

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JUNE 11, 2009**

**Invocation:** Deacon Robert Martinez, Sacred Heart 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, June 11, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

Council Member Cole was absent.

Announcement of future agenda items from Council:

Council Member Martinez indicated on June 18, 2009, he, Council Members Morrison and Shade will bring an item concerning the creation of a music department.

**CONSENT AGENDA**

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

1. Approve the amended Minutes of the Austin City Council May 14, 2009 meeting, the Minutes of the Special Called City Council May 18, 2009 meeting, and the Minutes of the Austin City Council May 21, 2009 Regular meeting.  
The amended minutes from the meeting of May 14, 2009 Council meeting, May 18, 2009 special called meeting, and May 21, 2009 regular Council meeting were approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.
2. Authorize negotiation and execution of a 36-month lease agreement with Aspen Properties for office space at 8303 N. MoPac, Suite C-400, Austin, Texas, for the City of Austin's new Customer Information System project, in an amount not to exceed \$911,474 with two 12-month extension options in an amount not to exceed \$389,648 per extension option, for a total amount not to exceed \$1,690,770. Funding for original lease term and the extension options is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.  
The motion authorizing the negotiation and execution of a lease agreement with Aspen Properties was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.

3. Approve the issuance of a Letter of Intent for a rebate to Strictly Pediatrics for the installation of a solar photovoltaic system at the project located at 1301 Barbara Jordan Blvd., Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.  
**The motion authorizing the issuance of a letter of intent for a rebate to Strictly Pediatrics was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
4. Approve a resolution authorizing the City Manager to enter into a Cooperative Agreement with the Bureau of Reclamation to accept approximately \$3,000,000 in grant funding for the Direct-Install Toilet Replacement Program and the Subsurface Leak Detection Program to include City matching funds in an amount not to exceed \$4,700,000. Funding is available in the amount of \$2,200,000 in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining grant matching funds is contingent upon available funding in future budgets. Recommended by the Water and Wastewater Commission  
**Resolution No. 20090611-004 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
5. Approve a resolution accepting Travis County's revised Certified Final Canvass Report.  
**Resolution No. 20090611-005 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
6. Authorize the acquisition for the Austin Clean Water Program: Govalle 1 South 2nd St. Re-route North Wastewater Project for an extension of a temporary staging area and material storage site easement of 23,625 square-feet of land out of Lot A, Resubdivision of Morky and Cameron subdivision number 2, situated in Travis County, Texas, according to the map or plat thereof, recorded in Volume 57, Page 99, of the Plat Records of Travis County, Texas located at 906 Banister Lane, from Robert E. Jenkins, Rockport, Aransas County, Texas in the amount not to exceed \$63,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility.  
**The motion authorizing the acquisition for the Austin Clean Water Program was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
7. Authorize the fee simple acquisition of Lot 1, Block 3, of Bergstrom Downs No. 1, locally known as 734 Patton Ave, from SHIZUKO MARY UECKER for the Airport Noise Mitigation Program, in the amount of \$105,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$15,000, for an amount not to exceed \$120,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.  
**The motion authorizing the fee simple acquisition of Lot 1, Block 3, of Bergstrom Downs No. 1 from Shizuko Mary Uecker was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
8. Approve an ordinance authorizing the fee simple acquisition of Lot 8, Block 1, of Bergstrom Downs No. 1, locally known as 808 Patton Ave, from JOSE M. VELAZQUEZ and CELIA A. VELAZQUEZ for the Airport Noise Mitigation Program, in the amount of \$97,000 for the land and improvements and \$33,000 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$140,000, 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 \$140,000 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.

