

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, NOVEMBER 5, 2009**

**Invocation:** Brother George Williams, Pastor, East Side Church of Christ

**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, November 5, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Leffingwell called the Council Meeting to order at 10:05 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 regular meeting of October 22, 2009.  
**The minutes from the meeting of October 22, 2009 were approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
2. Approve the issuance of a Letter of Intent for a rebate to Bull Creek Market for the installation of a solar photovoltaic system at 6203 North Capitol of Texas Highway in Austin, Texas, in the amount of \$100,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Electric Utility Commission.  
**The motion authorizing the issuance of a letter of intent for a rebate to Bull Creek Market was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
3. Approve ratification of a rebate to FREE TOILET REPLACEMENTS, INC. for the installation of 718 water efficient toilets at Barrington Park Place Apartments, in the amount of \$143,600. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Free Toilet Replacements, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
4. Approve ratification of a rebate to GREYSTAR for the installation of 374 water efficient toilets at Estates at Quarry Lake, in the amount of \$74,800. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Greystar was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

5. Approve ratification of a rebate to FST INTERNATIONAL INC. for the installation of 469 water efficient toilets at the Falls on Bull Creek, in the amount of \$93,800. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to FST International Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
6. Approve ratification of a rebate to LEXINGTON HILLS APARTMENTS for the installation of 299 water efficient toilets at Lexington Hills Apartments, in the amount of \$59,800. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Lexington Hills Apartments was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
7. Approve ratification of a rebate to GREYSTAR for the installation of 371 water efficient toilets at Museo Apartments, in the amount of \$74,200. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Greystar was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
8. Approve ratification of a rebate to STASSNEY WOODS APARTMENTS, for the installation of 455 water efficient toilets in the amount of \$91,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Stassney Woods Apartments was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
9. Approve ratification of a rebate to FREE TOILET REPLACEMENTS, INC. for the installation of 276 water efficient toilets at the Westdale Creek Apartments, in an amount not to exceed \$55,200. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, and the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Free Toilet Replacements, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
10. Approve ratification of a rebate to FREE TOILET REPLACEMENTS, INC. for the installation of 620 water efficient toilets at the Westdale Parke Apartments, in an amount not to exceed \$124,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission, the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.  
**The motion to ratify a rebate to Free Toilet Replacements, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
11. Approve ratification of a rebate to FREE TOILET REPLACEMENTS, INC for the installation of 382 water efficient toilets at the Westdale Pointe Apartments, in an amount not to exceed \$76,400. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by

the Water and Wastewater Commission, the Resource Management Commission, and the Citizens Water Conservation Implementation Task Force.

**The motion to ratify a rebate to Free Toilet Replacements, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

12. Authorize the execution of a Memorandum of Agreement with Hill Country Conservancy for the formation of a private-public partnership to govern the planning for and implementation of a regional trail known as "Walk for a Day." No funding is required for this action. Recommended by the Water and Wastewater Commission and Parks and Recreation Board. Recommended by the Environmental Board.  
**The motion authorizing the execution of a memorandum of agreement with Hill Country Conservancy was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
13. Approve a resolution acknowledging Council Member Spelman's recusal from certain urban renewal project matters.  
**Resolution No. 20091105-013 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
14. Approve a resolution authorizing the negotiation and execution of Interlocal Agreements with a 12-month term, renewable for thirty-four 12-month terms with various state, local, and regional government entities to permit the connection of their radio systems, dispatch consoles, and related communications equipment to the Austin/Travis County Regional Radio System Master Site to facilitate interoperable radio communications with Austin/Travis County Regional Radio System users. There is no unanticipated fiscal impact. A fiscal note is not required.  
**Resolution No. 20091105-014 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
15. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (TXMAS) with WEATHERPROOFING TECHNOLOGIES, INC. a subsidiary of Tremco Incorporated, Beachwood, OH, for roof work at the Barton Springs Bath House, in an amount not to exceed \$195,000. Funding 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 2-9D 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 execution of a contract through the Texas Local Government Purchasing Cooperative (TXMAS) with Weatherproofing Technologies, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
16. Authorize award and execution of a 12-month Indefinite Quantity/Indefinite Delivery construction contract with BIS TEPSCO INC., Deer Park, TX, for the installation of underground chilled water piping in an amount not to exceed \$4,000,000, with two 12-month extension options in an amount not to exceed \$4,000,000 for each extension option, for a total contract amount not to exceed \$12,000,000 or until all funds are expended. Funding in the amount of \$4,000,000 is available in the Fiscal Year 2009-2010 Capitol Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of good faith efforts with 12.21% MBE and 4.60% WBE subcontractor participation. Recommended by the Electric Utility Commission.  
**The motion authorizing the award and execution of an indefinite quantity/indefinite delivery construction contract with BIS TEPSCO Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

