

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, MARCH 26, 2009**

**Invocation:** Brother James R. Colley, Pastor, Capital City Church of Christ

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, March 26, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:30 a.m.

Announcement of future agenda items from Council:

Mayor Wynn indicated he has requested a briefing on the Ozone Awareness Action Plan be done on April 2, 2009.

Mayor Wynn indicated on future agendas there will be actions to formalize the partnership announced today with the Daimler Corporation to provide 200 smart cars in Austin's urban core.

**CONSENT AGENDA**

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

1. Approve the Minutes of the Austin City Council March 12, 2009 Regular meeting.  
The minutes from the meeting of March 12, 2009 were approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.
2. Approve an ordinance authorizing negotiation and execution of an amendment to the Cost Reimbursement Agreement with MAK Marshall Ranch, L.P., to increase reimbursable costs from \$4,478,500.00 to an amount not to exceed \$5,150,275.00; waiving the requirements of Section 25-9-63 of the City Code relating to amount of cost reimbursement; and waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payment schedule. Funding in the amount of \$671,775.00 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
Ordinance No. 20090326-002 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.
3. Approve an ordinance authorizing negotiation and execution of an amendment to the Cost Reimbursement Agreement with MAK Marshall Ranch, L.P., changing the City's cost allocation, decreasing the overall maximum cost reimbursement for the entire wastewater project from \$3,014,951.76 to \$2,947,758.00, and extending the waiver of Section 25-9-67 of the City Code relating to

cost reimbursement payment schedule to all project reimbursement payments. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20090326-003** was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

4. Approve an ordinance waiving all fees associated with the City's subdivision process, and authorizing use of City engineering and surveying services to subdivide a one-acre lot located at 4000 Prairie Lane to facilitate transfer of utility service to the City from a failing utility that is under a district court receivership order. There is no funding required for this action. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20090326-004** was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

5. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with WANDERING CREEK INVESTMENTS, L.P., authorizing an additional \$483,975 in City cost reimbursement for the engineering, design and project management costs associated with the 24-inch water main and appurtenances for the Wandering Creek Subdivision for an increase in the overall project costs from \$3,929,265 to a new overall project costs not to exceed \$4,413,240; and waiving the requirements of Section 25-9-63 of the City Code relating to the amount of cost reimbursement. Funding in the amount of \$483,975 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Ordinance No. 20090326-005** was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

6. Approve a resolution in support of legislation allowing the Barton Springs Edwards Aquifer Conservation District to annex property, and capping related City expenditures at total annual payments of \$900,000. Funding is available in the Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Resolution No. 20090326-006** was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

7. Approve a resolution authorizing the issuance by Northtown Municipal Utility District ("District") of Unlimited Tax and Revenue Bonds, Series 2009, in an amount not to exceed \$7,560,000; and approving a draft of the District's Bond Order and the Preliminary Official Statement. The City is not responsible for payment of District bond debt service unless the District is dissolved under the terms of the Consent Agreement. Recommended by the Water and Wastewater Commission.

**Resolution No. 20090326-007** was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

8. Approve a resolution consenting to the annexation of approximately six acres into Travis County Water Control and Improvement District 10 ("WCID #10") to provide water service. There is no City funding required for this action. The landowner or WCID #10 will incur all expenses for water service to the six-acre tract. Recommended by the Water and Wastewater Commission.

**Resolution No. 20090326-008** was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

9. Authorize the negotiation and execution of an amendment to the Interlocal Agreement regarding the Provision of Retail Water and Wastewater Service to the Lake at Tech Ridge Development between Northtown Municipal Utility District, NWC Howard & I-35 GP, LLC, and the City to allow the City to provide permanent retail water service to land previously identified to be provided water service by the

District. No current City funding is required for this agreement. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement between Northtown Municipal Utility District, NWC Howard & I-35 GP, LLC and the City was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

