

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 21, 2009**

Invocation: Fr. Jayme Mathias, Pastor, Cristo Rey Catholic 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, May 21, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:18 a.m.

Mayor Wynn asked Council Members to report on upcoming agenda items; however, none were mentioned.

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 May 14, 2009 Regular meeting.
The minutes from the meeting of May 14, 2009 were approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
2. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, with QUALICO CR, L.P., for construction of 16 and 24-inch water mains and appurtenances to provide water service to the proposed Sun Chase Subdivision located on the north and south side of Pearce Lane, west of Wolf Lane, south of Dry Creek and east of Navarro Creek Road with City cost reimbursement for an overall total amount not to exceed \$5,434,410; waiving the requirements of Section 25-9-61, Section 25-9-62, Section 25-9-63, and Section 25-9-67 of the City Code relating to cost reimbursement. Funding in the amount of \$5,434,410 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. Related to Item #3.
Ordinance No. 20090521-002 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
3. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, with QUALICO CR, L.P., for construction of 36-inch gravity wastewater main and appurtenances, and permanent wastewater treatment plant facilities to provide wastewater service to the proposed Sun Chase Subdivision located on the north and south side of Pearce Lane, west of Wolf Lane, south of Dry Creek and east of Navarro Creek Road with City cost reimbursement for an overall total amount not to exceed \$6,184,440; waiving the requirements of Section 25-9-61, Section 25-9-63, and Section 25-9-67 of the City Code relating to cost reimbursement. Funding in the amount of \$6,184,440 is available in the Fiscal

Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. Related to Item #2.

Ordinance No. 20090521-003 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

4. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement, related to Service Extension Request No. 2814, with PEARSON PLACE AT AVERY RANCH, LTD., for construction of an appropriately sized wastewater lift station and force main, and 12 and 24-inch gravity wastewater mains and appurtenances to provide wastewater service to the Pearson Place Subdivision located between Avery Ranch Boulevard on the north, FM 620/State Highway 45 on the south and the Davis Springs Subdivision on the west with City cost reimbursement for an overall total amount not to exceed \$2,131,677.19; waiving the requirements of Section 25-9-61, Section 25-9-62, Section 25-9-63, and Section 25-9-67 of the City Code relating to cost reimbursement. Funding in the amount of \$2,131,677.19 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Ordinance No. 20090521-004 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
5. Approve a resolution authorizing extension of the fee schedule for participation under the Balcones Canyonlands Conservation Plan - Shared Vision through September 30, 2009. This action does not require budget allocation or funding. Recommended by the Water and Wastewater Commission.
Resolution No. 20090521-005 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
6. Authorize negotiation and execution of an Interlocal Cooperation Agreement with Texas AgriLife Extension Service - Wildlife Services for the control and management of Feral Hogs that threaten public safety and cause property damage in Austin neighborhoods for a term of one year, with an option to renew the agreement for up to one additional year, in an amount not to exceed \$170,000. Funding in the amount of \$95,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining year is contingent upon available funding in future budgets. Recommended by the Water and Wastewater Commission. Related to Item #7.
The motion authorizing the negotiation and execution of an interlocal cooperation agreement with Texas AgriLife Extension Service – Wildlife Services was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
7. Authorize negotiation and execution of a Cooperative Agreement with Texas Wildlife Damage Management Fund for the control and management of Feral Hogs that threaten public safety and cause property damage in Austin neighborhoods for an initial term ending September 30, 2009, in an amount not to exceed \$10,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. Related to Item #6.
The motion authorizing the negotiation and execution of a cooperative agreement with Texas Wildlife Damage Management Fund was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
8. Authorize the fee simple acquisition of Lot 6, Block 2, of Bergstrom Downs No. 1, locally known as 813 Patton Ave, from Mario Jorge Ruiz and Otimia M. Ruiz for the Airport Noise Mitigation Program, in the amount of \$120,000 for the land and improvements and \$19,900 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$149,900. 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 2, of Bergstrom Downs No. 1 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