**Item 17 was pulled for discussion.**

18. Authorize negotiation and execution of a professional services agreement with the following 14 firms: AVILES ENGINEERING CORPORATION (MBE/MH), Hutto, TX; ECS TEXAS, LLP, Austin, TX; FUGRO CONSULTANTS, INC., Austin, TX; HOLT ENGINEERING, INC.,(WBE/FW), Austin, TX; HVJ ASSOCIATES, INC. (MBE/MB), Austin, TX; KLEINFELDER, Austin, TX; PAVETEX ENGINEERING & TESTING, INC. (WBE/FH), Dripping Springs, TX; PROFESSIONAL SERVICE INDUSTRIES (PSI), INC., Austin, TX; RABA-KISTNER CONSULTANTS, INC., Austin, TX; REINHART & ASSOCIATES, INC., Austin, TX; RODRIGUEZ ENGINEERING LABORATORIES, (MBE/MH), Austin, TX; RONE ENGINEERING SERVICES, LTD, Austin, TX; TERRACON CONSULTANTS, INC., Austin, TX; and WISS, JANNEY, ELSTNER ASSOCIATES (WJE), INC., Austin, TX; for the Construction Materials Engineering and Testing Services Rotation List for a period of two years or until financial authorization is expended, the total amount for the fourteen agreements is not to exceed \$7,000,000. Funding is available in the Fiscal Year 2009-2010 Capital and/or Operating Budgets of the various departments for which services are needed. Best qualification statements of fourteen (14) 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). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of a professional services agreement with the following 14 firms: Aviles Engineering Corporation; ECS Texas, LLP; Fugro Consultants, Inc.; Holt Engineering, Inc.; HVJ Associates, Inc.; Kleinfelder; Pavetex Engineering & Testing, Inc.; Professional Service Industries (PSI), Inc.; Raba-Kistner Consultants, Inc.; Reinhart & Associates, Inc.; Rodriguez Engineering Laboratories; Rone Engineering Services, LTD; Terracon Consultants, Inc.; and Wiss, Janney, Elstner Associates (WJE), Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

**Items 19 and 20 were pulled for discussion.**

21. Approve a resolution confirming the reappointment of Stephen Edmonds to the Fire Fighters' and Police Officers' Civil Service Commission for a term expiring November 1, 2012.  
**Resolution No. 20091105-021 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
22. Consider and set the Austin City Council meeting schedule for calendar year 2010.  
**The motion setting the Austin City Council meeting schedule for calendar year 2010 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
23. Authorize negotiation and execution of an Interlocal Agreement with the Austin Independent School District (AISD) for the use of Balcones Pool located at 12017 Amhurst Drive and Dick Nichols Pool located at 8011 Beckett. Funding is available from the Austin Independent School District.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
24. Authorize negotiation and execution of an Interlocal Agreement with the Austin Independent School District (AISD) for the use of five elementary schools for the Eastside Story after school program for a one -year term beginning on October 1, 2009, in an amount not to exceed \$6,000, with an option to renew for one additional one-year term in an amount not to exceed \$6,000, for a total contract amount not to exceed \$12,000. Funding in the amount of \$6,000 is included in the Fiscal Year 2009-2010 Operating

budget of the Parks and Recreation Department. The contract period is for October 1, 2009 through October 1, 2010. Funding for the renewable option is contingent upon available funding in future budgets. **The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

25. Approve a resolution initiating Code amendments to implement the recommendations of the Downtown Austin Plan Density Bonus Report. Reviewed by Community Development Commission, Downtown Commission, Design Commission. To be reviewed by Planning Commission on November 10, 2009. **This item was postponed to November 19, 2009 on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

