

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 23, 2009**

Invocation: Rev. Daniel Liu, Associate Pastor, St. Mary Cathedral

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 23, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

Announcement of future agenda items from Council:

Council Member Cole indicated on April 30, 2009 she will request the City Manager to work on a plan with the University of Texas and Travis County to ensure traffic flow through Central Austin for the Texas Relays next year and asked the community to appropriately welcome visitors.

Mayor Wynn requested a briefing on the Mental Health Task Forces work in early May.

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 Regular April 2, 2009 and April 13, 2009 Special meetings.
The minutes from the April 2, 2009 regular meeting and April 13, 2009 special meeting were approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
2. Approve a resolution to repeal Resolution No. 20050428-011 relating to the City's drought contingency plan and adopting a new plan. The plan is a requirement of the Texas Commission on Environmental Quality (TCEQ). There is no unanticipated fiscal impact. Recommended by Citizen's Water Conservation Implementation Task Force and Water & Wastewater Commission. To be reviewed by the Resource Management Commission on April 21, 2009. Recommended by the Resource Management Commission. Resolution No. 20090423-002 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
3. Approve an ordinance amending Exhibits A, B, C, and D of Ordinance No. 20090129-003 calling the May 9, 2009 General and Special Municipal Election to adopt changes to election day polling place

locations, the list of election day precinct judges, early voting polling locations, and the list of central counting station judges.

Ordinance No. 20090423-003 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote. Direction was given to advise citizens of voting sites to encourage participation.

4. Authorize the fee simple acquisition of Lot 6, Block 1, of Bergstrom Downs No. 1, locally known as 812 Patton Ave, from JOSE and SOFIA A. RIOS BARAJAS for the Airport Noise Mitigation Program, in the amount of \$133,000 for the land and improvements and \$32,000 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$175,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the fee simple acquisition of Lot 6, Block 1, of Bergstrom Downs No. 1 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
5. Authorize the fee simple acquisition of Lot 9, Block 2, of Bergstrom Downs No. 1, locally known as 807 Patton Ave, from BARBARA JOYCE HENDERSON for the Airport Noise Mitigation Program, in the amount of \$100,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$110,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the fee simple acquisition of Lot 9, Block 2, of Bergstrom Downs No. 1 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
6. Authorize the fee simple acquisition of Lot 11, Block 2, Bergstrom Downs No. 1, locally known as 803 Patton Avenue, from JACQUELINE WHITBY, TRAVIS JOHN WHITBY II, ROSE WHITBY, MATTHEW WHITBY, and LILLIAN TORRES, Heirs/Successors of the ESTATE OF JULIE WHITBY, for the Airport Noise Mitigation Program, in the amount of \$104,000 for the land and improvements and \$46,000 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$160,000. Funding is available in Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the fee simple acquisition of Lot 11, Block 2, of Bergstrom Downs No. 1 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
7. Authorize the fee simple acquisition of 12,628 square feet for right-of-way and 28,275 square feet for a drainage sedimentation filtration easement out of the Theodore Bissel Survey No. 18, Abstract No.3 being a portion of Lot 20, Block F, Cherry Creek, Section 9-D1, a subdivision according to the plat of record in Book 86, Page 18D and 19A, located at 8701 West Gate Boulevard, from WILLIAM HOWELL AND WESLEY PEOPLES, for the West Gate Boulevard Project in an amount not to exceed \$132,016. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.
The motion authorizing the fee simple acquisition was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
8. Approve an ordinance repealing Ordinance No. 20090326-014, vacating the 3,042 square foot right of way at the intersection of Gaston Avenue and Wooldridge Drive, adjacent to 2518 Wooldridge Drive. There is no unanticipated fiscal impact. A fiscal note is not required.
Ordinance No. 20090423-008 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

9. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County for construction of a 48-inch water transmission main (Segment 20 of the South IH-35 Water and Wastewater Improvements Program) as part of the County's McKinney Falls Parkway Improvements Project, from East William Cannon Drive to Thaxton Road, in an amount not to exceed \$4,750,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
10. Authorize execution of a contract through the TCPN, The Cooperative Purchasing Network, with KELLOGG, BROWN & ROOT SERVICES (KBR), Austin, TX, for the purchase of services related to the repair and interior renovation of the Howson Branch Library in an amount not to exceed \$100,000. Funding 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 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 TCPN with Kellogg, Brown & Root Services (KBR) was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
11. Authorize execution of Change Order #4 to the construction contract with KEYSTONE CONSTRUCTION, INC., AUSTIN, TX for the ACWP Upper Tannehill Interceptor Overflow Abatement Project in the amount of \$98,216 for a total contract amount not to exceed \$2,952,482. Funding in the amount of \$98,216 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 18.13% MBE and 5.92% 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 4 to the construction contract with Keystone Construction, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
12. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, Texas (MBE/MH 53.39%) for Group 1 Street Reconstruction and Utility Adjustment for Oak Plantation Subdivision Phase 2, an Accelerate Austin project, in the amount of \$1,014,671, plus a \$50,733.55 contingency, for a total contract amount not to exceed \$1,065,404.55. Funding in the amount of \$822,249.75 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$243,154.80 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of twelve (12) 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 30.02% MBE and 6.24% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Aaron Concrete Contractors, LP was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
13. Authorize execution of a construction contract with PATIN CONSTRUCTION, LLC, Hutto, TX, for the 23rd Streetscape Improvements in the amount of \$780,631, plus a \$39,031.55 contingency, for a total

