhodes, Director of Solid Waste Services and Jessica King, Sustainability Administrator.
79. Presentation of the Barton Springs Pool Master Plan in cooperation with the Limbacher & Godfrey Architects
The presentation was made by Stuart Strong, Assistant Director of Parks and Recreation Department and Alfred Godfrey of Limbacher & Godfrey Architects.

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 5:19 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 5:20 p.m.

ZONING CONSENT ITEMS

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

80. C14-2008-0156 - East 11th Street NCCD Amendment (City Initiated) - Approve second/third readings of 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, (Boggy Creek Watershed) 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. First reading approved on November 20, 2008. Vote: 5-0 (Martinez off the dais; McCracken absent). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Joi Harden, 974-2122.
Ordinance No. 20081211-080 to modify the East 11th Street Neighborhood Conservation Combining District (NCCD) for various development regulations was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
81. C14-2008-0020 - Sundberg Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8219 Burleson Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions for Tract 2. First reading approved on October 16, 2008. Vote: 7-0. Applicants: Joan Elaine Frensley Smith; Frances E and Robert W. Bauman; Sundberg Farm Limited Partnership (Jean and Marvin Chernosky); Sundberg C&C Partners, Ltd. (Camille C. Mealy); Ralph & Olga Schneider Family Partnership (Elaine Schnieder and John P. Schneider, M.D.); and Robert Carl Wolter. Agent: Bury & Partners (Melissa Matthiesen). City Staff: Wendy Rhoades, 974-7719.
This item was postponed to December 18, 2008 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
89. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for all properties within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north

and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

90. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan (Alternative Compliance) - Approve second/third readings of an ordinance adopting the alternative compliance provision of the MLK Jr. Blvd. Station Area Plan. First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

91. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan (2900 Manor Road) - Conduct a public hearing and approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for 2900 Manor Road, located within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

92. NPA-2008-0003.01 - Chestnut Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Chestnut Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

93. NPA-2008-0008.01 - Rosewood Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Rosewood Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

94. NPA-2008-0012.01 - Upper Boggy Creek Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Upper Boggy Creek Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
95. NPA-2008-0015.01 - East MLK Combined Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the MLK Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008, Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:26 p.m.

LIVE MUSIC

Girls Rock Camp

PROCLAMATIONS

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

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Item 119 was reconsidered later in the meeting.

120. Conduct a public hearing and consider an ordinance on the East 6th Street Public Improvement District (PID) 2009 assessments, adopting the assessment roll and levying assessments. Funding at the approved 2009 assessment rate of \$0.10/\$100 valuation is estimated to produce \$41,616 at a 91.1% collection rate. The public hearing was closed and Ordinance No. 20081211-120 was approved on Mayor Pro Tem McCracken's motion, Council Member Shade's second on a 6-0 vote. Council Member Martinez was off the dais.
119. Conduct a public hearing and consider an ordinance on the Downtown Austin Public Improvement District (PID) 2009 assessments, adopting the assessment roll and levying assessments. Funding at the approved 2009 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,308,066 at a 96.7% collection rate. The public hearing was closed on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 5-0 vote. Council Members Cole and Martinez were off the dais.

A motion to reconsider Item 119 was approved on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.

The public hearing was closed and Ordinance No. 20081211-119 was approved on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.

ZONING CONSENT ITEMS

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

100. C14-2008-0150 - 808 Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 808 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Stephen Adler. Agent: Holford Group (Charles Dunn). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20081211-100 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

101. C14-2008-0210 - Ashok Medical Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12554-12622 Metric Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Catoosa Springs Partners (John Bultman III). Agent: Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.

This item was postponed to January 15, 2009 at the neighborhood's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

102. C14-2008-0215.SH - The Willows Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1330 & 1332 Lamar Square Drive (West Bouldin Creek Watershed) from multi-family residence-moderate high density (MF-4) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: The Mary Lee Community (Charlene Crump). Agent: DAVCAR Engineering (David Carroll, Scott Evers). City Staff: Stephen Rye, 974-7604.

The public hearing was closed and the first reading of the ordinance for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditional overlay will limit the building height to 60 feet, the number of units to 64, the FAR to 0.841:1 and limit all remaining development regulations to MF-4 standards. The clause directing staff "not to consider this tract as precedent" was excluded from the ordinance. Direction was given to staff to work with the Law Department and neighborhood to identify a different way to achieve what the neighborhood wants in lieu of a clause regarding precedence.