**Item 26 was pulled for discussion.**

27. Authorize execution of Amendment No. 1 to the Interlocal Agreement with the City of Sunset Valley for the Brodie Lane and William Cannon Drive Intersection Improvements Project to add a termination date of December 31, 2010. **The motion authorizing the execution of amendment number one to the interlocal agreement with the City of Sunset Valley was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
28. Authorize execution of a Firm Water Contract with the Lower Colorado River Authority for the use of water to support operations of the Waller Creek Tunnel system in an amount not to exceed \$250,000 over ten years. Funding of \$34,155 is available in the Fiscal Year 2009-2010 CIP Budget of the Watershed Protection Department. Funding for future years is contingent upon available funding in future budgets of the Waller Creek Tax Increment Financing Reinvestment Zone No. 17. **The motion authorizing the execution of a Firm Water Contract with the Lower Colorado River Authority was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
29. Authorize award, negotiation, and execution of three 24-month requirements service contracts with PENN CREDIT CORPORATION, Harrisburg, PA, for the primary collection of inactive delinquent utility accounts in an estimated amount not to exceed \$390,114, with three 12-month extension options in an estimated amount not to exceed \$195,057 per extension option, for a total estimated contract amount not to exceed \$975,285; and two 24-month requirements service contracts with WEST ASSET MANAGEMENT, INC., Hartford CT, and SOUTHWEST CREDIT SYSTEMS, L.P., Plano, TX, for the secondary collection of inactive delinquent utility accounts in an estimated combined amount not to exceed \$1,332,000, with three 12-month extension options in an estimated combined amount not to exceed \$666,000 per extension option, for a total estimated combined contract amount not to exceed \$3,330,000. Funding in the amount of \$789,302 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 13 months of the original contract period and extension options is contingent upon available funding in future budgets. Best three evaluated proposals of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission. **The motion authorizing award, negotiation and execution of three requirements service contracts with Penn Credit Corporation, West Asset Management, Inc., and Southwest Credit Systems, L.P. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

30. Authorize award and execution of Amendment No. 1 to a contract with INFOR GLOBAL SOLUTIONS, INC, Atlanta, GA, for the supply of software support and maintenance for the Austin Water Utility to increase the remaining extension options in estimated amounts not to exceed \$6,656 for the first extension option and \$6,789 for the second extension option, for a revised total estimated contract amount not to exceed \$166,857.78. Funding in the amount of \$6,656 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. 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 Water and Wastewater Commission.  
**The motion authorizing the award and execution of amendment number one to a contract with Infor Global Solutions, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
31. Approve ratification of an emergency purchase with AUSTIN UNDERGROUND, INC., Austin, TX for the repair of a 30" water main for the Austin Water Utility in an amount not to exceed \$53,932. Funding was available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Emergency Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion to ratify an emergency purchase with Austin Underground, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
32. Authorize award and execution of a contract with PHYSIO-CONTROL, INC., Redmond, WA for the purchase of seven cardiac monitor/defibrillators for the Emergency Medical Services Department in an amount not to exceed \$155,894.22. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency and Medical Services Department. 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 contract.  
**The motion authorizing the award and execution of a contract with Physio-Control, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
33. Authorize award, negotiation, and execution of a 12-month requirements service contract with JI SPECIALTY SERVICES, INC., Austin, TX, for the administration of the City's Worker's Compensation Program in an estimated amount not to exceed \$1,464,392, with four 12-month extension options in estimated amounts not to exceed \$1,485,376, \$1,540,862, \$1,613,298, and \$1,703,387 respectively, for a total estimated contract amount not to exceed \$7,807,315. Funding in the amount of \$854,229 is available in the Fiscal Year 2009-2010 Operating Budget of the Workers' Compensation Fund. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with JI Specialty Services, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
34. Authorize award and execution of a 36-month requirements service contract with ECOSTAR LAWN AND LANDSCAPE MANAGEMENT, Manchaca, TX, PAMPERED LAWNS AUSTIN, INC., Austin,

TX, and GREATER TEXAS LANDSCAPES, INC., Austin, TX to provide landscaping and mowing services in an estimated combined amount not to exceed \$615,009, with three 12-month extension options in an estimated combined amount not to exceed \$205,003 per extension option, for a total estimated combined contract amount not to exceed \$1,230,018. Funding in the amount of \$187,920 is available in the Fiscal Year 2009-2010 Operating Budget of the Parks and Recreation Department. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. Three best-value bids of ten 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 EcoStar Lawn and Landscape Management, Pampered Lawns Austin, Inc. and Greater Texas Landscapes, Inc. was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