contract amount not to exceed \$819,662.55. Funding in the amount of \$168,393.75 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$651,268.80 is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. 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) through the achievements of Good Faith Efforts with 10.38% MBE and 0.64% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

14. Authorize execution of a construction contract with NATIONAL POWER RODDING CORPORATION, Chicago, IL, for the Canterbury, Highway, and Bergstrom Sites Shafts and Lateral Repair Project in an amount of \$4,465,197.04 plus a \$446,519.70 contingency, for a total contract amount not to exceed of \$4,911,716.74. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.41 % MBE and 3.77 % WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with National Power Rodding Corporation was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

15. Authorize execution of a construction contract with T. MORALES COMPANY ELECTRIC AND CONTROLS, LTD, (MBE/FH, 51.94%), Florence, TX., for Walnut Creek Wastewater Treatment Plant Electrical Distribution Improvements, Phase 2 in the amount of \$19,905,650 of which, \$4,217,000 are alternate bid items, plus a \$995,282 contingency, for a total contract amount not to exceed \$20,900,932. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 2.61% MBE and 2.08% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with T. Morales Company Electric and Controls, LTD was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

16. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC, (MBE/MH 51.22%), Austin, TX for Indefinite Delivery/Indefinite Quantity (IDIQ) Bike Project 2009 in the amount of \$643,248 plus a \$64,325 contingency, for a total contract amount not to exceed \$707,573. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.69% MBE and 4.37% WBE subcontractor participation.

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

17. Authorize execution of a construction contract with SISK-ROBB, INC., Leander, TX for the Onion Creek Flood Hazard Mitigation project in an amount not to exceed \$556,300. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of

the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

18. Authorize execution of a construction contract with JO'B SITE CONSTRUCTION LLC, Round Rock, TX., for the Lundelius McDaniel Tract Water Quality Retrofit in the amount of \$716,991.03, plus a \$35,849.55 contingency, for a total contract amount not to exceed \$752,840.58. Funding is included in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Lowest qualified 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 25.40% MBE and 36.61% WBE subcontractor participation. The SOS Amendment was recommended by the Environmental Board, Codes and Ordinances Committee and the Planning Commission. The zoning change was recommended by the Zoning and Platting Commission.

The motion authorizing the execution of a construction contract with Jo'B Site Construction LLC was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

19. Authorize negotiation and execution of Supplemental Amendment 3 to the professional services agreement with HARUTUNIAN ENGINEERING, INC., (WBE/FW-85.63%), Austin, TX, for construction phase engineering services for the Walnut Creek Wastewater Treatment Plant Electrical Distribution Improvements, Phase 2 project in the amount of \$1,937,700 for a total contract amount not to exceed \$7,168,659.91. Funding in the amount of \$1,937,700 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.56% MBE and 1.32% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of supplemental amendment 3 to the professional services agreement with Harutunian Engineering, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

20. Authorize negotiation and execution of a professional services agreement with CAMP DRESSER & MCKEE, INC., Austin, TX, for engineering services for Austin-Bergstrom International Airport Stormwater Drainage Master Plan Update in an amount not to exceed \$300,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. Best qualification statement of fourteen (14) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subconsultant participation. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Camp Dresser & McKee, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

21. Authorize negotiation and execution of a professional services agreement with MALCOLM PIRNIE, INC., Austin, TX, for engineering services for Austin Water Utility (AWU) Infrastructure Asset Management System in an amount not to exceed \$2,000,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best qualification statement of four (4) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with

16.50% MBE and 14.20% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Malcolm Pirnie, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Item 22 was pulled for discussion.

23. Approve negotiation and execution of an Interlocal Agreement between the City and the Travis County Healthcare District (District) to provide ground emergency medical services to District's eligible Medical Assistance Program (MAP) beneficiaries for a fee of \$350,000 for an initial term of one year beginning on March 1, 2009, with an option to renew for an additional seven month term. Related to Items #27, 28 & 30.