**Ordinance No. 20090611-008 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

9. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH 82.57%), Austin, Texas for the 2009 Miscellaneous Bridge Maintenance Project in an amount not to exceed \$166,240. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 82.57% MBE contractor participation and 17.43% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
10. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH 93.65%), Austin, Texas for the Americans with Disabilities (ADA) Sidewalk and Ramp Improvements 2009 Group 7 City Wide in the amount of \$1,999,420.50 plus a \$199,942.05 contingency, for a total contract amount not to exceed \$2,199,362.55. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 3.39% MBE and 2.96% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
11. Approve the negotiation and execution of a 6-month lease renewal for 30,000 square feet of warehouse space for evidence storage by the Austin Police Department, located at 921 Reinli, from GOLDSTAR INVESTMENTS LTD, Austin, TX., in an amount not to exceed \$63,000. Funding in the amount of \$35,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining contract period is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of a lease renewal from Goldstar Investments Ltd was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
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 18, 2009 on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
13. Authorize the negotiation and execution of a co-sponsorship agreement between the City and the Capital of Texas Public Telecommunications Council, KLRU TV-18/Austin, to sponsor the Austin City Limits concert series, from October 1, 2008 to September 31, 2011, in an amount not to exceed \$225,000

annually, for a total contract amount not to exceed \$657,000. Future years funding is contingent upon available funding in the future Operating Budgets of the Austin Convention Center.

**The motion authorizing the negotiation and execution of a co-sponsorship agreement between the City and the Capital of Texas Public Telecommunications Council, KLRU TV-18 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

14. 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.  
**The motion authorizing the execution of an interlocal agreement with the University of Texas, Professional Development Center was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
15. Approve an ordinance amending the Fiscal Year 2008-2009 Emergency Medical Services Department Fee Schedule of Ordinance 20080908-006, to increase EMS patient transport and mileage fees and approve a discount base fee. Recommended by the Austin - Travis County EMS Advisory Board.  
**Ordinance No. 20090611-015 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
16. Approve an ordinance establishing classifications and positions in the classified service of the Fire Department, eliminating and creating certain positions, and repealing Ordinance No. 20081120-020 relating to Fire Department classifications and positions. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department.  
**Ordinance No. 20090611-016 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
17. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County Emergency Services District Number 4 for firefighter certification training at a cost to the City not to exceed \$33,000. This contract provides that the parties may agree in writing to renew this Agreement for an additional two-year term under the same terms and conditions, such renewal to be contingent upon sufficient funding. Funding in the amount of \$33,000 is included in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County Emergency Services District Number 4 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
18. Approve an ordinance accepting \$30,601 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 \$30,601 for the purposes of HIV/AIDS health education and prevention in Travis County and to add one full-time equivalent position. 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. 20090611-018 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

19. Approve an ordinance accepting \$14,507 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH; and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$14,507 for the Refugee Health Screening Program. Funding is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch. The grant period is October 1, 2008 through September 30, 2009.  
**Ordinance No. 20090611-019 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
20. Approve negotiation and execution of Amendment No. 7 to the Interlocal Agreement between the City and Travis County to fund and administer the Summer Youth Employment Stipend program for the period October 1, 2008 through September 30, 2009 for an annual amount not to exceed \$562,554 (\$345,000 City; \$217,554 County). Funding in the amount of \$298,777 is available in the Fiscal Year 2008-2009 Operating Budget for the Health and Human Services Department. Funding in the amount of \$46,223 is available in the Fiscal Year 2008-2009 Operating Budget for the Human Resources Department. Funding in the amount of \$217,554 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department from Travis County.  
**The motion authorizing the negotiation and execution of amendment number seven to the interlocal agreement between the City and Travis County was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
21. Authorize negotiation and execution of Amendment Number 8 to the Interlocal Agreement among the City, Travis County and the Travis County Juvenile Board to increase City funding for the Truancy Court Program to provide chronic truancy intervention by \$1,313 for a total annual amount not to exceed \$38,828, with one remaining 12-month renewal option in an amount not to exceed \$38,828, for a total contract amount not to exceed \$151,417. Funding in the amount of \$38,828 is included in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. The term of the contract is October 1, 2008 through September 30, 2009. Funding for renewal options is contingent on available funding in future budgets.  
**The motion authorizing the negotiation and execution of amendment number eight to the interlocal agreement among the City, Travis County and the Travis County Juvenile Board was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

