

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

**Invocation:** Chaplain Doots Dufour, APD Chaplaincy Program

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 18, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:26 a.m.

Announcement of future agenda items from Council:

Council Member Morrison announced that she and Council Members Leffingwell and Shade would bring an item developing a stronger economic incentive program with regards to retail to enhance and strengthen the analysis of the proposals submitted and to strengthen the public input.

**CONSENT AGENDA**

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

1. Approve the minutes of the Austin City Council December 11, 2008 Regular meeting.  
This item was withdrawn on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
2. Approve an ordinance amending the Fiscal Year 2008-2009 Austin Energy Operating Budget of Ordinance No. 20080908-002 to decrease the Austin Energy Operating Fund Ending Balance by \$1,230,947 to fund an increase of \$1,230,947 in total operating requirements for the addition of two new full time equivalent positions and associated expenses for \$230,947 and a \$1,000,000 increase in the Transfer to Conservation Rebates and Incentives Fund and also amend the Conservation Rebates and Incentives Fund for a \$1,000,000 increase in Transfer from the Austin Energy Operating Fund and increase appropriations for Electric Rebates and Incentives by \$1,000,000. Funding in the amount of \$1,230,947 is available from the ending balance of the Austin Energy Fiscal Year 2008-2009 Operating Fund. Recommended by the Electric Utility Commission and Resource Management Commission  
Ordinance No. 20081218-002 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
3. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Austin Independent School District (AISD) to support four Hispanic Futures Conferences and a pilot program, La Clase Magica, to equip students with effective language skills, for a 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 between the City of Austin and the Austin Independent School District (AISD) was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

4. Authorize negotiation and execution of an Interlocal Agreement, with Texas AgriLife Research, a member of the Texas A&M University system, to conduct an assessment study including survey and focus groups of landowners in the vicinity of the City's Wildlands properties, for twelve months, with authority to extend for an additional twelve months, in an amount not to exceed \$90,016 (\$55,961 for year one and \$34,055 for year two if extended) Funding is available in the amount of \$90,016 from the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. To be reviewed by the Water and Wastewater Commission on December 17, 2008. Recommended by the Water and Wastewater Commission

The motion authorizing the negotiation and execution of an interlocal agreement with Texas AgriLife Research was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

5. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2542B, with ONION ASSOCIATES, LTD., providing terms and conditions for construction of a 24-inch water main and appurtenances to provide water service to the Fox Hill Subdivision located east of South IH-35, south of Onion Creek and west of Bradshaw Road with City cost reimbursement for an overall total amount not to exceed \$3,445,939; waiving the requirements of Section 25-9-61, Section 25-9-63, and Section 25-9-67 of the City Code relating to cost reimbursement. Funding in the amount of \$3,445,939 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Reviewed by the Water and Wastewater Commission.

Ordinance No. 20081218-005 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

6. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2542A, with ONION ASSOCIATES, LTD., providing terms and conditions for construction of a 42-inch water main and appurtenances to provide water service to the Fox Hill Subdivision located east of South IH-35, south of Onion Creek and west of Bradshaw Road with City cost reimbursement for an overall total amount not to exceed \$4,298,125; waiving the requirements of Section 25-9-61, Section 25-9-63, and Section 25-9-67 of the City Code relating to cost reimbursement; and waiving, in an amount not to exceed \$140,000, construction inspection and review fees established in Ordinance 20080908-005. The 42-inch water main has been identified as part of the South IH-35 Water and Wastewater Infrastructure Improvements Program. Funding in the amount of \$4,298,125 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Reviewed by the Water and Wastewater Commission.

Ordinance No. 20081218-006 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

7. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with SCA 101 Onion Creek Holdings, L.P., to increase the amount of City cost reimbursement for construction of 24 and 36-inch water main and appurtenances for the Alexan Onion Creek by \$15,000 for actual "hard" construction costs, with a new maximum "hard" construction cost amount not to exceed \$774,302, and a total maximum amount not to exceed \$888,197. Funding is available in the amount of \$15,000 from the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Reviewed by Water and Wastewater Commission.

Ordinance No. 20081218-007 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

8. Authorize negotiation and execution of a contract with INSITUFORM TECHNOLOGIES, Buda, TX through the LOCAL GOVERNMENT PURCHASING COOPERATIVE for the rehabilitation of

wastewater lines for the Austin Water Utility, in an amount not to exceed \$1,000,000. 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 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. To be reviewed by the Water and Wastewater Commission on December 17, 2008. Recommended by the Water and Wastewater Commission

**The motion authorizing the negotiation and execution of a contract with Insituform Technologies through the Local Government Purchasing Cooperative was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

9. Approve negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to participate in the development and construction of a waterline project and a roadway project located partially within the City and County to extend a section of Slaughter Lane East as a four lane, 140 foot wide, divided urban arterial with sidewalks. Funding in the amount of \$1,184,000 will be received from Travis County. The City's contribution of \$800,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility Department.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

10. Authorize execution of change order #12 to the construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH-89.54 %), Austin, TX, for ADA Sidewalk and Ramp Improvements 2007 Group 5 City Wide in the amount of \$478,579.59, for a total contract amount not to exceed \$4,396,496.56. Funding in the amount of \$478,579.59 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. 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 6.03% MBE and 4.43% WBE subcontractor participation to date.

**The motion authorizing the execution of change order #12 to the construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

11. Authorize execution of change order #2 to the construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 85.25 %), Austin, TX, for ADA Sidewalk and Ramp Improvements 2007 Group 6 City-Wide in the amount of \$79,236.95, for a total contract amount not to exceed \$1,131,141.25. Funding in the amount of \$79,236.95 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. 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 3.34% MBE and 2.57% WBE subcontractor participation to date.

**The motion authorizing the execution of change order #2 to the construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

12. Authorize execution of a construction contract with SOLIS CONSTRUCTORS, INC., (MBE/MH - 44.1%), Austin, Texas for Mexican American Cultural Center, Phase 1A in the amount of \$2,528,000 plus a \$126,400 contingency, for a total contract amount not to exceed \$2,654,400. Funding in the amount of \$2,528,000 plus a \$126,400 contingency is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Lowest bid of three (3) 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 6.30% MBE and 5.20% WBE subcontractor participation. Recommended by the Zoning and Platting Commission.