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

24. Authorize negotiation and execution of Amendment No. 3 to the Interlocal Agreement between the City and AUSTIN COMMUNITY COLLEGE for child care quality improvement and training services to increase the contract amount for the Fiscal Year 2008-2009 by \$4,146, for a total contract amount not to exceed \$172,079, with two remaining 12-month renewal options in an amount not to exceed \$172,079 for each renewal term, for a total contract amount not to exceed \$684,170. Funding in the amount of \$4,146 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. The period of the amended Agreement is October 1, 2008 through September 30, 2009. Funding for the extension options is contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of amendment number 3 to the interlocal agreement between the City and Austin Community College was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

25. Authorize negotiation and execution of a Memorandum of Cooperation between the City and PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT (PISD) to waive the temporary food event permit fee for events sponsored by school-related nonprofit entities on a PISD school campus within the City limits of Austin, for the period through the end of the 2008-2009 academic year, with annual renewal options for future academic years. The estimated fiscal impact is a \$1,000 loss in revenue.

The motion authorizing the negotiation and execution of a memorandum of cooperation between the City and Pflugerville Independent School District (PISD) was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

26. Approve an ordinance accepting \$145,549 in grant funds from the Texas Department of State Health Services, Tobacco Community Coalition Program; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$145,549 for the Tobacco Prevention and Control Coalition Program to prevent and reduce the use of illegal or harmful tobacco products with emphasis on reduction in youth use. Funding in the amount of \$145,549 is available from the Texas Department of State Health Services, Tobacco Community Coalition Program. The grant period is September 1, 2008 through August 31, 2009. An additional City match of \$29,295 is required.

Ordinance No. 20090423-026 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

27. Authorize negotiation and execution of an agreement between the City and CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC. to provide medical services to patients of David Powell

Community Health Center under the City's Ryan White Part A HIV Emergency Relief Project grant, in an amount not to exceed \$628,820 for a five-month term beginning March 1, 2009, with one seven-month renewal option in an amount not to exceed \$859,364, and one 12-month renewal option in an amount not to exceed \$1,488,184, for a total contract amount of \$2,976,368. Funding in the amount of \$628,820 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Part A HIV Emergency Relief Project grant program with the balance contingent upon receipt of a revised grant award. The agreement period is March 1, 2009 to July 31, 2009. The grant period is March 1, 2009 to February 28, 2010. Recommended by the Public Health and Human Services Subcommittee. Related to Items #23, 28 & 30.

The motion authorizing the negotiation and execution of an agreement between the City and Central Texas Community Health Centers, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

28. Approve negotiation and execution of an agreement between the City and Central Texas Community Health Centers, Inc. to provide medical services to patients of the David Powell Community Health Center under the City's Ryan White Part C Early Intervention Services grant program, for a four-month term beginning on March 1, 2009, in an amount not to exceed \$163,212, with one six-month renewal option in an amount not to exceed \$244,819, and two 12-month renewal options in an amount not to exceed \$489,637 for each renewal term, for a total contract amount not to exceed \$1,387,305. Funding in the amount of \$163,212 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part C Early Intervention Services program with the balance contingent upon receipt of a revised grant award. The contract period is March 1, 2009 to June 30, 2009. The grant period is January 1, 2009 to December 31, 2009. Recommended by the Public Health and Human Services Subcommittee. Related to Items #23, 27 & 30.

The motion authorizing the negotiation and execution of an agreement between the City and Central Texas Community Health Centers, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

29. Authorize negotiation and execution of four contracts, each for a five-month term beginning March 1, 2009, for the delivery of Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) related services with the following providers: AIDS SERVICES OF AUSTIN, INC., in an amount not to exceed \$321,089, with one seven-month renewal option in an amount not to exceed \$470,978 and one 12-month renewal option in an amount not to exceed \$792,067, for a total contract amount not to exceed \$1,584,134; AUSTIN TRAVIS COUNTY MENTAL HEALTH RETARDATION, in an amount not to exceed \$157,585, with one seven-month renewal option in an amount not to exceed \$231,150 and one 12-month renewal option in an amount not to exceed \$388,735, for a total contract amount not to exceed \$777,470; PROJECT TRANSITIONS, INC., in an amount not to exceed \$27,000 with one seven-month renewal option not to exceed \$39,603 and one 12-month renewal option in an amount not to exceed \$66,603, for a total contract amount not to exceed \$133,206; and THE WRIGHT HOUSE WELLNESS CENTER, INC., in an amount not to exceed \$37,947 with one seven-month renewal option in an amount not to exceed \$55,660 and one 12-month renewal option in an amount not to exceed \$93,607, for a total contract amount not to exceed \$187,214. Funding in the amount of \$543,621 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund Ryan White Part A HIV Emergency Relief Project. The grant period is March 1, 2009 through February 28, 2010. Funding for the renewal options is contingent upon available funding.