10. Authorize negotiation and execution of a sixty-three month lease with Aero Austin L.P. for approximately 24,000 sq. ft. of warehouse and office space at the Aeroterm Cargo facility at Austin-Bergstrom International Airport at an annual rental not to exceed \$186,000 for the initial year, escalating annually thereafter at a rate not to exceed 4% per year, plus the City's pro-rata share of utilities, with an option for renew the lease for two additional terms of three years each on the same terms and conditions. Funding in the amount of \$108,000; \$93,000 for one-half year's rent and \$15,000 for estimated utilities, is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding for the remainder of the initial lease term and extension options is contingent upon available funding in future budgets. Recommended by the Austin Airport Advisory Commission.  
**The motion authorizing the negotiation and execution of a lease with Aero Austin L.P. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
11. Authorize the fee simple acquisition of Lot 9, Block 1, of Bergstrom Downs No. 1, locally known as 806 Patton Ave, from Manuel and Gloria Ibarra for the Airport Noise Mitigation Program, in the amount of \$118,000 for the land and improvements and \$35,681 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$163,681. Funding in the amount of \$163,681 is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation and available Federal Aviation Administration (FAA) Grants.  
**The motion authorizing the fee simple acquisition of Lot 9, Block 1, of Bergstrom Downs No. 1, locally known as 806 Patton Ave, was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
12. Approve an ordinance authorizing the fee simple acquisition of Lots 39, 38, and 35, Yarrabee Bend South, Section 1, a subdivision in Travis County, Texas, and locally known as 7308, 7310, and 7316 Dixie Drive for the Streambank Restoration and Erosion Management Program, and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations, in the amount of \$600,000. Funding in the amount of \$600,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.  
**Ordinance No. 20090326-012 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
13. Approve an ordinance authorizing the acquisition of Lot 12, Block 1, Buena Vista Addition, a subdivision in Travis County, Texas, and locally known as 2305 Santa Rita Street, from Patricia Ramirez for the Town Lake E. 4th St. Storm Drain Project, and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations, in the amount of \$235,000. Funding in the amount of \$235,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.  
**Ordinance No. 20090326-013 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

14. Approve an ordinance vacating the 3,042 square foot right of way at the intersection of Gaston Avenue and Wooldridge Drive, adjacent to 2518 Wooldridge Drive for the appraised value of \$151,286. Recommended by the Planning Commission and the Urban Transportation Commission.  
**Ordinance No. 20090326-014 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
15. Authorize the negotiation and execution of a 36-month lease with the possibility of future renewals for approximately 4,031 square feet of office space for Austin Water Utility to house the South-I 35 Water and Wastewater Improvement Program, located at 811 Barton Springs Road Suite 920, from PENNMUNI-TIAA U.S. REAL ESTATE FUND, LLC, Austin TX, in an amount not to exceed \$380,841.13 for the initial lease term. Funding in the amount of \$72,047.41 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of a lease was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
16. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with INLINE ELECTRIC SOLUTIONS of TEXAS, LLC, Flower Mound, TX, for Northwest Pool power replacement in an amount not to exceed \$59,250. Funding for the amount of \$59,250 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 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authorizing the execution of a construction contract through the Texas Local Government Purchasing Cooperative with Inline Electric Solutions of Texas, LLC was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
17. Authorize execution of Change Order #5 to the construction contract with OSCAR RENDA CONTRACTORS, INC., Roanoke, TX for the ACWP Govalle 4 - Waller Pedernales Area Wastewater Improvements in the amount of \$1,652,000, for a total contract amount not to exceed \$14,648,913.59. Funding in the amount of \$1,652,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 15.36% MBE and 9.44% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of change order number 5 to the construction contract with Oscar Renda Contractors, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
18. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC. (MBE/MH 94.07%), Austin, TX for Green WTP Transmission Main Relocation in the amount of \$945,890 plus a \$47,310 contingency, for a total contract amount not to exceed \$993,200. Funding in the amount of \$890,825 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$102,375 is included in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Lowest bid of eight (8) 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 3.40% MBE and 2.53% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

19. Authorize execution of a construction contract with BENITEZ CONSTRUCTION, INC. (MBE/MH 41.73%), Manor, TX, for Pemberton Heights Water Improvements Phase II in an amount of \$502,375.50 plus a \$25,000 contingency, for a total contract amount not to exceed \$527,375.50. Funding in the amount of \$527,375.50 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) 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 6.92% MBE and 3.28% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

20. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX for the Ben White/IH-35 Bioretention/Extended Detention Pond Project in an amount of \$540,791 plus a \$27,039.55 contingency, for a total contract amount not to exceed \$567,830.55. Funding in the amount of \$567,830.55 is available in the Fiscal Year 2008 - 2009 Capital Budget of the Watershed Protection and Development Review Department. Lowest compliant bidder of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 13.87% MBE, and 2.40% WBE subcontractor participation.

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

21. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC Austin, TX for the Wood Hollow Pond Rehabilitation in an amount not to exceed \$422,973. Funding in the amount of \$422,973 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Lowest 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 achievements of Good Faith Efforts with 2.60% MBE and 1.89% WBE subcontractor participation.

