

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 10, 2009****Invocation:**

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, December 10, 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.

Mayor Pro Tem Martinez was absent due to his trip to Israel sponsored by the Anti-Defamation League.

**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 November 19, 2009.  
The minutes from the meeting of November 19, 2009 were approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
2. Authorize negotiation and execution of a sponsorship agreement with AUSTIN HABITAT FOR HUMANITY, INC., for a 2010 Corporate Build of a Habitat for Humanity Home, in an amount not to exceed \$65,000. Funding in the amount of \$65,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.  
The motion authorizing the negotiation and execution of a sponsorship agreement with Austin Habitat For Humanity, Inc. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
3. Approve a resolution waiving any interest the City of Austin might have in State property near IH 35 and Slaughter Lane to be conveyed to CAPITAL METRO as abutting owner from the State of Texas.  
Resolution No. 20091210-003 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
4. Authorize the negotiation and execution of a contract to purchase in fee simple Lot 1, Block B of High Vista Section One, a subdivision in Travis County, Texas, located at 7800 Spicewood Springs Road from

Texas Country Bank for the Bull Creek Greenbelt in an amount not to exceed \$540,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department.

The motion authorizing the negotiation and execution of a contract to purchase in fee simple Lot 1, Block B from Texas Country Bank was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.

Item 5 was pulled for discussion.

6. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, Texas (MBE/MH-27.00%) for Group 4 Southeast Stassney Lane from Birch Creek Drive to Teri Road Street Reconstruction, an ACCELERATE AUSTIN PROJECT, in the amount of \$749,516.35 plus a \$37,475.82 contingency, for a total contract amount not to exceed \$786,992.17. Funding in the amount of \$610,184.81 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$176,807.36 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 27.00% MBE prime contractor and 24.06% MBE and 3.37% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
The motion authorizing the execution of a construction contract with Aaron Concrete Contractors, LP was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.

Items 8 and 7 were pulled for discussion.

9. Approve an ordinance amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20090914-002 to add one full-time equivalent position, resulting in a total of nine full-time equivalent positions for the Ryan White Part A HIV Emergency Relief Grant Program. Funding for one full-time equivalent position increase is available in the amount of \$38,431 from the U.S. Department of Health and Human Services, Health Resources and Services Administration. The grant period is from March 1, 2009 to February 28, 2010. No City match is required.  
Ordinance No. 20091210-009 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
10. Approve an ordinance accepting \$22,031 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20090914-002 to appropriate \$22,031 for Ryan White Part A HIV Emergency Relief Grant Program services. Funding is available from the Department of Health and Human Services Health Resources and Services Administration. The grant period is from March 1, 2009 to February 28, 2010. No City match is required.  
Ordinance No. 20091210-010 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
11. Approve an ordinance amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget of Ordinance No. 20090914-002 to add two full-time equivalent positions to replace existing temporary staff. Funding is available in the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget.

**Ordinance No. 20091210-011** as approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.

12. Approve an ordinance amending the Fiscal Year 2009-2010 Health and Human Services Department (HHSD) Operating Budget General Fund of Ordinance No. 20090914-002 to add one and one-half full time equivalent positions and amending the Fiscal Year 2009-2010 HHSD Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to add three full time equivalent positions. Funding is included in the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget.  
**Ordinance No. 20091210-012** was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
13. Approve an ordinance accepting \$56,838 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$56,838 for the Tuberculosis Control and Outreach Program to provide basic services to individuals who have or are at high risk of developing tuberculosis. Funding in the amount is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch, Austin, Texas. The grant period is January 1, 2010 through December 31, 2010. No City match is required.  
**Ordinance No. 20091210-013** was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
14. Approve an ordinance authorizing acceptance of \$241,766 in additional grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES WOMEN, INFANTS, AND CHILDREN PROGRAM, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$241,766 to maintain Women, Infants, and Children services and add five full-time equivalent positions. Funding is available from the Texas Department of State Health Services, Women, Infants, Children Program. The grant period is October 1, 2009 through September 30, 2010. No City match is required.  
**Ordinance No. 20091210-014** was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
15. Approve an ordinance accepting \$32,541 in additional grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$32,541 to maintain a service, training and resource center for WIC program mothers, local agency staff, and health providers and to add one full-time equivalent position. Funding is available from the Texas Department of State Health Services, Women, Infants, Children Program. The grant period is October 1, 2009 through September 30, 2010. No City match is required.  
**Ordinance No. 20091210-015** was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.
16. Approve an ordinance accepting \$114,259 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, DIVISION FOR PREVENTION AND PREPAREDNESS, HIV/STD PROGRAM, and amending the Fiscal Year 2009-2010 Health and Human Services Department

Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$114,259 for the Sexually Transmitted Disease Control Program to provide clinical and preventive services to reduce the incidence of sexually transmitted diseases. Funding is available from the Texas Department of State Health Services, Division for Prevention and Preparedness, HIV/STD Program, Austin, Texas. The grant period is January 1, 2010 through December 31, 2010. No City match is required.