The motion authorizing the negotiation and execution of four contracts with: AIDS Services of Austin, Inc.; Austin Travis County Mental Health Retardation; Project Transitions, Inc.; and the Wright House Wellness Center, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

30. Authorize negotiation and execution of an Interlocal Agreement for Close-Out and Post-Transition Services between the City and the Travis County Healthcare District (District) related to financial, employment and service issues following the transfer of the City's federally qualified health center (FQHC) designation and grant to the District, for a term of one year beginning on March 1, 2009, with options to renew the agreement for up to four additional one-year terms, in an amount not to exceed \$28,700. Related to Items #23, 27 & 28. Recommended by the Public Health and Human Services Subcommittee.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Travis County Healthcare District (District) was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
31. Approve an ordinance amending Chapter 2-1 of the City Code by repealing section 2-1-146 related to the Federally Qualified Health Center Board. Recommended by the Public Health and Human Services Subcommittee.
Ordinance No. 20090423-031 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
32. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG) in an amount not to exceed \$73,618. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department.
Resolution No. 20090423-032 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
33. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin, Travis County and the City of Pflugerville to allow the City of Austin to accept and administer the Justice Assistance Grant Program (JAG) associated with the American Recovery and Reinvestment Act of 2009 on behalf of the City of Austin, the City of Pflugerville and the Travis County Sheriff's Office. Funding in the amount of \$1,937,577 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program. Related to item #34.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin, Travis County and the City of Pflugerville was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
34. Approve an ordinance accepting \$1,937,577 in grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Grant Program; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$1,937,577 for grant expenditures with the following grant allocation under an Interlocal Agreement: City of Austin, \$1,422,729; Travis County, \$495,000; and City of Pflugerville, \$19,848. Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Grant Program, for the grant period March 1, 2009 to February 28, 2013. A cash match is not required. Related to Item #33.
Ordinance No. 20090423-034 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
35. Approve an ordinance authorizing the waiver of certain fees for the design and construction of a new segment of Howard Lane from Cameron Road (Harris Branch Parkway) to SH 130, an Accelerate Austin project, in an amount not to exceed \$261,670; and authorize negotiation and execution of an Interlocal Agreement between the City and Travis County for the design and construction of a new segment of Howard Lane from Cameron Road (Harris Branch Parkway) to SH 130, an Accelerate Austin project, in an amount not to exceed \$10,000,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.

Ordinance No. 20090423-035 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

36. Authorize award and execution of a contract with OXFORD AIRPORT TECHNICAL SERVICES, Elmont, NY for ball screw inspection, parts, and replacement services in an amount not to exceed \$307,233.60. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C if 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 Austin Airport Advisory Commission
The motion authorizing the award and execution of a contract with Oxford Airport Technical Services was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
37. Authorize award and execution of two 24-month requirements supply contracts for the purchase of 3-phase pad-mounted transformers with PRIESTER-MELL & NICHOLSON, Austin, TX in an estimated amount not to exceed \$7,711,620, with three 12-month extension options in an estimated amount not to exceed \$3,855,810 per extension option, for a total estimated contract amount not to exceed \$19,279,050; and TECHLINE, Austin, TX in an estimated amount not to exceed \$996,220, with three 12-month extension options in an estimated amount not to exceed \$498,110 per extension option, for a total estimated contract amount not to exceed \$2,490,550. Funding in the amount of \$3,521,099 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 19 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of nine 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 two requirements supply contracts with Priester-Mell & Nicholson and Techline was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
38. Authorize award and execution of Amendment No. 1 to an Interlocal Agreement for business analysis and project management related training with THE UNIVERSITY OF TEXAS PROFESSIONAL DEVELOPMENT CENTER, Austin, TX, to increase the amount of the current contract term in an amount not to exceed \$32,600, for a revised total contract amount not to exceed \$107,600. Funding in the amount of \$3,680 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$7,360 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Water Utility. Funding in the amount of \$21,560 is available in the Fiscal Year 2008-2009 Operating Budget of Communications and Technology Management. Interlocal Agreement 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 contract.
The motion authorizing the award and execution of amendment number 1 to an interlocal agreement with The University of Texas Professional Development Center was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
39. Authorize award, negotiation, and execution of a 7-month requirements service contract with DOCTORS CENTER HEALTH SERVICES, Jacksonville, FL, for employee health and fitness services in an estimated amount not to exceed \$96,000, with two 12-month extension options in an estimated amount not to exceed \$161,800 for the first extension option, and \$190,400 for the second extension option, for a total estimated contract amount not to exceed \$448,200. Funding in the amount of \$30,300 is available in

Fiscal Year 2008-2009 Operating Budget of the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a service contract with Doctors Center Health Services was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

40. Authorize award and execution of a 12-month requirements supply contract with POWER SUPPLY, INC., Austin, TX for the purchase of motorized remote operated airswitches for Austin Energy in an estimated amount not to exceed \$1,135,500, with two 12-month extension options in an estimated amount not to exceed \$1,135,500 per extension option, for a total estimated contract amount not to exceed \$3,406,500. Funding in the amount of \$1,135,500 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission
- The motion authorizing the award and execution of a requirements supply contract with Power Supply, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