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

22. Authorize negotiation and execution of a professional services agreement with MURFEE ENGINEERING COMPANY, Austin, TX for engineering services for the Wildhorse Ranch Northwest Wastewater Interceptor - Phase 2 in the amount of \$422,415.76. Funding in the amount of \$422,415.76 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with Murfee Engineering Company was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

23. Authorize negotiation and execution of professional services agreements with the following five firms: CH2M HILL, INC., Austin, TX; HARUTUNIAN ENGINEERING INCORPORATED (HEI) (WBE/FW), Austin, TX; WESTIN ENGINEERING, INC., Dallas, TX; BLACK & VEATCH CORPORATION, Austin, TX; EMA, INC., The Woodlands, TX, for engineering services for Water and Wastewater SCADA Services Rotation List (2009-2012) for a period of three (3) years or until financial authorization is expended, each agreement in an amount not to exceed \$500,000 with a total amount for the five agreements not to exceed \$2,500,000. Funding in the amount of \$2,500,000 is available in the Fiscal Year 2008-2009 Capital budget and/or Operating and Maintenance budget of the Austin Water Utility. Best qualification statement of eleven (11) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.69% MBE and 10.82% WBE subconsultant participation. Recommended by Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of professional services agreements with the following five firms: CH2M Hill, Inc., Harutunian Engineering Incorporated (HEI) (WBE/FW), Westin Engineering, Inc., Black & Veatch Corporation, and EMA, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
24. Approve a resolution appointing Mayor Will Wynn, Mayor Pro Tem McCracken, Council Member Lee Leffingwell, Council Member Mike Martinez, Council Member Randi Shade, Council Member Laura Morrison, and Council Member Sheryl Cole to the Board of Directors of Tax Increment Financing (TIF) Reinvestment Zone No. 18, City of Austin, Texas, a TIF Reinvestment Zone (Seaholm Redevelopment Project) and appointing Mayor Will Wynn as the Board Chair.  
**Resolution No. 20090326-024 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
25. Approve negotiation and execution of an Interlocal Agreement with the Lower Colorado River Authority (LCRA) for the provision of an Emergency Medical Preceptor Program for LCRA first responders, for a one-year term beginning on April 1, 2009, with options to renew for up to four additional one-year terms.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Lower Colorado River Authority (LCRA) was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
26. Approve an ordinance accepting \$99,000 in grant funds from the Texas Parks and Wildlife Department (TPWD); and amending the Fiscal Year 2008-2009 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$99,000 for the boat ramp improvements on Lake Walter E. Long (formerly known as Decker Lake) at Walter E. Long Park. Funding in the amount of \$99,000 is available from TPWD under the State Boating Access Grant Program. The City match of 25% (\$33,000) is available in the Fiscal Year 2008-2009 Special Revenue Trust and Agency Fund established for Walter E. Long Improvements.  
**Ordinance No. 20090326-026 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
27. Approve an ordinance accepting \$42,979 in grant funding from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$42,979 for a total grant amount of \$407,979 to purchase a license plate reader and a computer server for the Police Department Auto Burglary and Theft Interdiction Project. Funding is available from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority for the grant period September 1, 2008 to August 31, 2009. No additional match is required for the acceptance of these funds.

**Ordinance No. 20090326-027 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

28. Approve an ordinance authorizing the waiver of certain fees for the improvement of Pond Springs Road between its intersections with US 183 in an amount not to exceed \$184,200; and authorize execution of an Interlocal Agreement between the City and Williamson County for the improvement of Pond Springs Road between its intersections with US 183. Funding in the amount of \$500,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.

**Ordinance No. 20090326-028 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

29. Authorize award and execution of a contract with ALFRED CONHAGEN INC. OF TEXAS, La Marque, TX, for the repair and modification of a boiler feed pump at Austin Energy's Sand Hill Energy Center, in an amount not to exceed \$132,893. Funding in the amount of \$132,893 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a contract with Alfred Conhagen Inc. of Texas was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

30. Authorize award and execution of a 24-month requirements supply contract with HYDROCHEM INDUSTRIAL SERVICES, INC, Deer Park, TX, and VEOLIA ES INDUSTRIAL SERVICES, INC, La Porte, TX, for boiler and heat exchanger cleaning services at Austin Energy power plants, in an estimated amount not to exceed \$1,200,000 each and combined, with one 24-month extension option in an estimated amount not to exceed \$1,200,000 each and combined, for a total estimated contract amount not to exceed \$2,400,000 each and combined. Funding in the amount of \$300,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposals of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a requirements supply contract with Hydrochem Industrial Services, Inc. and Veolia ES Industrial Services, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

31. Authorize award and execution of a 12-month requirements service contract with TEREX UTILITIES, San Antonio, TX, for the rental of truck-mounted aerial devices and digger derricks in an estimated amount not to exceed \$200,000, with two 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$600,000. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9C 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. To be reviewed by the Electric Utility Commission on March 23, 2009. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements service contract with Terex Utilities was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