**The motion authorizing the execution of a construction contract with Solis Constructors, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

13. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Austin, Texas for West Bouldin Creek Site 97 Water Quality Pond in the amount of \$363,837 plus an \$18,191.85 contingency, for a total contract amount not to exceed \$382,028.85. Funding in the amount of \$363,837 plus an \$18,191.85 contingency is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 17.21% MBE and 1.05% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Cash Construction Co., Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

14. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH 89.75%), AUSTIN, TEXAS for the Great Northern Dam Modernization project in an amount not to exceed \$1,288,749.85 plus a \$64,437.49 contingency, for a total contract amount not to exceed \$1,353,187.34. Funding in the amount of \$1,288,749.85, plus a \$64,437.49 contingency is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Lowest compliant bid of seven (7) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.00% MBE and 6.77% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

15. Authorize negotiation and execution of an amendment to the professional services agreement with CARTER DESIGN ASSOCIATES (MBE/FB - 24.30%), Austin, TX for construction documents, bid and award and construction phase architectural and engineering services for interior renovation of the George Washington Carver Historic Museum in the amount of \$47,500 for a total contract amount not to exceed \$1,211,194. Funding in the amount of \$47,500 is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 11.60% MBE and 17.90% WBE sub-consultant participation to date.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Carter Design Associates was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

16. Authorize negotiation and execution of an amendment to the professional services agreement with the following seven firms: CAMP, DRESSER & MCKEE, INC. (CDM), Austin, TX; CHIANG, PATEL & YERBY, INC., Austin, TX; KALLURI GROUP, INC., (MBE/MA) HOUSTON, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; CH2M HILL, INC., Austin, TX; KENNEDY/JENKS CONSULTANTS, INC., Austin, TX and MWH AMERICAS, INC., Austin, TX to provide engineering services for the Water and Wastewater System Facility Engineering Rotation List, for the years 2008 through 2011 or until available funding authorization is expended, in the amount of \$2,500,000 in additional authorization, for a total not to exceed amount of \$9,500,000 for this rotation list. This additional authorization will be distributed as follows: \$1,500,000 will be allocated to the Pilot Knob Pump Station Project as part of the South IH-35 Water and Wastewater Infrastructure Improvement Program; \$500,000 will be allocated to Chiang, Patel & Yerby, Inc. (CP&Y) for completion of the Northwest C Pump Station assignment; and \$500,000 will be held for contingencies and may be applied to

any assignment by the rotation list assignment methodology, in the event that an assignment exceeds the current estimates. Funding is available in the current Fiscal Year 2008-2009 Capital and/or Operating Budgets of the Austin Water Utility and additional funding is contingent on future approval in the Fiscal Year 2009-2010 Capital and/or Operating budgets of the Austin Water Utility. This contract was 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 to date. Review by Water and Wastewater Commission on December 17, 2008. Reviewed by the Water and Wastewater Commission

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the following seven firms: Camp, Dresser & McKee, Inc.; Chiang, Patel & Yerby, Inc.; Kalluri Group, Inc.; Alan Plummer Associates, Inc.; CH2M Hill, Inc.; Kennedy/Jenks Consultants, Inc.; and MWH Americas, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

17. Authorize negotiation and execution of an amendment to the professional services agreement with 3 of the following 13 firms: ESPEY CONSULTANTS, INC., Austin, TX; MWM DESIGN GROUP (MBE/FH), Austin, TX; PBS&J, Austin, TX; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, TX; DAVCAR ENGINEERING SERVICES, (MBE/MH) Austin, TX; K FRIESE & ASSOCIATES, INC., (WBE/FR) Austin, TX; OTHON, INC., Austin, TX; HEJL, LEE & ASSOCIATES, INC., (MBE/MA) Austin, TX; CARTER & BURGESS, INC., Austin, TX; BROWN & GAY ENGINEERS, INC., Austin, TX; DANNENBAUM ENGINEERING COMPANY-AUSTIN, LLC, Austin, TX; BLACK & VEATCH CORPORATION, Austin, TX; and KELLOGG BROWN & ROOT, Austin, TX to provide engineering services for the Water and Wastewater System Pipeline Engineering Rotation List for the Years 2008 through 2011 or until available funding authorization is expended, in the amount of \$2,768,800 in additional authorization, to complete three priority assignments for the South IH-35 W&WW Infrastructure Improvement Program. The 3 firms that will have an amended contract are not known at this time, as these assignments will be given to the firms next in rotation when the assignments are requested. Funding is available in the current Fiscal Year 2008-2009 Capital and/or Operating Budgets of the Austin Water Utility and additional funding is contingent on future approval in the Fiscal Year 2009-2010 Capital and/or Operating budgets of the Austin Water Utility. 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. Review by Water and Wastewater Commission on December 17, 2008. Reviewed by the Water and Wastewater Commission

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with 3 of the following 13 firms: Espey Consultants, Inc.; MWM Design Group; PBS&J; Raymond Chan & Associates, Inc.; Davcar Engineering Services; K Friese & Associates, Inc.; Othon, Inc.; Hejl, Lee & Associates, Inc.; Carter & Burgess, Inc.; Brown & Gay Engineers, Inc.; Dannenbaum Engineering Company-Austin, LLC; Black & Veatch Corporation; and Kellogg Brown & Root was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

18. Approve a resolution pertaining to a second extension of line of duty injury leave at full pay for Austin Fire Department Battalion Chief John Butz. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department.  
Resolution No. 20081218-018 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.
19. Approve a resolution authorizing the negotiation and execution of federal representation services contracts for a total combined amount not to exceed \$270,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Government Relations Office.  
Resolution No. 20081218-019 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