41. Authorize award and execution of a 36-month requirements supply contract with FERGUSON WATERWORKS, Georgetown, TX for the purchase of fire hydrants for the Austin Water Utility in an estimated amount not to exceed \$1,119,132, with two 12-month extension options in an estimated amount not to exceed \$429,000 per extension option, for a total estimated contract amount not to exceed \$1,977,132. Funding in the amount of \$155,435 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining thirty-one months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
- The motion authorizing the award and execution of a requirements supply contract with Ferguson Waterworks was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

42. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with TRANE U.S., INC., Austin, TX, for the purchase and installation of unitary heat pumps for the Austin Water Utility in an amount not to exceed \$88,914.25. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this procurement. Recommended by the Water and Wastewater Commission.
- The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Trane U.S., Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**

43. Authorize award and execution of a 24-month requirements supply contract with WESTCOAST ROTOR, INC., Gardena, CA, for the purchase of Robbins and Myers progressive cavity pump repair parts in an estimated amount not to exceed \$200,000, with two 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$400,000. Funding in the amount of \$41,667 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. 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 Westcoast Rotor, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
44. Authorize award and execution of a 12-month service contract with ADVANCED ENTERPRISES, INC., Dallas, TX for window washing services in an amount not to exceed \$55,040, with two 12-month extension options in an amount not to exceed \$55,040 per extension option, for a total contract amount not to exceed \$165,120. Funding in the amount of \$27,520 is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding for the remaining seven 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. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the award and execution of a service contract with Advanced Enterprises, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
45. Authorize award and execution of a 36-month requirements supply contract with ENNIS PAINT, INC., Ennis, TX, for the purchase of roadway traffic-marking thermoplastic in an estimated amount not to exceed \$624,600, with three 12-month extension options in an estimated amount not to exceed \$208,200 per extension option, for a total estimated contract amount not to exceed \$1,249,200. Funding in the amount of \$86,750 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department. Funding for the remaining 31 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 Ennis Paint, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
46. Authorize award and execution of a 36-month requirements service contract with CENTRAL TEXAS ENVIRONMENTAL SERVICES, INC., Austin, TX for hydromulch services in an estimated amount not to exceed \$705,000, with three 12-month extension options in an estimated amount not to exceed \$235,000 per extension option, for a total estimated contract amount not to exceed \$1,410,000. Funding in the amount of \$97,917 is available in the Fiscal Year 2008-2009 Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9C 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 Central Texas Environmental Services, Inc. was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

47. Approve issuance of a street event permit for the Art City Austin Festival, a fee paid event sponsored by Art Alliance Austin which is to be held in the 100 through 900 blocks of West Cesar Chavez Street; the 100 blocks of Colorado Street, Guadalupe Street, Lavaca Street, and San Antonio Street; and the Drake Bridge (also known as the South 1st Street Bridge). The event is scheduled for April 25, 2009 from 10:00 a.m. to 6:00 p.m. and April 26, 2009 from 11:00 a.m. to 6:00 p.m.

The motion for the issuance of a street event permit for the Art City Austin Festival was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

48. 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 Yager Lane, Dessau Road, East Braker Lane, and North I.H. 35 East Frontage Road. Funding in the amount of \$7,370 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department for the installation of necessary signs.

Ordinance No. 20090423-048 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

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

Board

Nominated By:

Austin Music Commission

Duane Ter'ell Hunter

Council Member Cole

MBE/WBE and Small Business Procurement Program Advisory Committee

Brian Walters

Council Member Cole

50. Approve an ordinance: (1) waiving fees associated with an application for change of use from restaurant (general) to cocktail lounge for existing restaurants that are zoned CS-1, CBD, or DMU and that own or operate a lawfully permitted outdoor music venue; and (2) directing the City Manager to expedite permit review for all such applications. (Council Member Mike Martinez Council Member Laura Morrison Mayor Will Wynn)

Ordinance No. 20090423-050 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Items 51 and 52 were pulled for discussion.

53. Approve a resolution to include the interests of families with children in the City's planning efforts by amending the Citywide Strategic Priorities and directing the city manager to address the perspectives of families with children in planning initiatives. (Council Member Laura Morrison Mayor Will Wynn and Council Member Sheryl Cole)

Resolution No. 20090423-053 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