9. Authorize the negotiation and execution of a 60-month lease with the right to exercise two 60-month extension options for 6,734 square feet of office space for the Child Protection Team of the Austin Police Department, located at 8509 FM 969 (formerly known as Vision Village) from MF AUSTIN RIDGE, LLC and PB AUSTIN RIDGE LLC, Austin, TX, in an amount not to exceed \$551,941.74 for the initial lease term; subordination of the outstanding City \$1,250,000 lien on the property to the landlord's financial institution providing financing for the leasehold improvements; release of the outstanding lien on the property; and modifying previously approved restrictive covenant and other conditions. Funding is included as a contractual cost increase as part of the Fiscal Year 2010 forecasted base budget of the Police Department.

The motion authorizing the negotiation and execution of a lease from Austin Ridge, LLC and PB Austin Ridge LLC was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

10. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY OF AUSTIN, TX, for the S I-35 Water/Wastewater Program Goodnight Ranch Phase 1 - 48-inch water main project in the amount not to exceed \$874,290 plus \$43,714 contingency, for a total contract amount not to exceed \$918,004. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of fourteen (14) 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 1.08% MBE and 0.14% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Capital Excavation Company was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

11. Authorize execution of a construction contract with CAPITAL EXCAVATION, Austin, TX for the Group 6 Southwest Street Reconstruction, an ACCELERATE AUSTIN PROJECT, in the amount of \$747,523.42 plus a \$37,376.15 contingency, for a total contract amount not to exceed \$784,899.57. Funding in the amount of \$705,399.15 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$79,500 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of seven (7) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 1.45 % MBE and 22.83% WBE subcontractor participation. Recommended by Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Capital Excavation Company was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

12. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., Austin, TX, for planning services Integrated Solid Waste Management Master Plan in an amount not to exceed \$1,500,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. Best qualification statement of three (3) 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 15.80% MBE and 15.80% WBE subconsultant participation. Reviewed by the Solid Waste Advisory Commission.

This item was postponed on consent to June 11, 2009 on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

13. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, in an amount not to exceed \$485,420 for a total contract amount not to exceed \$1,640,801. Funding in the amount of \$485,420 is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 5.38% MBE and 1.75% WBE subconsultant participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Copley Wolff Design Group was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
14. Authorize negotiation and execution of amendment #3 to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, TX, for engineering services for Austin-Bergstrom International Airport Airfield Lighting Improvements and Airfield Pavement Rehabilitation in the amount of \$100,000, for a total contract amount not to exceed \$869,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. This contract amendment will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 52.12% DBE sub-consultant participation to date. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of amendment number three to the professional services agreement with URS Corporation was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
15. Authorize execution of a 12-month Interlocal Agreement with THE UNIVERSITY OF TEXAS, PROFESSIONAL DEVELOPMENT CENTER, Austin, TX, to develop and deliver training to small business owners in an amount not to exceed \$165,000 with two additional 12-month extension options in an amount not to exceed \$165,000 per extension, for a total agreement amount not to exceed \$495,000. Funding in the amount of \$55,000 for the first 4-months of the contract period is available in the Fiscal Year 2008-2009 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining 8-months of the contract period and any extension option is contingent upon payment from current revenues available to the City.
This item was postponed on consent to June 11, 2009 on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
16. Approve an ordinance accepting \$74,995 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, HIV/STD PREVENTION AND CARE BRANCH; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$74,995 to purchase a van for human immunodeficiency virus/acquired immune deficiency syndrome testing and education outreach services. Funding is available from the Texas Department of State Health Services, HIV/STD Prevention and Care Branch. The grant period is January 1, 2009 through December 31, 2009. No City match is required.
Ordinance No. 20090521-016 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
17. Approve an ordinance amending Chapters 2-2, 15-6, 25-2 and 25-12 of the City Code to correct typographical errors.