103. C14-2008-0192 - Pearson Place South - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14608 North F.M. 620 (Lake Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jeff Banks. Agent: Bury & Partners (Kelly Green). City Staff: Clark Patterson, 974-7691.
The public hearing was closed and Ordinance No. 20081211-103 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.
104. 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; Gayle Langford Turner; Robert Glass Langford; Jefferson M. Langford. Agent: LJA Engineering and Surveying, Inc. (Paul J. Viktorin). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20081211-104 for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.
105. C14-2008-0094 - 8th Street Triangle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 E. 8th (Waller Creek Watershed) from public (P) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Applicant: City of Austin, Contract and Land Management. Agent: Lauraine Rizer. City Staff: Robert Heil, 974-2330.
The public hearing was closed and the first reading of the ordinance for central business district-central urban redevelopment (CBD-CURE) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.
106. C14-2008-0225 - 2610 E. 2nd Street - 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 2608 and 2610 E. 2nd Street (Town Lake Watershed) from limited industrial service-neighborhood plan (LI-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Joi Harden, 974-2122.
This item was postponed to December 18, 2008 at the staff's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.
107. 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 January 29, 2009 at the Council's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

112. 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 18, 2008 at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

113. NPA-2008-0015.03 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Ordinance No.021107-Z11, the East MLK 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 designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). Staff Recommendation: To approve civic use designation. Planning Commission Recommendation: To approve civic use designation. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.

This item was postponed to February 12, 2009 at the staff's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

114. C14-2008-0174 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.

This item was postponed to February 12, 2009 at the staff's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

117. C14-2008-0204 - R. I. T. Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6516 and 6520 South 1st Street (Williamson Creek Watershed) from limited office (LO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: R. I. T. Inc. (Roberto J. Reyna). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to January 15, 2009 at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

118. Conduct a public hearing and consider an ordinance amending the Electric Rate Schedule in Exhibit A 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 adjustment 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. No funding is required. Recommended by the Electric Utility Commission and by the Resource Management Commission.

The public hearing was closed and Ordinance No. 20081211-118 with an amendment was approved on Mayor Pro Tem McCracken's motion, Council Member Martinez' second on a 7-0 vote. The amendment was to delete added language on page 9, lines 38-42 and all identical language as it appears in the ordinance.

ZONING DISCUSSION ITEMS

82. C14-2008-0029 - Plaza Saltillo Station Area Plan - Approve third reading of an ordinance adopting the Plaza Saltillo Station Area Plan and TOD base district zoning for all properties within the boundaries of the Plaza Saltillo Station Area, generally bounded by E. 7th Street and the E. 7th Street alley on the north; the east side of Chicon Street on the east; E. 3rd Street, the alley between E. 3rd and 4th Streets, and E. 4th Street on the south; and the northbound frontage road of IH-35 on the west. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. Ordinance No. 20081211-082 to adopt the station area plan and transit oriented development (TOD) district zoning, with the following major elements, was approved on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

The elements were as follows:

A. Regulating Plan

- The regulating plan establishes zoning standards and urban design requirements for properties within the TOD

B. Infrastructure

- A recommendation to implement short-term drainage improvements and water/wastewater upgrades in and around the TOD
- A recommendation to coordinate the design and construction of an off-street Lance Armstrong Bikeway facility with future rail relocation plans (bicycle bond funding would be identified to implement).

C. Parks and open space

- The parkland dedication fees collected in a TOD District shall be spent in that TOD unless a Council waiver is granted.
- A park and trail acquisition plan prepared by the Parks and Recreation Department which addresses parks with amenities for families and children.

D. Affordable housing and development bonuses

- A development bonus strategy intended to achieve a minimum of 10-15% affordability from the private sector with City cost participation to reach the 25% affordability goal
- An affordable housing strategy that includes:
No administrative approval of fees-in-lieu allowed unless Council approval is granted;

Fees collected shall be focused back into the Station Area vicinity;
Additional points for projects in TODs seeking GO Bond funding;
Support for low income housing tax credit projects
Support for a catalyst project on publicly owned land at 411 Chicon to provide affordable housing (5-acre City site will require relocation of existing services before redevelopment can occur; staff to examine costs and impacts of replacing buildings and relocating services, availability of space at other sites, and potential funding sources and report back to Council.)

