

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 2, 2009**

**Invocation:** Rabbi David Komerofsky, Executive Director, Texas Hillel

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, April 2, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:23 a.m.

**Announcement of future agenda items from Council:**

Council Member Leffingwell indicated he may request Council support to amend the ordinance regarding dangerous dogs.

Council Member Martinez indicated on April 23, 2009 he will request Council support to keep the Pecan Street Festival active by approving the waiver of fees related to street closures, security and police. Depending on the success of the Pecan Street Festival, the money could be reimbursed based on the contract.

**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 26, 2009 Regular meeting.  
The minutes from the meeting of March 26, 2009 were approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
2. Authorize execution of a deed to TRAVIS COUNTY for conveyance of a 1.738 acre tract of land on the north side and 602 square feet tract on the south side of Blake Manor Road, adjacent to the City of Austin's Webberville property near the intersection of Blake Manor Road and Brown Cemetery Road, for reconstruction of that section of road. No funding is needed. Recommended by the Electric Utility Commission.  
The motion authorizing the execution of a deed to Travis County was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
3. Approve issuance of a rebate to The University of Texas PRC (J.J. Pickle Research Center) for the installation of energy efficient lighting, in an amount not to exceed \$68,805.24. Funding is available in

the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

**The motion authorizing the issuance of a rebate to the University of Texas PRC (J.J. Pickle Research Center) was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

4. Authorize execution of a contract through the TASB Buy Board, a Cooperative Purchasing Network, with LD TEBBEN COMPANY INC., Austin, TX, for the purchase of weatherproofing and roofing services at the Howson Branch Library in an amount not to exceed \$119,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Library Department. Cooperative Purchase through the TASB Buy Board, a Cooperative Purchasing Network. LD Tebben Company Inc. has been approved through the competitive bid procurement process outlined by Texas statute. 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.

**The motion authorizing the execution of a contract through the TASB Buy Board with LD Tebben Company Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

5. Authorize execution of a construction contract with ZAPALAC/ REED CONSTRUCTION CO., LP, Austin, TX for the Avery Ranch/ Davis Springs Fire/ EMS Station in the amount of \$2,759,000 plus a \$100,000 contingency, for a total contract amount not to exceed \$2,859,000. Funding in the amount of \$2,859,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Fire Department. Lowest bid of ten (10) 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 7.61% MBE and 18.98% WBE subcontractor participation. **The motion authorizing the execution of a construction contract with Zapalac/ Reed Construction Co. LP was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

6. Authorize execution of a supplemental agreement to the professional services agreement with WESTON SOLUTIONS, INC., Austin, TX for engineering design and bid phase services for the Holly Street Power Plant Decommissioning Project in an amount not to exceed \$1,959,281.50 for a total contract not to exceed \$2,609,004.59. Funding in the amount of \$1,959,281.50 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) 6.43% MBE and 2.04% WBE subcontractor participation to date. Recommended by the Electric Utility Commission. **The motion authorizing the execution of a supplemental agreement to the professional services agreement with Weston Solutions, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

7. Authorize negotiation and execution of an Interlocal Agreement between the CITY and the CITY OF BEE CAVE for the inspection and permitting of food establishments and child care facilities for the period of April 1, 2009 through September 30, 2009 with a 12-month renewal option for up to four successive terms. Revenues from the City of Bee Cave to the General Fund will total \$7,750 for the initial 6-month term.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City and the City of Bee Cave was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