Ordinance No. 20090521-017 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

18. Authorize negotiation and execution of an agreement with 98 San Jacinto Holdings Limited Partnership, for the reimbursement of streetscape improvement costs for the Four Seasons Residence project located at 98 San Jacinto, Austin, TX under the Great Streets Development Program, in an amount not to exceed \$183,672. Funding is available in the Fiscal Year 2008-2009 Amended Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue.
The motion authorizing the negotiation and execution of an agreement with 98 San Jacinto Holdings Limited Partnership was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
19. Approve an ordinance accepting \$14,180 in grant funds from the Austin Community Foundation, Urban Forest Grant Program; and amending the Fiscal Year 2008-2009 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$14,180 for the purchase of Global Positioning System equipment and software. Funding in the amount of \$14,180 is available from the Austin Community Foundation under the Urban Forest Grant Program. No City match is required.
Ordinance No. 20090521-019 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
20. Approve an ordinance to temporarily relocate the People's Renaissance Market vendors during the 23rd Streetscape Improvements project to the sidewalk on the south side of the 500 block of 24th Street, from June 1, 2009 to July 1, 2009. Recommended by the Renaissance Market Commission.
Ordinance No. 20090521-020 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
21. Approve a resolution authorizing the Parks and Recreation Department's application for up to \$500,000 in grant funding from the Texas Parks and Wildlife Department's (TPWD) Outdoor Urban Recreation grant to improve facilities and resources at Gustavo (Gus) L. Garcia Park. Funding in the amount of \$500,000 is available from the Texas Parks and Wildlife Department. The City will match 100 % of all granted funds. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department to meet matching requirements.
Resolution No. 20090521-021 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
22. Authorize the negotiation and execution of an agreement with the Young Men's Christian Association of Austin and Greater Austin First Tee to provide an Austin Police Department sponsored Police Activities League of Austin Program (APD-PAL) golfing curriculum, including allowing the City public access through the property and the right to re-construct a foot/cart path bridge for the Walnut Creek Hike & Bike Trail System, for a three-year term with extension options in an annual in-kind contribution amount not to exceed \$40,000 with a maximum in-kind contribution amount not to exceed \$120,000 for the three year term.
The motion authorizing the negotiation and execution of an agreement with the Young Men's Christian Association of Austin and Greater Austin First Tee was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
23. Authorize award and execution of a 36-month requirements service contract with J.G. ARCOIRIS PAINTING CONTRACTORS, LLC.(MBE), Austin, TX for painting services in an estimated amount not to exceed \$750,000, with three 12-month extension options in an estimated amount not to exceed \$250,000 per extension option, for a total estimated contract amount not to exceed \$1,500,000. Funding

in the amount of \$83,333 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Funding for the remaining 32 months of the original contract period is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with J.G. Arcoiris Painting Contractors, LLC, was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

24. Authorize award and execution of a 24-month requirements service contract with MYERS CONCRETE CONSTRUCTION, LP. (WBE), Wimberley, TX for sidewalk paver maintenance services in an estimated amount not to exceed \$465,480, 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 \$665,480. Funding in the amount of \$77,580 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Funding for the remaining 20 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 2-9C 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 Myers Concrete Construction, LP was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

25. Authorize award and execution of a 36-month revenue contract with AUSTIN METAL & IRON CO., L.P., Austin, TX, for the sale of scrap metal with an estimated revenue of \$1,302,000, with three 12-month extension options with an estimated revenue of \$434,000 per extension option, for a total estimated revenue of \$2,604,000. Estimated revenue is included in the Fiscal Year 2008-2009 Operating Budgets of the following departments: Austin Energy - \$129,463; Austin Water Utility - \$9,202; Public Works - \$2,985; Financial & Administrative Services - \$1,908; and Aviation Department - \$1,109. Highest 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 Electric Utility Commission and Water and Wastewater Commission.