**Ordinance No. 20091210-016 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

**Item 17 was pulled for discussion.**

18. Approve negotiation and execution of two contracts for HIV-related housing services; one with AIDS SERVICES OF AUSTIN, INC., for a 12-month term beginning October 1, 2009, in an amount not to exceed \$710,592 with two 12-month renewal options in an amount not to exceed \$710,592 per renewal term, for a total contract amount not to exceed \$2,131,776, and one with PROJECT TRANSITIONS, INC., for a 12-month term beginning October 1, 2009, in an amount not to exceed \$287,622, with two 12-month renewal options in an amount not to exceed \$287,622 per renewal term, for a total contract amount not to exceed \$862,866. Funding in the amount of \$998,214 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Special Revenue Fund, HOPWA-HUD grant. The initial grant period is October 1, 2009 to September 30, 2010. Funding for the renewal options is contingent upon available funding.

**The motion authorizing the negotiation and execution of two contracts for HIV-related housing services with AIDS Services of Austin, Inc. and Project Transitions, Inc. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

19. Approve negotiation and execution of Amendment No. 5 to the contract with SICKLE CELL ANEMIA ASSOCIATION OF AUSTIN - MARC THOMAS CHAPTER, for services to clients with sickle cell disease, their families and at-risk populations for a nine-month term beginning on January 1, 2010, in an amount not to exceed \$80,342, for a total contract amount not to exceed \$403,465. Funding in the amount of \$80,342 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department.

**The motion authorizing the negotiation and execution of amendment number five to the contract with Sickle Cell Anemia Association of Austin – Marc Thomas Chapter was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

**Item 20 was pulled for discussion.**

21. Authorize negotiation and execution of an amendment to the professional services agreement with Greenberg, Traurig, P.A., for legal services in connection with the construction manager at risk contract and the professional engineering services agreements for Water Treatment Plant No. 4, to increase funding in the amount of \$147,000, for a total contract amount not to exceed \$200,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Water Utility.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Greenberg, Traurig, P.A. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 4-1 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais. Council Member Morrison voted nay.**

**Item 22 was pulled to be heard after the related briefing.**

23. Approve an ordinance amending the Fiscal Year 2009-2010 Neighborhood Housing and Community Development Capital Budget of Ordinance No. 20090914-03 to increase appropriations by \$2,055,495 for affordable housing. Funding in the amount of \$2,055,495 is available from a reimbursement resolution. Related to Items #24 and 25.  
**Ordinance No. 20091210-023 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
24. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2006 Proposition 5 General Obligation bonds to be issued for expenditures in the amount of \$2,055,495 related to affordable housing. \$2,055,495 in General Obligation Public Improvement Bonds to be issued in August 2010 or later. Related to Items #23 and 25.  
**Resolution No. 20091210-024 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
25. Authorize negotiation and execution of an amendment to the 2009-2010 service agreement between the Austin Housing Finance Corporation and the City of Austin, funded by proceeds from the City's affordable housing General Obligation bonds, to increase the amount of funding by \$2,055,495, for a total amount not to exceed \$17,855,495. Funding in the amount of \$2,055,495 is available from a reimbursement resolution authorized by Austin City Council. Related to Items #23 and 24.  
**The motion authorizing the negotiation and execution of an amendment to the 2009-2010 service agreement between the Austin Housing Finance Corporation and the City of Austin was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

**Item 26 was pulled for discussion.**

27. Authorize negotiation and execution of a development agreement with the Austin Revitalization Authority to assist in the restoration and preservation of the historical structure located at 1154 Lydia Street, originally known as the Herman Schieffer House, for an amount not to exceed \$230,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Development Office.  
**The motion authorizing the negotiation and execution of a development agreement with the Austin Revitalization Authority was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
28. Authorize execution of an Interlocal Agreement between the City of Austin and The State of Texas, Attorney General's Office, Criminal Investigations Division for up to \$15,000 for peace officer overtime incurred while working on Human Trafficking cases as part of the Austin/Travis County Human Trafficking Law Enforcement Task Force. Funding is available in the Fiscal Year 2009-2010 Revenue Fund of the Austin Police Department from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program.  
**The motion authorizing the execution of an interlocal agreement between the City of Austin and the State of Texas, Attorney General's Office, Criminal Investigations Division was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
29. Authorize the execution of an Interlocal Agreement between the City of Austin and Travis County to reimburse the Travis County Sheriff's Office up to \$20,000 for peace officer overtime incurred while

working on Human Trafficking cases as part of the Austin/Travis County Human Trafficking Law Enforcement Task Force. Funding is available in the Fiscal Year 2009-2010 Special Revenue Fund of the Austin Police Department from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program.

