

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 30, 2009**

Invocation: Pastor Tom Goodman, Hillcrest Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 30, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:35 a.m.

Announcement of future agenda items from Council:

Council Member Morrison stated the joint subcommittee of the City, Travis County and the School District will bring the following three projects forward for Council consideration in the coming year. These were recommended by the Family and Children's Task Force and the School District's Community Committee on Neighborhood Schools: Housing/Rental Assistance; Develop Educational Impact Assessment Tools; and Truancy Plus. The joint subcommittee will look at best practices, conduct an inventory of current activities, and make recommendations. They will also see if there are any stimulus funds available for these projects.

Council Member Shade indicated on May 21, 2009 she will request Council support in working with various stakeholders to combat bicycling theft in connection with the bike plan.

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 Special Called April 22, 2009 and Austin City Council April 23, 2009 Regular meetings.
The minutes from the April 22, 2009 special called and April 23, 2009 regular meetings were approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
2. Approve an ordinance amending the Fiscal Year 2008-2009 Austin Energy Capital Budget of Ordinance No. 20080908-003 to increase appropriations by \$11,000,000 and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget of Ordinance No. 20080908-002 by increasing the Transfer to Electric Capital Improvement Program by \$11,000,000 and by decreasing the Austin Energy Ending Balance by \$11,000,000 to provide additional funding for the Sand Hill Energy Center Peaking Units. Funding is available from the ending balance of the Austin Energy Operating Fund. Recommended by the Electric Utility Commission. Related to Item #12.

Ordinance No. 20090430-002 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

3. Approve an ordinance amending the Fiscal Year 2008-2009 Austin Energy Capital Budget of Ordinance No. 20080908-003 to increase appropriations by \$22,000,000 and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget of Ordinance No. 20080908-002 by increasing the Transfer to Electric Capital Improvement Program by \$22,000,000 and by decreasing the Austin Energy Ending Balance by \$22,000,000 to provide additional funding for a new Customer Billing System. Funding is available from the ending balance of the Austin Energy Operating Fund. Recommended by the Electric Utility Commission. Related to Item #20.

Ordinance No. 20090430-003 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

4. Authorize negotiation and execution of a guarantee of payment in favor of Nuclear Electric Insurance Limited, of Delaware, of the City of Austin's obligation to cover its share of any retrospective premium adjustment assessed by NEIL with respect to its insurance coverage of the South Texas Project. Funding is available in the Contingency Reserve portion of Austin Energy's Strategic Reserve Fund as provided by the City of Austin's Financial Policies. Recommended by the Electric Utility Commission.

The motion authorizing the negotiation and execution of a guarantee of payment to Nuclear Electric Insurance Limited was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

5. Approve an ordinance authorizing the acquisition of a fee simple interest in property located at 1409, 1411 and 1415 Meander Street from NOEMI P. ROCHA for the Lower Fort Branch - Voluntary Flood and Erosion Buyout, in the amount of \$115,000 for land and improvements, \$29,950 for owner assisted relocation benefits, up to \$50,000 for modifications in accordance with the Americans With Disabilities Act, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$204,950, and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations Funding in the amount of \$204,950 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.

Ordinance No. 20090430-005 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

6. Authorize the acquisition of two conservation easements consisting of approximately 1,900 acres of land located in Hays County, Texas, and fronting on Hwy 967, from the Dahlstrom Family Limited Partnership in a total amount not to exceed \$1,000,000 from the November 6, 2006, bond package, Proposition 2 Open Space Program. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.

The motion authorizing the acquisition of two conservation easements was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

7. Authorize the acquisition of 19,846 square feet of additional right-of-way and 29,428 square feet of waterline and lateral support (slope) easement out for the Wells Branch Parkway Extension Project of the L. C. Cunningham Survey No. 68, Abstract No. 163, Travis County, Texas, located at Wells Branch Parkway from SEALY HEATHERWILDE, L.P., for an in-kind contribution amount of \$56,165. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Public Works. Related to Items #8 & 13.