**Item 22 was pulled to be heard after the related Executive Session item.**

23. Authorize negotiation and execution of an amendment to an outside legal contract with Denton, Navarro, Rocha & Bernal for legal services related to Austin Firefighters Association v. City of Austin and Travis County Emergency Services District No. 9, cause no. D-1-GN-08-003824 in the 98th Judicial District Court of Travis County Texas, in an amount of \$39,000, for a total contract amount not to exceed \$112,000 (concerns an Automatic Aid Agreement with ESD No. 9 and other similar Aid Agreements). Funding in the amount of \$39,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Liability Reserve Fund.  
**The motion authorizing the negotiation and execution of an amendment to an outside legal contract with Denton, Navarro, Rocha & Bernal was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

24. Authorize award, negotiation, and execution of Amendment No. 10 to a contract with AVAYA, INC., Oklahoma City, OK, for the purchase of telephone system equipment, software and services, to increase the contract in an amount not to exceed \$1,100,000, for a revised total contract amount not to exceed \$7,795,490. Funding in the amount of \$961,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$139,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Contract Amendment. 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 Electric Utility Commission.  
**The motion authorizing the award, negotiation and execution of amendment number ten to a contract with Avaya, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
25. Authorize award and execution of a contract with APPLIED BIOSYSTEMS, Foster City, CA for the purchase of a genetic analyzer for the Austin Police Department in an amount not to exceed \$88,923. Funding is available in the Austin Police Special Revenue Fund, 2008 Forensic DNA Backlog Reduction Grant 2008-DN-BX-K022. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract with Applied Biosystems was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
26. Authorize award and execution of a 36-month requirements supply contract with LAKE AUSTIN MARINA, Austin, TX to provide fuel for the public safety boats on Lake Austin in an estimated amount not to exceed \$189,150, with three 12-month extension options in estimated amounts not to exceed \$69,457 for the first extension option, \$72,930 for second extension option, and \$76,576 for the third extension option, for a total estimated contract amount not to exceed \$408,113. Funding in the amount \$15,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 33 months of the original contract and the extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with Lake Austin Marina was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
27. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BUYBOARD) with ONE STOP BUS STOP, INC., Irving, TX for the purchase of a 24-passenger bus in an amount not to exceed \$69,485. Funding is available in the Fiscal Year 2008-2009 Vehicle Acquisition Fund. 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 One Stop Bus Stop, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

28. Authorize award and execution of a 12-month requirements supply contract through the State of Texas, Comptroller of Public Accounts (CPA) with SANOFI PASTEUR, Swiftwater, PA for influenza vaccine in an estimated amount not to exceed \$116,063. Funding is available in the Operating Budgets of the following departments: Health and Human Services Department, \$71,940; Human Resources Department, \$33,572; Austin Fire Department, \$7,674; and Emergency Medical Services Department, \$2,877. 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 requirements supply contract through the State of Texas, Comptroller of Public Accounts (CPA) with Sanofi Pasteur was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
29. Authorize award and execution of a 24-month requirements supply contract with ERGON ASPHALT & EMULSIONS, INC., Austin, TX, for the purchase of asphalt emulsions in an estimated amount not to exceed \$5,470,600, with two 12-month extension options in an estimated amount not to exceed \$2,735,300 per extension option, for a total estimated contract amount not to exceed \$10,941,200. Funding in the amount of \$911,767 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works-Transportation Department. 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 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with Ergon Asphalt & Emulsions, Inc. was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
30. Authorize award and execution of a contract with BALAR EQUIPMENT, Houston, TX for the purchase of a step van equipped with storm drain line inspection television equipment in an amount not to exceed \$114,545. Funding in the amount of \$114,545 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department (WPDR). Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract with Balar Equipment was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
31. Approve an ordinance amending Ordinance No. 20090312-015 relating to suspension of the proposed rates and tariffs by Texas Gas Service, a division of ONEOK, INC. Related to Item #68.  
**Ordinance No. 20090611-031 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
32. Approve an ordinance repealing and replacing Chapter 12-3 of the City Code relating to Metered and Pay Station Parking. Reviewed by the Urban Transportation Commission.  
**Ordinance No. 20090611-032 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
33. Authorize the negotiation and execution of a Roadway Improvement Agreement with RREEF Domain, LP, to fund construction of Texas Department of Transportation (TxDOT) directional signage