**The motion authorizing the execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

30. Authorize negotiation and execution of an agreement between the City of Austin and Austin/Travis County Reentry Roundtable, in the amount of \$35,000 annually, to enhance public safety by developing effective strategies for convicted criminal offenders to successfully reenter into society. Funding in the amount of \$35,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.

**The motion authorizing the negotiation and execution of an agreement between the City of Austin and Austin/Travis County Reentry Roundtable was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

31. Approve a resolution authorizing an application to the Texas Department of Transportation for TxDOT Transportation Enhancement Program funds in an amount not to exceed \$2,000,000.

**Resolution No. 20091210-031 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

32. Authorize execution of an amendment to the Advance Funding Agreement and execution of a Multiple Use Agreement with the Texas Department of Transportation regarding the Loop 360 Bicycle and Pedestrian Improvements project, transferring contract administration and the sidewalk multi-use trail maintenance to the City and authorizing the City's placement of permanent improvements in the right of way.

**The motion authorizing the execution of an amendment to the advance funding agreement and execution of a multiple use agreement with the Texas Department of Transportation was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

33. Authorize award and execution of Amendment No. 2 to increase the contract amount to the requirements service contract with FOX, SMOLEN & ASSOCIATES, INC., Austin, TX (WBE/FW) for the design and implementation of a public process for input on Austin Energy's long-range energy plan in an estimated amount not to exceed \$40,000, for a revised total contract amount not to exceed \$307,835. Funding in the amount of \$40,000 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 with Fox, Smolen & Associates, Inc. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

34. Authorize award and execution of a 12-month requirements service contract with GREATER TEXAS LANDSCAPES, INC., Austin, TX for landscaping and grounds maintenance services for Austin Energy

in an estimated amount not to exceed \$74,630, with four 12-month extension options in an estimated amount not to exceed \$74,630 per extension option, for a total estimated contract amount not to exceed \$373,150. Funding in the amount of \$55,973 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of eight 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. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a requirements service contract with Greater Texas Landscapes, Inc. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

35. Authorize award and execution of a 24-month requirements service contract with MASTEC NORTH AMERICA, INC., Austin, TX, for underground transmission and distribution maintenance services in an estimated amount not to exceed \$12,595,536, with three 12-month extension options in an estimated amount not to exceed \$6,297,768 per extension option, for a total estimated contract amount not to exceed \$31,488,840. Funding in the amount of \$64,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding in the amount of \$5,248,140 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid 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) with 9.26% MBE and 19.79% WBE subcontractor participation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a requirements service contract with Mastec North America, Inc. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

**Item 36 was pulled for discussion.**

37. Authorize negotiation and execution of a one year co-sponsorship agreement with Keep Austin Beautiful, Inc. for Educational, Clean-up, and Beautification Services in the amount of \$213,000 with optional annual renewals for up to ten years in the amount specified in the City's annual budget. Funding in the amount of \$213,000 is available in the Solid Waste Services Fiscal Year 2009-2010 Operating Fund. To be reviewed by the Solid Waste Advisory Commission on December 9, 2009.

**The motion authorizing the negotiation and execution of a co-sponsorship agreement with Keep Austin Beautiful, Inc. was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

38. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Chicon Street to the table of speed limits as having a maximum speed limit of 20 miles per hour during certain times for students attending Garza High School, and provide for emergency passage. Funding in the amount of \$8000 for the installation of signs is available in the 2009-2010 Child Safety Fund of the Public Works Department.