20. Approve a resolution authorizing the negotiation and execution of professional services agreements for legislative representation services each for a one year term and for a total combined amount not to exceed \$830,000. Funding is available in the Fiscal Year 2008-2009 Operating Budgets of the Government Relations Office, the Solid Waste Services Department, the Austin Water Utility, Austin Energy and the Economic Growth and Redevelopment Services.  
**Resolution No. 20081218-020 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
21. Approve an ordinance authorizing acceptance of \$40,000 in grant funds from the U.S. Department of Housing and Urban Development; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20080908-002 to appropriate \$40,000 for the Housing Opportunities for Persons with AIDS program that provides rental, mortgage, utility and supportive services to persons living with the human immunodeficiency virus/acquired immune deficiency syndrome and their families. Funding in the amount of \$40,000 is available from the Department of Housing and Urban Development (HUD) Housing Opportunities for Persons with AIDS program. The grant period is from October 1, 2008 to September 30, 2011. No City match is required.  
**Ordinance No. 20081218-021 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
22. Approve an ordinance accepting \$70,000 in grant funds from the Texas Department of State Health Services, Governor's Advisory Council on Physical Fitness; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$70,000 for the Austin Mayor's Fitness Council to conduct a community assessment, and develop a work plan to implement a community-wide awareness campaign. Funding in the amount of \$70,000 is available from the Texas Department of State Health Services, Governor's Council on Physical Fitness. The grant period is May 1, 2008 through August 31, 2009.  
**Ordinance No. 20081218-022 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
23. Authorize execution of Amendment Number 8 to the Interlocal Cooperation Agreement between the City and the Austin Travis County Mental Health Mental Retardation Center to renew the agreement for a one-year term beginning on January 1, 2009, and increase funding by \$56,851, for a total annual amount not to exceed \$1,681,161. Funding in the amount of \$1,260,870 is included in the Fiscal Year 2008-2009 Operating Budget for the Health and Human Services Department. The contract period will be January 1, 2009 through December 31, 2009. Funding for the balance of the agreement is contingent on available funding in future budgets.  
**The motion authorizing the execution of amendment number 8 to the interlocal cooperation agreement between the City and the Austin Travis County Mental Health Mental Retardation Center was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
24. Approve execution of Amendment No. 5 to the Interlocal Agreement among the CITY, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, and TRAVIS COUNTY for substance abuse treatment and related behavioral healthcare services, to increase the amount funded by Travis County by \$130,305 for a total annual amount not to exceed \$1,973,462, for a one-year term beginning on January 1, 2008. Funding in the amount of \$470,282 is included in the Fiscal Year 2007-2008 Operating Budget for the Health and Human Services Department (HHSD); \$232,500 is included from Community Court. Funding in the amount of \$156,761 is included in the Fiscal Year 2008-2009 Operating Budget for the HHSD; \$77,500 is included from Community Court. Travis County will provide a total of \$1,036,419 (\$611,799 General Fund and \$424,620 Grant Funds).  
**The motion authorizing the execution of amendment number 5 to the interlocal agreement among the City, Austin Travis County Mental Health Mental Retardation Center and Travis County was**

**approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

25. Authorize negotiation and execution of a Renewal to and Amendment of the Interlocal Agreement between the City and Travis County to provide public health services to Travis County for a nine-month period beginning on January 1, 2009, in exchange for payment of \$2,177,002. Funding from Travis County in the amount of \$2,967,883 was included in the Fiscal Year 2008-2009 Budget of the Health and Human Services Department General Fund. The first renewal term of the agreement is for the period January 1, 2009 through September 30, 2009. Reviewed by the Public Health and Human Services Subcommittee, December 16, 2008. Recommended by the Public Health and Human Services Subcommittee

**The motion authorizing the negotiation and execution of a renewal to and amendment of the interlocal agreement between the City and Travis County was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

26. Approve an ordinance authorizing the acceptance of \$35,000 in grant funds from the Texas Department of State Health Services, Cardiovascular Health and Wellness Program; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$35,000 to create a Heart Disease and Stroke Prevention in Employees through Value-Based Benefit Design Demonstration Project. Funding in the amount of \$35,000 is available from the Texas Department of State Health Services, Cardiovascular Health and Wellness Program. The grant period is November 1, 2008 through June 29, 2009.

**Ordinance No. 20081218-026 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

27. Authorize negotiation and execution of an agreement with Austin Children's Shelter in an amount not to exceed \$180,000, for expansion of shelter capacity to 78 at-risk children. Funding in the amount of \$180,000 is included in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department.

**The motion authorizing the negotiation and execution of an agreement with Austin Children's Shelter was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

28. Authorize negotiation and execution of an amendment to an outside legal contract with Jackson Walker L.L.P. for legal services related to the City's request for proposals regarding a new customer information system in an amount not to exceed \$40,000, for a total contract amount not to exceed \$75,000. Funding in the amount of \$40,000 is available in the Fiscal-Year 2008-09 Operating Budget of Austin Energy.

**The motion authorizing the negotiation and execution of an amendment to an outside legal contract with Jackson Walker L.L.P. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

29. Consider and approve an amendment to the Austin City Council 2009 meeting schedule to cancel the regular meeting on January 22, 2009 and February 19, 2009 and consider an amendment to set a meeting on February 26, 2009.

**The motion to amend the Austin City Council 2009 meeting schedule to cancel the regular meeting on January 22, 2009 and February 19, 2009 and set a meeting on February 26, 2009 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

**Item 30 was pulled for discussion.**

31. Approve a resolution to initiate code amendments to Chapter 25-2 of the City Code (Transit Oriented Development) related to compatibility standards, affordability requirements, and to eliminate a height

prohibition in the Plaza Saltillo TOD, and other conforming amendments necessary to reflect adoption of transit oriented development (TOD) base district zoning and station area plans.

**Resolution No. 20081218-031 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

32. Approve second/third readings of an ordinance to annex the Las Cimas Annexation Area for full purposes (approximately 83 acres in Travis County southwest of the intersection of Loop 360 and FM 2244). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20081218-032 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

33. Approve an ordinance to amend the City boundaries to include approximately 45 acres referred to as the Lost Creek Commercial Property, in accordance with the Strategic Partnership Agreement between the City of Austin and the Lost Creek Municipal Utility District (located in Travis County west of Capital of Texas Highway west of the intersection of Lost Creek Boulevard and Capital of Texas Highway). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20081218-033 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

34. Approve a resolution amending the City's Municipal Annexation Plan (MAP) to include the River Place annexation area (approximately 1,227 acres located approximately one mile south of the intersection of FM 2222 and River Place Blvd) and to remove the Lost Creek MUD annexation area that was included December 31, 2005. No fiscal impact.

**Resolution No. 20081218-034 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

35. Approve second/third readings of an ordinance to annex the Bunny Run Annexation Area for full purposes (approximately 6 acres in Travis County south of the intersection of Bunny Run and Live Oak Drive) and establish I-RR and I-SF-2 interim zoning designations for portions of the annexed area. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**Ordinance No. 20081218-035 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

**Items 36 and 37 were pulled for discussion.**

38. Approve a resolution adopting the Barton Springs Pool Master Plan. There is no unanticipated fiscal impact. Recommended by the Historic Landmark Commission, the Design Commission, the Parks and Recreation/Environmental Boards Joint Subcommittee, the Parks and Recreation Board, the Environmental Board and the Planning Commission.

