

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 15, 2009**

Invocation: Rev. Dr. Mark S. Nuckols, Pastor, St. Paul's Lutheran 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, October 15, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:03 a.m.

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 special called meetings of July 22, 2009 and September 17, 2009; and regular meeting of October 1, 2009.
The minutes from the July 22 and September 17, 2009 special called meetings and the October 1, 2009 regular meeting were approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
2. Approve a resolution authorizing the filing of eminent domain proceedings for the South IH-35 Water/Wastewater Program to acquire a 108,608 square foot waterline easement, a 72,345 square foot temporary working space easement, a 40,000 square foot temporary staging area and materials storage site easement, and a 35,718 square foot temporary staging area and materials storage site easement, out of the Santiago Del Valle Grant, Travis County, Texas in the amount of \$192,980. The owner of the needed property interests is TRAVIS MIZPAH, LTD. The property is located at 11922 South IH35, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.
Resolution No. 20091015-002 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
3. Approve a resolution authorizing the filing of eminent domain proceedings for the South IH-35 Water/Wastewater Program to acquire a 892 square foot permanent waterline easement and a 596 square foot temporary working space easement, out of the Santiago Del Valle Grant, Travis County, TX, in the amount of \$1,360. The owner of the needed property interests is BURNYA MAE MCLEOD, as Trustee of the Burnya Mae McLeod Trust. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility.
Resolution No. 20091015-003 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
4. Approve a resolution authorizing the filing of eminent domain proceedings for the Elroy Water Transmission Main Project to acquire a 3,107 square foot permanent water line easement out of Lot 17 of

the Valle San Jose Addition, Section One, a Subdivision of record in Book 38, Page 31, Plat Records, Travis County, TX, in the amount of \$1,035. The owners of the needed property interests are ANDREW M. ORTIZ JR. AND CHRISTINA PRIETO, F/K/A CHRISTINA P. ORTIZ. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

Resolution No. 20091015-004 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

5. Approve negotiation and execution of four one-year lease extension options for 1,600 square feet of office space for the Communicable Disease, HIV/STD Prevention Program of the Health and Human Services Department, located at 7901 Cameron Road, Suite 224, from DAVID ANTHONY INC., Austin TX, in an amount not to exceed \$24,720 for the first extension option, \$25,920 for the second extension option, \$26,698 for the third extension option and \$27,499 for the fourth extension option, for a total amount not to exceed \$104,837. Funding in the amount of \$17,860 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the remaining lease option periods is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of four one-year lease extension options from David Anthony Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

6. Authorize negotiation and execution of an amendment to the professional services agreement with WALLACE, ROBERTS, & TODD, LLC, Philadelphia, PA, for professional planning services for the new Comprehensive Plan for the City of Austin in the amount of \$1,190,000, for a total contract amount not to exceed \$1,340,000. Funding in the amount of \$1,190,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Planning and Development Review Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.80% MBE and 14.20% WBE subconsultant participation to date.

This item was postponed to October 22, 2009 on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Item 7 was pulled for discussion.

8. Approve an ordinance authorizing the City Manager to negotiate and execute an amendment to the economic development agreement with NBC Universal, Inc. for the Friday Night Lights television program to amend the performance criteria.

Ordinance No. 20091015-008 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

9. Approve an ordinance accepting \$50,000 in grant funds from the NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, Washington, D.C., and amending the Fiscal Year 2009-2010 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$50,000 to fund the implementation of a project to integrate climate change initiatives and public health programs at local health departments. Funding in the amount of \$50,000 is available from the National Association of County and City Health Officials. The grant period is August 1, 2009 through May 31, 2010.

Ordinance No. 20091015-009 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

10. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation to allow Austin Police Department officers to work on an off duty contract

at Commission meetings. Funding from the Texas Department of Transportation is available in an amount not to exceed \$11,000. Texas Department of Transportation.