54. Approve a resolution directing the City Manager to exclude consideration of adjustments to the Capitol View Corridors from the scope of work for the Downtown Plan; and directing the City Manager to present the scope of work for the Downtown Plan to all relevant boards and commissions. (Council Member Laura Morrison Council Member Lee Leffingwell Council Member Randi Shade)
Resolution No. 20090423-054 was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
55. Approve an agreement between the City of Austin and The Pecan Street Association for the Old Pecan Street Festival, for a period of one year with an option to renew for one year, providing \$45,000 per year to assist with the cost of security for the Festival, and other terms and conditions. (Council Member Mike Martinez Mayor Pro Tem Brewster McCracken Council Member Sheryl Cole)
The motion authorizing an agreement between the City of Austin and The Pecan Street Association for the Old Pecan Street Festival was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
56. Approve the reimbursement of certain fees under City Code Chapter 14-8 for the Mighty Texas Dog Walk which was held on April 11, 2009. (Council Member Laura Morrison Council Member Lee Leffingwell Mayor Will Wynn)
The motion authorizing the reimbursement of certain fees for the Mighty Texas Dog Walk was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
57. Approve the payment of certain costs under City Code Chapter 14-7 for the 6th Annual Pre-Alvin Patterson Battle of the Bands & Drumline Competition Loyola Lane Parade which is to be held on June 19, 2009. (Council Member Sheryl Cole Mayor Will Wynn Council Member Mike Martinez)
The motion for the payment of certain costs for the 6th Annual Pre-Alvin Patterson Battle of the Bands & Drumline Competition Loyola Lane Parade was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
58. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the Texas Peace Officer's Memorial Parade which is to be held on May 4, 2009. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Mike Martinez)
The motion authorizing the waiver of certain fees and requirements for the Texas Peace Officer's Memorial Parade was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
59. Approve the waiver of certain fees and requirements for the University of Texas Elementary School Fiesta which is to be held on May 2, 2009 at the Cantu Pan American Center. (Council Member Mike Martinez Council Member Randi Shade Council Member Lee Leffingwell)
The motion for the waiver of certain fees and requirements for the University of Texas Elementary School Fiesta was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
60. Set a public hearing to consider an ordinance amending Chapter 25-8, Subchapter B, Article 1 of the City Code relating to protected and heritage trees. (Suggested date and time: May 14, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.

The public hearing was set for May 14, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

61. Set a public hearing to consider an ordinance amending Section 25-2-1007 of the City Code relating to parking lot landscaping. (Suggested date and time: May 14, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
The public hearing was set for May 14, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
62. Set a public hearing to consider an ordinance amending Chapter 25-2, Subchapter C, Article 9 of the City Code relating to planting of trees in residential subdivisions. (Suggested date and time: May 14, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
The public hearing was set for May 14, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
63. Set a public hearing to consider the use of approximately 33,456 square feet (0.77 acre) permanent drainage easement, approximately 4,452 square feet (0.102 acre) temporary staging area, approximately 1,373 square feet (0.03 acre) temporary access and approximately 3,070 square feet (0.07 acre) temporary workspace - Junction Box, to construct, use, maintain, repair, and replace a stormdrain line and appurtenances for construction of a portion of the Lady Bird Lake/East 4th Street Drainage Improvements (CIP ID 5789.028) through dedicated parkland known as Metz Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: May 21, 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.
The public hearing was set for May 21, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Items 64 through 67 were Executive Session items.

Items 68 and 69 were briefing items set for 2:00 p.m.

Items 70 through 88 were zoning items set for 4:00 p.m.

Items 89 through 94 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

22. Authorize negotiation and execution of a professional services agreement with one of the following firms: ACP VISIONING & PLANING, LTD, New York, NY (staff recommendation); WALLACE ROBERTS & TODD, LLC, Philadelphia, PA; or HNTB CORPORATION, Austin, TX to provide professional planning services for the Comprehensive Plan for the City of Austin, in an amount not to exceed \$1,300,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. Best qualification statement of six (6) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and

Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subconsultant participation.

The motion authorizing the negotiation of a professional services agreement with Wallace Roberts & Todd, LLC was approved with the following direction to staff on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to take the drafted scope of work for discussion and review to the Planning Commission Comprehensive Plan Subcommittee, Full Planning Commission, the Council's Land Use and Transportation Committee, and then to Council for approval and execution of the contract.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:43 a.m.

EXECUTIVE SESSION

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

64. Discuss legal issues related to property located at 328 Heartwood, concerning: appeal of site plan disapproval; pending code enforcement action; permitting issues; and a floodplain variance request.(Private Consultation with Attorney - Section 551.071). Related to Items #93 & 94.

Items 65 through 67 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:18 p.m.

CITIZEN COMMUNICATION: GENERAL

Yesenia Garcia - Green technology

Rae Nadler'Olenick - Water fluoridation

Lisa Hotchkiss - Harris Branch neighborhood

Ronnie Gjemre - Peace and freedom

Colin Clark - Water fluoridation

Linda Greene - Organic gardens versus fluoride

Ted Roan - At risk use pathways out of poverty

Richard Halpin - American Youthworks

Paul Robbins - City issues

Gus Pena - 1. To discuss City issues and the budget 2. Crime is on the increase, we need more officers on the streets 3. Please, if you can increase the funding for social service agencies, the poor, the needy and the have nots have increased. Poverty increases the need is greater 4. Please support our military veterans. They need jobs, affordable housing, health care, mental health treatment, reentry programs, RTS treatment; suicide rate is high among veterans 5. Please increase funding for youth summer job programs

and senior citizen programs 6. Let's bring an equitable process in maintaining Morris Williams golf course

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:59 p.m.