8. 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 \$30,000, for a total contract amount not to exceed \$105,000. Funding in the amount of \$30,000 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 Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
9. Approve an ordinance amending the Fiscal Year 2008-2009 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to add a one full-time equivalent (FTE) position, resulting in a total of three FTE positions for the Loan Star Libraries Grant Program funded by the Texas State Library and Archives Commission. Funding for this FTE increase is available in the amount of \$28,279 from the Texas State Library and Archives Commission. The grant periods are September 1, 2008 through August 31, 2009 and September 1, 2009 through August 31, 2010.  
**Ordinance No. 20090402-009 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
10. Approve an ordinance authorizing the acceptance of \$1,000 in grant funds from Humanities Texas for the Oral History-Austin's Mexican American Elders grant program; and amending the Fiscal Year 2008-2009 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$1,000. Funding is available from Humanities Texas. The grant period is April 1, 2009 through September 30, 2009.  
**Ordinance No. 20090402-010 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
11. Approve an ordinance amending Ordinance No. 20081120-078, to correct the zoning case number for C14-2007-0259.001, the Govalle/Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Opt-in/Opt-Out Process.  
**Ordinance No. 20090402-011 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
12. Approve an ordinance to annex the Barclay Drive Right-Of-Way Annexation Area for full purposes (Approximately 0.10 acre in Travis County at the northernmost extent of Barclay Drive which is approximately 400 feet north of the intersection of Barclay Drive and Wild Briar Pass). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services. February 12, 2009: Council set public hearings for February 26 and March 5, 2009. February 26, 2009: Council conducted a public hearing. March 5, 2009: Council conducted a public hearing.  
**Ordinance No. 20090402-012 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
13. Approve an ordinance to annex the International Residence Apartments Annexation Area for full purposes (Approximately 4 acres in southern Williamson County at the northeast corner of the intersection of Copper Creek Drive and Pond Woods Road). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.  
**Ordinance No. 20090402-013 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
14. Approve an ordinance to annex the South IH 35 Annexation Area for full purposes (Approximately 58 acres in southern Travis County east of IH 35 approximately one half mile south of the intersection of IH

35 and Onion Creek Parkway). 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. 20090402-014 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

15. Approve a resolution to amend the articles of incorporation and approve the Austin Rosewood Community Development Corporation's (ARCDC) amendment of its bylaws to expand and to appoint members to the ARCDC Board of Directors, and authorize the City Manager to implement the resolution. **Resolution No. 20090402-015 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
16. Authorize award and execution of a 24-month requirements supply contract with ELLIOTT ELECTRIC, Austin, TX, for electrical distribution panelboards and circuit breakers in an estimated amount not to exceed \$97,505, with three 12-month extension options in an estimated amount not to exceed \$48,753 per extension option, for an estimated contract amount not to exceed \$243,764. Funding in the amount of \$14,628 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$19,501 is available in the Fiscal Year 2008-2009 Capital 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. Lowest bid meeting specifications 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 Electric Utility Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Elliott Electric was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
17. Authorize award and execution of Amendment No. 3 to a requirements supply contract with QEI, INC., Springfield, NJ, for remote terminal units to increase the current contract period in an estimated amount not to exceed \$30,000, and to increase the remaining extension option in an estimated amount not to exceed \$30,000, for a revised total estimated contract amount not to exceed \$209,700. Funding in the amount of \$3,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$12,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining six months of the current contract period and extension option is contingent upon available funding in future budgets. Contract Amendment. This contract was 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 Electric Utility Commission.  
**The motion authorizing the award and execution of amendment number 3 to a requirements supply contract with QEI, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
18. Approve ratification of purchases of supplies and services from Aramark Sports & Entertainment, Austin, TX in the amount of \$384,308.20 and WalMart, Austin, TX in the amount of \$91,488 to provide support for Hurricane Ike evacuees. Funds will be reimbursed by the State of Texas Department of Emergency Management through a grant to the City for sheltering operations. Public Health and Safety. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 252 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion ratifying of purchases of supplies and services from Aramark Sports & Entertainment was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

19. Authorize award and execution of a 7-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with O'REILLY AUTOMOTIVE, INC., Springfield, MO, for the purchase of automotive batteries and parts in an estimated amount not to exceed \$128,000, with two 12-month extension options in estimated amounts not to exceed \$231,000 for the first extension option, and \$242,550 for the second extension option, for a total estimated contract amount not to exceed \$601,550. Funding in the amount of \$91,428 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining two months of the original contract period and the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative with O'Reilly Automotive, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

20. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with AGATI, Chicago, IL, for the purchase of library furniture in an amount not to exceed \$88,010. Funding in the amount of \$88,010 is available in the Fiscal Year 2008-2009 Capital Budget of the Library 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. Related to Item #21.