improvements along a portion of Loop 1. Funding in the amount of \$9,273 will be submitted to the City by RREEF Domain, LP for deposit into escrow. This includes \$8,073 that the City must pay to TxDOT to begin the work plus a 15% contingency and 5% for City of Austin administrative and indirect costs. Related to Item #34.

**The motion authorizing the negotiation and execution of a Roadway Improvement agreement with RREEF Domain, LP was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

34. Approve a resolution authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT), to provide funds for construction of roadway improvements along a portion of Loop 1, in the amount of \$8,073. Related to Item #33.  
**Resolution No. 20090611-034 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
35. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Norseman Terrace to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Wooldridge Elementary School. Funding in the amount of \$3,535.89 is available in the Fiscal Year 2008-2009 Child Safety Fund of the Department of Public Works.  
**Ordinance No. 20090611-035 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

**Item 36 was pulled to be heard after the related Executive Session item.**

37. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

**Board**

**Nominated By:**

2006 Bond Oversight Committee

Katrina Daniel

Council Member Shade

Austin Airport Advisory Commission

Robert Gale

Council Member Morrison

Austin Generation Resource Planning Task Force

Cary Ferchill

Council

Chris Herbert (representing Resource Management Commission)

Council

Matt Johnson

Council

Cyrus Reed

Council

Ron Rogerson

Council

Phillip Schmandt (representing Electric Utility Commission)

Council

Mike Sloan

Council

John Sutton

Council

Roger Wood

Travis County Healthcare District Board of Managers

Anthony Haley (joint appointment with Travis County)

Council

Waller Creek Citizen Advisory Committee



Dr. Kathryne Tovo (Liveable City)

Council Member Cole

38. Approve an ordinance amending the City Code to amend Section 2-1-25 (Public Financial Statements), add a new Section 2-1-171 (Public Safety Commission), and amend Subsection 2-7-72(C) (Reports). (Council Member Mike Martinez Council Member Lee Leffingwell )  
**This item was postponed on consent to June 18, 2009 on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
39. Approve a resolution creating the Austin Generation Resource Planning Task Force to examine and make recommendations regarding Austin Energy's generation resource plan. (Council Member Lee Leffingwell Council Member Mike Martinez Mayor Will Wynn)  
**Resolution No. 20090611-039 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
40. Approve a resolution directing the City Manager to continue the incorporation of transparency as a core value in the design and execution of the City's new website. (Council Member Randi Shade Council Member Lee Leffingwell )  
**Resolution No. 20090611-040 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
41. Approve a resolution supporting the efforts of College Houses, Inc. and the North American Students of Cooperation Development Services to secure federal funding for the College Housing Loan Fund that would focus funds on housing for low-income college students and allow cooperative student housing organizations to access those funds. (Council Member Laura Morrison Council Member Lee Leffingwell and Council Member Sheryl Cole)  
**Resolution No. 20090611-041 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
42. Approve the waiver of signature requirements under City Code Chapter 14-8 for the street event related to the premiere of the film "Shorts" by Troublemaker Studios and the fund raising event for Thoughtful House which is to be held on August 1, 2009, in the 700 block of Congress Avenue. (Mayor Pro Tem Brewster McCracken Council Member Mike Martinez )  
**The motion approving the waiver of signature requirements for the street event related to the premiere of the film "Shorts" and the fund raising event for Thoughtful House was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
43. Approve the waiver of certain fees and requirements for the Workers Defense Project (Protecto Defensa Laboral) event that will be held on July 14, 2009, at the Mexican American Cultural Center (MACC). (Council Member Mike Martinez Council Member Laura Morrison )  
**The motion approving the waiver of certain fees and requirements for the Workers Defense Project (Protecto Defensa Laboral) event was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**
44. Approve the waiver of certain fees and requirements for the United Way's Vivir Unidos event that will be held on June 18, 2009, at the Mexican American Cultural Center (MACC). (Council Member Mike Martinez Mayor Will Wynn )  
**The motion approving the waiver of certain fees and requirements for the United Way's Vivir Unidos event was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.**