E. Compatibility standards:

Compatibility height standards shall apply within the TODs. However, they may be waived if the required percentage of affordable housing is provided as specified by a development bonus except for the area within 100 feet of the interior edge of a TOD District. Within this 100-foot zone, the height compatibility standards may be waived if the required percentage of affordable housing is provided as specified by a development bonus and if owners of at least 66% of triggering properties outside of the TOD district, agree to the waiver.

F. Funding options

Hire a consultant to prepare a financial feasibility study to assess viability of a TIF in addition to a staff evaluation of other funding tools and return to Council for further direction.

G. Historic properties on E. 6th Street

For the list of properties identified by historic preservation officer, Steve Sadowsky, if a demolition permit is sought, in addition to the standard staff review, the applications will be sent to the Historic Landmark Commission for review.

Direction was given to Parks and Recreation Department staff to present a status report on the Parkland and Trail Acquisition Plan monthly beginning with January to the Land Use and Transportation Committee.

83. NPA-2008-0002.01 - East Cesar Chavez Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 990513-70, the East Cesar Chavez Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the East Cesar Chavez Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit Oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

Ordinance No. 20081211-083 was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

84. NPA-2008-0009.01 - Central East Austin Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the Central East Austin Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

Ordinance No. 20081211-084 was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

85. NPA-2008-0010.01 - Holly Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 011213-43, the Holly Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the Holly Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
Ordinance No. 20081211-085 was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.
86. C14-2008-0030 - Lamar Blvd./Justin Lane Station Area Plan - Approve third reading of an ordinance adopting the Lamar Blvd./Justin Lane Station Area Plan and TOD base district zoning for all properties within the boundaries of the Lamar Blvd./Justin Lane Station Area, generally bounded by Morrow Street on the north; Guadalupe Street, Burns Street and the back property line of properties along Lamar Blvd. on the east; Denson Drive and just north of Romeria Drive on the south; and Wild Street, the Northwest and Austin Railroad, and Ryan Drive on the west. First reading approved on April 24, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
Ordinance No. 20081211-086 to adopt the station area plan and transit oriented development (TOD) district zoning, with the following major elements was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

The elements were as follows:

A. Regulating Plan

- The regulating plan establishes zoning standards and urban design requirements for properties within the TOD

B. Infrastructure

- A recommendation to implement short-term drainage improvements and water/wastewater upgrades in and around the TOD
- A recommendation to implement short-term and evaluate long-term improvements to the Lamar/Airport intersection
- Recommendations to improve east-west mobility across Lamar (evaluation of east to west access on Morrow and Anderson Lane corridor study)
- A recommendation to utilize traffic calming on new public connector streets in the TOD and annually monitor traffic patterns around the TOD.

C. Parks and open space

- The parkland dedication fees collected in a TOD District shall be spent in that TOD unless a Council waiver is granted.
- A park and trail acquisition plan prepared by the Parks and Recreation Department which addresses parks with amenities for families and children.

D. Affordable housing and development bonuses

- A development bonus strategy intended to achieve a minimum of 10-15% affordability from the private sector with City cost participation to reach the 25% affordability goal
- An affordable housing strategy that includes:
No administrative approval of fees-in-lieu allowed unless Council approval is granted;
Fees collected shall be focused back into the Station Area vicinity;
Additional points for projects in TODs seeking GO Bond funding;
Support for low income housing tax credit projects
Support for a catalyst project on publicly owned land at 910 Justin Lane to provide affordable housing (5-acre site owned by AE and will require relocation of existing services

before redevelopment can occur; staff to examine costs and impacts of replacing buildings and relocating services, availability of space at other sites, and potential funding sources and report back to Council.)

E. Compatibility standards:

Compatibility height standards shall apply within the TODs. However, they may be waived if the required percentage of affordable housing is provided as specified by a development bonus except for the area within 100 feet of the interior edge of a TOD District. Within this 100-foot zone, the height compatibility standards may be waived if the required percentage of affordable housing is provided as specified by a development bonus and if owners of at least 66% of triggering properties outside of the TOD district, agree to the waiver.