35. Approve a resolution authorizing the application for and acceptance of \$20,000 in grant funding from the Capital Area Council of Governments 2009 Regional Grant Program to support an on-site latex paint rebinding pilot project. Funding in the amount of \$20,000 is available from CAPCOG and Texas Commission on Environmental Quality under the 2009 Regional Solid Waste Grant Program. Matching funds are not required. Recommended by the Solid Waste Advisory Commission.

**Resolution No. 20091105-035 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

**Item 36 was pulled for discussion.**

**Original language as approved on November 19, 2009.**

37. 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 Riley's motion, Council Member Cole's second on a 7-0 vote.**

**Board**

**Nominated By:**

Commission on Immigrant Affairs

Syed Rahman

Council Member Cole

Community Development Commission

Reuben Montoya

(representative - East Austin neighborhood)

Council Member Spelman

Commission for Women

Rose Spector

Council Member Riley

Early Childhood Council

Debra Keith-Thompson

Council Member Riley

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Deirdre Moss

Council Member Riley

Mexican American Cultural Center Advisory Board

Rossana Barrios

Council Member Cole

Parks and Recreation Board

Jeff Francell

Council Member Spelman

### Intergovernmental Body Nominations

Travis County Appraisal District Board of Directors

Approve a resolution reappointing Blanca Zamora-Garcia and Kristoffer Lands, as a joint appointee with the Austin Independent School District, to the Travis Central Appraisal District Board of Directors.

**Resolution No. 20091105-037 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

### Task Force Nominations

The following individuals were recommended by the Travis County Commissioners Court for appointment to the Comprehensive Plan Citizens Advisory Task Force:

Comprehensive Plan Citizens Advisory Task Force

Jack Gullahorn

Mark Lind

Ira Yates

William B. Hilgers

**Amended language as approved on March 11, 2010.**

**The following appointments and waivers were approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

#### Board

#### Nominated By:

Commission on Immigrant Affairs

Syed Rahman

Council Member Cole

Community Development Commission

Reuben Montoya

(representative - East Austin neighborhood)

Council Member Spelman

Commission for Women

Rose Spector

Council Member Riley

Early Childhood Council

Debra Keith-Thompson

Council Member Riley

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Deirdre Moss

Council Member Riley

Mexican American Cultural Center Advisory Board

Rossana Barrios

Council Member Cole

Parks and Recreation Board



Jeff Francell

Council Member Spelman

Urban Transportation Commission

Eileen Schaubert

Council Member Riley

### **Intergovernmental Body Nominations**

Travis County Appraisal District Board of Directors

Approve a resolution reappointing Blanca Zamora-Garcia and Kristoffer Lands, as a joint appointee with the Austin Independent School District, to the Travis Central Appraisal District Board of Directors.

**Resolution No. 20091105-037 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

### **Task Force Nominations**

The following individuals were recommended by the Travis County Commissioners Court for appointment to the Comprehensive Plan Citizens Advisory Task Force:

Comprehensive Plan Citizens Advisory Task Force

Jack Gullahorn

Mark Lind

Ira Yates

William B. Hilgers

38. Approve an ordinance appointing the Presiding Judge, Associate Judges including the Downtown Community Court Judge and Substitute Judges, to the City of Austin Municipal Court for the 2010-2013 judicial term, and setting compensation and benefits. (Recommended by the Council Judicial Subcommittee) (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member William Spelman)

**Ordinance No. 20091105-038 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

39. Approve a resolution opposing the Petition for Rulemaking submitted by the Cities of Leander and Granite Shoals to the Texas Commission on Environmental Quality seeking repeal of regulations that currently prohibit wastewater effluent discharge into Lake Austin, Lake Travis, other Highland Lakes and a significant portion of the watersheds of all these reservoirs. (Council Member Chris Riley Mayor Lee Leffingwell Council Member William Spelman)