32. Authorize award and execution of two 24-month requirements supply agreement with ACT PIPE & SUPPLY, Pflugerville, TX for the purchase of ductile iron pipe in an estimated amount not to exceed \$89,062, with three 12-month extension options in an estimated amount not to exceed \$55,664 per extension option, for a total estimated contract amount not to exceed \$256,054; and with MUNICIPAL WATER WORKS, Royse City, TX for the purchase of PVC pipe in an estimated amount not to exceed \$361,997, with three 12-month extension options in an estimated amount not to exceed \$226,249 per extension option, for a total estimated contract amount not to exceed \$1,040,744. Funding in the amount of \$131,559 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 17 months of the original contract period and extension options is contingent upon available funding in future budgets. There is no unanticipated fiscal impact. A fiscal note is not required. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of two requirements supply agreements with Act Pipe & Supply and Municipal Water Works was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

33. Authorize award and execution a 24-month requirements supply contract with ALTIVIA CORPORATION, Houston, TX, for liquid chlorine for the Austin Water Utility in an estimated amount not to exceed \$1,274,080, with two 12-month extension options in an estimated amount not to exceed \$796,300 per extension option for a total estimated contract amount not to exceed \$2,866,680. Funding of \$265,434 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 19-months of the original contract period and extension options is contingent upon available funding in future budgets. Low bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract with Altvia Corporation was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

34. Authorize award and execution of a 12-month requirements supply contract with ARMSTRONG WATER TECHNOLOGY, INC., Houston, TX, for the purchase of liquid phosphate in an estimated amount not to exceed \$807,070, with two 12-month extension options in an estimated amount not to exceed \$1,008,850, per extension option, for a total estimated contract amount not to exceed \$2,824,770. Funding in the amount of \$470,790 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract with Armstrong Water Technology, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.



35. Authorize award and execution of a 12-month requirements supply contract with BADGER METER, INC., Milwaukee, WI, for the purchase of water meters in an estimated amount not to exceed \$139,626, with two 12-month extension options in an estimated amount not to exceed \$174,532 per extension option, for a total estimated contract amount not to exceed \$488,690. Funding in the amount of \$69,813 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining six 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. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Badger Meter, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
36. Authorize award and execution of a 24-month requirements supply contract with LUCIER CHEMICAL INDUSTRIES LTD., dba, LCI, LTD, Jacksonville Beach, FL, for flourosilicic acid for the Austin Water Utility in an estimated amount not to exceed \$1,456,400 with three 12-month extension options in an estimated amount not to exceed \$910,250 per extension option, for a total estimated contract amount not to exceed \$4,187,150. Funding in the amount of \$364,100 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Lucier Chemical Industries Ltd., doing business as LCI, LTD was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
37. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with ROCKFORD BUSINESS INTERIORS, Austin, TX for the purchase and installation of carpet tile in an amount not to exceed \$879,735.29. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Rockford Business Interiors was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
38. Authorize award, negotiation, and execution of a contract with CIGNEX TECHNOLOGIES, INC., Santa Clara, CA, for the redesign of the City of Austin website in an amount not to exceed \$704,088. Funding in the amount of \$704,088 is allocated among the 2008-2009 budgets of various City departments. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 18.57% MBE and 15.84% WBE subcontractor participation.  
**This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
39. Authorize award and execution of two 24-month requirements supply contracts for medical supplies and medications with: MCKESSON MEDICAL SURGICAL, Richmond, VA, in an estimated amount not to

exceed \$166,144, with two 12-month extension options in an estimated amount not to exceed \$83,072 per extension option, for a total estimated contract amount not to exceed \$332,288; and with BOUND TREE MEDICAL, LLC, Dublin, OH in an estimated amount not to exceed \$90,782, with two 12-month extension options in an estimated amount not to exceed \$45,391, for a total estimated contract amount not to exceed \$181,564. Funding in the amount of \$64,232 is available in the Fiscal Year 2008-2009 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of two requirements supply contracts with McKesson Medical Surgical and Bound Tree Medical, LLC was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

40. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with SIDDONS FIRE APPARATUS, INC., Houston, TX, for the purchase of one pumper and two brush pumper fire trucks in an amount not to exceed \$670,850. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Fire Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Siddons Fire Apparatus, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

41. Authorize award and execution of a 36-month requirements service contract with PRINTMAILPRO.COM, Austin, TX, for printing and mail processing services of various notices for Municipal Court in an estimated amount not to exceed \$253,200, with three 12-month extension options in an estimated amount not to exceed \$84,400 per extension option, for a total estimated contract amount not to exceed \$506,400. Funding in the amount of \$42,200 is available in the Fiscal Year 2008-2009 Operating Budget of the Municipal Court. Funding for the remaining 30 months of the original contract period and the extension options is contingent upon available funding in future budgets. Best evaluated 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 PrintMailPro.Com was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