The motion authorizing the award and execution of a revenue contract with Austin Metal & Iron Co., L.P. was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

26. Authorize award and execution of a 24-month requirements supply contract with GC3 SPECIALTY CHEMICALS, INC., Houston, TX, for the purchase of aqueous ammonia for Austin Energy in an estimated amount not to exceed \$120,000, with three 12-month extension options in an estimated amount not to exceed \$60,000 per extension option, for a total estimated contract amount not to exceed \$300,000. Funding in the amount of \$25,000 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 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 Electric Utility Commission.

The motion authorizing the award and execution of a requirements supply contract with GC3 Specialty Chemicals, Inc. was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

27. Authorize award and execution of a 48-month service contract with TURBOMECA USA, Grand Prairie, TX for helicopter engine maintenance and overhaul services for the Austin Police Department in an amount not to exceed \$453,706. Funding in the amount of \$37,809 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 44 months of the original contract period is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a service contract with Turbomeca USA was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
28. Authorize award and execution of a 24-month requirements service contract with SOUTHWASTE DISPOSAL LLC dba CAP-TEX INC., Austin, TX to provide emergency response for sludge and sewage pumping, hauling, and disposal services for the Austin Water Utility in an estimated amount not to exceed \$800,000, with two 12-month extension options in an estimated amount not to exceed \$400,000 per extension option, for a total estimated contract amount not to exceed \$1,600,000. Funding in the amount of \$133,333 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 20 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C 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 Water and Wastewater Commission.
The motion authorizing the award and execution of a requirements service contract with Southwaste Disposal LLC doing business as CAP-TEX Inc. was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
29. Authorize award and execution of a contract with MACAULAY CONTROL COMPANY (WBE), Houston, TX, for the purchase of 15 American Sigma flow meters for the Austin Water Utility in an amount not to exceed \$126,709.70. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Sole Source. This purchase 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 contract with Macaulay Control Company was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
30. Authorize award and execution of a 36-month requirements service contract with ALLIED FENCE COMPANY, Manor, TX for fencing repair, supplies, and services in an estimated amount not to exceed \$225,000, with three 12-month extension options in an estimated not to exceed amount of \$75,000 per extension option, for a total estimated contract amount not to exceed \$450,000. Funding in the amount of \$25,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining 32 months of the original contract period and extension options is contingent upon funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Allied Fence Company was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

31. Authorize award and execution of a 5-month requirements service contract through The Cooperative Purchasing Network (TCPN) with FLEETCARD, INC. dba IMPAC FLEET, Tomball, TX, for the purchase of fuel credit card services in an estimated amount not to exceed \$187,500, with four 12-month extension options in estimated amounts not to exceed \$472,500 for the first extension option, \$496,125 for the second extension option, \$520,931 for the third extension option, and \$546,977 for the fourth extension option, for a total estimated contract amount not to exceed \$2,224,033. Funding in the amount of \$187,500 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract through the Cooperative Purchasing Network (TCPN) with Fleetcard, Inc. doing business as Impac Fleet was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

32. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with COOPER EQUIPMENT COMPANY, San Antonio, TX for the purchase of a semi-trailer asphalt relay tanker in an amount not to exceed \$112,465. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. This contract will be awarded in compliance with Chapter 2-9D 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 contract.

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

33. Authorize award and execution of a 44-month requirements supply contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with THE SHERWIN WILLIAMS COMPANY, Richardson, TX, to purchase paint and related supplies in an estimated amount not to exceed \$535,708, with three 12-month extension options in an estimated amount not exceed \$149,500 per extension option, for a total estimated contract amount not to exceed \$984,208. Funding in the amount of \$60,875 is available in the Fiscal Year 2008-2009 Operating Budget of various City departments. Funding for the remaining 39 months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with the Sherwin Williams Company was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