F. Funding options

Hire a consultant to prepare a financial feasibility study to assess viability of a TIF in addition to a staff evaluation of other funding tools and return to Council for further direction.

87. NPA-2008-0017.01 - Crestview/Wooten Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 040401-Z-2, the Crestview/Wooten Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Lamar Blvd./Justin Lane Station Area Plan and change the land use designation on the future land use map for all properties within the Crestview/Wooten Combined Neighborhood Planning Area that overlap the Lamar Blvd./Justin Lane Station Area to Transit Oriented Development (TOD). First reading approved on April 24, 2008. Vote: 6-0 (McCracken off the dais). Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
Ordinance No. 20081211-087 was approved on Council Member Cole's motion, Mayor Wynn's second on a 7-0 vote.
88. NPA-2008-0018.01 - Brentwood/Highland Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Lamar Blvd./Justin Lane Station Area Plan and change the land use designation on the future land use map for all properties within the Brentwood/Highland Combined Neighborhood Planning Area that overlap the Lamar Blvd./Justin Lane Station Area to Transit Oriented Development (TOD). First reading approved on April 24, 2008. Vote: 6-0 (McCracken off the dais.) Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
Ordinance No. 20081211-088 was approved on Council Member Cole's motion, Mayor Wynn's second on a 7-0 vote.

Item 96 was reconsidered later in the meeting.

97. C14-2008-0125 - West Oak Hill Combined Neighborhood Planning Area Rezonings - Approve third reading of the uncontested rezoning of properties and approve second/third readings of the contested rezoning of tracts 3, 4, 5, 7, 12, and 12a, save and except tract 6 (7912 U.S. Highway 290 West, which was postponed indefinitely on November 6, 2008) of an ordinance amending Chapter 25-2 of the Austin City Code. The uncontested and contested zoning and rezoning of properties are located within an area bounded by Southwest Parkway to the north, West William Cannon Drive to the east, F.M. 1826, Davis Lane, Clairmont Drive, Abilene Trail, and Convict Hill Road to the south, and Thomas Springs Road, Circle Drive and West View Road to the west (6,155.03 acres). The proposed zoning changes will create the West Oak Hill Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the Oak Hill Combined Neighborhood Plan. The City Council may approve a zoning change to any of the following districts: Rural Residence (RR); Single-Family Residence - Large Lot (SF-

1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Vertical Mixed Use Building (V); Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. First reading of the uncontested properties was approved on August 28, 2008. Vote: 7-0. Second reading approved on October 23, 2008. Vote 7-0. First reading of the contested tracts approved on November 6, 2008. Vote 7-0. Staff: Maureen Meredith, 974-2695; Minal Bhakta, 974-6453; and Gregory Montes, 974-2629.

Ordinance No. 20081211-097 was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. The zonings and rezonings of the uncontested tracts are as recommended by staff and neighborhood planning contact team for West Oak Hill planning area with the exception of tracts 3, 4, 5, 7, 12, and 12a and within the East Oak Hill planning area with the exception of tracts 208a, 209a, 216 and 220, as described below.

The following actions were included in Ordinance No. 20081211-097 on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Tract 3, west portion of property fronting Highway 290 ABS 538 Sur 619 Maston P ACR 30.98, was rezoned to LR-MU-NP.

Tract 4, rear west portion of property, approximately 700 feet from US Highway 290 ABS 538 Sur 619 Maston P ACR 30.98 was rezoned to SF-1-NP.

Tract 5, 8060 W US Highway 290, 2.27 acres was rezoned to LO-NP.

Tract 7, W US HY 290, ABS 788 SUR 62 Williams J, 6.75 acres was rezoned to GR-CO-NP with the following prohibited uses on a friendly amendment from Council Member Shade: automotive rental, automotive repair services, automotive sales, automotive washing of any type, bail bond services, commercial off street parking, drop off recycling collection facility, exterminating services, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawnshop services, pet services, service station and theatre.

Tract 12, 8511 FM 1826; 8015 Dark Valley cove; ABS 788 SUR 62 Williams J ACR 8.0, 1-D-1W; ABS 788 SUR 62 Williams J, ACR 10.0, 1-D-1W was rezoned to SF-1-CO-NP with added language as follows: Tract 12 may access to Hot Springs Rotane Drive through lot 10 Block B amended plat of Shadow Ridge crossing section 9 only as long as there is only one single family resident and accessory uses on Tract 12.