The motion authorizing the negotiation and execution of an interlocal agreement between City of Austin and the Texas Department of Transportation was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

11. Approve an ordinance accepting \$1,398,506 in grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY09 Recovery Act Byrne Competitive Program; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$1,398,506 for the Police Department Emergency Communications Services Improvement Program and to add full-time equivalent positions to the program: four Emergency 9-1-1 Dispatchers and eight Emergency 9-1-1 Call Takers. Funding is available from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY09 Recovery Act Byrne Competitive Program for the grant period August 1, 2009 - July 31, 2011. There is no required match.
Ordinance No. 20091015-011 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
12. Approve an ordinance accepting \$107,359 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$107,359 for the salaries of three victim services counselors under the Services for Victims of Domestic Violence Program. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2009 - August 31, 2010. A match of \$57,809 is required and will be met by reporting the salary of an existing victim services supervisor.
Ordinance No. 20091015-012 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
13. Authorize award and execution of a 36-month service contract with SIEMENS ENERGY & AUTOMATION, INC., DFW Airport, TX for telephone technical support for on-site services of the baggage handling system in an estimated amount not to exceed \$225,000, with two 12-month extension options in an estimated amount not to exceed \$75,000 per extension option, for a total estimated contract not to exceed \$375,000. Funding in the amount of \$75,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. However, the contractor is subcontracting 48% of the work with Borealis Control Systems, Inc. (WBE)-\$36,000. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the award and execution of a service contract with Siemens Energy & Automation, Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
14. Authorize award and execution of Amendment No. 2 to the contract with MCCULLOUGH HEATING AND AIR CONDITIONING, Austin, TX; AIRTECH ENERGY SYSTEMS, Austin, TX; and CLIMATE MECHANICAL, Austin, TX, for the weatherization of single-family homes, manufactured homes, and duplexes for eligible low-income, elderly or disabled Austin Energy customers, to increase the contract in an estimated amount not to exceed \$150,000 for the current contract term, for a revised total estimated contract amount not to exceed \$2,474,999. Funding in the amount of \$150,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Contract Amendment. This contract will be

awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of amendment number two to the contract with McCullough Heating and Air Conditioning, Airtech Energy Systems, and Climate Mechanical was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

15. Authorize award and execution of a 36-month requirements service contract with ALEON PROPERTIES, INC. (MBE), Austin, TX for graffiti removal services in an estimated amount not to exceed \$378,720, with three 12-month extension options in an estimated amount not to exceed \$126,240 per extension option, for a total estimated contract amount not to exceed \$757,440. Funding in the amount of \$126,240 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining 24-months of the original contract period and extension options is contingent upon funding in future budgets. Best evaluated 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 Aleon Properties, Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
16. Authorize award and execution of a 12-month requirements service contract with TITUS SYSTEMS LP, Round Rock, TX for maintenance, repair, and expansion of the City's physical fiber network in an estimated amount not to exceed \$380,000, with four 12-month extension options in estimated amounts not to exceed \$1,025,000 for the first extension option, \$575,000 for the second extension option, \$425,000 for the third extension option, and \$565,000 for the fourth extension option, for a total estimated contract amount not to exceed \$2,970,000. Funding in the amount of \$380,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated bid meeting specifications of two 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 Titus Systems LP was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Item 17 was pulled for discussion.

18. Authorize award and execution of Amendment No. 1 to a contract with EXCELL FUELING SYSTEMS, Austin, TX, to increase the contract amount for the maintenance and repair program for fuel tanks in an amount not to exceed \$262,646 for the basic contract period and \$29,000 for each extension option for a revised total estimated contract amount not to exceed \$1,223,676. Funding in the amount of \$262,646 is available in the Fiscal Year 2009-2010 Operating Budget of the Finance and Administrative Services Department, Fleet Fund. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. 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 amendment number one to a contract with Excell Fueling Systems was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