**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Agati was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

21. Authorize award and execution of a contract with EDUCATOR'S DEPOT, INC., Sugarland, TX, for the purchase of library shelving in an amount not to exceed \$95,384.81. Funding in the amount of \$95,384.81 is available in the Fiscal Year 2008-2009 Capital Budget of the Library 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 purchase. Related to Item #20.

**The motion authorizing the award and execution of a contract with Educator's Depot, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

22. Authorize award and execution of a 36-month requirements supply contract with CENTEX MATERIALS, LLC, Austin, Texas for the purchase of ready-mix concrete in an estimated amount not to exceed \$255,000, with three 12-month extension options in an estimated amount not to exceed \$85,000 per extension option, for a total estimated contract amount not to exceed \$510,000. Funding in the amount of \$42,500 is available in the Fiscal Year 2008-2009 Operating Budget for the Parks and Recreation Department. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C 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 supply contract with Centex Materials, LLC was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

23. Authorize award and execution of two contracts for the purchase of modular office furniture through the U.S. Communities Government Purchasing Alliance (U.S. Communities)/Herman Miller with WORKPLACE RESOURCE, Austin, TX, for the Parks and Recreation Department in an amount not to exceed \$148,718.44, and for the Library Department in an amount not to exceed \$94,701.40. Funding in the amount of \$148,718.44 is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Funding in the amount of \$94,701.40 is available in the Fiscal Year 2008-2009 Capital Budget of the Library Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative 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 two contracts through the U.S. Communities Government Purchasing Alliance (U.S. Communities)/Herman Miller with Workplace Resource was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
24. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Webberville Road, Springdale Road, Airport Boulevard, the Fort Branch of Boggy Creek and the Austin and Northwestern Railroad. Funding in the amount of \$3200 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department for installation of necessary signs.  
Ordinance No. 20090402-024 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
25. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by East Martin Luther King, Jr. Boulevard, Springdale Road, East 51st Street, and Ed Bluestein Boulevard. Funding in the amount of \$3700 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department for the installation of necessary signs.  
Ordinance No. 20090402-025 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
26. Authorize the negotiation and execution of a lease agreement with CAR2GO, a subsidiary of DAIMLER, for a period of up to 12 months to operate a Smart Car car-sharing pilot program.  
The motion authorizing the negotiation and execution of a lease agreement with Car2Go, a subsidiary of Daimler was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
27. Approve issuance of a street event permit for the Swamp Thing Festival, a fee paid event in the 1800 block of Brazos Street between MLK Boulevard and 18th Street. The event is scheduled for April 4, 2009 from 10:00 a.m. to 10:30 p.m.  
The motion for the issuance of a street event permit for the Swamp Thing Festival was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
28. Approve issuance of a street event permit for The Grind, a fee paid event in the 1800 block of Brazos Street between MLK Boulevard and 18th Street. The event is scheduled for April 5, 2009 from 11:00 a.m. to 10:00 p.m.

The motion for the issuance of a street event permit for the Grind was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

29. Approve a resolution authorizing execution of an Interlocal Agreement with Hays County regarding subdivision regulations applicable in a portion of Austin's extraterritorial jurisdiction.  
Resolution No. 20090402-029 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
30. 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 Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