45. Approve the waiver of certain fees for the Blue Light Lapis performance of Impermanence that will be held on June 18, 2009, at the J.J Pickle Federal Building located at 300 E. 8th St. (Council Member Sheryl Cole Mayor Will Wynn Council Member Randi Shade)  
The motion approving the waiver of certain fees for the Blue Light Lapis performance of Impermanence was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.
46. Approve the waiver of certain fees for the Young Women's Christian Association (YWCA) use of Garrison Pool that will be held on July 9 and July 29, 2009. (Council Member Sheryl Cole Council Member Randi Shade Council Member Lee Leffingwell)  
The motion approving the waiver of certain fees for the Young Women's Christian Association (YWCA) use of Garrison Pool was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.
47. Set a public hearing to receive citizen comment on: 1) Draft five-year Consolidated Plan for Fiscal Years October 1, 2009 - September 30, 2014, as required by the U.S. Department of Housing and Urban Development; 2) the Draft Annual Fiscal Year 2009-10 Action Plan, as required by the U.S. Department of Housing and Urban Development; and 3) the Community Development 2009-10 Program, as required by the Texas Local Government Code Chapter 373. (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 was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.

Item 48 was a briefing item set for 10:30 a.m.

Items 49 through 51 were Executive Session items.

Items 52 and 53 were briefing items set for 2:00 p.m.

Items 54 through 67 were zoning items set for 4:00 p.m.

Items 68 through 75 were public hearing items set for 6:00 p.m.

### **BRIEFING**

48. Update on Fiscal Year 2009-2010 budget development process  
The presentation was made by City Manager Marc Ott and Budget Officer Ed Van Eenoo.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:14 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.

49. Discuss legal issues relating to vacancies on City boards and commissions. (Private Consultation with Attorney - Section 551.071). Related to Item #22.

Items 50 and 51 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:07 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Pat Valls-Trelles - Animal issues

Rae Nadler-Olenick - Water fluoridation

Lynn Goodman-Strauss - Thank Chief Acevedo for a kinder and safer downtown

Gus Peña - 1.To discuss the budget 2. Crime is on the increase; do not postpone any other police academy classes 3. Please fund fully all social service agencies, the need is greater 4. Improve communication with the public 5. Please support and help all military veterans with their needs, housing, mental health, PTSD and re-entry programs

Molly Warnock - Interlude to Inspiration

Kelly Harris - Billboard in South Lamar

Girard Kinney - Billboards

David Edrich - Billboard ordinance

Ernest Auerbach - Billboard at Lamar Blvd.

Rodrigo Gonzalez- De-Cossio - Billboard ordinance. He was not present when his name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:50 p.m.

**EXECUTIVE SESSION CONTINUED**

50. Discuss legal issues related to property located at 328 Heartwood, concerning: appeal of site plan disapproval; pending code enforcement action; permitting issues; and a floodplain variance request.(Private Consultation with Attorney - Section 551.071). Related to Items #36, 72, and 73.
51. Discuss legal issues relating to 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. (Private Consultation with Attorney - Section 551.071). Related to Item #71.

Executive Session ended at 2:07 p.m.

Mayor Wynn recessed the Council Meeting at 2:07 p.m.

Mayor Wynn called the Council Meeting back to order at 3:15 p.m.

**BRIEFINGS**

52. Staff presentation on proposed amendments to tree regulations

The presentation was made by Pat Murphy, Assistant Director for Watershed Protection and Development Review. Direction was given to staff to look at the type of trees to promote that can be planted as a canopy as the topic of urban planning principles are addressed. They were asked to meet with the staff involved in the development of the commercial design standards and research the possibility of involving the public when a variance is requested.