**Ordinance No. 20091210-038 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

39. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Wallis Cultural Education Facilities Finance Corporation's loan to the Young Men's Christian Association of Austin in an amount not to exceed \$7,500,000 for the improvement, expansion and renovation of the YMCA facility at 1100 W. Cesar Chavez, Austin and the YMCA facility at 6219 Oakclaire Dr., Austin.  
**Resolution No. 20091210-039 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
40. 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 Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

**Board****Nominated By:****Austin Airport Advisory Commission**

D'Ann Johnson

Council Member Morrison

**Austin Mayor's Committee for People with Disabilities**

Jesus Lardizabal

Council Member Spelman

**Commission on Immigrant Affairs**

Miguel Ancira

Mayor Leffingwell

**Planning Commission**

Benjamin De Leon

Mayor Pro Tem Martinez

**Task Force Nominations****Comprehensive Plan Citizens Advisory Task Force**

Carol Torgrimson

Council

41. Approve a resolution casting Council's votes in the Williamson Central Appraisal District Board of Directors election. (Mayor Pro Tem Mike Martinez Council Member William Spelman )  
**Resolution No. 20091210-041 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
42. Approve a resolution directing the City Manager to identify funding opportunities and recommend a planning process for developing a form-based code to facilitate innovative, pedestrian, bicycle and transit-oriented development along the segment of Airport Boulevard generally located between North Lamar Boulevard and IH-35, which will serve as a pilot project for future corridor development. (Council Member Chris Riley Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)  
**Resolution No. 20091210-042 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**



43. Approve a resolution directing the City Manager to process the necessary code amendments to extend the boundaries of City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards). (Council Member Laura Morrison Council Member William Spelman Council Member Chris Riley)  
**Resolution No. 20091210-043 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
44. Approve a resolution directing the City Manager to recommend and initiate code amendments to revise the in-lieu fee for affordable housing in the University Neighborhood Overlay. (Council Member Laura Morrison Council Member William Spelman )  
**Resolution No. 20091210-044 was approved on consent on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
45. Set a public hearing to consider an appeal by North University Neighborhood Planning Team regarding the decision to approve an Outdoor Music Venue Permit for Little Woodrow's, located at 2610 Guadalupe. (Suggested date and time: January 14, 2010, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set for January 14, 2010 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**
46. Set a public hearing to consider an ordinance granting a site specific amendment to City Code section 25-8-514 (Save our Springs Initiative) and a variance to City Code section 25-8-482 (Critical Water Quality Zone) to allow construction of a temporary access road and temporary crane pad in the Critical Water Quality Zone of Barton Creek. This action concerns land located within the Barton Springs Zone. (Suggested date and time: January 14, 2010, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set for January 14, 2010 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Riley's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman was off the dais.**

Item 47 was a briefing item set for 10:30 a.m.

Items 48 and 49 were Executive Session items.

Items 50 through 88 were zoning items set for 2:00 p.m.

Items 89 through 93 were public hearing items set for 6:00 p.m.

### **DISCUSSION ITEMS**

5. Authorize execution of a construction contract with SAK/QUEST JOINT VENTURE, O'Fallon, MO, for the Downtown Wastewater Tunnel project in the amount of \$31,969,696.96 plus a \$3,196,970 contingency, for a total contract amount not to exceed \$35,166,666.96. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.92% MBE and 5.44% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Sak/Quest Joint Venture was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

8. Approve an ordinance accepting \$1,922,498 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, HOMELESS HOUSING AND SERVICES PROGRAM, and amending the Fiscal Year 2009-2010 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$1,922,498 for the delivery of homeless services. Funding is available from the Texas Department of Housing and Community Affairs Homeless Housing and Services Program Funds. The grant period is December 1, 2009 through August 31, 2011. A City match of 10 percent is required. Related to Item #17.

Items 8 and 17 were acted upon in a combined motion. See item 17 below.

17. Approve negotiation and execution of Amendment No. 1 to the contract with FRONT STEPS, INC., for case management services at the Austin Resource Center for the Homeless for a one-year term beginning October 1, 2009, in an amount not to exceed \$113,400 for a total contract amount not to exceed \$2,306,980. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Texas Department of Housing and Community Affairs Texas Homeless Housing and Services Program (HHSP) Special Revenue Fund. Related to Item #8.

The joint motion to:

- approve Ordinance No. 20091210-008 (8) and
- authorize the negotiation and execution of amendment number one to the contract with Front Steps, Inc. (17)

was approved on Council Member Spelman's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

20. Authorize negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY to provide funding and certain services for the Summer Youth Employment Program for a one-year term beginning October 1, 2009, in an amount not to exceed \$345,000 with five 12-month renewal options in an amount not to exceed \$345,000 per renewal term, for a total contract amount not to exceed \$2,070,000. Funding in the amount of \$298,777 is available in the Fiscal Year 2009-2010 Operating Budget for the Health and Human Services Department. Funding in the amount of \$46,223 is available in the Fiscal Year 2009-2010 Operating Budget for the Human Resources Department. Funding in the amount of \$217,554 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department from Travis County. Funding for agreement renewal options is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

### **BRIEFING**

47. Urban Rail Update

Presentation was made by Robert Goode, Assistant City Manager, and Rob Spillar, Transportation Director.