34. Approve issuance of a street event permit for the Republic of Texas (R.O.T.) Rally Parade and Concert, a fee paid event which is to be held in the 100 through 1000 blocks of Congress Avenue; the east and west 100 blocks of 2nd Street through 10th Street; the 100 block of East 11th Street; the 100 through 200 blocks of West 11th Street; the second and third lanes east of the west curb of the 900 through 1100 blocks of Brazos Street (leaving open the first lane east of the west curb); and the 1100 through 1200 blocks of Colorado Street. The event is scheduled on June 12, 2009 from 7:00 p.m. to June 13, 2009 at 3:00 a.m.
The motion authorizing the issuance of a street event permit for the Republic of Texas (R.O.T.) Rally Parade and Concert was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
35. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
This item was withdrawn because there were no appointments.
36. Approve a resolution directing the City Manager to inform the City's congressional delegation that the City supports the regional trail known as "Walk for a Day." (Council Member Mike Martinez Council Member Lee Leffingwell and Mayor Will Wynn)
Resolution No. 20090521-036 was approved on consent with the following friendly amendment on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote. The friendly amendment from Council Member Leffingwell was to have the first whereas of the resolution read as follows, "Whereas, the City Council passed Resolution 20090115-057 (Attachment A) establishing policy guidelines and endorsing the development of the "Walk for a Day" regional trail system; and".
37. Approve a resolution directing the City Manager to create a City of Austin bicycle theft response program, incorporating a voluntary registry and educational components. (Council Member Randi Shade Mayor Pro Tem Brewster McCracken Council Member Mike Martinez)
Resolution No. 20090521-037 was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote. Direction was given to staff to report on the bike thefts at City Hall.
38. Approve the waiver of certain fees and requirements for the fee-paid Austin Pride Festival event, to be held on June 6, 2009, at Republic Square Park. (Mayor Will Wynn Council Member Randi Shade Council Member Lee Leffingwell)
The motion authorizing the waiver of certain fees and requirements for the Austin Pride Festival event was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
39. Approve waiver of certain fees and requirements, and authorize payment of certain costs for the City's annual co-sponsorship of the Greater East Austin Youth Association's 2009 Juneteenth Parade and Celebration to be held on June 19, 2009, at Rosewood Park. (Council Member Sheryl Cole Mayor Pro Tem Brewster McCracken and Mayor Will Wynn)
The motion authorizing the waiver of certain fees and requirements and authorizing payment of certain costs for the City's annual co-sponsorship of the Greater East Austin Youth Association's 2009 Juneteenth Parade and Celebration was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
40. Set a public hearing to consider an ordinance regarding a proposal from Texas Gas Service Company to increase customer gas rates. (Suggested date and time: June 11, 2009, 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set for June 11, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

Item 41 was pulled for discussion.

42. Set a public hearing to consider an ordinance amending Chapters 11-1, 25-2, and 25-11 of the City Code relating to tax exemptions for historic landmarks, historic landmark procedures, and demolition by neglect. (Suggested date and time: June 18, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for June 18, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
43. 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: June 18, 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 June 18, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
44. Set a public hearing to consider an ordinance for floodplain variances requested by the Austin Independent School District. The variances will allow construction of the House Park Field House building at 1301 Shoal Creek Boulevard in the 25-year and 100-year floodplains of Shoal Creek. A variance will also waive the requirements for normal access from the building to an area that is one-foot above the 100-year floodplain (Suggested date and time: June 18, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for June 18, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
45. Set a public hearing to consider an ordinance amending Chapter 25-2, Subchapter C, Article 9 of the City Code relating to landscaping for residential subdivisions. (Suggested date and time: June 18, 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 June 18, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.
46. 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: June 18, 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 June 18, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

Item 47 was an Executive Session item.

Items 48 through 57 were zoning items set for 4:00 p.m.

