



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 4, 2010

Invocation: Mark Washington, Pastor, Vision of Hope AME Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 4, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 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 January 14, 2010, special called meeting of January 26, 2010, and regular meeting of January 28, 2010.
The minutes from the January 14, 2010 regular meeting, January 26, 2010 special called meeting, and January 28, 2010 regular meeting were approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
2. Approve an ordinance authorizing acceptance of \$7,492,700 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE), and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$7,492,700 for Energy Conservation Measures to be implemented in City of Austin facilities and the addition of four Full Time Equivalents (FTE) employees for implementing Energy Conservation measures in City of Austin facilities. Funding is available from the Department of Energy (DOE) through the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of December 28, 2009 to December 27, 2012. No match is required. Recommended by the Resource Management Commission and the Electric Utility Commission.
Ordinance No. 20100204-002 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Item 3 was pulled for discussion.

4. Approve ratification of the issuance of 18 letters of intent for rebates to ACERO CONSTRUCTION, Austin, TX, for the installation of solar energy systems designed to serve 18 new construction residential condominiums at 2301 South 5th Street, in the total amount not to exceed \$203,796. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion to ratify the issuance of 18 letters of intent for rebates to Acero Construction was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
5. Approve ratification of the issuance of 31 letters of intent for rebates to FORTIS DEVELOPMENT, Austin, TX, for the installation of solar energy systems designed to serve 31 new construction residential condominiums and three commercial buildings at 904 West Avenue, in the total amount not to exceed \$365,108. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion to ratify the issuance of 31 letters of intent for rebates to Fortis Development was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
6. Approve ratification of the issuance of 12 letters of intent in the total amount of \$102,408 and authorize issuance of six additional letters of intent in the total amount of \$44,288 for rebates to PERRY EQUITY PARTNERS, Austin, TX, for the installation of solar energy systems designed to serve 18 new construction homes in the SOL subdivision located at 127 Perry Road, for a total amount not to exceed \$146,696. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion to ratify the issuance of 12 letters of intent and authorize issuance of six additional letters of intent for rebates to Perry Equity Partners was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
7. Authorize the acquisition of a 2.96 acre permanent electric easement from Sun Communities Texas LP, out of the Alexander Walters Survey Number 67, Abstract Number 791, Travis County, Texas, located on Killingsworth Lane, for construction of the 138 kV Gilleland to Techridge Transmission Line Project, in an amount not to exceed \$80,842.80. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Item #8.
The motion authorizing the acquisition of a permanent electric easement from Sun Communities Texas LP was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
8. Authorize the acquisition of a 6.22 acre permanent electric easement from Sun Secured Financing Houston LP, out of the Alexander Walters Survey Number 67, Abstract Number 791, Travis County, Texas, located on Killingsworth Ln., for construction of the 138 kV Gilleland to Techridge Transmission Line Project, in an amount not to exceed \$160,918.80. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Item #7.
The motion authorizing the acquisition of a permanent electric easement from Sun Secured Financing Houston LP was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
9. Approve a resolution authorizing the filing of eminent domain proceedings for the Waller Creek Tunnel Project to acquire an 11,285 square foot exclusive drainage easement and a 16,461 square foot temporary working space easement, in the amount of \$226,408. The owner of the needed property interest is

STENGER REAL ESTATE HOLDINGS, LTD. The property is located at 0 East Avenue. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

Resolution No. 20100204-009 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

10. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY INC., Pflugerville, TX, for the Lady Bird Lake / East 4th Street Storm Drain Improvements project in the amount of \$5,488,396.00 plus a \$548,839.60 contingency, for a total contract amount not to exceed \$6,037,235.60. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of ten (10) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 5.56% MBE and 1.69% WBE subcontractor participation. Use of parkland at Metz Park and Holly Shores recommended by Parks and Recreation Board.
The motion authorizing the execution of a construction contract with Cash Construction Company Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
11. Authorize negotiation and execution of an amendment to the professional services agreement with R. Mendoza & Co., PC (MBE/FH) for accounting services, in an amount not to exceed \$90,000, with the option of three extensions at \$50,000 per extension, for a total contract amount not to exceed \$240,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Convention Center 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). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. However, the prime contractor is certified MBE/FH.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with R. Mendoza & Co., PC was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
12. Authorize negotiation and execution of a one-year contract with the Austin Asian American Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$90,000, with four additional twelve-month extension options for a total contract amount not to exceed \$450,000. Funding in the amount of \$90,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Related to Items #13 and 14.
The motion authorizing the negotiation and execution of a contract with the Austin Asian American Chamber of Commerce was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
13. Authorize negotiation and execution of a one-year contract with the Capital City African American Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$90,000, with four additional twelve-month extension options for a total contract amount not to exceed \$450,000. Funding in the amount of \$90,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business

Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Related to Items #12 and 14.

The motion authorizing the negotiation and execution of a contract with the Capital City African American Chamber of Commerce was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

14. Authorize negotiation and execution of a one-year contract with the Greater Austin Hispanic Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$98,900, with four additional twelve-month extension options for a total contract amount not to exceed \$494,500. Funding in the amount of \$98,900 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Related to Items #12 and 13.