EXECUTIVE SESSION CONTINUED

65. Discuss legal issues related to the city council's authority and responsibilities regarding the position of Deputy City Clerk. (Private Consultation with Attorney - Section 551.071).
66. Evaluate the performance of and consider compensation and benefits for the City Clerk. (Personnel Matters - Section 551.074). Related to Item #51.
67. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Personnel Matters - Section 551.074). Related to Item #52.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:22 p.m.

BRIEFINGS

68. Briefing on the proposed purchase of the City's new customer information and billing software system
This item was postponed to April 30, 2009 without objection.
69. Briefing on the Barton Springs Pool Tree Assessment
The presentation was made by Sara Hensley, Director of the Parks and Recreation Department.

ZONING CONSENT ITEMS

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

72. C14-2008-0204 - R. I. T. Inc. - Approve second/third readings of 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 neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading approved on March 26, 2009. Vote: 7-0. Applicant and Agent: R. I. T. Inc. (Roberto J. Reyna). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20090423-072 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved on consent on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
73. C14-2008-0232 - Downstream 973 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 3026 South FM 973 Road (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning and rural residential (RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning with conditions. First reading approved on February 12, 2009. Vote: 7-0. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20090423-073 for limited office-conditional overlay (LO-CO) combining district zoning with conditions was approved on consent on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

74. C14-2008-0235 - Downstream 973 - Mary Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3100 Mary Street (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. First reading approved on February 12, 2009. Vote: 7-0. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20090423-074 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved on consent on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
75. C14-2008-0248 - North Loop Pub - Approve third reading 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.) Second reading approved on March 26, 2009. Vote: 7-0. Applicant: Terrell Timmerman. Agent: Vincent Gerard & Associates (Vince Huebinger). City Staff: Clark Patterson, 974-7691.
Ordinance No. 20090423-075 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on consent on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Leffingwell, and Martinez. Those voting nay were: Council Members Morrison and Shade.

ZONING CONSENT ITEMS

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

76. C14-2008-0006 - Stubbs South - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 and 803 Red River (Waller Creek Watershed) from downtown mixed use (DMU) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal). Agent: Armburst & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.
The public hearing was closed and the first reading of the ordinance for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
77. C14-2008-0007 - Stubbs North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605, 607, and 611 East 9th Street; 811, 815, 817 and 819 Red River Street (Waller Creek Watershed) from general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and central business district-central urban redevelopment (CBD-CURE) combining district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban

redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal.) Agent: Armbrust and Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Wendy Rhoades, 974-3207.

The public hearing was closed and the first reading of the ordinance for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

78. C14-2008-0183.SH - Lexington Parke - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North of Pearce Lane and East of SH 130 (Onion Creek Watershed) from development reserve (DR) district zoning and single-family residence-small lot (SF-4A) district zoning to community commercial (GR) district zoning for Tract 1 and multi-family residence-medium density (MF-3) district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and multi-family residence-medium density (MF-3) district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To be reviewed on May 5, 2009. Applicant: Lexington 281, L.P. (Mehrdad Moayed). Agent: Kodiak Development (Brian Saathoff). City Staff: Wendy Rhoades, 974-7719.

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

79. C14-2008-0247 - Buckets Deli - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2020 East Cesar Chavez Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Staff Recommendation: To deny commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Applicant: Paul Rodriguez. Agent: Hajjar Sutherland & Kelly, L.L.P. (Kareem Hajjar). City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.

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

80. C14-2009-0008 - Shoalmont Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Crestmont Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin (Lauraine Rizer). Agent: Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20090423-080 for public (P) district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

81. C14-2009-0009 - Capital Metropolitan Transportation Authority, NE Maintenance and Service Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5316 Ed Bluestein Blvd. (Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-

conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Applicant: Capital Metropolitan Transportation Authority (Robert Okamoto). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20090423-081 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved with additional prohibited uses on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. The additional prohibited uses were: agricultural sales and services; automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); campground; construction sales and service; drop off recycling collection facility; equipment sales; exterminating services; food sales; funeral services; kennels; monument retail sales; pawn shops; pet services; plant nursery; service station; veterinary services; and vehicle storage.