Items 58 through 63 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

41. Set a public hearing to consider an appeal by the Highland/Skyview Neighborhood Plan Contact Team represented by Damon Howze, of the Planning Commission's decision to approve a Conditional Use Permit to allow operation of an Adult Lounge located at 6406 N. IH 35, Unit 1100. Planning Commission approved staff recommendation to approve the Conditional Use Permit with conditions. (Suggested date and time: June 11, 2009, 6:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX.) The public hearing was set for June 11, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. Direction was given to staff to determine if the Highland/Skyview Neighborhood Plan Contact Team has standing in this matter prior to public hearing.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:50 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.

Item 47 was discussed later in Executive Session.

The Mayor announced that Council discussed item number 49 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:10 p.m.

CITIZEN COMMUNICATION: GENERAL

Rafaela Gentry - Fluoride

Dixie Barron - Fluoride deception

Gus Peña - 1.To discuss the budget 2.To discuss City issues 3. To increase funding for social service agencies 4.Crime is on the increase- do not cut police officer positions 5.Increase communication with the community

David Edrich - Billboard ordinance

Richard Viktorin - Library funding

Gavino Fernandez - No contact team for the "Holly neighborhood planning area," we have a VOICE thru our Neighborhood Association - El Concilio. We do not need City of Austin agents designated by the City to represent our interest as land owners

Marcelo Tafoya - No contact team for the "Holly neighborhood planning area". Have you not taken enough of our land thru gentrification? We are losing our land, not to the BANKS but the government via high property taxes!

Paul Hernandez - No contact team for "Holly neighborhood planning area", the people have spoken! We land owners do not need the City of Austin to represent our interest. Stop Gentrification! His time was transferred to Marcos de Leon.

Frances Martinez - No contact team. Please support sb1618 for single member districts. She was not present when her name was called.

Jimmy Castro - Children's Miracle Network

Mayor Wynn recessed the Council Meeting at 12:55 p.m.

Mayor Wynn called the Council Meeting back to order at 4:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 4:01 p.m.

EXECUTIVE SESSION CONTINUED

47. Discuss legal issues relating to vacancies on City boards and commissions. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 5:00 p.m.

ZONING CONSENT ITEMS

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

48. C14-2007-0232 - Rundberg Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 1; and multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 2 to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning for Tract 1, and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. First reading approved on August 28, 2008. Vote: 7-0. Applicant: Rundberg Business Park (John Dimeblid). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

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

49. 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 indefinitely at the staff's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote. (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.)

ZONING CONSENT ITEMS

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

50. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Applicant and Agent: Leslie M. Moore. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to June 11, 2009 at the staff's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

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

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

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

This item was postponed on consent to June 18, 2009 at the staff's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

53. C14-2008-0174 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district

zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.

This item was postponed on consent to June 18, 2009 at the staff's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

54. 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 grant community commercial (GR) district zoning for Tract 1 and multi-family-residence-medium density (MF-3) district zoning for Tract 2. Applicant: Lexington 281, L.P. (Mehrdad Moayed). Agent: Kodiak Development (Brian Saathoff). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) district zoning for Tract 1 and multi-family-residence-medium density (MF-3) district zoning for Tract 2 was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

55. C14-2009-0040 - Coronado Hills 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 Coronado Hills Neighborhood Planning Area, bounded by Anderson Lane (U.S. Highway 183) to the north and to the east; U.S. Highway 290 to the south; and Cameron Road to the west (Buttermilk Branch, Fort Branch, Little Walnut Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Montes, 974-2629.

This item was postponed on consent to June 11, 2009 at the staff's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

56. 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 on consent to June 11, 2009 at the applicant's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

57. 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 (Bull Creek 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 on consent to June 11, 2009 at the staff's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:10 p.m.

LIVE MUSIC

Buzz Guerra

PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:42 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

58. Conduct a public hearing and approve the use of approximately 33,456 square feet (0.77 acre) of permanent drainage easement, approximately 4,452 square feet (0.102 acre) of temporary staging area, approximately 1,373 square feet (0.03 acre) of temporary access and approximately 3,070 square feet (0.07 acre) of temporary workspace easement - 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. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

The public hearing was closed and the motion to use land to construct, use, maintain, repair, and replace a stormdrain line and appurtenances through dedicated parkland was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

60. Conduct a public hearing and 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.

The public hearing was closed and Ordinance No. 20090521-060 was approved on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

62. Conduct a public hearing and consider an ordinance amending Chapter 25 and Chapter 30 of the City Code concerning requirements for notification of subdivision and site plan applications (item C2o-2009-002). Planning Commission approved staff recommendation.