**Resolution No. 20091105-039 was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

**Item 40 was pulled for discussion.**

41. Approve the waiver of certain fees for the Homeless Resource Fair sponsored by the Ending Community Homelessness Coalition (ECHO) which is to be held on Saturday, November 14, 2009, at the Pan American Recreation Center. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Sheryl Cole)

**The motion approving the waiver of certain fees for the Homeless Resource Fair sponsored by the Ending Community Homelessness Coalition (ECHO) was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

42. Set a public hearing to consider an ordinance amending Section 25-10-152 of the City Code to prohibit the relocation of billboards within 500 feet of a residential use. (Suggested date and time: December 10, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set for December 10, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin TX on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
43. Set a public hearing to receive comment on a petition to annex the Harris Branch Outparcel for full purposes (approximately 0.541 acres in eastern Travis County west of Cameron Road approximately one tenth of a mile south of the intersection of Parmer Lane and Cameron Road). (Suggested date and time: November 19, 2009, 6:00 p.m., at Austin City Hall, 301 West. Second Street, Austin, TX).  
**This item was withdrawn on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
44. Set a public hearing to consider an ordinance amending Title 25 of the City Code related to the requirements for an application for a local historic district. (Suggested date and time: December 10, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by Planning Commission.  
**The public hearing was set for December 10, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin TX on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**
45. Set a public hearing to consider an ordinance regarding floodplain variances requested by Highland Ventures I, Ltd. and McDonald Signet Limited for a proposed commercial bank building with surface parking at 8225 Highway 71 West, which is in the 100-year floodplain of Williamson Creek. (Suggested date and time: November 19, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.  
**The public hearing was set for November 19, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin TX on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.**

### **DISCUSSION ITEMS**

17. Authorize negotiation and execution of a professional services agreement with the recommended firm, KIMLEY-HORN AND ASSOCIATES, INC., Irving, TX to provide planning services for the Austin Strategic Mobility Plan in an amount not to exceed \$1,000,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department. Best qualification statement of four (4) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Briefings on the process were presented to the Urban Transportation Commission, the Council Comprehensive Planning and Transportation Committee on the scope of study prior to the release of the solicitation. No actions were taken by these bodies.  
**The motion authorizing the negotiation and execution of a professional services agreement with Kimley-Horn and Associates, Inc. was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.**
19. Authorize negotiation and execution of an amendment to a professional services contract with PICKETT, KELM, AND ASSOCIATES (PKA), Austin, TX, to add the tasks of evaluating and designing repairs to the Barton Springs bypass in an amount not to exceed \$98,000, for a total contract not to exceed amount

of \$148,900. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

**The motion authorizing the negotiation and execution of an amendment to a professional services contract with Pickett, Kelm, and Associates (PKA) was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

20. Approve negotiation and execution of the third-year renewal of the Interlocal Agreement with AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, Austin, TX, to provide Community Development Block Grant eligible services to youth and their families in an amount not to exceed \$203,700 from October 1, 2009 through September 30, 2010, for a total contract amount not to exceed \$814,800. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Neighborhood Housing and Community Development Office. The Community Development Block Grant period is October 1, 2009 through September 30, 2010.

**The motion authorizing the negotiation and execution of the third-year renewal of the interlocal agreement with Austin/Travis County Mental Health Mental Retardation Center was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

26. Approve an ordinance amending City Code Chapter 9-2 (Noise and Amplified Sound) relating to noise from sound equipment to include watercraft; and creating an offense. Recommended by Parks and Recreation Board.

**Ordinance No. 20091105-026 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to report to Council any reported offenses after a busy weekend so Council can determine if the ordinance should be revised.**

#### **BRIEFINGS**

46. Citizens Water Conservation Implementation Task Force presentation  
**The presentation was made by Susan Butler, Citizens Water Conservation Implementation Task Force.**
47. Briefing regarding Austin Energy's implementation of federal stimulus funding for low-income weatherization  
**The presentation was made by Karl R. Rabago, Vice President for Distributed Energy Services, Austin Energy.**