19. Authorize award and execution of a 36-month requirements service contract with TRUCK CITY FORD dba LEIF JOHNSON FORD, Buda, TX to provide repair services for Ford medium and heavy-duty vehicles in an estimated amount not to exceed \$450,000, with three 12-month extension options in estimated amounts not to exceed \$172,800 for the first extension option, \$207,360 for the second extension option, and \$248,832 for the third extension option, for a total estimated contract amount not to exceed \$1,078,992. Funding in the amount of \$150,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 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. The motion authorizing the award and execution of a requirements service contract with Truck City Ford doing business as Leif Johnson Ford was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
20. Authorize award and execution of a 36-month requirements service contract with SOUTH POINT CHRYSLER DODGE JEEP, Austin, TX to provide repair services for Dodge medium and heavy-duty vehicles in an estimated amount not to exceed \$300,000, with three 12-month extension options in estimated amounts not to exceed \$120,960 for the first extension option, \$145,152 for the second extension option, and \$174,182 for the third extension option, for a total estimated contract amount not to exceed \$740,294. Funding in the amount of \$100,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sharon Patterson, Senior Buyer, 972-4014 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 South Point Chrysler Dodge Jeep was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
21. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. The following appointments and waivers were approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Board**Asian American Resource Center Advisory Board**

Dr. Chiawen Hsu

Downtown Commission

Richard Weiss (representative – Design Commission)

Bruce Willenzik (representative – Arts Commission)

Historic Landmark Commission

Dan Leary

Nominated By:

Mayor Pro Tem Martinez

Council Member Riley

Mayor Leffingwell

Mayor Leffingwell

Waller Creek Citizen Advisory Committee

Jeb Boyt

Council

Jane Rivera (recommended by the Parks and Recreation Board)

Council

Task Force NominationsComprehensive Plan Citizens Advisory Task Force

Cecilia "Ceci" Gratias

Council

Patricia Dabbert

Council

Karl-Thomas Musselman

Council

Jose "Danny" Rodriguez

Council

Item 22 was pulled for discussion.

23. Approve a resolution directing the City Manager to work with the Sustainable Food Policy Board and other stakeholders to examine the feasibility of affordable access to water through new water and wastewater rates and other measures for urban farming, and report back to the Council on or before January 12, 2010. (Council Member Chris Riley Mayor Pro Tem Mike Martinez)
Resolution No. 20091015-023 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
24. Approve a resolution amending Resolution 20070412-015 to increase the number of Waller Creek Citizen Advisory Committee members. (Council Member Sheryl Cole Council Member William Spelman)
Resolution No. 20091015-024 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
25. Approve a resolution directing the City Manager to prepare an ordinance amending Chapter 4-9 of the City Code relating to regulation of alcoholic beverages to change the boundaries of Designated Area No. 2. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Chris Riley)
Resolution No. 20091015-025 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
26. Approve the waiver of certain street event fees for the Barkitecture Austin 2009 event which is to be held Saturday, October 17, 2009, taking place in Austin's 2nd Street District. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Randi Shade)
The motion to approve the waiver of certain street event fees for the Barkitecture Austin 2009 event was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
27. Approve the waiver of certain fees for the SafePlace Field Day and Festival sponsored by the Foundation for SafePlace, Domestic Violence and Sexual Assault Survival Center which is to be held on Saturday, April 10, 2010, at Fiesta Gardens West End. (Council Member Randi Shade Council Member Chris Riley Council Member Sheryl Cole)
The motion to approve the waiver of certain fees for the SafePlace Field Day and Festival sponsored by the Foundation for SafePlace Domestic Violence and Sexual Assault Survival Center was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
28. Approve the waiver of certain fees for the sixth annual HousingWorks Fall Summit sponsored by Housing Works Austin which is to be held Saturday, November 14, 2009, at the Senior Activity Center

located at 2874 Shoal Crest Avenue. (Council Member Laura Morrison Council Member Randi Shade Council Member Chris Riley)

The motion to approve the waiver of certain fees for the sixth annual HousingWorks Fall Summit sponsored by Housing Works Austin was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