The motion authorizing the acquisition of additional right-of-way and waterline and lateral support (slope) easement was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

8. Authorize the acquisition of 20,697 square feet of additional right of way and 31,239 square feet of waterline and drainage facility easements for the Wells Branch Parkway Extension Project out of the L. C. Cunningham Survey No. 68, Abstract No. 163, Travis County, Texas, located at Heatherwilde Blvd. and Wells Branch Parkway from FINLEY COMPANY, for an in-kind contribution amount of \$70,865. Funding is available in Fiscal Year 2008-2009 Capital Budget of Public Works. Related to Items# 7 & 13. **The motion authorizing the acquisition of additional right of way and waterline and drainage facility easements was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.**
9. Authorize the negotiation and execution of a 36-month lease renewal for approximately 1,440 square feet of nutritional counseling space for the Women Infants and Children Program (WIC) of the Health and Human Services Department, located at 443 Highway 71 West, Bastrop, Texas, from THE MARKETPLACE AT BASTROP LTD, in an amount not to exceed \$73,800 for the lease renewal. Funding for the lease renewal period is contingent upon available funding in future Health and Human Services Department budgets.
The motion authorizing the negotiation and execution of a lease renewal was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
10. Authorize the negotiation and execution of a contract for the fee simple acquisition of approximately 79 acres for parkland purposes located along F.M. 969 on the northern bank of the Colorado River from Travis County, Texas, in a total amount not to exceed \$435,950. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department.
The motion authorizing the negotiation and execution of a contract for a fee simple acquisition for parkland was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
11. Authorize the City Manager to use the Competitive Sealed Proposal method for contracting for construction of the following projects: the North East Austin Sidewalk and Curb Ramp Construction Project; the Central East Austin Sidewalk and Curb Ramp Construction Project; the South East Austin Sidewalk and Curb Ramp Construction Project; the Forest Trail and Stamford Way Street Reconstruction and Utility Adjustment Project; and the Elton Lane and Griswold Lane Street Reconstruction and Utility Adjustment Project.
The motion authorizing the City Manager to use the Competitive Sealed Proposal method was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
12. Authorize negotiation and execution of Amendment No. 2 to the design-build contract with Sand Hill Energy Partners, a joint venture consisting of PB Americas, Inc. and TIC - The Industrial Company, Kingwood, Texas, for the construction phase of the Sand Hill Energy Center 100-MW Expansion, in the amount of \$16,000,000, for a total not to exceed contract amount of \$40,000,000. Funding in the amount of \$16,000,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Selection was made based on most qualified. 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 3.79% MBE and 0.47% WBE subcontractor participation to date. Recommended by the Electric Utility Commission. Related to Item #2.
The motion authorizing the negotiation and execution of amendment number 2 to the design-build contract with Sand Hill Energy Partners, a joint venture consisting of PB Americas, Inc. and TIC – The Industrial Company was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

13. Authorize execution of a construction contract with CHASCO CONSTRUCTORS LTD., LLP, Round Rock, Texas, for the Wells Branch Parkway Roadway Improvements from 1825 to Heatherwilde Boulevard in the amount of \$3,573,079 plus a \$178,653.95 contingency, for a total contract amount not to exceed \$3,751,732.95. Funding in the amount of \$112,959 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$3,638,773.95 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest compliant 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) through the achievements of Good Faith Efforts with 5.59% MBE and 7.86% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. Related to Items #7 & 8.
The motion authorizing the execution of a construction contract with Chasco Constructors Ltd. was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
14. Authorize negotiation and execution of an Interlocal Agreement with the Austin Independent School District (A.I.S.D) for the use of Butler Softball Fields. There is no unanticipated fiscal impact. A fiscal note is not required.
The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
15. Approve an ordinance waiving certain park facilities use and rental fees associated with the use of Downs Field by Austin Metro Baseball League and Huston-Tillotson Field for baseball programs in exchange for in-kind maintenance services provided under a facility use and maintenance agreement. There is no unanticipated fiscal impact. A fiscal note is not required.
Ordinance No. 20090430-015 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
16. Approve the use of Lady Bird Lake for registered participants and other approved persons for the following public water events: the Cap 2K open water swim to be held on May 3, 2009, the Capital of Texas Triathlon to be held on May 13 (press conference), May 24 and 25, 2009, and the Austin Triathlon to be held on September 5-7, 2009. There is no unanticipated fiscal impact. A fiscal note is not required.
The motion for the use of Lady Bird Lake for the Cap 2K open water swim, the Capital of Texas Triathlon, and the Austin Triathlon was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
17. Approve an ordinance accepting \$198,147 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$198,147 for the education component of the traffic safety grant program. Funding in the amount of \$198,147 is available from the MCSAP High Priority Grant. No match is required.
Ordinance No. 20090430-017 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
18. Approve an ordinance accepting \$844,721 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$844,721 for the High Priority grant project traffic safety programs. Funding in the amount of \$844,721 is available from the MCSAP High Priority Grant. A 20% match is required and will be met with existing staff salaries and benefits.