42. Authorize award and execution of a contract through the U.S. Communities Government Purchasing Alliance with PLAYPOWER LT FARMINGTON, INC. (LITTLE TIKES COMMERCIAL), Farmington, MO for the purchase and installation of playground equipment in an estimated amount not to exceed \$122,095.13. Funding in the amount of \$122,095.13 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 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the U.S. Communities Government Purchasing Alliance with Playpower Lt Farmington, Inc. (Little Tikes Commercial)**

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

43. Authorize award and execution of 12-month requirements supply contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with GT DISTRIBUTORS, INC., Austin, TX, for the purchase of concealable body armor, tactical body armor, and accessories for the Austin Police Department in an estimated amount not to exceed \$345,046, with one 12-month extension option in an estimated amount not to exceed \$248,880, for a total estimated contract amount not to exceed \$593,926. Funding in the amount of \$220,606 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining six months of the original contract period and the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with GT Distributors, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

44. Authorize award and execution of a 24-month requirements supply contract with MALELO AND COMPANY, Chicago, IL for blank videotapes and other media for the Austin Police Department in an estimated amount not to exceed \$134,512, with two 12-month extension options in an estimated amount not to exceed \$67,256 per extension option, for a total estimated contract amount not to exceed \$269,024. Funding in the amount of \$39,233 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 17 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

45. Authorize award and execution of a contract through the State of Texas, Comptroller of Public Accounts (CPA) with TOTER INCORPORATED, Statesville, NC, for the purchase of residential garbage carts and single-stream recycling carts in an amount not to exceed \$834,414.36. Funding in the amount of \$834,414.36 is available in the Fiscal Year 2008-2009 Operating Budget of the Solid Waste Services Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Solid Waste Advisory Commission.

**The motion authorizing the award and execution of a contract through the State of Texas, Comptroller of Public Accounts (CPA) with Toter Incorporated was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

46. Authorize award and execution of a contract with TOTER INCORPORATED, Statesville, NC for the purchase of replacement lids for Toter carts in an amount not to exceed \$60,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Solid Waste Services Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No

subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Solid Waste Advisory Commission.

The motion authorizing the award and execution of a contract with Toter Incorporated was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

47. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

**Board**

**Nominated By:**

Asian American Resource Center Advisory Board

Mohan Kharbanda

Council Member Shade

Downtown Austin Community Court Advisory Committee

T. Marshall Jones

Mayor Pro Tem McCracken

Urban Forestry Board

Travis Gallo

Mayor Wynn

Zoning and Platting Commission

Cynthia Banks

Council Member Cole

48. Approve a resolution directing the City Manager to provide a recommendation and process amendments to the Land Development Code, including Chapters 25-2 and 25-10, to allow limited on-premise signs advertising a home occupation along core transit corridors and future core transit corridors. (Council Member Randi Shade Council Member Laura Morrison )

Resolution No. 20090326-048 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

49. Approve a resolution stating Council priorities for the 2009 Low-Income Housing Tax Credit Program. (Council Member Randi Shade Council Member Sheryl Cole Council Member Laura Morrison)

Resolution No. 20090326-049 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

50. Approve a resolution directing the City Manager to discontinue the process of amending Title 25 of the City Code granting a one-time extension of the period of time for which certain projects and site plans remain valid. Related to Item #77. (Council Member Randi Shade Council Member Laura Morrison and Mayor Pro Tem Brewster McCracken)

Resolution No. 20090326-050 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

51. Approve reimbursement of certain fees for the Mexican Consulate Conference Immigration Seminar which is to be held on March 21, 2009. (Council Member Mike Martinez Council Member Lee Leffingwell )

The motion for reimbursement of certain fees for the Mexican Consulate Conference Immigration Seminar was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.

52. Authorize the payment of certain costs under City Code Chapter 14-7 for the North Shoal Creek Neighborhood Association's Annual July 4th Parade which is to be held on July 4, 2009. (Mayor Pro Tem Brewster McCracken Council Member Laura Morrison Council Member Sheryl Cole)  
**The motion authorizing the payment of certain costs for the North Shoal Creek Neighborhood Association's Annual July 4<sup>th</sup> Parade was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
53. Approve the waiver of certain fees for the Bengali and South Asian New Year Festival event which is to be held on April 11, 2009. (Council Member Laura Morrison Council Member Mike Martinez Council Member Sheryl Cole)  
**The motion for the waiver of certain fees for the Bengali and South Asian New Year Festival event was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
54. Approve the waiver of certain fees under City Code Chapter 14-8 for the fee paid American YouthWorks Prom event to be held on May 16, 2009. (Council Member Sheryl Cole Council Member Mike Martinez Council Member Randi Shade)  
**The motion for the waiver of certain fees for the American YouthWorks Prom event was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**
55. Approve waiver of certain fees for the YWCA's 3rd Annual ATXcellent Adventure event to be held on April 4, 2009. (Council Member Sheryl Cole Council Member Laura Morrison )  
**The motion for the waiver of certain fees for the YWCA's 3<sup>rd</sup> Annual ATXcellent Adventure event was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

Item 56 was pulled for discussion.