Tract 12a, the Waters tract, was excluded from the final reading of the ordinance.

The motion to adopt the second reading on Tract 12a was approved on Council Member Cole's motion, Mayor Wynn's second on a 6-1 vote. Council Member Martinez voted nay. Tract 12a was

rezoned to SF-1, approved with a 20 unit maximum. For future development of Tract 12a, access is limited to Waters Way, except that for Hot Springs there may be pedestrian access, emergency vehicle access, and vehicular access for residents of the existing house on Tract 12a.

98. C14-2008-0129 - East Oak Hill Combined Neighborhood Planning Area Rezoning - Approve third reading of uncontested rezoning of properties and approve second/third readings of contested rezoning of tracts 208a, 209a, 216 and 220, of an ordinance amending Chapter 25-2 of the Austin City Code. The uncontested and contested zoning and rezonings of property are located within an area bounded by Southwest Parkway to the north, the Barton Creek Greenbelt to the northeast, Convict Hill Road and Loop 1 to the south, and West William Cannon Drive and Beckett Road to the west (4,968.06 acres). The proposed zoning changes will create the East Oak Hill Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the Oak Hill Combined Neighborhood Plan. The City Council may approve a zoning change to any of the following districts: Rural Residence (RR); Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Vertical Mixed Use Building (V); Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Uncontested properties: First reading approved on August 28, 2008. Vote: 7-0. Second reading approved on October 23, 2008 7-0. Contested tracts: First reading approved on October 23, 2008. Vote 7-0. City Staff: Maureen Meredith, 974-2695; Minal Bhakta, 974-6453; and Gregory Montes, 974-2629.

Ordinance No. 20081211-098 was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. The zonings and rezonings of the tracts are as recommended by staff and neighborhood planning contact team for West Oak Hill planning area with the exception of tracts 3, 4, 5, 6, 7, 12, and 12a and within the East Oak Hill planning area with the exception of tracts 208a, 209a, 216 and 220.

The following actions were included in Ordinance No. 20081211-098 on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Tract 208a, 5258 W US HY 290, .54 acres was rezoned to CS-CO-NP).

Tract 209a, 5350 W USHY 290, 1.11 acres was rezoned to GR-NP.

Tract 216, 6154 W USHY 290, 1.7 acres was rezoned to GR-CO-NP.

Tract 220, Patton Ranch Road, ABS 2 SUR 17 Anderson T, 1-D-1, 90.64 acres was rezoned to LR-MU-NP.

99. NP-2008-0025 - Oak Hill Combined Neighborhood Plan - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Oak Hill Combined Neighborhood Plan, on Tract V (6300 and 6302 U.S. Highway 290 West) located within an area generally

bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed on the future land use Map. On October 23, 2008, tract V was postponed to December 11, 2008. Vote 6-1. Staff: Maureen Meredith, 974-2695; Minal Bhakta, 974-6453; and Gregory Montes, 974-2629.

The public hearing was closed on Council Member Cole's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

No action was taken on this ordinance. Tract V was included in Ordinance No. 20081211-096.

108. NPA-2008-0009.03 - MLK - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z11, the East MLK 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/office and single-family to mixed use for the property located at 1701, 1703, 1705 and 1707 East Martin Luther King Jr. Blvd. (Boggy Creek Watershed). Staff Recommendation: To approve mixed use designation. Planning Commission Recommendation: To approved mixed use designation. Applicant: BPCH, LLC and Calavan Family Partnership (Brooks Calavan). Agent: Jim Bennett. City Staff: Greg Claxton, 974-7630.