**Board**

Ethics Review Commission

James Henson

**Nominated By:**

Council Member Martinez

**Council Subcommittees and Other Intergovernmental Bodies**

Capital Area Council of Governments – General Assembly

DeWayne Lofton

Gilberto Rivera

Council

Council

31. Approve an ordinance encouraging support of Lemonade Day Austin 2009 on May 3, 2009; waiving the requirement for a temporary food permit under City Code Chapter 10-3; and waiving the requirement for a license agreement under Chapter 14-11. (Council Member Randi Shade Mayor Will Wynn )  
Ordinance No. 20090402-031 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
32. Approve a resolution directing the City Manager to work with local governments and organizations in Central Texas to support and implement measures to improve regional air quality, as a participant in "The Big Push" program. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Mike Martinez)  
Resolution No. 20090402-032 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
33. Approve a resolution directing the City Manager to work with community stakeholders on upcoming light conservation projects and to review electricity use practices at city-owned buildings and recommend measures to reduce light and energy use when buildings are unoccupied. (Council Member Lee Leffingwell Council Member Randi Shade Council Member Mike Martinez)  
Resolution No. 20090402-033 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
34. Approve a resolution directing the City Manager to allocate \$15,000 from the Holly Good Neighbor "Cultural Arts" Program to fund Fiesta Patrias activities associated with Cinco de Mayo and Diez y Seis de Septiembre. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Laura Morrison)  
Resolution No. 20090402-034 was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

35. Approve the waiver of certain fees for the Dragon Boat Festival and Races to be held on April 25, 2009, at Festival Beach, 2101 Bergman Street. (Council Member Lee Leffingwell Council Member Randi Shade and Council Member Mike Martinez)  
**The motion for the waiver of certain fees for the Dragon Boat Festival and Races was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
36. Approve the waiver of certain fees for Latinitas Fotos de Mi Alma events, fee paid events, which are to be held on April 16 and May 8, 2009, at the Mexican American Cultural Center. (Council Member Lee Leffingwell Mayor Pro Tem Brewster McCracken Council Member Mike Martinez)  
**The motion for the waiver of certain fees for Latinitas Fotos de Mi Alma events was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
37. Approve the reimbursement of certain fees under City Code Chapter 14-8 for the Rosedale Ride event which was held on March 28, 2009. (Council Member Laura Morrison Council Member Mike Martinez )  
**The motion for the reimbursement of certain fees for the Rosedale Ride event was approved on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
38. Set a public hearing to consider an ordinance amending Title 25 of the City Code related to regulations in the waterfront overlay ordinance. (Suggested date and time: April 23, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set for April 30, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
39. Set a public hearing to consider a resolution authorizing the use of approximately 43,849 SF (1.01 acres) wastewater shaft uses, 428,630 SF (9.84 acres) wastewater line subterranean tunnel uses, 16,134 SF (0.37 acre) access uses, 332,634 SF (7.64 acres) temporary workspace uses and 14,983 SF (0.3440 acre) temporary ingress and egress use to allow for the construction of the Downtown Wastewater Tunnel Project through dedicated parkland known as the Town Lake - Lamar Beach, Auditorium Shores, Festival Beach, Holly Beach, Longhorn Shores, Lakeshore, Waller Beach, Butler Shores, Martin Park and Roy G. Guerrero Colorado River Park, all located along Lady Bird Lake in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 30, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board. To be reviewed by the Water and Wastewater Commission April 8, 2009.  
**The public hearing was set for April 30, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**
40. Set a Public Hearing to receive citizen comments on a Substantial Amendment to the City's (1) Fiscal Years 2004-2009 Consolidated Plan; (2) Annual Action Plan for Fiscal Year 2008-2009, required by the U.S. Department of Housing and Urban Development (HUD); and to (3) the Texas Local Government Code Chapter 373, Community Development 2008-2009 Program. The Substantial Amendment allows the City of Austin to apply, receive, and administer additional grant funds made available to the City of Austin from the American Recovery and Reinvestment Act of 2009. (Suggested date and time: April 23, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set for April 23, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

41. Set a public hearing to consider an ordinance amending Ordinance No. 20070621-150 extending the expiration date to October 3, 2011, for floodplain variances granted for construction of a mixed-use commercial project at 835 W. 6th Street. (Suggested date and time: April 30, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set for April 30, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.**

Items 42 and 43 were briefing items set for 2:00 p.m.

Items 44 through 59 were zoning items set for 4:00 p.m.

Items 60 and 61 were public hearing items set for 6:00 p.m.