### **DISCUSSION ITEMS CONTINUED**

7. Authorize negotiation and execution of a professional services agreement with AUSTIN URBAN RAIL PARTNERS, Austin, TX, for engineering services for the Austin Urban Rail Preliminary Engineering Study, in an amount not to exceed \$1,000,000. Funding is available in the Fiscal Year 2009-2010 Capital

Budget of the Public Works Department. Best qualification statement of three (3) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 19.50% WBE subconsultant participation. Briefings on the process were presented to the Urban Transportation Commission, the Council Comprehensive Plan and the Transportation Committee on the scope prior to the release of the solicitation.

The motion authorizing the negotiation and execution of a professional services agreement with Austin Urban Rail Partners was approved on Council Member Cole's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

22. Approve a settlement related to Cause No. D-1-GN-06-001319; PPT Development, L.P. v. City of Austin, in the 53rd Judicial District Court of Travis County, Texas.

The motion to approve a settlement with the following amendments was approved on Council Member Riley's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent. The amendments were as follows:

- change agreement period from 12.5 years to 13.5 years
- remove paragraph that allows for an additional three feet for solar panels
- modify the roof top structure height on tract 2, MF-3 down three feet
- add a paragraph that will allow the developer to take advantage of any future code changes with regard to the solar panel roof top height

A friendly amendment was made by Council Member Spelman to decrease the site plan agreement period from 13.5 years to 12.5 years if, in the future, the land owner takes advantage of a code amendment regarding the height that would permit solar panels. The friendly amendment was later withdrawn by Council Member Spelman.

#### CITIZEN COMMUNICATION: GENERAL

Sylvia Marroquin - Outdoor music venue permits Daniel Llanes read a letter into record for Sylvia Marroquin.

Daniel Llanes - Outdoor music venue permitting process

Susana Almanza - Revise outdoor music permit process: Impacts on East Austin.

Lisa Wilson - Animal shelter

Richard Troxell - Homelessness in Austin He was not present when his name was called.

Paul Robbins - City issues

Erika Gonzalez - Close pure casting now!

Gabriel Padilla - Close pure casting now! He was not present when his name was called.

Frances Martinez - El Concilio a coalition of Mexican-American Neighborhood Associations would like to wish all Austin City Council members and their families a safe and happy Merry Christmas and a Happy New Year 2010. Paz en el barrio!

Marcelo Tafoya - LULAC convention coming to Austin

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:56 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 matters relating to Austin Energy's renewable generation resource planning (Public Power Utility Competitive Matter - Section 551.086).
49. Discuss legal issues related to AT&T's claim against the City for property damage. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:07 p.m.

#### DISCUSSION ITEMS CONTINUED

26. Authorize negotiation and execution of a nine-month contract with Austin Revitalization Authority for operational expenses to continue implementation of the East 11th and 12th Streets Redevelopment Program in an amount not to exceed \$110,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Neighborhood Housing and Community Development Office.  
The motion authorizing the negotiation and execution of a contract with Austin Revitalization Authority was approved on Council Member Riley's motion, Council Member Cole's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Spelman recused himself. Direction was given to staff to implement the City Auditor's report and to task the Neighborhood Housing Department's project manager with monitoring the contract.
36. Authorize award and execution of a 24-month requirements supply contract with FERGUSON ENTERPRISES, INC., Austin, TX, for the purchase of high-efficiency toilets for the Austin Water Utility in an estimated amount not to exceed \$2,242,500. Funding in the amount of \$1,121,250 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 12 months of the original contract period is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission and the Resource Management Commission.  
The motion authorizing the award and execution of a requirements supply contract with Ferguson Enterprises, Inc. was approved on Council Member Riley's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent. Direction was given to staff to make sure that the contract had a provision that if these toilets don't work, some corrective action can be taken.

#### ZONING ITEM

50. C14-2009-0071 - Arrow A/C - Approve second/third readings of 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. First reading approved on

November 5, 2009. Vote: 5-2 (Morrison and Shade voted Nay). Applicant: Arrow A/C (Esmaeil Rowsham). Agent: A.E.C., Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20091210-050 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved adding prohibited uses of auto sales and auto rentals on Council Member Shade's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez' was absent.**

### ZONING CONSENT ITEMS

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

51. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve third 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). Second reading approved on November 5, 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.

**This item was postponed on consent to January 14, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

52. C14-2009-0079 - Austin Hotel Holdings, LLC. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201, 205, & 207 W. 5th St. (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Planning Commission Recommendation: Forward to City Council without a recommendation. Applicant: Austin Hotel Holdings, LLC. Agent: Drenner & Golden Stuart Wolff, LLP. City Staff: Clark Patterson, 974-7691.