29. Approve the waiver of certain fees for the Wonders & Worries Donor Appreciation Luncheon sponsored by Wonders & Worries, Inc. which is to be held Thursday, November 5, 2010, at the Mexican American Cultural Center (MACC). (Council Member Laura Morrison Mayor Lee Leffingwell Council Member Chris Riley)

The motion to approve the waiver of certain fees for the Wonders & Worries Donor Appreciation Luncheon sponsored by Wonders & Worries, Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

30. Set a Public Hearing to consider an ordinance amending Chapter 25-1 of the City Code to establish public notice and hearing requirements for processing a proposed development agreement for a project proposed by a governmental entity. (Suggested date and time: November 5, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set for November 5, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

31. Set a Public Hearing to consider an ordinance amending Chapter 25-1 of the City Code, relating to neighborhood plan amendments. (Suggested date and time: November 5, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set for November 5, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Items 32 through 34 were Executive Session items.

Item 35 was a briefing item set for 2:00 p.m.

Items 36 through 41 were zoning items set for 2:00 p.m.

DISCUSSION ITEMS

7. Authorize negotiation and execution of an amendment to the professional services agreement with CARTER & BURGESS, INC., Austin, TX for design services (including public outreach, construction documents, federal, state and local permitting and surveying) for the Boardwalk Trail at Lady Bird Lake in the amount of \$590,000 for a total contract amount not to exceed \$2,040,000. Funding in the amount of \$590,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. 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 23.70% MBE and 23.00% WBE subconsultant participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Carter & Burgess, Inc. was approved on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.

17. Authorize award and execution of a 36-month requirements service contract with GILA CORPORATION dba MUNICIPAL SERVICES BUREAU, Austin, TX to collect delinquent accounts receivable for the

Emergency Medical Services Department in an estimated amount not to exceed \$1,085,313, with three 12-month extension options in an estimated amount not to exceed \$361,771 per extension option, for a total estimated contract amount not to exceed \$2,170,626. Funding in the amount of \$361,771 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of nine 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.

This item was postponed to October 22, 2009 on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

22. Approve a resolution directing Austin Energy to work with the Electric Utility Commission, Resource Management Commission, and stakeholders on changes to and communications regarding the solar program, including rebates. (Council Member Chris Riley Mayor Pro Tem Mike Martinez Council Member William Spelman)

Resolution No. 20091015-022 directing the City Manager to work with the Electric Utility Commission, the Resource Management Commission and other industry and consumer stakeholders was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:34 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.

Items 32 and 33 were discussed later in Executive Session.

34. Discuss legal issues in Charles Wilks and Eunice Wilks v. The City of Austin; No. D-1-GN-08-002518; In the District Court of Travis County, Texas, 201st Judicial District (concerns a serious injury collision involving an APD vehicle). (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:05 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Dusty Harshman - Austin Energy's solar rebate program

Paul Aviña - Poverty

Kyle Allen - Off-leash areas for dogs He was not present when his name was called.

Mehul Sheth - Solar rebate program

Dan McAtee - Austin Energy solar rebate program

Stoney Williams - Charity event He was not present when his name was called.

Myra Felder - To thank Mayor and Council for approving Mount Calvary Missionary Baptist Church as historic

Rev. L.K Jones - Mt. Calvary Missionary Baptist Church would like to thank Council for the approval of the historical landmark medallion.

Elizabeth Butman - Austin Energy Solar Rebate Program

Nailah, Sankofa - Artist issues She was not present when her name was called.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:16 p.m.

EXECUTIVE SESSION CONTINUED

32. Discuss legal issues related to an appeal of the Zoning and Platting Commission's approval of a site plan extension for a site located at 6015 N. Capital of Texas Highway, a project known as Champion Commercial Development. (Private Consultation with Attorney - Section 551.071).
33. Discuss legal issues regarding Lion's Municipal Golf Course and the University of Texas land known as the Brackenridge Tract. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:00 p.m.

Mayor Leffingwell recessed the Council Meeting at 1:00 p.m.

Mayor Leffingwell called the Council Meeting back to order at 2:00 p.m.