**Mayor Wynn recessed the Council Meeting at 10:51 a.m.**

**Mayor Pro Tem McCracken called the Council Meeting back to order at 12:03 p.m.**

**CITIZEN COMMUNICATION: GENERAL**

John Boulton - Law enforcement

Linda Greene - Neighborhood gardens vs. fluoride

Gus Pena - 1.To discuss city issues. 2. To discuss the budget and again inform City Council of the needs in our great city. 3. Crime is on the increase. We need to have more officers patrol our streets; please no layoffs. 4. Please if possible, increase the funding for the social service agencies. The need increases for the poor, the needy, have-nots and homeless. 5. Adopt a needy family, help them in their times of need. 6. Please pray for and support our military personnel, their suffering, sacrifices and needs are tremendous. 7. Please help our youth and senior citizens in their times of need. "GOD Bless America." 8. Lets bring equity and fairness in the upkeep and repair of Morris William's golf course.

Robert L. Thomas - Unfair labor and industrial relations at the Rosewood Park and Recreation center

Ken Vasseau - TBA

Jennifer Berliner - Building one-wall handball courts within one or more of the City of Austin's parks

Michael Mendoza - Echo Earth - Capitol Metro rail- public safety awareness campaign proposal. Capital Metro has no public awareness aimed at drivers

Robert G. MacDonald - Saving "Austin" money and homelessness **He was not present when his name was called.**

Yesenia Garcia - Green business speaking about companies going green. Her company's name is Green Rose I.T. **She was not present when her name was called.**

Paul Robbins - City Issues

**Mayor Pro Tem McCracken recessed the Council Meeting at 12:37 p.m.**

Mayor Wynn called the Council Meeting back to order at 4:04 p.m.

### ZONING CONSENT ITEMS

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

44. C14-2008-0159 - 3rd and Colorado Hotel - Approve second/third readings of 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. First reading approved on March 26, 2008. Vote: 7-0. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Clark Patterson, 974-7691  
**Ordinance No. 20090402-044 for central business district-central urban redevelopment (CBD-CURE) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
45. 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.  
**Ordinance No. 20090402-045 for planned unit development (PUD) district zoning with conditions was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
46. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - Approve third reading of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to neighborhood mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Second Reading approved on January 15, 2009. Vote: 4-3 (Leffingwell, Martinez and Morrison voted Nay.) Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877  
**This item was postponed to April 23, 2009 at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
47. C14-2008-0099 - 1600 Block of East MLK - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600, 1602, 1604 and 1606 E. Martin Luther King Jr. Boulevard (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district zoning. First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Second Reading approved on January 15, 2009. Vote: 4-3 (Leffingwell, Martinez and Morrison voted Nay.) Applicant: E-MLK Properties, L.L.C. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to April 23, 2009 at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

49. 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: Wendy Rhoades, 974-7719.  
**This item was postponed to May 21, 2009 at the applicant's request on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
50. C814-97-0001.07 - Leander Rehabilitation - PUD Amendment #8 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as RM 620 (Lake Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on February 12, 2009. Vote: 7-0. Applicant: SV ONA Lakeline Office Ltd.; Sonmar of Phoenix, LLC. Agent: McLean & Howard (Jeff Howard). City Staff: Jerry Rusthoven, 974-3207.  
**Ordinance No. 20090402-050 for planned unit development (PUD) district zoning to change a condition of zoning was approved with the following amendment on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The amendment was as follows: Part 4 A 2) should read: "to allow impervious cover to be increased to (i) 85% for Parcels CRE-6, CRE-7, CRE-14 (save and except the area located at southeastern corner of Lago Drive and Arbor Way), and CRE-15; and (ii) 75% for Parcels ECO-3, CRE-8, CRE-9, CO-1, COR, COR-4, and the portion of CRE-14 located at the southeastern corner of Lago Drive and Arborway, if the mitigation standards are met as set forth in Exhibit E-3A."**
51. C14-2008-0221 - Conn Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11821-12124 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. First Reading approved on February 26, 2009. Vote: 6-0 (Mayor Wynn off the dais.) Second Reading approved on March 5, 2009. Vote: 7-0. Applicant: South IH-35 Investors, L.P. (C.W. Hetherly). Agent: Graves, Dougherty, Heaton & Moody, P.C. (Peter Cesaro). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20090402-051 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

### ZONING CONSENT ITEMS

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

54. C14-2008-0242 - Mueller Austin Energy Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 East 51st Street (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: to grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May 12, 2009. Applicant: Austin Energy. Agent: Stanley Consultants (Charles Steinman). City Staff: Joi Harden, 974-2122.