78. Authorize the payment of certain costs under City Code Chapter 14-7 for the Cesar Chavez March which is to be held on March 29, 2009. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Randi Shade)  
**The motion authorizing the payment of certain costs for the Cesar Chavez March was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.**

Items 57 and 58 were briefing items set for 2:00 p.m.

Item 59 was the Tax Increment Financing (TIF) Board #18 meeting set for 3:00 p.m.

Items 60 through 75 were zoning items set for 4:00 p.m.

Items 76 and 77 were public hearing items set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting at 11:20 a.m.

Mayor Wynn called the Council Meeting back to order at 12:02 p.m.

#### **CITIZEN COMMUNICATION: GENERAL**

Gus Pena - 1. To discuss City issues 2. To discuss the budget 3. Crime is on the increase and we need more officers on the streets 4. Please increase funding for social service agencies the need is greater for the poor, the needy, have-nots, homeless, senior citizens in this recession and economic downturn. Please

support our military troops, support and help our veterans who need jobs, affordable housing, re entry programs, PTSD treatment, counseling 5. Please support the stimulus package. Urge our Governor Perry to accept the money.

Carmen Llanes - PODER's Annual Cesar E. Chavez "si se puede" march and festivities: March 28th at 9:30 am, AB Cantu Pan American Recreation Center

Linda Yeatts - Crime and APD budget

Ronnie Gjemre - Peace and Freedom

Debbie Russell - Community Solutions for Community Problems

Rae Nadler-Olenick - Water fluoridation

Jacob Maddox - Eco Systems Infrastructure for Ethic Living non-profit. His time was transferred to Neith Maddox.

Neith Maddox - Eco Systems Infrastructure for Ethic Living non-profit

Rick Randall - APD budget

Lisa Hotchkiss - Harris Branch Neighborhood. She was not present when her name was called.

Mayor Wynn recessed the Council Meeting at 12:50 p.m.

Council Member Leffingwell called the Council Meeting back to order at 3:12 p.m.

#### **BRIEFING**

57. Update on the Downtown Street Event Closure Recommendations  
The presentation was made by Rudy Garza, Assistant City Manager. Direction was given to staff to provide Council with a list of Task Force recommendations that were not incorporated into the ordinance.

#### **DISCUSSION ITEM**

56. Set a public hearing to consider an ordinance amending Chapter 14-8 and repealing Chapters 4-5 and 14-7 of the City Code relating to street closures. (Suggested date and time: April 2, 2009, 6:00 PM at Austin City Hall, 301 W. Second Street, Austin, Texas) (Council Member Mike Martinez, Council Member Sheryl Cole and Council Member Randi Shade)  
The public hearing was set for April 2, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn was off the dais. Direction was given to staff to brief the Task Force on final recommendations prior to the April 2, 2009 meeting.

#### **BRIEFING**

58. Public Works Trails Briefing  
The presentation was made by Howard Lazarus, Director of Public Works Department, and Nancy McClintock, Assistant Director of Watershed Protection and Development Review. Direction was

given to staff to appoint Daryl Slusher as a member of the Executive Committee to ensure the Trail For A Day considerations were incorporated into the overall plan and to provide a report regarding the Walnut Creek area.

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Tax Increment Financing (TIF) Board #18 to order at 4:06 p.m. See separate minutes.

59. The Mayor will recess the City Council Meeting to conduct a Board of Director's Meeting of the Tax Increment Financing (TIF) Board #18. Following adjournment of the TIF Board meeting the City Council will re-convene. (The TIF agenda is located at <http://www.ci.austin.tx.us/agenda/council.htm>).

Mayor Wynn called the Council Meeting back to order 4:10 at p.m.

### ZONING CONSENT ITEMS

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

60. NP-2008-0025(Part) - Oak Hill Combined Neighborhood Plan - Approve second/third readings of an ordinance amending the Austin Tomorrow Comprehensive Plan, by adopting a land use designation on Tract AG (4808 West William Cannon Drive) of the Oak Hill Combined Neighborhood Plan. Tract AG is located within a planning area generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west on the Future Land Use map. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed. First reading was approved on October 23, 2008. Vote 7-0. Staff: Maureen Meredith, 974-2695; Minal Bhakta, Department; 974-6453 and Gregory Montes, 974-2629.  
**Ordinance No. 20090326-060 to adopt neighborhood mixed use as the land use designation on Tract AG was approved on consent on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.**
61. C14-2008-0115 - William Cannon - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4808 West William Cannon Drive (Williamson Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning with conditions. At First reading on October 23, 2008, City Council approved LO-MU-CO-NP combining district zoning with conditions. Vote: 5-1 (Morrison voted nay; Martinez off the dais.) Applicant: Marcus Whitfield & Eskew Place, Ltd. (Gail and Marcus Whitfield). Agent: McClean & Howard, L.L.P. (Jeffrey Howard). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.  
**Ordinance No. 20090326-061 for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning with conditions requiring a 50 foot vegetative buffer along William Cannon was approved on consent on Council Member Morrison's motion, Mayor Wynn's second on a 6-0-1 vote. Council Member Morrison abstained.**
62. C14-2008-0214 - Tex-Tar Waterproofing - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11600 N. IH-35 SVRD Southbound (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on February 26, 2009. Vote: 5-0 (Mayor Wynn and Councilmember Martinez off the dais.) Applicant: Richard Johnson. Agent: Jackson Walker L.L.P. (Katherine Loayza). City Staff: Joi Harden, 974-2122.