**This item was postponed to January 15, 2009 on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

39. Authorize negotiation and execution of a cost reimbursement agreement with the Zachary Scott Theatre Center, in an amount not to exceed \$10,906,000 in bond funds for the construction of a new theater; and approve an ordinance waiving certain requirements of Chapter 14 of the City Code to authorize Zachary Scott Theatre Center to recommend a name of the new theatre building and areas within the building subject to ratification by council. Funding of \$906,000 is available in the 2008-09 Capital Budget of the Parks and Recreation Department. Funding of \$1,000,000 is available in the 2008-09 Capital Budget of the Financial and Administrative Services Department. Funding for future appropriation of \$9,000,000 is contingent upon approval in future budgets and will come from Proposition 4 of the 2006 Bond Program.



The motion authorizing the negotiation and execution of a cost reimbursement agreement with the Zachary Scott Theatre Center and Ordinance No. 20081218-039 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

40. Approve an ordinance to establish classifications and positions in the classified service of the Austin Police Department and repeal Ordinance No. 20080908-008. Funding is included in the Fiscal Year 2008-2009 Operating Budget for the Austin Police Department. Related to Items #41 and #47.  
**Ordinance No. 20081218-040 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
41. Approve a resolution relating to the consolidation of the Public Safety and Emergency Management (PSEM) law enforcement officers into the Austin Police Department (APD); granting authorization for the Austin Police Retirement System (APRS) to elect to participate in the Proportionate Retirement Program (PRP); accepting increased contribution rates to APRS from 18.00% to 18.25% from January 4, 2009 to the remainder of Fiscal Year 2008-2009 and from 18.25% to 18.63% for Fiscal Years 2009-2010 and beyond; waiving enforcement of the condition in Article 25, Section 10(c) of the Meet and Confer Agreement between the City of Austin and the Austin Police Association; and supporting legislation to amend the Austin Police Retirement System (APRS) pension statute. Related to Items #40 and #47.  
**Resolution No. 20081218-041 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
42. Approve a resolution authorizing the application and acceptance of \$230,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division for the City of Austin Targeted Enforcement of Gangs Project. Funding in the amount of \$230,000 is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period December 1, 2008 to September 30, 2009. There is no required match.  
**Resolution No. 20081218-042 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
43. Approve a resolution authorizing the extension of line of duty injury leave at full pay for Austin Police Department Detective Randy Dear. Funding is included in the Fiscal Year 2008-2009 Operating Budget for the Police Department.  
**Resolution No. 20081218-043 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
44. Authorize the execution of a 2-year contract (October 1, 2008 - September 30, 2010) with Texas RioGrande Legal Aid to secure the services of a part-time protective order attorney and a part-time paralegal for the Austin/Travis County Family Violence Protection Team in an estimated amount not to exceed \$139,163. Funding in the amount of \$139,163 is available from the U.S. Department of Justice, Office on Violence Against Women, "Grant to Encourage Arrest Policies and Enforcement of Protective Orders, awarded to the City of Austin for the 24 month period ending September 30, 2010.  
**The motion authorizing the execution of a contract with Texas RioGrande Legal Aid was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
45. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the City to reimburse Travis County for Austin/Travis County Family Violence Protection Team related expenditures in an amount not to exceed \$685,586. Funding in the amount of \$685,586 is available from the U.S. Department of Justice, Office on Violence Against Women, "Grant to Encourage Arrest Policies and Enforcement of Protective Orders" awarded to the City of Austin for the 24 month period ending September 30, 2010.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

46. Approve an ordinance accepting of \$230,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$230,000 to fund officer overtime related to reducing gang activity. Funding in the amount of \$230,000 is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period December 1, 2008 to September 30, 2009. There is no required match.  
**Ordinance No. 20081218-046 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
47. Approve an ordinance amending the Fiscal Year 2008-2009 Operating Budget General Fund of Ordinance No. 20080908-002 to reduce appropriations to the Public Safety & Emergency Management Department by the amount of \$6,733,636; increase appropriations to the Police Department by the amount of \$5,097,917 to consolidate public safety services into this department; increase appropriations to the Parks and Recreation Department by the amount of \$1,106,703 for a Park Ranger Program; transfer the amount of \$529,016 to the Support Services Fund, and transfer 117.0 full-time equivalent positions from the Public Safety & Emergency Management Department to the Police, Parks and Recreation, and Management Services Departments; and eliminate one full-time position from the Public Safety & Emergency Management Department. Funding in the amount of \$6,733,636 is available in existing appropriations in the Fiscal Year 2008-2009 Operating Budget of the Public Safety & Emergency Management Department. Related to Items #40 and #41.  
**Ordinance No. 20081218-047 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
48. Authorize award and execution of a 12-month requirements service contract with H. BROWN MACHINE SHOP, INC., Eunice, LA, for heavy equipment hauling services in an estimated amount not to exceed \$746,300, with two 12-month extension options in an estimated amount not to exceed \$746,300 per extension option, for a total estimated contract amount not to exceed \$2,238,900. Funding in the amount of \$559,725 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. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements service contract with H. Brown Machine Shop, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
49. Authorize award and execution of a contract with HILL COUNTRY CONCRETE, Kerrville, TX for demolition of an existing chain link fence and installation of a screening wall in an amount not to exceed \$171,000. Funding in the amount of \$171,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract with Hill Country Concrete was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
50. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with JAMAIL & SMITH CONSTRUCTION, Austin,

TX to install a 25.5 kW DC solar photovoltaic system at the Twin Oaks Branch library in an amount not to exceed \$159,325.13. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Jamail & Smith Construction was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

51. Authorize award and execution of Amendment No. 2 to a requirements service contract with VELOCITY CREDIT UNION, Austin, TX for the underwriting of residential energy improvement loans for Austin Energy customers, to increase the current contract period in an estimated amount not to exceed \$47,001, and to increase each of the remaining three extension options in an estimated amount not to exceed \$100,000 for each extension option, for a revised total estimated contract amount not to exceed \$1,188,520. Funding in the amount of \$47,001 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of amendment number 2 to a requirements service contract with Velocity Credit Union was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
52. Approve ratification of a contract with WORLEYPARSONS GROUP INC., Houston, TX, for the evaluation of the revised proposal by NRG South Texas LP to construct additional generating units at the South Texas Project, valuation of existing plant assets, and analysis of potential impacts to the existing units from the proposed new units, in an amount not to exceed \$241,125. Funding in the amount of \$241,125 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Critical Business Need. 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 ratifying a contract with Worleyparsons Group Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
53. Authorize award, negotiation, and execution of a 12-month requirements service contract with NEC UNIFIED SOLUTIONS, INC, Irving TX, for service, maintenance, upgrades, and warranty for the private branch exchange (PBX), premises distribution system (PDS), call accounting/management system, cabling, seamless integration voice messaging system, and their related power systems which serve the Austin-Bergstrom International Airport in an estimated amount not to exceed \$353,106, with four 12-month extension options in estimated amounts not to exceed \$433,000 for the first extension option, \$373,039 for the second extension option, \$328,230 for the third option and \$333,577 for the fourth extension option, for a total estimated contract amount not to exceed \$1,820,952. Funding in the amount of \$353,106 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin-Bergstrom International Airport. Funding for the extension options is contingent upon available funding in future budgets. Single Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. NEC Unified Solutions has been utilizing DAR Communications (WBE/DBE) as a subcontractor in the following amounts, \$101,891 (FY04), \$11,985 (FY05), \$199,275 (FY06), \$116,841 (FY07), and \$76,180 (FY08). DAR Communications is also MBE/WBE/HUB certified with the State of Texas. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the award, negotiation and execution of a requirements service contract with NEC Unified Solutions, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