**The public hearing was closed and the first reading of the ordinance for central business district-central urban redevelopment (CBD-CURE) combining district zoning was approved with the following additional conditions on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent. The applicant proposed the following conditions that would apply only for a hotel-motel use of the property:**

- 1. Development of the property may not exceed a floor-to-area (FAR) ratio of 12.0 to 1.0.**
- 2. If the FAR exceeds 8.0 to 1.0, the following applies:**
  - a. Modifications to loading and unloading requirements outlined in the staff recommendation.**
  - b. Modifications to maneuvering requirements outlined in the staff recommendation.**
  - c. Reduction in parking spaces outlined in the staff recommendation.**
  - d. Above-ground parking structures are not permitted. All parking provided on the property shall be underground.**
  - e. Design of the sidewalks on Colorado and 5<sup>th</sup> Streets shall (a) meet the Great Streets Program criteria and (b) ensure that the pedestrian pathway is prominent in curb cut areas;**
  - f. Design of the project shall ensure that a pool and amenity deck is located on all or a portion of the southern edge of the project at a height no higher than 60 feet above grade;**

- g. Design of the project shall ensure that the northern façade of the project contains an architectural delineation between the podium and the tower at approximately 40 feet above grade. Such architectural delineation (a) may contain columns and (b) extend vertically approximately 20 feet;
  - h. The project shall be designed, built and operated to achieve a LEED Silver certification; provided, however, if the project does not achieve a LEED Silver certification within 18 months from the date of issuance of a certificate of occupancy for the project, the project must be certified to meet the City's 2-Star Green Builder program within three months from the expiration of the 18-month deadline; and
  - i. Bicycle parking shall be provided in the hotel-motel parking garage.
- 53. C14-2009-0095 - Capital Terrace - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1304 and 1308 Lavaca & 301-303 West 14th St. (Shoal Creek Watershed) from downtown mixed use (DMU) district zoning to central business district (CBD) district zoning. Staff Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Applicant: Capital Terrace, Ltd. (Jay Palmer). Agent: Drenner & Golden Stuart Wolff, LLP. City Staff: Clark Patterson, 974-7691.  
**The public hearing was closed and Ordinance No. 20091210-53 for central business district-conditional overlay (CBD-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
- 54. 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 February 2, 2010. Applicant: Marvin and Elizabeth Henry. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to February 11, 2010 at the staff's request on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
- 55. C14-2009-0107 - St. Vincent's dePaul Catholic Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9500 Nenah Avenue (Lake Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to multi-family residence-moderate high density (MF-4) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 2, 2010. Applicant: Catholic Diocese of Austin (W.M. Mulvey). Agent: Baker-Aicken & Associates. City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to February 11, 2010 at the staff's request on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
- 56. C14-2009-0108 MU-13 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5925 Steiner Ranch Boulevard (Panther Hollow/Lake Travis Watershed) from development reserve (DR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission

Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: MU-13 Investments LTD. (Laine Holman). Agent: Development & Entitlement Solutions (Sarah Crocker). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20091210-056 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

57. C14-2009-0110 - American Adventure - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13505 North F.M. 620 Road (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on December 15, 2009. Applicant: Hamid Zarafshani / American Adventure RV Rentals, LLC. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to December 17, 2009 at the staff's request on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

58. C14-2009-0129 - 709 West 22nd Street Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 709 West 22nd Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: West Campus Partners III, L.P. (Gary Mefford). Agent: Thrower Design (Ron Thrower). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20091210-058 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

59. C14-2009-0134 - Delta Chapter of Alpha Delta Pi - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2620 Rio Grande Street (Town Lake Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Building Corporation of Delta Chapter of Alpha Delta Pi (Jane Phares). Agent: Brown McCarroll, L.L.P. (Andrew Martin). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20091210-059 for multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

85. NPA-2009-0012.02 - Archways - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM)

from mixed use/office and multi-family to mixed use for the property located at 2500, 2502, 2504, & 2506 Manor Road & E. 32nd Street (0.344 acres) (Boggy Creek Watershed). Staff Recommendation: To approve mixed use land use designation. Planning Commission Recommendation: To approve mixed use land use designation. Owner/Applicant: Archways Apts., L.P. Agent: Jim Wittliff (Land Answers). City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and Ordinance No. 20091210-085 to change the land use designation on the future land use map (FLUM) to mixed use was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