The public hearing was closed and Ordinance No. 20081211-108 to change the land use designation to mixed use designation on the Future Land Use Map was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

109. C14-2008-0172 - MLK - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701, 1703, 1705 and 1707 East Martin Luther King Jr. Boulevard (Boggy Creek Watershed) from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Applicant: BPCH, LLC and Calavan Family Partnership (Brooks Calavan). Agent: Jim Bennett. City Staff: Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20081211-109 for community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

96. NP-2008-0025 - Oak Hill Combined Neighborhood Plan - Approve third reading of uncontested properties and second/third readings of the contested tracts: A-U; W-Z; AA-AS; and AU-AZ, save and except Tract AT (7912 US Highway 290 West), of an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Oak Hill Combined Neighborhood Plan. The uncontested properties and the contested tracts are located within a planning area generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west on the future land use map. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed. Uncontested properties: First reading approved on August 28, 2008. Vote 7-0. Second reading approved on October 23, 2008. Vote 7-0. Contested tracts: First reading approved on October 23, 2008. Vote 7-0, except tracts Q, AM, and S approved 6-1; and

tracts AC, AB, and AR approved 6-0. Staff: Maureen Meredith, 974-2695; Minal Bhakta, 974-6453; and Gregory Montes, 974-2629.

Ordinance No. 20081211-096, as adopted on first and second readings, and as follows was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote

The following changes to the future land use map, were approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote:

Tract AI (ABS 538 SUR 619 Maston P ABS 454 SUR 648* & VAR SURS Johannesen J P ACR 93.096* (1-D-1)) was designated Mixed Use Residential.

Exclude section known as the Oakhill Y from the neighborhood plan and note on FLUM the neighborhood's desire for the area to be planned cohesively and developed as a town center

Place language in Chapter 6 of the neighborhood plan indicating the desire to create a stakeholder group to further the development of Oakhill Town Center.

Direction was given to staff that prior to any rezoning proposal in the Master Plan Development area, the City will facilitate a community meeting. The restrictions and overlays that were imposed with regard to density, height, zoning category, etc. would not be applicable to this area, which is outside the neighborhood plan.

Tract AG, H and I were postponed to January 15, 2009.

Tract V (6300, 6302, 6254, 6266 US Highway 29 W) was designated Mixed Use Land Use in the future land use map.

A friendly amendment was made by Council Member Shade to make Tract R (WUS HY 290 (ABS 788 SUR 62 Williams J) (6.75 acres)) Commercial Land Use on future land use map.

A motion to reconsider Item 96 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Everything shown above was included plus Tract AD (6102 Hill Forest Drive) was designated higher density single family on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.

110. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to neighborhood mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). Staff Recommendation: To grant neighborhood mixed use. Planning Commission Recommendation: To grant neighborhood mixed use. Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877
- The public hearing was closed and the first reading of the ordinance to change the land use designation to neighborhood mixed use on the Future Land Use Map was approved on Council Member Martinez' motion, Council Member Cole's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Martinez, and Shade. Those voting nay were: Council Members Leffingwell and Morrison.

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

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district zoning was approved on Council Member Martinez' motion, Council Member Cole's second on a 5-2 vote. Council Members Leffingwell and Morrison voted nay. Those voting yea were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Martinez, and Shade. Those voting nay were: Council Members Leffingwell and Morrison.

115. NPA-2008-00012.02 - Project Destiny - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single-family to office mixed use for the property located at 4315 Airport Boulevard (Boggy Creek Watershed). Staff Recommendation: To deny office mixed use designation. Planning Commission Recommendation: To approve office mixed use designation. Applicant and Agent: Brian Guequierre. City Staff: Mark Walters, 974-7695.

There was a motion to close the public hearing and to deny office mixed use designation that was made by Council Member Morrison's motion and seconded by Council Member Leffingwell.

The substitute motion to close the public hearing and approve on first reading the ordinance to change the future land use designation to office mixed use designation was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Martinez and Shade. Those voting nay were: Council Members Leffingwell and Morrison.

116. C14-2008-0171 - Project Destiny - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4315 Airport Boulevard (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Staff Recommendation: To deny neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Planning Commission recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Applicant and Agent: Brian Guequierre. City Staff: Joi Harden, 974-2122.

There was a motion to close the public hearing and to deny office mixed use designation that was made by Council Member Morrison's motion and seconded by Council Member Leffingwell.

The substitute motion to close the public hearing and approve on first reading the ordinance to change the future land use designation to office mixed use designation was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Martinez and Shade. Those voting nay were: Council Members Leffingwell and Morrison.

Mayor Wynn adjourned the meeting at 9:31 p.m. without objection.

The minutes for the Regular meeting of December 11, 2008 were approved on this the 15th day of January 2009 on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.