#### **DISCUSSION ITEMS CONTINUED**

36. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in an amount not to exceed \$30,000,000 related to construction projects to be completed by the City and reimbursed by the Capital Metropolitan Transportation Authority "Quarter Cent" and "Build Central Texas" programs. Up to \$30,000,000 in Certificates of Obligation to be issued in August 2010 or later subject to Council approval.  
**Resolution No. 20091105-036 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
40. Approve a resolution directing the City Manager to work with the Animal Advisory Commission to develop an implementation plan for the Animal Advisory Commission's "Reduce Animal Intake and Increase Live Animal Outcomes" recommendations and to present the implementation plan to Council, on or before March 1, 2010. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez and Council Member Chris Riley)

**Resolution No. 20091105-040 was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. A friendly amendment was made by Council Member Shade to amend the last paragraph of the resolution to read as follows. "BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: The City Manager is hereby directed to work with the Animal Advisory Commission and other related partners to develop an implementation plan for the Animal Advisory Commission's 'Reduce Animal Intake and Increase Live Animal Outcomes' (with the exception of Section III B of the report) recommendations and to present the implementation plan and fiscal notes to Council no later than March 1, 2010." This was accepted by the maker of the motion and Mayor Pro Tem Martinez who seconded the motion.**

Items 46 and 47 were briefing items set for 10:30 a.m.

Items 48 through 50 were Executive Session items.

Item 51 was a bond sale item set for 2:00 p.m.

Items 52 through 67 were zoning items set for 2:00 p.m.

Items 68 through 71 were public hearing items set for 6:00 p.m.

#### **CITIZEN COMMUNICATION: GENERAL**

Walter Olenick - Water Fluoridation

Jake Stewart - Austin climate protection plan-clean energy

Glenn Gadbois - Great public spaces

Colin Clark - Water rate trap

Winston Michael Ray - Economic stimulus program for the City of Austin, Texas

Wayne Hensley - ARCH **He was not present when his name was called.**

Rae Nadler-Olenick - Water Fluoridation

Ronnie Gjemre (Reeferseed) - Peace and freedom generally speaking

Gus Peña - City issues

Linda Greene -What's in your dillo dirt? What's in your water?

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:46 p.m.**

#### **EXECUTIVE SESSION**

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

48. Discuss legal issues relating to labor negotiations with the Austin Fire department. (Private Consultation with Attorney - Section 551.071).
49. Discuss legal issues related to Northwest Austin Municipal Utility District No. 1, et al v. City of Austin, et al., Cause No. GN 203,378, in the 53rd District Court of Travis County, Texas. (Private Consultation with Attorney - Section 551.071)
50. Discuss legal issues related to city funding of youth sports opportunities. (Private Consultation with Attorney - Section 551.071).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:27 p.m.**

### **Bond**

51. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2009A (the Bonds), in an amount not to exceed \$204,000,000, and approving related documents. \$5,097,199 estimated debt service requirement and \$400 annual paying agent/registrar fee is included in the 2009-2010 approved budget of the Utility Revenue Bond Redemption Fund.  
**Ordinance No. 20091105-051 was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.**

### **ZONING CONSENT ITEMS**

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

52. C14H-2009-0012 - Baker-Allen House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2402 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicant: Florence Benson Wilkerson, owner. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20091105-052 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
53. C14H-2009-0014 - McGee-Clark-Byrd House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1520 Northwood Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: Holmes and Joan Gwynn, owners. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20091105-053 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
54. C14H-2009-0015 - Gardner House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2418 Jarratt Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: David and Robin Jackson, owners. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20091105-054 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

55. C14H-2009-0020 - Dr. Ralph E. and Anna Cloud House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1718 Summitview Place (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: Camille and Stephanie Tueni, owners. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20091105-055 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

56. C14H-2009-0021 - Jackson-Novy-Kelly-Hoey House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2406 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: Robert and Michelle Kinney, owners. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20091105-056 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

57. C14H-2009-0022 - Thomas House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1603 Niles Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: Roger Dale and Elizabeth Ann Linebarger, owners. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20091105-057 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

58. C14H-2009-0023 - Webster House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 706 Oakland Avenue (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: Scott Marks and Lucy Wood, owners. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20091105-058 for multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

59. C14H-2009-0024 - Aycock House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicant: Chandler Ford, owner. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20091105-059 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

60. C14H-2009-0027 - Potter-Pincoffs House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2607 Wooldridge Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on October 1, 2009. Vote: 7-0. Applicants: Ken and Angela Hashman, owners. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20091105-060 for single family residence standard lot-historic landmark (SF-2-H) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