Ordinance No. 20090430-018 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

19. Authorize negotiation and execution of an agreement with Reentry Roundtable to enhance public safety by developing effective strategies for convicted criminal offenders to successfully reenter into society, for the period of October 1, 2008 to September 30, 2009, in an amount not to exceed \$35,000. Payment of the \$35,000 will be made from the Fiscal Year 2008-2009 Police operating budget.

The motion authoring the negotiation and execution of an agreement with Reentry Roundtable was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

20. Authorize award, negotiation, and execution of an eight-year contract with IBM Corporation, Cleveland, OH, to provide software, billing, and related services for the City's utilities in an amount not to exceed \$58,500,000. Funding in the amount of \$1,006,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$34,750,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the original contract period and extension options for the remaining software maintenance and active hosting services following implementation of the system 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) with 12.2% MBE and 12.2% WBE subcontractor participation. RZ and Associates (MBE) will provide Oracle software services in the approximate amount of \$2.8 million, MRSW Management, LLC (MBE) will provide implementation and support services in the approximate amount of \$2.8 million, and RFD and Associates, Inc. (WBE) will provide software procurement services in the approximate amount of \$5.6 million. Recommended by the Electric Utility Commission. Related to Item #3.

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

21. Authorize award, negotiation, and execution of a contract with GENERAL PHYSICS CORPORATION, Elkridge, MD, for consulting services for Austin Energy's Power Plant Craft Training and Assessment Program in an amount not to exceed \$62,600. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

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

22. Authorize award and execution of a contract with STARFISH ENGINEERING ASSOCIATES, LLC, Tyler, TX, for the purchase of an engine maintenance dolly in the amount not to exceed \$83,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

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

23. Authorize award, negotiation, and execution of a 60-month requirements service contract with SIEMENS BUILDING TECHNOLOGIES, INC., Austin, TX, to provide maintenance and repair services for the building automation system and fire alarm system equipment at the Combined Transportation, Emergency and Communications Center for a total estimated contract amount not to exceed \$336,888. Funding in the amount of \$28,704 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 55 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a requirements service contract with Siemens Building Technologies was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

24. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with C&M GOLF & GROUNDS EQUIPMENT, Waco, TX, for the purchase of grounds maintenance equipment for the Parks and Recreation Department in the amount not to exceed \$58,977.55. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with C&M Golf & Grounds Equipment was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 25 was pulled for discussion.

26. Authorize the City Manager to submit an application for the Pass Through Finance Program to the Texas Department of Transportation (TxDOT).

The motion authorizing the City Manager to submit an application for the Pass Through Finance program was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

27. Approve issuance of a street event permit for the 2009 Parade of Homes, sponsored by the Home Builders Association of Greater Austin, a fee paid event on Camacho Street, from 4205 Camacho Street through 4305 Camacho Street. The event is scheduled daily from 10:00 a.m. to 8:00 p.m., May 20, 2009 through June 8, 2009.

The motion for issuance of a street event permit for the 2009 Parade of Homes was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

28. Authorize execution of a community facilities and cost reimbursement agreement for construction of a water quality wet pond which provides for payment to Riverside Interests, L.P., a Texas limited partnership, in the amount of \$610,519 for construction of water quality improvements at 2301 East Riverside under the water quality cost participation program. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department (WPDRD). This site plan was originally approved as a cost reimbursement in January 28, 2009 and as such was in compliance with Chapter 2-9A of the City Code Minority-Owned and Women-Owned Business Enterprise Procurement Program. Variance from Land Development Code (LDC) 25-8-261 approved by Environmental Board and Planning Commission.