**Ordinance No. 20090326-062 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.**

63. C14H-97-0008 - Norwood House - Approve second/third readings of 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. First reading approved on December 18, 2008. Vote: 6-0 (McCracken off the dais). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Susan Villareal, 974-3524.

**Ordinance No. 20090326-063 for public-historic landmark-neighborhood plan (P-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.**

64. C14H-2008-0038 - Faulk-Powers House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1812 Airole Way (Barton Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on March 12, 2009. Vote: 7-0. Applicant: Nikki Addison, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

**Ordinance No. 20090326-064 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.**

66. C814-2008-0146 - Oertli PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12422 & 12424 Dessau Road and 1200 East Parmer Lane (Harris Branch/Walnut Creek Watershed) from development reserve (DR) district zoning and single-family residence-standard lot (SF-2) district zoning to planned unit development (PUD) district zoning with conditions. First reading approved on February 26, 2009. Vote: 6-0 (Mayor Wynn off the dais.) Applicant: Jerry Oertli Estate (Linda Oertli). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Clark Patterson, 974-7691.

**This item was postponed to April 2, 2009 at the applicant's request on consent on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.**

### **ZONING CONSENT ITEMS**

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

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

**The public hearing was closed and the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved, with the following prohibited uses, on consent on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote. Prohibited uses are: food sales, residential treatment, restaurant (limited), restaurant (general), and service station.**



68. C14-2008-0222 - William Cannon Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the North side of West William Cannon Drive, between Beckett Road and Ridge Oak Road (Williamson Creek Watershed - Barton Springs Zone) from rural residence-neighborhood plan (RR-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Staff Recommendation: To deny neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Planning Commission Recommendation: To postpone indefinitely. Applicant: John Rocha, Jewell Simmons, Lloyd Burt, Judy Grimes, Valerie Brinkman, Charles Spradling and Fast Enterprises (Frank Smith). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**This item was postponed indefinitely and withdrawn from the agenda at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.**

70. C14-2008-0159 - 3rd and Colorado Hotel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 311 Colorado, 301 Colorado and 114 W. 3rd St. (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

**The public hearing was closed and the first reading of the ordinance for central business district-central urban redevelopment (CBD-CURE) combining district zoning with the following amendments was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.**

**The amendments to the ordinance reads as follows:**

**"Part 2. The site development regulations for the property within the boundaries of the CURE combining district established by this ordinance are modified as follows:**

**For a hotel-motel use:**

**A. Development of the property may not exceed a floor-to-area ratio (F.A.R.) of 12.0 to 1.0.**

**B. If the F.A.R. exceeds 8.0 to 1.0:**

**1) Section 25-6-592 (C) (2) (loading Facility Provisions for the Central Business District (CBD) and Downtown Mixed Use (DMU) Zoning District) is modified to allow loading and unloading for service deliveries in the existing alley connecting West 3<sup>rd</sup> Street and West 4<sup>th</sup> Street that is adjacent to the Property.**

**2) A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,860 trips per day."**

**The amendments to the restrictive covenant reads as follows:**

**“1. If the Property is redeveloped for a hotel-motel use that exceeds a floor-to-area ratio of 8.0 to 1.0, the following applies:**

**a) The Owner shall design and construct streetscape improvements in compliance with the City of Austin Great Streets design criteria as the criteria existed on March 1, 2009. Design, permitting and construction of streetscape improvements will be at Owner’s expense. The owner shall coordinate the design of the streetscape improvements with the Urban Design Section of the Neighborhood Planning and Zoning Department. The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of occupancy.**

**b) Owner agrees to cost participate for traffic improvements identified by the Public Works Department during the site plan review process.**

**c) All commercial development shall be designed and built according to the US Green Building Council’s Leadership in Energy and Environmental Design (“LEED™”) Green Building Rating System, Certified Level. Prior to issuance of a certificate of occupancy by the City, certification must be provided by a LEED™ certified consultant showing that the project has been designed and constructed consistent with Leed™ Silver guidelines.**