53. Briefing on proposed Whisper Valley/Indian Hills Development Agreement affecting 2,340 acres of undeveloped land in the Desired Development Zone adjacent to State Highway 130  
The presentation was made by Pat Murphy, Assistant Director for Watershed Protection and Development Review.

### DISCUSSION ITEMS

22. Approve an ordinance amending Ordinance No. 20071129-011, and Chapter 2-1 relating to city boards, and validating board members and board actions. Related to Item # 49.  
Ordinance No. 20090611-022 was approved on emergency passage on Council Member Morrison's motion, Council Member Shade's second on a 5-0 vote. Council Member Leffingwell was off the dais. Council Member Cole was absent.
36. Consider an ordinance establishing site-specific development regulations for a property located at 328 Heartwood Dr. Related to Items #50, 72, and 73.  
This item was postponed to July 23, 2009 on Council Member Martinez' motion, Council Member Leffingwell's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Cole was absent.

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:28 p.m. See separate minutes.

### LIVE MUSIC

Kalu James

### PROCLAMATION

Mayor Wynn called the Council Meeting back to order at 6:35 p.m.

### ZONING CONSENT ITEMS

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

54. NPA-2009-0018.01 - Highland Combined Neighborhood Planning Area Vertical Mixed Use (VMU) Neighborhood Plan Amendment - Approve second/third readings of 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). First reading approved on May 14, 2009. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

**Ordinance No. 20090611-054 to change the land use designation on the Future Land Use Map to Mixed Use and Mixed Use/Office designation on selected tracts in the Highland Neighborhood Planning area was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**

55. C14-2009-0012 - Highland Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of 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. First reading approved on May 14, 2009. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

**Ordinance No. 20090611-055 for Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Highland Neighborhood Planning Area was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**

57. C14-2008-0183.SH - Lexington Parke - Approve second/third readings of 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-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. First reading approved on May 21, 2009. Vote: 7-0. Applicant: Lexington 281, L.P. (Mehrdad Moayed). Agent: Kodiak Development (Brian Saathoff). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20090611-057 for 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 was approved on consent on Council Member Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**

### ZONING CONSENT ITEMS

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

58. C14-2009-0010 - Stoney Ridge Substation - Conduct a public hearing to approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7007 1/2 Heine Farm Road (Dry Creek East Watershed) from single-family residence-small lot (SF-4A) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Planning Commission Recommendation: To grant public (P) district zoning. Applicant: SR Development Inc. (William Gurasich). Agent: Austin Energy (Judy Fowler). City Staff: Wendy Rhoades, 974-7719.
- This item was postponed on consent to June 18, 2009 at the staff's request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**

59. NPA-2009-0002.01 - East César Chávez Neighborhood Planning Area Vertical Mixed Use Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 001214-20, the East César Chávez Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from open space to mixed use on selected tracts within the East César Chávez Neighborhood Planning Area, bounded by the alley between East 6th Street and East Seventh Street to the north, Chicon Street to the east, Lady Bird Lake to the south and IH 35 to the west (Town Lake, Waller Creek Watersheds). Staff Recommendation: To approve mixed use on selected tracts. Planning Commission Recommendation: To approve mixed use on selected tracts. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jacob Browning, 974-7657.
- This item was postponed on consent to July 23, 2009 at the staff's request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**
60. C14-2009-0036 - East César Chávez 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 East César Chávez Neighborhood Planning Area, bounded by the alley between East 6th Street and East 7th Street to the north; Chicon Street to the east; Lady Bird Lake to the south; and IH 35 to the west (Town Lake; Waller 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 (VMU) zoning with dimensional standards and additional uses in office districts. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jacob Browning, 974-7657.
- This item was postponed on consent to July 23, 2009 at the staff's request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**
62. 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.
- The public hearing was closed and Ordinance No. 20090611-062 for vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district was approved on consent on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent. Tract 6 was approved for vertical mixed use building (V) zoning with dimensional standards, off-street parking reduction and additional ground floor commercial**

uses in office districts. Tracts 1-5 were excluded from the VMU Overlay District. An affordability level of 80% of the median family income for 10% of rental units in a vertical mixed use building was included.