54. Authorize award, negotiation, and execution of a requirements service contract through the State of Texas Department of Information Resources (DIR) with SHI-GOVERNMENT SOLUTIONS (HUB), Austin, TX, for the implementation of Maximo software, including technical and training services, as the Enterprise Asset Management (EAM) System for the Department of Aviation in an estimated amount not to exceed \$999,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Department of Aviation. 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. To be reviewed by the Airport Advisory Commission on December 16, 2008. Recommended by the Austin Airport Advisory Commission

**The motion authorizing the award, negotiation and execution of a requirements service contract through the State of Texas Department of Information Resources (DIR) with Shi-Government Solutions (HUB) was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

55. Authorize award and execution of a 36-month requirements service contract with CENTRAL PARKING SYSTEM OF TEXAS, INC., Austin, TX for parking lot management and operation services in an estimated amount not to exceed \$234,780, with three 12-month extension options in an estimated amount not to exceed \$78,260 per extension option, for a total estimated contract amount not to exceed \$469,560. Funding in the amount of \$65,217 is available in the Fiscal Year 2008-2009 Operating Budget of the IH-35 Parking Program Fund. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of four 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.

**This item was withdrawn on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

56. Authorize award and execution of a 36-month requirements supply contract with SOUTHERN SAFETY SALES, Austin, TX for disposable sheets in an estimated amount not to exceed \$208,590, with three 12-month extension options in an estimated amount not to exceed \$69,530 per extension option, for a total estimated contract amount not to exceed \$417,180. Funding in the amount of \$57,942 is available in the Fiscal Year 2008-2009 Operating Budget of the Emergency and Medical Services Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Southern Safety Sales was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

57. Authorize award and execution of a contract with FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of one Mobile Outreach Vehicle in an amount not to exceed \$74,995. Funding in the amount of \$74,995 is available in the Fiscal Year 2008-2009 HIV Prevention Grant funded by the Texas Department of State Health Services (DSHS). 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 contract with Freightliner of Austin was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

58. Authorize award and execution of a 36-month requirements supply contract with TEXANA MACHINERY CORPORATION, Manor, TX to provide captive repair parts for Case heavy road equipment in an estimated amount not to exceed \$236,438, with three 12-month extension options in estimated amounts not to exceed \$86,821 for the first extension option, \$91,163 for the second extension option, and \$95,721 for the third extension option, for a total estimated contract amount not to exceed \$510,143. Funding in the amount of \$56,250 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 27 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 Texana Machinery Corporation was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
59. Authorize award and execution of a 36-month requirements supply contract with MILLER UNIFORMS & EMBLEMS INC., Austin, TX, to provide police tactical uniforms in an estimated amount not to exceed \$818,697, with three 12-month extension options in an estimated amount not to exceed \$272,899 per extension option, for a total estimated contract amount not to exceed \$1,637,394. Funding in the amount of \$204,675 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract with Miller Uniforms & Emblems Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
60. Authorize the award, negotiation, and execution of a 22-month requirements service contract with BENTLEY SYSTEMS, INC. for maintenance and support services for existing engineering software, training, and additional software licenses in an estimated amount not to exceed \$131,823, with three 12-month extension options in estimated amounts not to exceed \$79,207 for the first extension option, \$82,668 for the second extension option, and \$86,302 for the third extension option, for a total estimated contract amount not to exceed \$380,000. Funding in the amount of \$51,983.70 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department, \$652.50 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy, \$6,741 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility, \$4,545 is available in the Fiscal Year 2008-2009 Operating Budget of the Watershed Protection and Development Review Department, and \$1,989 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management/GAATN. Funding for the remaining 12 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award, negotiation and execution of a requirements service contract with Bentley Systems, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

61. Authorize award and execution of Amendment No. 2 to a requirements service contract with KISTERS NORTH AMERICA, INC., Citrus Heights, CA, for additional hydrological management software licenses, database software, and implementation services in an estimated amount not to exceed \$51,413 and to increase the two remaining extension options for maintenance services in an estimated amount not to exceed \$1,800 per extension option, for a revised total estimated contract amount not to exceed \$161,967.70. Funding in the amount of \$55,013 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of amendment number 2 to a requirements service contract with Kisters North America, Inc. was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
62. Approve a resolution adopting the Zero Waste Strategic Plan. Recommended by the Solid Waste Advisory Commission, with additional comments. On November 25, 2008, the Solid Waste Advisory Commission (SWAC) voted to support adoption of the Zero Waste Strategic Plan, with comment. SWAC also identified 13 priorities to be implemented as soon as possible.  
**This item was postponed to January 15, 2009 on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
63. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Airport Boulevard, East Martin Luther King, Jr. Boulevard, East 38th 1/2 Street/Anchor Lane, Manor Road, and E. M. Franklin Avenue; and to correct entries in section 12-4-64(D). Funding in the amount of \$1,400 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department for installation of necessary signs.  
**Ordinance No. 20081218-063 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
64. Approve an ordinance amending Section 12-4-64 of the City Code by adding Concordia University Drive from R.M. 620 to Concordia University (Main Entrance) to the list of streets having a maximum speed limit of 35 miles per hour at all times. Funding in the amount of \$220 is available in the approved Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.  
**Ordinance No. 20081218-064 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
65. Approve an ordinance accepting \$30,000 in grant funds from the Austin Chamber of Commerce; amending the Fiscal Year 2008-2009 Public Works Department Special Revenue Fund of Ordinance No. 20080908-002 to transfer \$30,000 to the Public Works Department Capital Budget; and amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$30,000 to develop an annual traffic count program and a traffic data gathering report. The total grant amount of \$30,000 will be provided by the Austin Chamber of Commerce. This grant does not require any local match.  
**Ordinance No. 20081218-065 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
66. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate a Federal Earmark project for the construction of an Intelligent Transportation System (ITS) on Cameron/Dessau Road between Howard Lane and 51st Street; and amending the Fiscal Year 2008-2009 Public Works Department Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$120,000 in grants funds; and amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$120,000 from the Public Works Department Special Revenue Fund for the ITS on Cameron/Dessau Road. The total grant amount of

\$120,000 will be provided by the Texas Department of Transportation. This grant does not require any local match.