The motion authorizing the execution of a community facilities and cost reimbursement agreement was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 29 was pulled for discussion.

30. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
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, Council Member Morrison's second on a 7-0 vote.

Board

Nominated By:

Building and Standards Commission

Stacy Kaplowitz

Council Member Cole

Council Subcommittees and Other Intergovernmental Bodies

Long Center Board of Trustees

John Morgan

Luis Patino

Council

Council

Nominating Committee for City Auditor

Council Member Sheryl Cole

Council Member Laura Morrison

Council Member Randi Shade

Marc Ott, City Manager

John Keel, State Auditor

Council Audit and Finance Committee

Council Audit and Finance Committee

Council Audit and Finance Committee

Council Audit and Finance Committee

Council Audit and Finance Committee

Item 31 was pulled to be heard after the related Executive Session item.

32. Approve a resolution amending the City's Legislative Program to support passage of CSSB 1205, relating to community land trusts. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Laura Morrison)
Resolution No. 20090430-032 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
33. Approve a resolution directing the City Manager to create a staff working group to work cooperatively with University of Texas Athletics, Travis County, Texas Department of Transportation, and other entities to better facilitate future Texas Relay events; and to convene a group of community stakeholders to ensure future events reflect the community's interest in respecting diversity and fostering an equal quality of life experience for all residents of Austin. (Council Member Sheryl Cole Mayor Will Wynn Mayor Pro Tem Brewster McCracken)
Resolution No. 20090430-033 was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
34. Approve the waiver of certain fees for the Austin Area Mental Health Consumers, Inc. 10 Year Anniversary and Appreciation Luncheon which is to be held on May 13, 2009. (Council Member Lee Leffingwell Mayor Will Wynn Mayor Pro Tem Brewster McCracken)

The motion for the waiver of certain fees for the Austin Area Mental Health Consumers, Inc. 10 Year Anniversary and Appreciation Luncheon was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

35. Approve the payment of certain costs under City Code Chapter 14-7 for the South River City Neighborhood Association's 4th of July Parade which is to be held on July 4, 2009 near St. Edwards University and Stacy Park. (Council Member Laura Morrison Council Member Lee Leffingwell)
The motion authorizing the payment of certain costs for the South River City Neighborhood Association's 4th of July Parade was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
36. Set a public hearing to consider an ordinance amending Ordinance No. 20020829-58 authorizing the addition of new neighborhoods to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for May 21, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
37. Set a public hearing to consider an ordinance amending Ordinance No. 20080515-030 to amend the map indicating areas with additional regulations applying to Mobile Food Establishments in accordance with Section 25-2-812 of the City Code. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for May 21, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
38. Set a public hearing to consider an ordinance amending Chapter 25 and Chapter 30 of the City Code concerning requirements for notification of subdivision and site plan applications. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission.
The public hearing was set for May 21, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

Items 39 through 41 were Executive Session items.

Items 42 through 44 were briefing items set for 2:00 p.m.

Items 45 through 59 were zoning items set for 4:00 p.m.

Items 60 through 64 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

25. Approve second/third readings of an ordinance to amend Chapter 14-8 and repeal Chapters 4-5 and 14-7 of the City Code relating to street closures and creation of right-of-way event rules.
Ordinance No. 20090430-025 was approved with the following amendments on Council Member Leffingwell's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais. The amendments are:

- Delete subsection 14-8-3(B)(4) and correct the subsection numbering in Part 6.
- Insert the “Urban Transportation Commission” into the blanks in Parts 7, 15 and 21.
- Insert a new subsection (D) to section 14-8-12 as follows:
“(D) The director shall provide the applicant with an estimated cost of police security for a right-of-way event not later than the 15th day before the right-of- way event.”
- Delete subsection 14-8-13(B)(9) and correct the subsection numbering in Part 11.
- Subsection 14-8-14(A)(1) and (2) in Part 12 should read: “(1) the address, and, if available, the name, facsimile number, e-mail address and telephone number of each affected person and neighborhood association;
(2) a space for the typed or printed name of the affected person, and a space in which the signer may indicate with an original signature whether the affected person opposes the closure; and”
- Delete subsection 14-8-14(F) in Part 12
- Correct the subsection lettering in Section 14-8-15 of Part 13.
- Insert a new Part 24 as follows and renumbering the following parts: “Within 2 years following the first anniversary of the effective date of this ordinance, the City Manager is directed to report to Council on the effectiveness of the implementation of these changes to Chapter 14-8 and any recommendations needed to improve its implementation.”

The following friendly amendment to revise Parts 2, 17 and 18 of the ordinance from Council Member Morrison was accepted by the maker of the motion. The amendments are:

- Part 2. should read: “Sections 14-8-13, 14-8-15, and 14-8-18 of the City Code are repealed.”
- Part 17 section 14-8-34 numbering remains as is.
- Part 18 section 14-8-41 numbering remains as is.

Mayor Wynn recessed the Council Meeting at 11:59 a.m.

Mayor Wynn called the Council Meeting back to order at 12:06 p.m.

CITIZEN COMMUNICATION: GENERAL

Rae Nadler'Olenick - Water fluoridation Direction was given to staff to prepare a memo for Council prior to next Council Meeting concerning the contract referenced by Ms. Olenick.

Walter Olenick - Fluoride

Richard Troxel - Homelessness in Austin

Ronnie Gjemre - Peace and freedom

Gus Peña - 1. To discuss the City budget, its implications and its adverse impact on our residents of the City of Austin 2. We all need to work together to work through this recession and we will do our part 3. Crime is on the increase, we need more patrol officers on the streets 4. We all need to hold Cap Metro President, CEO, CFO, and administration accountable for its irresponsible way of running an agency. Fred Gilliam needs to resign 5. If possible please no layoffs we have too many people unemployed 6. Please support our troops overcome adversity as they return home they need jobs, counseling, mental health treatment, PTSD treatment. Suicide is a big problem

Ken Vasseau - The gorilla says it's blue!

Paul Aviña - Poverty

Helen Rockenbaugh - Noise ordinance and keeping chickens, esp roosters in the City limits. **She was not present when her name was called.**

Susana Almanza - Stimulus money for East Austin. **She was not present when her name was called.**

Bill Boulton - Austin's failure to enforce excising laws

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:38 p.m.

EXECUTIVE SESSION

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

39. Discuss matters relating to Austin Energy's generation resource planning and strategy. (Public Power Utility Competitive Matter - Section 551.086).
40. Discuss legal issues relating to special districts legislation filed in the 81st Legislature, Regular Session. (Private Consultation with Attorney - Section 551.071).

Item 41 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:01 p.m.

DISCUSSION ITEMS CONTINUED

29. Consider a resolution regarding the Texas legislature's enactment of legislation creating five (5) special districts within the City's Desired Development Zone, consisting of approximately 2,300 acres of land that is located east of IH 35 between McKinney Falls Parkway and US 183 South. Resolution No. 20090430-029 opposing the special districts legislation was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. Council Members Cole and Martinez agreed to draft a resolution for the May 14, 2009, Council Meeting giving direction to the City Manager on how to incorporate aspects of dense mixed use development, the SH130 legislation, PID policies, etc. for future developments in the Desired Development Zone.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 2:36 p.m.

EXECUTIVE SESSION CONTINUED

The Mayor announced that Council discussed items number 48 and 62 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:56 p.m.

BRIEFINGS

42. Austin Energy's Public Participation Process and CO2 Reduction Plan
The presentation was made by Roger Duncan, General Manager Electric Utility for Austin Energy.
43. Strategic Mobility Program Briefing
The presentation was made by Marc Ott, City Manager, and Rob Spillar, Transportation Director for the Transportation Department.
44. Federal Stimulus briefing
The presentation was made by Greg Canally, Deputy Chief Financial Officer.

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 5:15 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 5:18 p.m.