63. 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 July 23, 2009 at the applicant's request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**
65. C14-2009-0030 - Beal #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1503 West Avenue (Shoal Creek Watershed) from family residence-historic landmark (SF-3-H) combining district zoning to limited office-mixed use-historic landmark (LO-MU-H) combining district zoning. Staff Recommendation: To grant limited office-mixed use-historic landmark (LO-MU-H) combining district zoning. Planning Commission Recommendation: To deny limited office-mixed use-historic landmark (LO-MU-H). Applicant: City of Austin, Contract and Land Management Department. Agent: Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.  
**This item was postponed on consent to August 20, 2009 at the applicant's request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**
66. 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 18, 2009 at the applicant's request on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent.**

### ZONING DISCUSSION ITEMS

56. C14-2007-0262 - Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve third reading of 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 Central Austin Combined Neighborhood Planning Area, bounded by 45th Street on the north, IH-35 on the east, Martin Luther King, Jr. Boulevard on the south, excluding the University of Texas at Austin campus, and Lamar Boulevard on the west (Shoal Creek, Waller 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 within the Central Austin Combined Neighborhood Planning Area from the overlay district. First reading was approved on January 29, 2009. First reading for Tract 10 was approved on February 26, 2009. Second reading for all tracts was approved on March 5, 2009. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

**Ordinance No. 20090611-056 with the following amendments and conditions was approved on Council Member Shade's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was absent. Tracts 2-6, 10B, 11-12, 14-52, 57-64, and 66-67 were excluded from the VMU Overlay District. Tracts 1, 7-9, 13, 65, and 103 were approved for vertical mixed use building (V) zoning with only dimensional standards and additional uses in office districts. Tract 10A was approved for vertical mixed use building (V) zoning with only dimensional standards and additional uses in office districts with Council directed conditions. Tracts 53-56 were approved for vertical mixed use building (V) zoning (no dimensional standards, parking reduction or additional uses in office zoning districts). Tracts 101-102 were approved for vertical mixed use building (V) zoning with only dimensional standards. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.**

The last paragraph of Part 3 of the ordinance should read: "Improvements permitted within the buffer zone are limited to curb cuts, drainage, underground utilities, driveways, sidewalks and trail improvements, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance. The location of these improvements must be approved by the city arborist to assure that Class I trees within the buffer areas are preserved."

A friendly amendment was made by Council Member Morrison to have Part 3 E (3) (d) read: "A minimum depth of 20 feet along West Avenue beginning at the corner of West Avenue and West 38<sup>th</sup> Street where existing Class I trees are located, then southward for a distance of approximately 245 ft." The friendly amendment was accepted by Council Member Shade the maker of the motion and Council Member Leffingwell who seconded the motion.

61. 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.

The public hearing was closed and **Ordinance No. 20090611-061 for townhouse and condominium residence (SF-6) district zoning to change a condition of zoning was approved on Council Member Martinez' motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem McCracken was off the dais. Council Member Cole was absent.**

64. C14-2008-0234 - ZFB, Ltd. Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9710 and 9718 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining 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: Pohl Brown & Associates (William Pohl). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.

The public hearing was closed and the first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning with the following conditions was approved on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent. The conditions were as follows: one story convenient storage as the only (CS) commercial services use, all other (LO) limited office type uses and a 2,000 trip limitation per day. The additional permitted uses were as follows: art gallery and software development. The Austin Metropolitan Roadway Plan calls for right-of-way of 114 feet for Anderson Mill Road. If zoning is granted, applicant is required to dedicate 57 feet of this amount. Applicant and staff have agreed to defer right-of-way dedication to a later stage in the development process. Direction was given to staff to bring the item back for second and third readings on June 18, 2009. A friendly amendment was made by Council Member Morrison to add as additional conditional uses screening mechanical equipment on the roof and to have compatibility standard for screening and lighting. The friendly amendment was accepted by Council Member Leffingwell, the maker of the motion, and Council Member Shade, who seconded the motion.