**This item was postponed to May 21, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.**

55. C14-2009-0003 - Austin Chinese Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11118 Dessau Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning; townhouse and condominium residence (SF-6) district zoning; and planned unit development (PUD) district zoning to limited office-conditional overlay (LO-CO) combining district zoning with conditions. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning with conditions. Applicant: Austin Chinese Church (Leo Young). Agent: Land Answers (Jim Witliff). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and the first reading of the ordinance was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.**

56. NPA-2008-0015.03 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Ordinance No.021107-Z11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from mixed use designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). Staff Recommendation: To approve civic use designation. Planning Commission Recommendation: To approve civic use designation. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.

**This item was postponed to May 21, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.**

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

**This item was postponed to May 21, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.**

58. C14-85-339(RCA) - East Yager Lane Restrictive Covenant Amendment - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 400-900 Block of East Yager Lane (Walnut Creek Watershed). Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on April 7, 2009. Applicant: Armbrust & Brown, L.L.P. (Amanda Morrow). Agent: Allen Samuels Realty (Jeff Wooley); Solo Star Realty, Inc. (John McCormack); Burton Landing L.L. C. (Robert S. Peed Jr.); and Austin Korean Presbyterian Church. City Staff: Joi Harden.

**This item was postponed to May 14, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.**

59. C14-2008-0193 - 500 Block of VFW and Yager Lane 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 500 Block of VFW Road (Walnut Creek Watershed) from multi-family residence-low density (MF-2) district zoning; limited office (LO) district zoning and neighborhood commercial (LR) district zoning to

townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on April 7, 2009. Applicant: Armbrust d& Brown, L.L.P. (Amanda Morrow). Agent: Solo Star Realty, Inc. 9John McCormack and John Gilbert.) City Staff: Joi Harden, 974-2122.

This item was postponed to May 14, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

### ZONING DISCUSSION ITEMS

48. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Approve third reading of an ordinance adopting Transit Oriented Development (TOD) district zoning for the Featherlight properties located at Martin Luther King (MLK) Jr. Blvd. and Miriam Avenue within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant and Agent: City of Austin Neighborhood Planning and Zoning Department. City Staff: Molly Scarbrough, 974-3515.

Ordinance No. 20090402-048 for Transit Oriented Development (TOD) district zoning was approved with the following amendments on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote.

The amendments are as follows:

"Part 5. The property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

(A) The property may not receive a waiver under Article 4.3.2.B (*Waiver of Site Development Standards*) as a result of payment of a fee-in-lieu as allowed under Article 4.3.2.D (*Fee-in-lieu*).

(B) The property shall receive a waiver of the maximum density requirement in Article 2.3 (*Transit Oriented Development Subdistricts*) and, subject within 100 feet of the TOD boundary to the agreement of the owners of 66% of triggering properties within 25 feet of the property, a waiver of the compatibility height limitations in Article 4.2.10 (*Compatibility Transition Area*) if the owner or developer demonstrates that before the effective date of this ordinance, the owner or developer of the property provided TOD-related community benefits within the TOD District boundaries with a value of at least at \$1.1 million.

(C) The total bonus area square footage resulting from the waivers under Section (B) shall be 50,000 square feet.

(D) The property shall be eligible for a waiver under Article 4.3.2.B (*Waiver of Site Development Standards*) as a result from a donation made prior to the effective date of this ordinance for the purpose of providing affordable housing in the vicinity of the TOD District if the Director of NHCD verifies the following:

(i) The amount of the donation.