ZONING CONSENT ITEMS

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

36. C14-2009-0078 - Limerick - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: Postponed indefinitely. Applicant and Agent: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed indefinitely on consent on Council Member Spelman'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.)
37. C14-2009-0071 (Arrow A/C) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11606 North I.H. 35 Service Road Southbound (Walnut Creek Watershed) from neighborhood commercial (LR) 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 be reviewed on October 20, 2009. Applicant: Arrow A/C (Esmacil Rowsham). Agent: A.E.C., Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to November 5, 2009 at the staff's request on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

38. C14-2009-0097 - 11505 Anderson Mill Road Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11505 Anderson Mill Road (Bull Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To be reviewed on December 1, 2009. Applicant: Marvin and Elizabeth Henry. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to December 10, 2009 at the staff's request on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

39. C14-2009-0066 - Tea Embassy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 Rio Grande (Shoal Creek Watershed) from general office-historic landmark (GO-H) combining district zoning to neighborhood commercial-mixed use-historic landmark-conditional overlay (LR-MU-H-CO) combining district zoning. Staff Recommendation: To grant general office-historic landmark (GO-H) combining district zoning to neighborhood commercial-mixed use-historic landmark-conditional overlay (LR-MU-H-CO) combining district zoning. Planning Commission Recommendation: To grant general office-historic landmark (GO-H) combining district zoning to neighborhood commercial-mixed use-historic landmark-conditional overlay (LR-MU-H-CO) combining district zoning. Applicant: Eidschun Partners (Carol Sims). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20091015-039 for general office-historic landmark (GO-H) combining district zoning to neighborhood commercial-mixed use-historic landmark-conditional overlay (LR-MU-H-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

40. NPA-2009-0021.01 - System Control Center - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 the East Riverside/Oltorf Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from industry to civic for the property located at 2500 Montopolis Drive (Country Club East Watershed). Staff Recommendation: To approve civic land use designation. Planning Commission Recommendation: To approve civic land use designation. Applicant and Agent: Austin Energy (Lena Lund.) City Staff: Maureen Meredith, 974-2695.

The public hearing was closed and Ordinance No. 20091015-040 to change the land use designation on the future land use map (FLUM) to civic land use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

41. C14-2009-0018 - System Control Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 Montopolis Drive (Town Lake Watershed) from limited industrial service-neighborhood plan (LI-NP) combining district zoning to public-conditional overlay-neighborhood plan (P-CO-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: City of Austin-Austin Energy (Lena Lund). City Staff: Stephen Rye, 974-7604.

The public hearing was closed and Ordinance No. 20091015-041 for public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

BRIEFING

35. CD-2009-0005 - Development Assessment of Bull Creek PUD, located at 4909, 4923 & 4925 FM2222, within Bull Creek and Lake Austin Watersheds.

The presentation was made by Greg Guernsey, Director of Planning and Development Review Department.

Mayor Leffingwell recessed the Council Meeting at 2:25 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:03 p.m.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:04 p.m. See separate minutes.

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

Mayor Leffingwell recessed the Council Meeting at 3:16 p.m.

LIVE MUSIC

Eleisha Eagle

PROCLAMATION

Certificates of Appreciation -- PARD Partners in the Arts Award winners -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- 7th Anniversary Celebration of Disability Mentoring Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Denise Sonleitner and mentees

Proclamation -- Texas' First Native Plant Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Faye Tessnow

Proclamation -- Archives Week -- to be presented by Council Member Chris Riley and to be accepted by Elizabeth Garber

Proclamation - Barkitecture Day -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Stephanie Rose, Veronique Michelik, and Chelsea Bandy

Proclamation -- Austin Red Week -- to be presented by Council Member Laura Morrison and to be accepted by Lee Manford

Mayor Leffingwell called the Council Meeting back to order at 6:18 p.m.

Mayor Leffingwell adjourned the meeting at 6:20 p.m. without objection.

The minutes for the regular meeting of October 15, 2009 were approved on this the 22nd day of October 2009 on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.