67. C14-2009-0038 - 11609 Anderson Mill Road - Conduct a public hearing to approve an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 11609 Anderson Mill Road (Bull Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Henry B. Mayes and Kathleen M. Mayes. Agent: Land Strategies, Inc. (Paul Linehan). City Staff: Sherri Sirwaitis, 974-3057. The public hearing was closed and Ordinance No. 20090611-067 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was absent. The condition was a 2,000 trip limitation per day. The restrictive covenant between the City and the applicant would dedicate 57 feet of right-of-way from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan and a dedication of right-of-way shall occur prior to approval of subdivision or site plan application.

#### PUBLIC HEARING AND POSSIBLE ACTION

72. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #36, 50, and 73. This item was postponed to July 23, 2009 on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was absent.
73. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek. August 13,

2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #36, 50, and 72.

**This item was postponed to July 23, 2009 on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was absent.**

68. Conduct a public hearing and consider an ordinance adopting new rates and tariffs for customers of Texas Gas Service. Related to Item #31.

**This item was postponed to June 18, 2009 on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was absent.**

69. Conduct a public hearing and consider a resolution authorizing the use of approximately 30,865 square feet (0.71 acre) for a temporary staging and material storage site area for construction of a reclaimed water main for the Red River to UT Transmission Main Project through dedicated parkland known as the Hancock Golf Course, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

**The public hearing was closed and Resolution No. 20090611-069 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was absent.**

70. Conduct a public hearing and consider a resolution authorizing the use of approximately 4,211 square feet (0.097 acre) for right-of-way use to allow for the construction of the West Gate Boulevard Extension Project from Cameron Loop to Cohoba Drive through dedicated parkland known as the Piney Bend Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

**The public hearing was closed and Resolution No. 20090611-070 was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 6-0 vote. Council Member Cole was absent.**

71. Conduct a public hearing and 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. The Planning Commission approved staff's recommendation to approve the Conditional Use Permit with conditions. Related to Item #51.

**The motion to declare standing on behalf of the appellant was made by Council Member Morrison and seconded by Mayor Pro Tem McCracken. The motion failed on a vote of 3-3. Those voting aye were: Mayor Pro Tem McCracken and Council Members Morrison and Shade. Those voting nay were: Mayor Wynn and Council Members Leffingwell and Martinez. Council Member Cole was absent.**

**This item was postponed to June 18, 2009 on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 6-0 vote. Council Member Cole was absent.**

74. Conduct a public hearing and approve third reading 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 closed and Ordinance No. 20090611-074 was approved, with the following amendment on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was absent.

The amendments were as follows:

Part 25 should read: "The following requirements apply to a Planned Unit Development (PUD):

(A) A PUD approved after the effective date of this ordinance is subject to the requirements of this ordinance. This does not limit a PUD's ability to modify the Waterfront Overlay.

(B) Property located within an existing PUD on the date that this ordinance is adopted is not subject to the requirements of this ordinance if the property remains in the PUD, except that an amendment to an existing PUD is subject to the requirements of this ordinance if the amendment:

1. constitutes a "substantial amendment" under Section 3.1.2 (Substantial Amendment) of Chapter 25-2, Subchapter B, Article 2, Division 5 (Planned Unit Developments); and
2. increases the size, scale, or density of development allowed within the PUD or further encroaches into the Waterfront Overlay setbacks."

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Shade's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was absent.

75. 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.

The public hearing was closed and Ordinance No. 20090611-075 was approved on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was absent. Direction was given to staff that Council must see proof of serious improvement in crime in this area and schedule an update with Council prior to moving forward with the construction of this bridge.

Mayor Wynn adjourned the meeting at 10:52 p.m. without objection.

The minutes for the Regular meeting of June 11, 2009 were approved on this the 18th day of June 2009 on Council Member Shade's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.