(ii) That the donation has been used to establish new affordable housing units either within the Martin Luther King, Jr. Blvd. TOD District or within one half mile of its boundaries.

(iii) That the quantity or depth of affordability resulting from the donation is superior to that which would have resulted from payment of a fee-in-lieu to the Housing Assistance Fund.

(E) The total bonus area square footage resulting from a waiver under Section (D) shall be calculated by dividing the amount of the donation used to establish affordable units by \$20 per square foot and may not exceed a total of 75,000 square feet.

(F) A community benefit that provides the basis for a waiver under one section of this part may not be used to provide the basis for a waiver under another section of this part.

53. C14-2008-0162 - 1406 Parker - Approve second/third readings of an approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406, 1408, 1504 and 1506 Parker Lane (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. First reading approved on March 5, 2009. Vote: 5-2 (Leffingwell and Morrison voted nay.) Applicant and Agent: Ryan Diepenbrock. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.

There was a motion by Mayor Pro Tem McCracken, seconded by Mayor Wynn to approve the second reading the ordinance for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning with the following limitations: 50' setback at the rear of all the lots with a vegetative buffer and a 2 story height limit or 35 feet.

The motion to deny the rezoning request was approved on Council Member Leffingwell's motion, Council Member Shade's second on a 4-3 vote. Those voting aye were: Council Members Leffingwell, Martinez, Morrison, and Shade. Those voting nay were: Mayor Wynn, Mayor Pro Tem McCracken and Council Member Cole.

52. NPA-2008-0021.01 - 1406 Parker - Town Lake Watershed - Approve second/third readings of an ordinance amending Ordinance No. 20061116-055, the East Riverside-Oltorf Combined Neighborhood Planning Area, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single-family use to higher density single-family use for the property located at 1406, 1408, 1504 and 1506 Parker (Town Lake Watershed). First reading approved on March 5, 2009. Vote: 5-2 (Leffingwell and Morrison voted nay.) Applicant and Agent: Ryan Diepenbrock. City Staff: Jacob Browning, 974-7657.

The motion to leave the land use designation as single-family use designation on the future land use map was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

### **BRIEFINGS**

42. General overview and progress update on the Mueller redevelopment  
The presentation was made by Rodney Gonzales, Acting Director for Economic Growth and Redevelopment Services, and Matt Whalen, Senior Vice President for Catellus.
43. Travis County Healthcare District Transition briefing  
The presentation was made by Bert Lumbreras, Assistant City Manager.

Mayor Wynn recessed the Council Meeting at 5:25 p.m.

### **LIVE MUSIC**

Larry Wilson

**PROCLAMATIONS**

Mayor Wynn called the Council Meeting back to order at 6:30 p.m.

**PUBLIC HEARINGS AND POSSIBLE ACTION**

61. Conduct a public hearing and consider a resolution authorizing the permanent use of approximately 6,824 SF (0.157 acre) for right-of-way and approximately 2,832 SF (0.065 acre) for a temporary staging area to allow for the construction of a new bridge over Bull Creek for the Lakewood Drive Low Water Crossing at Bull Creek Project through dedicated parkland known as the Bull Creek Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board. The public hearing was closed and Resolution No. 20090402-061 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 4-0 vote. Mayor Pro Tem McCracken and Council Members Martinez and Shade were off the dais.
60. Conduct a public hearing and consider an ordinance amending Chapter 14-8 and repealing Chapters 4-5 and 14-7 of the City Code relating to street closures and creation of Right-Of-Way Event Rules. The public hearing was closed and the first reading of the ordinance was approved on Council Member Leffingwell's motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to work with the Downtown Street Event Task Force to incorporate the recommendations they communicated to Mayor and Council on April 2, 2009 into the ordinance on second reading.

Mayor Wynn adjourned the meeting at 8:38 p.m. without objection.

The minutes for the Regular meeting of April 2, 2009 were approved on this the 23rd day of April 2009 on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.