The motion authorizing the negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

67. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate a Federal Earmark project for the construction of an Intelligent Transportation System (ITS) on Loop 360 from Walsh Tarlton Road to West Gate Boulevard and on Loop 1 from Loop 360 to Southwest Parkway; and amending the Fiscal Year 2008-2009 Public Works Department Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$50,000 in grants funds; and amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$50,000 from the Public Works Department Special Revenue Fund for the ITS on Loop 360. The total grant amount of \$50,000 will be provided by the Texas Department of Transportation. This grant does not require any local match.

The motion authorizing the negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

68. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate a Federal Earmark project for the construction of an Intelligent Transportation System (ITS) on US Highway 290 from Cameron Road to Giles Lane; and amending the Fiscal Year 2008-2009 Public Works Department Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$75,000 in grants funds; and amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$75,000 from the Public Works Department Special Revenue Fund for the ITS on US Highway 290. The total grant amount of \$75,000 will be provided by the Texas Department of Transportation. This grant does not require any local match. The motion authorizing the negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

69. Approve a resolution establishing a policy and general criteria under which the City Council will consider requests to create public improvement districts.

Resolution No. 20081218-069 was approved with the following friendly amendment on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. The friendly amendment from Mayor Wynn was to add the following language under the second bullet of number 2 of the resolution, "All development supported by the PID must comply with the City's Plan Unit Development (PUD) green building program, regardless as to whether the program receives PUD zoning or not." This was accepted by Council Member Leffingwell, the maker of the motion, and Council Member Martinez, who made the second.

70. 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 Leffingwell's motion, Council Member Martinez' second on a 7-0 vote:

**Board**

**Nominated By:**

Building and Standards Commission

Ricardo Trevino

Council Member Morrison

Federally Qualified Health Center Board

Hal Katz

Mayor Wynn

Curt Kuykendall

Mayor Pro Tem McCracken

Planning Commission

Dave Anderson

Mayor Wynn

Sustainable Food Policy Board

Marla Camp

Council Member Morrison

### Nominations to an Intergovernmental Body

Austin-San Antonio Inter-Municipal Commuter Rail District

Approve a resolution reappointing Sid Covington to the Austin-San Antonio Inter-Municipal Commuter Rail District.

**Resolution No. 20081218-070 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

71. Approve an ordinance granting a waiver of the application fee for a license agreement under City Code Section 14-11-1(B) (1) for the Blackshear Triangle Planting Project, in an amount not to exceed \$425. (Council Member Mike Martinez Council Member Randi Shade Council Member Lee Leffingwell)  
**Ordinance No. 20081218-071 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
72. Approve an ordinance naming the Austin Police Department Northeast Substation, 906 East St. John Avenue, as the Captain Louie White Northeast Substation; and waiving applicable requirements of Chapter 14-8 of the City Code. (Council Member Sheryl Cole Council Member Mike Martinez and Council member Lee Leffingwell)  
**Ordinance No. 20081218-072 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
73. Approve a resolution amending Resolution No. 20080618-027 pertaining to the City Manager's housing allowance, to clarify the payment and duration of the allowance. Funding is available in the Fiscal Year 2007-2008 Operating Budget. (Mayor Will Wynn Mayor Pro Tem Brewster McCracken)  
**This item was withdrawn on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
74. Approve a resolution directing the City Manager to prepare an ordinance regarding compliance review for future and existing economic development agreements, and removing from the City's economic development programs the use of project-based incentives for large scale mixed use projects that include a retail component. (Council Member Lee Leffingwell Council Member Mike Martinez Council Member Laura Morrison)  
**Resolution No. 20081218-074 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
75. Approve a resolution directing the City Manager to develop policies regarding sustainability practices for organized events, parades, and festivals in the city and to report recommendations to City Council in 90 days. (Council Member Lee Leffingwell Council Member Mike Martinez Mayor Will Wynn)  
**Resolution No. 20081218-075 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**
76. Approve a resolution directing the City Manager to prepare an ordinance amending the City Code to prohibit the intentional feeding of deer within the city limits of Austin, and to explore opportunities for community education regarding the feeding of deer. (Council Member Randi Shade Mayor Pro Tem Brewster McCracken Council Member Lee Leffingwell)



**Resolution No. 20081218-076 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

77. Approve a resolution directing the city manager to initiate an amendment to the City Code to allow sidewalk signs in commercial areas throughout the City. (Council Member Sheryl Cole Council Member Randi Shade Council Member Mike Martinez)

**Resolution No. 20081218-077 was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

78. Approve waiver of park rental fees for the Texas Bengali Cultural Alliance's South Asian New Year Festival to be held at Waterloo Park on Saturday, April 18, 2009. (Mayor Pro Tem Brewster McCracken Council Member Randi Shade Council Member Sheryl Cole)

**This item was withdrawn on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

79. Approve waiver of certain fees for the San Jacinto Day event to be held on Sunday, April 19, 2009 at Fiesta Gardens. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Laura Morrison)

**The motion for waiver of certain fees for the San Jacinto Day event was approved on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

80. Set a public hearing to consider consenting to the annexation of approximately 0.7 acres into Senna Hills Municipal Utility District ("MUD"), approving 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. (Suggested date and time: January 15, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) TO be reviewed by the Planning Commission on January 13, 2009.

**The public hearing was set for January 15, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.**

81. Set a public hearing to consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for construction of a retaining wall and fill over 4 feet within the Critical Water Quality Zone of Williamson Creek. (Suggested date and time: January 29, 2009, 6:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX.) August 13, 2007: Board of Adjustment denied variance to fence greater than 6 feet in height. Vote: 4-3 September 10, 2008: Environmental Board recommended approval of the environmental variances. Vote: 4-1-0-1. September 23, 2008: Approved staff's recommendation to deny environmental variances. Vote: 7-0-1 October 28, 2008: Approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Vote: 6-2-1

**The public hearing was set for January 29, 2009 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, Texas on consent on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. Council Member Martinez noted this parcel also has a flood plain variance request pending. Council directed staff to put both items on the same agenda for the public hearing.**

Items 82 through 86 were Executive Session items.

Item 87 was an action on Executive Session item.