### ZONING CONSENT ITEMS

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

62. C14-03-0116.02 - Met Center II PDA Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson Creek and Onion Creek Watersheds) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Applicant: Met Center Partners-8, Ltd. and Met Center NYCTEX Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was closed and Ordinance No. 20091105-062 for limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning for the amended area was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
66. C14-2009-0106 - Rosewood 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 Rosewood Neighborhood Planning Area, bounded by Manor Road on the north; Airport Boulevard on the east; Northwestern Avenue and Webberville Road on the south; and Northwestern Avenue to Rosewood Avenue to Chicon Street to East 12th Street, north along the Austin and Northwestern Railroad to Martin Luther King, Jr. Boulevard to Stafford Street to Rogers Avenue to Walnut Avenue on the west (Boggy Creek, Tannehill Branch, Town Lake 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 be considered on December 8, 2009. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.  
**This item was postponed on consent to December 17, 2009 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
67. C14H-2009-0017 - Murray-Hatfield House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 408 W. 32nd Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-

neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

### **ZONING DISCUSSION ITEMS**

61. C814-2008-0087 - South Shore District PUD - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 and 1801 S. Lakeshore, 1414 Arena Drive, 1333 Arena Drive, 1200 Tinnin Ford and 1201 Town Creek (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, and community commercial-neighborhood plan (GR-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. First reading approved on September 24, 2009. Vote: 5-2 (Mayor Leffingwell and Morrison voted Nay). Second reading approved on October 22, 2009. Vote: 5-2 (Mayor Leffingwell and Morrison voted Nay). Applicant: Grayco Town Lake Investments 2007, LP. Agent: Drenner & Golden Stuart Wolff, LLP (Michelle Rogerson). City Staff: Stephen Rye, 974-7604. **The motion to postpone this item to December 10, 2009 was made by Council Member Cole and seconded by Council Member Riley. Mayor Pro Tem Martinez subsequently made a friendly amendment to postpone this item to December 17, 2009, which was accepted by the maker of the motion. The amended motion passed on a 7-0 vote.**

**Council Member Cole directed staff to finalize the zoning ordinance by November 16, 2009 and include the following language to address affordable housing:**

- **Total package in the amount of \$3,148,000. This package includes a combination of a fee and affordable units on-site in the amount of \$3,058,000 and a displacement program in the amount of \$90,000.**
- **33% of the amount (\$1,009,140) be dedicated to on-site units at 60% of MFI.**
- **33% of the amount (\$1,009,140) be paid as a fee to the Austin Housing and Finance Corporation. This fee will be used to provide affordable housing in the area defined in the EROC neighborhood Plan. In addition, a priority will be given to provide home ownership.**
- **33% of the amount (\$1,009,130) be paid as a fee to the Austin Housing and Finance Corporation to provide affordable housing in the City. Priority will be given to providing affordable housing for senior citizens.**
- **The fee shall be paid at the time of site plan approval for each unit. The fee amount per unit is \$1,682 (\$2,018,280/1,200 units = \$1,682 per unit).**
- **All of the on-site units shall be included in the project prior to the approval of the final site plan for the land area within the PUD.**

**Council Member Riley directed the staff to prepare alternate language that would include: 50/50 approach with 50% of the units provided on site at 60% MFI or below and the remaining 50% to**



**be spent within the east Riverside Oltorf combined neighborhood planning area with the priority given to home ownership opportunities.**

65. C14-2009-0077 Balcones Place Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5011 Balcones Drive (Taylor Slough North Watershed) from general commercial services (CS) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Oakmont House LTD. (James David). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.

**This item was postponed to November 19, 2009 at the owner's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

63. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve second reading of 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-conditional overlay-neighborhood plan (SF-3-CO-NP) with conditions. First reading approved on July 23, 2009. Vote: 4-3 (Mayor Leffingwell, Morrison and Riley voted Nay). Applicant: Leslie M. Moore. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**The public hearing was held open and the second reading of the ordinance for family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) with a condition of 0.4 floor to area ratio (FAR) was approved on Council Member Spelman's motion, Council Member Cole's second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Martinez and Council Members Cole, Shade and Spelman. Those voting nay were: Mayor Leffingwell and Council Members Morrison and Riley. Direction was given to staff to bring this item back on November 19, 2009.**