82. C14-2009-0014 - Parkway Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5701 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Applicant: Tract 107, LLC (William H. Armstrong III). Agent: Drenner & Golden Stuart Wolff (Michele Rogerson). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20090423-082 for community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

84. C14H-2009-0001 - McMillen-Falk 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 D (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Applicants: Douglas and Michelle Paris-White. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090423-084 for family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

85. C14H-2009-0002 - Frank and Martha Jones House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 Willow Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission

Recommendation: To grant family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Applicants: Stephen and Lauren Shallcross. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090423-085 for family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

86. C14H-2009-0003 - Johnson-Haines House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1148 Northwestern Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence -historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: City of Austin and Sarah E. Harris. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090423-086 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

87. C814-04-0055.02 - Mueller PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4550 Mueller Boulevard (Boggy/Tannehill Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant: Catellus Development Group (MattWhalen). Agent: ROMA Austin (Jana McCann). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20090423-087 for planned unit development (PUD) district zoning to change a condition of zoning was approved with the following amendment on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. The amendment to the exhibit reads as follows: Exhibit E, Footnote 2 "One side of a yard house exterior wall may be located on one of the lot's side property lines, however the exterior sideyard-facing building walls of adjoining lots must be separated by a minimum of five (5) feet. (Access and/or maintenance easements may need to be created by individual builders or property owners to facilitate maintenance of buildings and/or areas that are located on or very close to an interior sideyard property line."

88. 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 May 21, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

ZONING DISCUSSION ITEMS

83. C14-83-003.25(DE) Six Two Story Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as FM 2222 Road (Dry Creek North Watershed) from townhouse and condominium residence (SF-6) district zoning to townhouse and condominium residence (SF-6) district zoning to change a condition of zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning to change a condition of zoning. Applicant: Booth Family Trust (David Booth). Agent: Armbrust & Brown (David Armbrust). City Staff: Clark Patterson, 974-7691.

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

71. 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.

There was a motion by Mayor Pro Tem McCracken, seconded by Council Member Cole to approve the ordinance for neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) with all conditions outlined from second reading and to modify the income level from 80% to 50% VMU.

The revised motion by Mayor Pro Tem McCracken, seconded by Council Member Cole to postpone this item to May 14, 2009 was approved on a 7-0 vote. Staff was directed to include the following conditions: all residential and commercial development shall comply with Austin Energy Green Building Program currently in effect, to achieve a minimum three-star rating; development of the property may not exceed 66 dwelling units; the space allotted for a commercial use may not exceed 2,499 square feet of site area including exterior seating; access to the residential parking structure shall be from Martin Luther King Jr. Boulevard; access to a parking area for a retail use on the property shall be from Leona Street; and 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 2,000 trips per day. Direction was given to staff to be specific on how much affordable housing there will be at 50% under current proposal and to address reduction in parking allowed.

70. 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 May 14, 2009 at the Council's request on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

51. Approve a resolution relating to the compensation and benefits for the City Clerk. Related to Item #66. (Mayor Will Wynn Council Member Randi Shade)
Resolution No. 20090423-051 was approved on Council Member Shade's motion, Mayor Wynn's second on a 7-0 vote. The City Clerk's compensation and benefits remain the same as 2008.
52. Approve an ordinance relating to the compensation and benefits for the Municipal Court Clerk. Related to Item #67. (Mayor Will Wynn Council Member Randi Shade)
Ordinance No. 20090423-052 was approved on Council Member Shade's motion, Mayor Wynn's second on a 7-0 vote. The Municipal Court Clerk's compensation and benefits remain the same as 2008.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

Belleville Outfit

PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:17 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

92. Conduct a public hearing and consider an appeal by Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield of an administrative site plan (SP-2007-0321C) for a proposed religious assembly/education building for the Hyde Park Baptist Church located at 3901 Speedway.
This item was postponed indefinitely on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 5-0 vote. Council Members Cole and Leffingwell were off the dais. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)
93. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #64 & 94.
This item was postponed to April 30, 2009 on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 5-0 vote. Council Members Cole and Leffingwell were off the dais.
94. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the

placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #64 & 93.

This item was postponed to April 30, 2009 on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 5-0 vote. Council Members Cole and Leffingwell were off the dais.

89. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to allow Pet Services use as a permitted use in the Central Business District (CBD) base zoning district. Recommended by Planning Commission.

The public hearing was closed and Ordinance No. 20090423-089 was approved on Council Member Morrison's motion, Mayor Wynn's second on a 6-0 vote. Council Member Leffingwell was off the dais.

90. Conduct a public hearing and consider an ordinance amending the Land Development Code, Chapter 25-10, to allow sidewalk signs in commercial areas of the City. Reviewed by the Codes and Ordinances Subcommittee of the Planning Commission on March 17, 2009. Recommended by the Planning Commission on April 14, 2009.

The public hearing was closed and Ordinance No. 20090423-090 was approved on Council Member Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Leffingwell was off the dais.

91. Conduct 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.

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

Mayor Wynn adjourned the meeting at 8:00 p.m. without objection.

The minutes for the Regular meeting of April 23, 2009 were approved on this the 30th day of April 2009 on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.