86. C14-2009-0082 - Archways - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500, 2502, 2504, and 2506 Manor Road & East 32nd Street (Boggy Creek Watershed) from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning (Tract 1, 2a, 2b); multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning (Tract 3 and 4); and family residence-neighborhood plan (SF-3-NP) combining district zoning (Tract 5) to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 1 and 2a); commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning (Tract 2b); neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 3 and 4); and general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning (Tract 5). Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 1 and 2a); commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning (Tract 2b); neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 3 and 4); and general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning (Tract 5). Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 1 and 2a); commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning (Tract 2b); neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 3 and 4); and general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning (Tract 5). Applicant: Land Answers (Jim Wittliff). Agent: Berkowitz Investments, LLC (Jason and Richard Berkowitz). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and Ordinance No. 20091210-086 for grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 1 and 2a); commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning (Tract 2b); neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tracts 3 and 4); and general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning (Tract 5) was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

87. NPA-2009-0012.01 - Fannie Mae Stewart Village - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from civic and single family to multi-family for the property located at 1900, 1902, & 1904 E. 22nd Street (Boggy Creek Watershed). Staff Recommendation: To approve multi-family land use designation. Planning Commission Recommendation: To approve multi-family land use designation.



Owner/Applicant: Bo McCarver, Pres., Blackland C.D.C. Agent: Joel G. Martinez Architect (Joel G. Martinez). City Staff: Maureen Meredith, 974-2695.

The public hearing was closed and Ordinance No. 20091210-087 to change the land use designation on the future land use map (FLUM) to multi-family land use was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

88. C14-2009-0104.SH - Fannie Mae Stewart Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900, 1902 and 1904 East 22nd Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Applicant: Joel G. Martinez Architect (Joel G. Martinez). Agent: Blackland Community Development Corporation (Bo McCarver). City Staff: Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20091210-088 for multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:18 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:24 p.m.

Mayor Leffingwell recessed the Council Meeting at 3:25 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:46 p.m.

### ZONING DISCUSSION ITEMS

The public hearings were closed on items 60 through 84 and the first reading was approved as follows in a combined motion. Staff was directed to conduct a spot-check, in the Old Enfield and Pemberton neighborhoods by calling random applicants to verify the owners understanding of both the obligations and the tax advantages of historic designation. Staff was also directed to study the impact of a financial cap and research a policy to achieve equity so all designations are not in one neighborhood. Staff was further directed to discuss all issues with the Historic Landmark Commission.

60. C14H-2009-0028 - Martin-Sharp House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9 Niles Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic Landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Michael and Tracy DiLeo. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

61. C14H-2009-0029 - Davis House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600 Gaston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Alison and Leonard Frey. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

62. C14H-2009-0030 - Wroe-Yeates House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1510 West Lynn Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Melanie and Laurens Fish. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

63. C14H-2009-0032 - DeWitt Reddick House - conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1511 Preston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family Residence - Historic Landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Jill Bell Myatt. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

64. C14H-2009-0034 - Catterall-Thornberry House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence - historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Stephen E. and Leslie R. McConnico, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

65. C14H-2009-0035 - J.W. and Cornelia Rice Scarbrough House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1801 West Avenue (Shoal Creek Watershed) from multi-family residence (MF-4) district zoning to multi-family residence-moderate high density-historic landmark (MF-4-H) combining district zoning. Staff recommendation: To grant multi-family residence-moderate high density-historic landmark (MF-4-H) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-moderate high density-historic landmark (MF-4-H) combining district zoning. Planning Commission recommendation: To grant family-residence-historic landmark (SF-3-H) combining district zoning. Applicants: Jo Sue Howard. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first reading of the ordinance for family-residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
66. C14H-2009-0036 - A.W. and Ida Brill House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 W. 9th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Nicolas Shumway. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 5-0 vote. Mayor Pro Tem Martinez was absent. Council Member Morrison abstained.**
67. C14H-2009-0037 - Dr. Walter Bacon Black House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401 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. Applicants: Peter and Patricia Andersen. 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 Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
68. C14H-2009-0038 - Sutton-Bailey House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1515 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Diego

Mendez. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.