64. 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 grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Arrow A/C (Esmaeil Rowsham). Agent: A.E.C., Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was closed and the first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions and the following additional uses and friendly amendment was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 5-2 vote. Those voting aye were Mayor Leffingwell and Mayor Pro Tem Martinez and Council Members Cole, Riley and Spelman. Those voting nay were Council Members Morrison and Shade. The additional permitted uses were auto rentals and auto sales. There was a friendly amendment made by Council Member Riley to prohibit drive through service. This was accepted by the maker of the motion and Mayor Leffingwell who seconded the motion.**

**Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:22 p.m. See separate minutes.**

**Mayor Leffingwell called the Council Meeting back to order at 3:23 p.m.**

**Mayor Leffingwell recessed the Council Meeting at 3:24 p.m.**

**LIVE MUSIC**

Austin Lyric Opera

**PROCLAMATIONS**

Proclamation -- Bob Livingston Trio Days -- to be presented by Council Member Laura Morrison and to be accepted by Bob Livingston

Proclamation -- Prematurity Awareness Month -- to be presented by Council Member Sheryl Cole and to be accepted by Dr. Marcel Thompson

Proclamation -- Advanced Practice Nurses Week -- to be presented by Council Member Sheryl Cole and to be accepted by Sandra Ransom

Proclamation -- National League of Cities - Meet the Lender - Spotlight Day -- to be presented by Council Member Chris Riley and to be accepted by Vicky Valdez

Proclamation -- Save the Rainforest Day -- to be presented by Council Member Chris Riley and to be accepted by Niyanta Spelman and Hazel Barbour

Proclamation -- Veterans Day honoring families -- to be presented by Mayor Lee Leffingwell and to be accepted by Matthew Harmatuk and family

Mayor's Fitness Council Partner Certification Certificates -- to be presented by Mayor Lee Leffingwell and to be accepted by representatives of nFusion, Frost Insurance, Revenue Cycle Inc., Livestrong and Ronald McDonald House Charities

Proclamation -- GIS Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Leeanne Pacatte

**Mayor Leffingwell called the Council Meeting back to order at 6:29 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

68. Conduct a public hearing and consider approval of 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.  
The public hearing was closed and Ordinance No. 20091105-068 was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Staff was asked to provide information on how many settlement agreements have been used to change development standards in a manner that would otherwise trigger notice and hearing requirements.
69. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code to clarify that a Neighborhood Planning Contact Team may be an interested party for purposes of administrative appeals. Recommended by Planning Commission.

The public hearing was closed and Ordinance No. 20091105-069, with the following amendment, was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

The amendment was:

Section 25-1-801(1) should read: "DIRECTOR means the director of the Planning and Development Review Department".

70. Conduct a public hearing and consider an ordinance amending Chapter 25-1 of the City Code relating to neighborhood plan amendments.

The public hearing was closed and the first reading of the ordinance, with the following amendments, was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to find a way to insert a timeline for the scheduling of hearings to close the gap in Section 25-1-805.

The amendments were:

Section 25-1-801 should read:

"(1) ...Planning and Development Review Department."

"(2) ...a separate body apart from any other existing or future neighborhood organization."

Section 25-1-806(B) should read:

"...These representatives shall to the greatest extent possible be drawn from the group of persons involved in the development of the plan."

71. Conduct a public hearing on appeals by Champion Assets, Ltd. and the 2222 Coalition of Neighborhood Associations of the Zoning and Platting Commission's decision to approve a site plan extension for a site located at 6015 N. Capital of Texas Highway, a project known as Champion Commercial Development.

The public hearing was closed and the motion to deny the appeals by Champion Assets, Ltd. And the 2222 Coalition of Neighborhood Associations and to approve the Zoning and Platting Commission recommendation of an eight year extension was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell and Mayor Pro Tem Martinez and Council Members Cole, Riley, and Shade. Those voting nay were: Council Members Morrison and Spelman.

Mayor Leffingwell adjourned the meeting at 8:35 p.m. without objection.

The minutes for the regular meeting of November 5, 2009 were approved on this the 19th day of November 2009 on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

The minutes for the Regular Meeting of November 5, 2009 were amended on March 11, 2010 on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

Amendment was made to item number 37.