ZONING CONSENT ITEMS

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

45. C14-2008-0006 - Stubbs South - Approve second/third readings of 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-conditional overlay (CBD-CURE-CO) combining district zoning. First reading approved on April 23, 2009. Vote: 7-0. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.
Ordinance No. 20090430-045 for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
46. C14-2008-0007 - Stubbs North - Conduct a public hearing and approve second/third readings of 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-conditional overlay (CBD-CURE-CO) combining district zoning. First reading approved on April 23, 2009. Vote: 7-0. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal.) Agent: Armbrust and Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.
Ordinance No. 20090430-046 for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
47. C14-2009-0003 - Austin Chinese Church - Approve second/third readings of 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. First reading approved on April 2, 2009. Vote: 7-0. Applicant: Austin Chinese Church (Leo Young). Agent: Land Answers (Jim Witliff). City Staff: Joi Harden, 974-2122.

Ordinance No. 20090430-047 for limited office-conditional overlay (LO-CO) combining district zoning with conditions was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

48. C14H-2008-0023 - Bradford-Nohra House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse and condominium residence-neighborhood conservation combining district (SF-6-NCCD) combining district zoning to townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. First reading approved on March 26, 2009. Vote: 6-0 (McCracken off the dais). Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Susan Villarreal, 974-3524. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to May 14, 2009 at the Law Department's request on Council Member Shade's motion, Council Member Morrison'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.

49. C14-2009-0033 - Upgrade Electrical Service - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 513 Thompson Lane (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Lourdes E. Pelayo. Agent: Kool Daddy Motorcycles (Juan Galvan). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20090430-049 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
50. C14-84-457(RCA) - Chrysler Dealership - Conduct a public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for a property locally known as 6905 South IH-35 Service Road Northbound (South Boggy Creek Watershed). Staff Recommendation: To terminate the restrictive covenant as it applies to the subject property. Zoning and Platting Commission Recommendation: To terminate the restrictive covenant as it applies to this property, with conditions. Applicant: Chrysler Realty Company, L.L.C. (Mark Nagel). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and the motion to terminate the restrictive covenant as it applies to this property, with conditions, was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
51. NPA-2009-0018.01 - Highland Combined Neighborhood Planning Area Vertical Mixed Use (VMU) Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland 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 Commercial and Office to Mixed Use and Mixed Use/Office on selected tracts within the Highland Neighborhood Planning Area, bounded by U.S. Highway 183 to the north, Lamar Boulevard to the west, Twin Crest Drive and Middle Fiskville Road to the east, and Koenig Lane to the south (Tannehill Creek, Waller Creek, Buttermilk Branch Watersheds). Planning Commission Recommendation: To approve mixed use and mixed use/office on selected tracts within the Highland

Future Land Use Map. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

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

52. C14-2009-0012 - Highland Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Highland Neighborhood Planning Area, bounded by U.S. Highway 183 to the north, Lamar Boulevard to the west, Twin Crest Drive and Middle Fiskville Road to the east, and Koenig Lane to the south (Tannehill Creek, Waller Creek, Buttermilk Branch Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties located at from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.
This item was postponed on consent to May 14, 2009 at the staff's request on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
53. C14H-2008-0037 - Texaco Depot - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1300-04 E. 4th Street (Town Lake Watershed) from transit-oriented development (TOD) district zoning to transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Staff recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Historic Landmark Commission Recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Planning Commission Recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Historic Landmark Commission Recommendation: To grant transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only. Applicant: Lorelei Brown. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and the first reading of the ordinance for transit-oriented development-historic landmark (TOD-H) combining district zoning for the structures only was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
54. C14H-2009-0004 - W.E. Miller House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4810 Rowena Avenue (Waller Creek Watershed) from family residence, neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To deny family residence-historic landmark- neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

This item was postponed on consent to June 18, 2009 at the neighborhood's request on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.