Items 88 through 90 were briefing items set for 2:00 p.m.

Items 91 through 113 were zoning items set for 4:00 p.m.

Items 114 through 117 were public hearing items set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:38 a.m.

**EXECUTIVE SESSION**

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

82. Discuss legal issues related to Cause No. D-1-GN-07-001790, Archer-Western Contractors, Ltd., an Illinois Limited Partnership v. City of Austin, Texas; In the District Court of Travis County, Texas (regarding the Ulrich Water Treatment Plant). (Private Consultation with Attorney - Section 551.071).

Items 83 through 86 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:17 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Carolannerose Kennedy - SiLENTkNiGHT

Rae Nadler-Olenick - Water Fluoridation

Erika Gonzalez - Time to relocate Pure Casting Hazardous Facility. Build Affordable Housing now!

Carmen Llanes - Relocate Pure Casting: Build Affordable Housing in East Austin!

Paige DeShong - Protect the Children- Relocate pure castings-Install Pollution control

Noel Bell - Pure Castings

Neil Carman - Pure Casting Company's industrial foundry in east Austin

**Sylvia Herrera spoke for Diana Perez - Protect the children! Relocate Pure Casting Facility! Build Affordable Housing.**

Susana Almanza - Protect the Children! Relocate pure casting! Build Affordable Housing!

Jennifer L. Gale - A new President and a new economy just in time for Christmas. Happy New Year Austin! We'll be home for Christmas if only in our dreams. **Council Members paid tribute to Ms. Gail who passed away this week.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:19 p.m.

**EXECUTIVE SESSION CONTINUED**

83. Discuss legal issues related to various agreements with the Austin Revitalization Authority (Private Consultation with Attorney - Section 551.071). Related to Item #30

**This item was withdrawn.**

84. Discuss legal issues related to the application of BFI Waste Systems of North America for a vertical expansion of its landfill located in Northeast Travis County, known as the Sunset Farms Landfill ("the Landfill"), the subject of SOAH Docket No. 582-08-2178. (Private Consultation with Attorney - Section 551.071). Related to Item #87.
85. Discuss legal issues regarding the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Private Consultation with Attorney - Section 551.071). Related to Item #86.  
**This item was withdrawn.**
86. Deliberate the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Real Property - Section 551.072). Related to Item #85.  
**This item was withdrawn.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:23 p.m.**

### **BRIEFINGS**

88. Downtown Street Event Closure Task Force Report  
**The presentation was made by Rudy Garza, Assistant City Manager and Paul Carroza, Downtown Street Event Closure Task Force. Staff was instructed to present their recommendations for code changes at a public hearing, schedule a briefing, and then put on Council's agenda for action.**
89. Presentation of the Waterfront Overlay Task Force Recommendations  
**The presentation was made by Mandy Dealey, Waterfront Overlay Task Force. Staff was instructed to prepare a resolution extending the life of the Task Force, initiate code amendments working with Zoning and Watershed staff, and get this Task Force to review the code amendments before putting on Council's agenda for action.**
90. Presentation of report on the Lady Bird Lake Trail Enhancements prepared in cooperation with the Town Lake Trail Foundation.  
**The presentation was made by Stuart Strong, Assistant Director of Parks and Recreation Department; Barbara Austin, RVI, Planning and Landscape Architecture Graphic Design; and Susan Rankin, Town Lake Trail Foundation.**

### **DISCUSSION ITEM**

30. Authorize the negotiation and execution of an amendment to the Juniper-Olive Street New Construction Development Agreement with the Austin Revitalization Authority. There is no unanticipated fiscal impact. A fiscal note is not required. Related to Item #83  
**The motion authorizing the negotiation and execution of an amendment to the Juniper-Olive Street New Construction Development Agreement with the Austin Revitalization Authority was approved on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.**

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

87. Take possible action related to the application of BFI Waste Systems of North America for a vertical expansion of its landfill located in Northeast Travis County, known as the Sunset Farms Landfill ("the Landfill"), the subject of SOAH Docket No. 582-08-2178. Related to Item #84.

This item was postponed to January 15, 2009 on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken 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.

91. C14-2007-0052 - TJG - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9609 Swanson's Ranch Road (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general office-conditional overlay (GO-CO) combining district zoning. First reading approved on November 20, 2008. Vote: 6-0 (McCracken absent). Applicant: T.J. Greaney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The second reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Leffingwell's second on a 5-1 vote. Council Member Morrison voted nay. Mayor Pro Tem McCracken was off the dais.

92. C14-2007-0232 - Rundberg Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 1; and multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 2 to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning for Tract 1, and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. First reading approved on August 28, 2008. Vote: 7-0. Applicant: Rundberg Business Park (John Dimeblid). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to February 12, 2009 at the applicant's request on consent on Council Member Cole's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

93. 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 Frensey 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 indefinitely and withdrawn from the agenda at the applicant's request on consent on Council Member Cole's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken 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.

94. C14-03-0116.01 - Met Center II PDA Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson Creek and Onion Creek Watersheds) from limited industrial-planned development area-

neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To be reviewed on January 13, 2009. Applicant: Met Center Partners-8, Ltd. and Met Center NYCTEX Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.**

95. NPA-2008-0015.02 - 3617 Axel Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, 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 industrial to single-family for the property located at 3617 Axel Lane (Fort Branch Watershed). Staff Recommendation: To deny single-family use designation. Planning Commission Recommendation: Postponed Indefinitely. Applicant and Agent: Kevin Ludlow. City Staff: Dee Dee Quinnelly, 974-2976.

**This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.**

96. C14-2008-0154 - 3617 Axel Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3617 Axel Lane (Fort Branch Watershed) from industrial park (IP) district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To deny family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: Postponed Indefinitely. Applicant and Agent: Kevin Ludlow. City Staff: Joi Harden, 974-2122.

**This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.**

97. C14-2007-0262 - Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Central Austin Combined Neighborhood Planning Area, bounded by 38th Street on the north, IH-35 on the east, Martin Luther King, Jr. Boulevard on the south, excluding the University of Texas at Austin campus, and Lamar Boulevard and 45th Street on the west (Shoal Creek, Waller Creek watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Central Austin Combined Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

**This item was postponed to January 29, 2009 at the neighborhood's request on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.**

98. C14-2008-0203 - Lake at Parkline - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Pecan Park Blvd. and Lake Creek Parkway (Lake Creek Watershed) from development reserve (DR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff

Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Tower 27, LP (Jim Gallegos). Agent: Bury and Partners (James Gradin). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

99. 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.