The public hearing was closed and Ordinance No. 20090521-062 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

59. Conduct a public hearing and 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.

The public hearing was closed and Ordinance No. 20090521-059 was approved on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais. Direction was given to staff to put an item on the next Public Health Services subcommittee agenda to discuss mobile food establishment code violations and provide an update.

63. Conduct a public hearing and approve second/third readings of 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, Parks Board and Planning Commission. Reviewed by Downtown Commission and Zoning and Platting Commission.

The public hearing was held open and the second reading of the ordinance to adopt first reading action, as stated below, with the following amendments, was approved on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

The first reading of the ordinance was to amend Section 25-2-715 (A)(2) to 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." This wording was added, "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."

The following friendly amendments made by Council Members Morrison and Shade were accepted by the maker of the motion, Council Member Martinez, and Mayor Pro Tem McCracken, who seconded the motion:

The ordinance will be amended to add to Part 24(A) that the City Manager will work with the newly established Water Front Advisory Board (Board).

A new Part 24(C) will be added directing staff to:

- Research when bonuses have been used successfully.
- Look at the scope of work of the Board.
- Look at places where the Waterfront Overlay heights are less than the base zoning heights.
- Look at ways to incorporate Urban Designs that are submitted.

A friendly amendment was made by Council Member Morrison to have Council adopt a super-majority vote requirement for PUDs that would be a variance to the Waterfront Overlay. The amendment was not accepted by the maker of the motion.

There was a motion to amend the ordinance that was made by Council Member Morrison and seconded by Council Member Leffingwell to add to the ordinance a super-majority vote requirement for PUDS that would be a variance to the Waterfront Overlay. The motion failed on a vote of 2-5. Those voting aye were: Council Members Leffingwell and Morrison. Those voting nay were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Martinez and Shade.

A friendly amendment was made by Council Member Morrison to add the following language to part 25, "In the PUD with no major amendments, subsequent amendments to such PUDs shall be

subject to the requirements of this ordinance planned unit developments approved after the date of this ordinance shall be subject to the requirements of this ordinance.” The word “major” was changed to “substantial” by a friendly amendment from Council Member Morrison. The amendment was accepted by the maker of the motion, Council Member Martinez, and Mayor Pro Tem McCracken, who seconded the motion. However, Council Member Morrison withdrew her motion and agreed to work with Council Member Martinez to craft new language prior to third reading.

A friendly amendment was made by Mayor Pro Tem McCracken directing staff to bring the item back on June 11, 2009 for third reading. This was accepted by the maker of the motion, Council Member Martinez.

A friendly amendment was made by Council Member Shade to have the makeup of the board include a representative of the Parks Board, Environmental Board and the Design Commission. This was accepted by the maker of the motion, Council Member Martinez, and Mayor Pro Tem McCracken, who seconded the motion. Council Member Shade withdrew her motion.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Leffingwell’s motion, Mayor Wynn’s second on a 7-0 vote.

61. Conduct a public hearing and consider an ordinance adopting the City of Austin 2009 Bicycle Plan Update as an element of the Austin Tomorrow Comprehensive Plan. Reviewed by the Parks and Recreation Board, Planning Commission Comprehensive Plan Subcommittee, Environmental Board, Planning Commission and the Urban Transportation Commission.
The public hearing was recessed and held open without objection.

Mayor Wynn adjourned the meeting at 10:32 p.m. without objection.

The minutes for the Regular meeting of May 21, 2009 were approved on this the 11th day of May 2009 on Council Member Shade’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Cole was absent.