55. C14H-2009-0005 - Governor Dan Moody House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2302 Woodlawn Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Christine Baskin. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and Ordinance No. 20090430-055 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
56. C14H-2009-0007 - Gambrell House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1410 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Bill and Lynn Fowler. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and Ordinance No. 20090430-056 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
57. C14H-2009-0008 - Massey-Page House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1305 Northwood Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: John and Amy Sheffield. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and Ordinance No. 20090430-057 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.
58. C14H-2009-0009 - Cullers-Adkins House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1515 Westover Road (Johnson Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Dr. Thomas and Jean Adkins. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and Ordinance No. 20090430-058 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.

59. C14H-2009-0010 - Greenwood and Nina Wooten House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 Wooldridge Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: William and Mariette Wroe. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090430-059 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:28 p.m.

LIVE MUSIC

Ryan Harkrider

PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:28 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

60. Conduct a public hearing and approve a resolution authorizing the use of approximately 43,849 SF (1.01 acres) for wastewater shaft uses, 428,630 SF (9.84 acres) for wastewater line subterranean tunnel uses, 16,134 SF (0.37 acre) for access uses, 332,634 SF (7.64 acres) for temporary workspace uses and 14,983 SF (0.3440 acre) for 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, Palmer Auditorium Shores, Festival Beach, Holly Beach, Longhorn Shores, Lakeshore, Waller Beach, Norwood & 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 and the Water and Wastewater Commission.
The public hearing was closed and Resolution No. 20090430-060 was approved on Council Member Leffingwell's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
61. Conduct a public hearing and 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.
The public hearing was closed and Ordinance No. 20090430-061 was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn abstained because he owned property in the area.
62. 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 Item #63.

This item was postponed to June 11, 2009 on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to craft a site specific regulation ordinance to create a balance of the issues that were discussed regarding the impact on the neighbors and flood mitigation issues.

63. 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 Item #62.

This item was postponed to June 11, 2009 on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to craft a flood plan variance ordinance to create a balance of the issues that were discussed regarding the impact on the neighbors and flood mitigation issues.

64. Conduct a public hearing and approve an ordinance amending Title 25 of the City Code relating to the Waterfront Overlay Combining District; and Chapter 2-1 related to the Waterfront Planning Advisory Board. Recommended by Waterfront Overlay Task Force, Design Commission, Environmental Board. Reviewed by Downtown Commission and Zoning and Platting Commission. To be reviewed by Parks Board and Planning Commission on April 28, 2009. Recommended by Planning Commission and Parks Board.

The public hearing was closed and the first reading of the ordinance was approved with the following amendment on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote. Section 25-2-715 (A)(2) should read, "Administrative site plans are not required to be reviewed by the Waterfront Planning Advisory Board (WPAB). Copies of all administrative site plans will be forwarded to the WPAB to allow them to maintain a comprehensive understanding of all development activity within the Waterfront Overlay."

The following friendly amendments were accepted by the maker of the motion, Council Member Martinez, and Mayor Wynn, who seconded the motion. The maker of the friendly amendment is shown in parenthesis:

- **property located in a planned unit development (PUD) on the effective date of this ordinance will not be subject to this ordinance as long as the property remains in a PUD (Council Member Shade)**

The following direction was given to staff:

- **notify all property owners in the Waterfront Overlay (Council Member Cole)**
- **leave the public hearing open (Council Member Leffingwell)**
- **appoint the WPAB within two months (Council Member Morrison)**
- **direct the WPAB to submit the bonus provisions and the new alternatives for higher standards when PUDs are seeking a waiver to height limits within six months.**

Mayor Wynn recessed the Council Meeting at 9:12 p.m.

EXECUTIVE SESSION CONTINUED

41. Evaluate the performance of and consider compensation and benefits for the City Manager. (Personnel Matters - Section 551.074). Related to Item #31.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 10:58 p.m.

DISCUSSION ITEMS CONTINUED

31. Approve a resolution relating to the compensation and benefits for the City Manager. Related to Item #41. (Mayor Will Wynn Council Member Randi Shade)
Resolution No. 20090430-031 maintaining the same annual compensation for the City Manager was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 11:02 p.m. without objection.

The minutes for the Regular meeting of April 30, 2009 were approved on this the 14th day of May 2009 on Council Member Cole's motion, Council Member Leffingwell's second on a 7-0 vote.