The public hearing was closed and Ordinance No. 20081218-099 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

101. C14H-2008-0031 - Louis J. and Rae Snyder House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2508 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Susan Morehead and Sinclair Black. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20081218-101 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

102. C14H-2008-0032 - Leach House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1402 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic Landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Mark and Suzanne Stewart, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20081218-102 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

103. C14H-2008-0033 - Reilly House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-

historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Mike and Sue Phillips. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20081218-103 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

104. C14H-2008-0034 - Max and Sadye Silberstein House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2506 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Bill and Jane Pollard. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20081218-104 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

105. C14H-2008-0035 - Judge John D. and Etta Harvey House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1309 Marshall Lane (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) district zoning to multi-family Residence-medium density-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant multi-family residence-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning. Applicants: Donald M. Williams and Lisa Doggett. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20081218-105 for multi-family residence-historic landmark-neighborhood plan (MF-3-H-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

106. C14H-2008-0036 - Volma and Warneta Overton House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Springdale Road (Tannehill Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: City of Austin and Volma Overton, Jr. City Staff: Susan Villarreal, 974-3524.

The public hearing was closed and Ordinance No. 20081218-106 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

107. C14H-97-0008 - Norwood House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1012 Edgecliff Drive (Town Lake

Watershed) from public-neighborhood plan (P-NP) combining district zoning to public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Staff Recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Planning Commission Recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Susan Villareal, 974-3524.

The public hearing was closed and the first reading of the ordinance for public-historic landmark-neighborhood plan (P-H-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

108. NPA-2008-0015.03 - Precinct 1 New Office Building, is pulled from the agenda - 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 withdrawn from the agenda because it was previously postponed to February 12, 2009.**
109. C14-2008-0174 - Precinct 1 New Office Building, is pulled from the agenda - 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 withdrawn from the agenda because it was previously postponed to February 12, 2009.**
111. C14-2008-0217 - Peaceful Hill Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8524 Peaceful Hill Lane (Onion Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on January 6, 2009. Applicant: Randall L. Smitheal Family Trust (Amanda Tatum/Jeremy Smitheal). Agent: McLean & Howard L.L.P. (Jeffrey S. Howard). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed to January 15, 2009 at the staff's request on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.**
112. C814-06-0233 - Wildflower Commons Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700-5200 Block of SH 45 (Bear Creek Watershed; Slaughter Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning and general office (GO) district zoning to planned unit development (PUD) district zoning. The Land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the "Settlement Agreement By



and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. PUD zoning may also modify City ordinances applicable to development of the land. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Wildflower Commons, I, L.P. and Wildflower Commons II, L.P. (William S. Walters, III). Agent: Drenner & Golden Stuart Wolff L.L.P (Michele C. Haussmann). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to January 15, 2009 at the neighborhood's request on consent on Council Member Cole's motion, Council Member Morrison's second on a 6-0 motion. Mayor Pro Tem McCracken was off the dais.

### ZONING DISCUSSION ITEM

113. C814-86-009.12 - Terrace PUD - Revision 12 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300-3000 Via Fortuna (Barton Creek Watershed-Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning site plan and amend a restrictive covenant. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant: W&G Partnerships & Desta Partnerships, Ltd. (Roger Arend). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: George Zapalac, Watershed Protection and Development Review Department, 974-2725; Jerry Rusthoven, 974-3207.

The public hearing was closed and Ordinance No. 20081218-113 for planned unit development (PUD) district zoning to change a condition of zoning, with the following friendly amendment, was approved on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais. The friendly amendment from Council Member Leffingwell was to approve only Austin Energy Green 2 star designation. This was accepted by Council Member Cole, the maker of the motion, and Council Member Shade, who made the second.

Mayor Wynn recessed the Council Meeting at 5:35 p.m.

### LIVE MUSIC

Ben Danaher

### PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:22 p.m.

### ZONING DISCUSSION ITEMS CONTINUED

100. C14H-2008-0027 - Texas Blind Deaf and Orphan School - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201 Levander Loop (Colorado River Watershed) from public-neighborhood plan (P-NP) combining district zoning to public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Staff Recommendation: To deny public-historic landmark-neighborhood Plan (P-H-NP) combining district zoning in favor of a commemoration of the gymnasium and auditorium. Historic Landmark Commission recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Planning Commission Recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for public-historic landmark-neighborhood plan (P-H-NP) combining district zoning was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

110. C14-2008-0151 - Bary Chiropractic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11777 Jollyville Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To deny limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny limited office-mixed use (LO-MU) combining district zoning. Applicant: Bary Chiropractic (Garrett Barry). City Staff: Stephen Rye, 974-7604.

The motion to close the public hearing and deny the rezoning request was approved on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-1 vote. Mayor Wynn voted nay.

#### PUBLIC HEARINGS AND POSSIBLE ACTIONS

114. Conduct a public hearing and consider approval of 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.

The public hearing was closed and Ordinance No. 20081218-114, to enact the Homestead Preservation District, the Land Trust and the Urban Land Bank with the following friendly amendment was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote. The friendly amendment made by Council Member Leffingwell to set the City maximum percentage TIF up to 40% was accepted by Council Member Martinez, the maker of the motion, and Council Member Morrison who seconded the motion.

115. Conduct a public hearing and 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.

The public hearing was closed and Ordinance No. 20081218-115 with the following requirement, was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. The requirement was to dedicate the drainage easement to the limits of the 100 year floodplain excluding the footprint of the house, garage, storage area and covered porch.

116. Conduct a public hearing and consider a resolution authorizing the change in use and conveyance of approximately 0.048 acre (2,101 square feet) of land in fee simple to Travis County for right-of-way purposes through dedicated Balcones Canyonland Preserve (BCP) tract known Coldwater Canyon located along City Park Road, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

The public hearing was closed and staff was directed to ask the Balcones Canyonland Preserve (BCP) Coordinating Committee to have both their Scientific Advisory Committee and the Citizen Advisory Committee review this on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

117. Conduct a public hearing and consider a resolution authorizing the change in use and conveyance of approximately 741 square feet of land in fee simple to Michael and Linda C. Wetzel through Austin Water Utility's Water Quality Protection Lands located along Wyldwood Drive, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code

The public hearing was closed and Resolution No. 20081218-117 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 9:51 p.m.

**EXECUTIVE SESSION CONTINUED**

The Mayor announced that Council would discuss items number 36 and 37 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 10:22 p.m.

36. 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 #37

This item was postponed to January 29, 2009 on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

37. 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 #36

This item was postponed to January 29, 2009 on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 10:23 p.m. without objection.

The minutes for the Regular meeting of December 18, 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.