**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

69. C14H-2009-0039 - Lolla Peterson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2410 Jarratt Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Jennifer Hinrichs. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

70. C14H-2009-0040 - Benson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1604 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Alex and Virginia Hill. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

71. C14H-2009-0041 - Black-Fleming House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1613 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Mark and Vicki Eidman. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

72. C14H-2009-0042 - Huron Mills House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2603 Wooldridge Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Jay and Sabrina Brown, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for single family residence standard lot-historic landmark (SF-2-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

73. C14H-2009-0043 - Oscar and Floy Robinson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1711 San Gabriel Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Ben and Jane Schotz. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
74. C14H-2009-0044 - Nagle-Harrington House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1615 Pearl Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Jim and Gayle Browne. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
75. C14H-2009-0045 - Brady House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Pearl Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: E. Lawrence Taylor, Jr. and Joanne Koepke. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
76. C14H-2009-0046 - Boner House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1508 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Eric and Julie Pastor, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

77. C14H-2009-0047 - Pace-Perry House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Don and Daphne Kuykendall. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
78. C14H-2009-0048 - Fred and Margaret Sharp House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12 Niles Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Richard and Amy Griffin. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
79. C14H-2009-0050 - Goodfriend House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2418 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Robert and Mary Cocke. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
80. C14H-2009-0051 - Hildebrand-Scott House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2431 Wooldridge Drive (Shoal Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Staff recommendation: To grant single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Historic Landmark Commission Recommendation: To grant single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Planning Commission Recommendation: To grant single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Applicants: Will and Elizabeth Myers. City Staff: Steve Sadowsky, 974-6454.  
The public hearing was closed and the first reading of the ordinance for single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning was approved on Council

**Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

81. C14H-2009-0053 - Sol and Anne Ginsburg House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1404 Preston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Chris and Anne Newton. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
82. C14H-2009-0056 - Bull House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2213 East Windsor Road (Shoal Creek Watershed) from family residence (SF-3) combining district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H-NP) combining district zoning. Applicants: Tina Contros and Robert Kearl. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
83. C14H-2009-0057 - Thornhill-McKay House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1603 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic Landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic Landmark (SF-3-H) combining district zoning. Applicants: Bill and Ann Boone, owners. Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
84. C14H-2009-0087 - Roger Williams House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1604 Gaston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Thea and Richard Wood. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**

Mayor Leffingwell recessed the Council Meeting at 3:58 p.m.

### LIVE MUSIC

The House of Songs

### PROCLAMATIONS

Presentation to the City -- honoring Austin Water Utility for hosting CMOM Workshop -- to be presented by Michael Michaud, EPA, and to be accepted by Mayor Lee Leffingwell and AWU representatives

Certificates of Graduation -- CityWorks Graduates -- to be presented by Mayor Lee Leffingwell and City Manager Marc Ott and to be accepted by the honorees

Distinguished Service Award (retirement) -- Mike Simpson, CTM -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- AFSCME's 40th Anniversary Celebration -- to be presented by Mayor Lee Leffingwell and to be accepted by Jack Kirfman and Gregg Powell

Proclamation -- Edible Austin Eat Local Week -- to be presented by Council Member Chris Riley and to be accepted by Marla Camp and Urban Roots representatives

Proclamation -- The Season to Buy Local -- to be presented by Council Member Laura Morrison and to be accepted by Dean Lofton and Rebecca Melancon

Mayor Leffingwell called the Council Meeting back to order at 6:37 p.m.

### PUBLIC HEARINGS AND POSSIBLE ACTION

89. Conduct a public hearing and consider an ordinance regarding the Downtown Austin Public Improvement District (PID) 2010 assessments and levying 2010 assessments. Funding at the approved 2010 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,460,368 at a 96% collection rate.  
**The public hearing was closed and Ordinance No. 20091210-089 was approved on Council Member Spelman's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
90. Conduct a public hearing and consider an ordinance regarding the East 6th Street Public Improvement District (PID) 2010 assessment roll and levying 2010 assessments. Funding at the approved 2010 assessment rate of \$0.15/\$100 valuation is estimated to produce \$63,486 at a 90% collection rate.  
**The public hearing was closed and Ordinance No. 20091210-090 was approved on Council Member Riley's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**
91. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 relating to a change in the interim zoning designations granted upon annexation, to be consistent with standard and small single-family lots shown on an approved preliminary plan or final plat. Recommended by Environmental Board, Zoning and Platting Commission, and Planning Commission.  
**The public hearing was closed and Ordinance No. 20091210-091 was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.**



92. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code regarding the requirements for an application for a local historic district. Recommended by Planning Commission.  
The public hearing was closed and Ordinance No. 20091210-092 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
93. Conduct a public hearing and consider an ordinance amending City Code Section 25-10-152 to prohibit the relocation of billboards within 500 feet of a residential use.  
This item was postponed to December 17, 2009 on Council Member Riley's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

Mayor Leffingwell adjourned the meeting at 6:45 p.m. without objection.

The minutes for the regular meeting of December 10, 2009 were approved on this the 17th day of December 2009 on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.