**d) The following shall be submitted to the Transportation Review Section of the Watershed Protection and Development Review Department of the City.**

- i) An access study for any proposed project on the Property; and**
- ii) Information on loading facility provisions and trash collection for the project.**

**e) Above-ground parking structures are not permitted. All parking provided on the property shall be underground.**

**f) Reasonable sound mitigation for a hotel room must be included in the building design that is appropriate for the location of a hotel in the warehouse district of the City.**

**g) Balconies located on the second floor of the building at the corner of Colorado Street and 3<sup>rd</sup> Street shall be constructed for outdoor use.”**

73. C14-2008-0249 - Compu-Signs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11300 Jollyville Road (Bull Creek Watershed) from limited office (LO) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant and Agent: Compu Signs (Shahram Mohajeri). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was closed and Ordinance No. 20090326-073 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken’s motion, Council Member Morrison’s second on a 7-0 vote.**

74. NPA-2008-0019.01 - 3301 Kings Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-57, the Central Austin 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 single family to neighborhood mixed use for the property located at 3301 Kings Lane (Waller Creek Watershed). Staff Recommendation: To approve neighborhood mixed use land use designation. Planning

Commission Recommendation: To deny neighborhood mixed use designation. Applicant: David Heaps. Agent: Phil Moncada. City Staff: Victoria Craig, 974-2857.

This item was postponed indefinitely and withdrawn from the agenda at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

Item 75 was reconsidered later in the meeting.

### ZONING DISCUSSION ITEMS

65. C14-2008-0248 - North Loop Pub - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 100 East North Loop Blvd. (Waller Creek Watershed) from community commercial-conditional overlay neighborhood plan (GR-CO-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. First reading approved on February 26, 2009. Vote 4-2 (Morrison and Shade voted Nay; Mayor Wynn off the dais.) Applicant: Terrell Timmerman. Agent: Vincent Gerard & Associates (Vince Huebinger). City Staff: Clark Patterson, 974-7691.

There was a motion by Council Member Morrison, seconded by Council Member Shade to deny the rezoning request. This motion was withdrawn by the maker.

There was a motion by Council Member Morrison, seconded by Council Member Shade to postpone this item to April 23, 2009.

The second reading of the ordinance for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. Direction was given to staff to obtain a formal statement from the neighborhood planning contact team regarding the definition of a pub.

Mayor Wynn recessed the Council meeting at 5:36 p.m.

### LIVE MUSIC

McCallum Orchestra

### PROCLAMATIONS

Mayor Wynn called the Council meeting back to order at 6:36 p.m.

### ZONING DISCUSSION ITEMS CONTINUED

71. C14H-2008-0023 - Bradford-Nohra House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse and condominium residence-neighborhood conservation combining district (SF-6-NCCD) combining district zoning to townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Staff Recommendation: To deny townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-historic

landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Susan Villarreal, 974-3524. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning was approved on Council Member Shade's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

75. C814-06-0175.02 - East Avenue PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 SVRD SB (Boggy Creek and Waller Creek Watersheds) from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Applicant: East Avenue IG, L.P. (Andy Sarwal). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691. This item was postponed to April 2, 2009 at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

A motion to reconsider Item 75 was approved on Council Member Morrison's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

The motion to postpone this item to April 23, 2009 at the applicant's request was approved on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

69. NPA-2008-0013.01 - 706 West Oltorf Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from high-density single-family to mixed-use office for the property located at 706 West Oltorf Street (East Bouldin Creek Watershed). Staff Recommendation: To deny the mixed-use office land use designation. Planning Commission Recommendation: To deny the mixed-use office land use designation. Applicant/Agent: Mr. Scott Ogle. City Staff: Jacob Browning, 974-7657. The public hearing was closed and the motion to deny the change to the future land use map (FLUM) 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.
72. C14-2009-0005 - Tomanet - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12408 Tomanet Trail (Walnut Creek Watershed) from single-family residence-large lot (SF-1) district zoning to neighborhood office (NO) district zoning. Staff Recommendation: To deny neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office (NO) district zoning. Applicant and Agent: Duc H. Nguyen. City Staff: Sherri Sirwaitis, 974-3057. The public hearing was closed and the motion to deny the rezoning request was approved on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

76. Conduct a public hearing regarding a proposal from Texas Gas Service to increase customer gas rates.

The motion to continue the public hearing indefinitely was approved on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

77. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code to grant a one-time extension of the period of time for projects and site plans to remain valid. Related to Item #50.  
This item was withdrawn without objection.

Mayor Wynn adjourned the meeting at 8:04 p.m. without objection.

The minutes for the Regular meeting of March 26, 2009 were approved on this the 2nd day of April 2009 on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.