The motion authorizing the negotiation and execution of a contract with the Greater Austin Hispanic Chamber of Commerce was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

15. Approve an ordinance amending Ordinance No. 20090914-004 to repeal a provision related to a customer utility fee credit in the 2009-2010 fee schedule for Austin Water Utility in accordance with the settlement agreement in the matter of Northwest Austin MUD No. 1, et al. v. City of Austin, et al., No. GN203378 in the District Court of Travis County, Texas. Related to Item # 16.

Ordinance No. 20100204-015 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

16. Approve an ordinance abolishing Northwest Austin Municipal Utility District No. 1 in accordance with the terms of the settlement agreement approved by Council on January 28, 2010. Related to Item #15.

Ordinance No. 20100204-016 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

17. Authorize execution of an amendment to the legal services contract with Robert Icenhauer-Ramirez, Austin, Texas, for representation of Leonardo Quintana in Nathaniel Sanders, Sr., Individually and As Heir to the Estate of Nathaniel Sanders II, and Yulonda Sanders, Individually, and As Heir to the Estate of Nathaniel Sanders II. v. Leonardo Quintana and The City Of Austin; In The United States District Court, for the Western District of Texas Austin Division; Case No. A 09 CA 426 SS, for an increase of \$250,000, with a total contract amount not to exceed \$300,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Liability Reserve Fund.

The motion authorizing the execution of an amendment to the legal services contract with Robert Icenhauer-Rameriz was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

18. Authorize award and execution of a 12-month requirements service contract with NORTH HOUSTON POLE LINE L.P., Houston, TX to provide wood pole inspection and treatment services in an estimated amount not to exceed \$216,247, with two 12-month extension options in an estimated amount not to exceed \$216,247 per extension option, for a total estimated contract amount not to exceed \$648,741. Funding in the amount of \$144,165 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of six 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 North Houston Pole Line L.P. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

19. Authorize award, negotiation, and execution of a 36-month professional service agreement with COLORADO RIVER WATCH FOUNDATION, INC., Austin, TX to provide water quality monitoring and training for At-Risk youth for the Austin Water Utility and Watershed Protection Department in an amount not to exceed \$818,000, with two 12-month extension options in amounts not to exceed \$295,000 for the first extension option and \$300,000 for the second extension option, for a total contract amount not to exceed \$1,413,000. Funding in the amount of \$124,918 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding in the amount of \$80,582 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole proposal 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. Recommended by the Water and Wastewater Commission.

The motion authorizing the award, negotiation and execution of a professional service agreement with Colorado River Watch Foundation, Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

20. Authorize award and execution of a contract with MACAULAY CONTROLS COMPANY, Austin, TX, for the purchase of American Sigma portable open-channel flow meters for the Austin Water Utility in an amount not to exceed \$131,054.45. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract with Macaulay Controls Company was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

21. Authorize award and execution of a contract with MOTION INDUSTRIES, INC., Pflugerville, TX for the purchase of SEW-Eurodrive brand gear boxes for the Austin Water Utility in an amount not to exceed \$89,994.59. Funding in the amount of \$89,994.59 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eight 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.

The motion authorizing the award and execution of a contract with Motion Industries, Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

22. Authorize award and execution of a 36-month requirements supply contract with VWR INTERNATIONAL, LLC, Suwanee, GA for the purchase of laboratory supplies in an estimated amount not to exceed \$540,000, with three 12-month extension options in an estimated amount not to exceed \$180,000 per extension option, for a total estimated contract amount not to exceed \$1,080,000. Funding in the amount of \$120,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 28 months of the original contract period and extension options

is contingent upon available funding in future budgets. Lowest bid meeting specifications of four 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.

The motion authorizing the award and execution of a requirements supply contract with VWR International, LLC was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

23. Authorize award and execution of two 36-month requirements service contract with PRINTMAILPRO, Austin, TX and PRINT LOGICS, Austin, TX for flat sheet printing services in an estimated combined amount not to exceed \$1,530,000, with three 12-month extension options in an estimated combined amount not to exceed \$510,000 per extension option, for a total estimated combined contract amount not to exceed \$3,060,000. Funding in the amount of \$340,000 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of five 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 Water and Wastewater Commission and the Electric Utility Commission.
- The motion authorizing the award and execution of two requirements service contracts with PrintMailPro and Print Logics was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**
24. Authorize award and execution of a contract through the State of Texas, Comptroller of Public Accounts (CPA) with TOTER INCORPORATED, Statesville, NC for the purchase of residential garbage carts and single-stream recycling carts in an amount not to exceed \$899,763.84. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Solid Waste Services 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. Recommended by the Solid Waste Advisory Commission.
- The motion authorizing the award and execution of a contract through the State of Texas, Comptroller of Public Accounts (CPA) with Toter Incorporated was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**
25. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate an American Recovery and Reinvestment Act (ARRA) project for the installation of a Dynamic Message Sign (DMS) system at various locations throughout the City; and approve an ordinance accepting \$1,000,000 in grant funds and amending the Fiscal Year 2009-2010 Transportation Department Special Revenue Fund of Ordinance No. 20090914-002 and Capital Budget of Ordinance No. 20090914-003 to transfer and appropriate grant funds. Funding of \$1,000,000 will be provided by the Texas Department of Transportation. Funding of \$50,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department to cover the administrative costs as required by the Texas Department of Transportation.
- The motion authorizing the negotiation and execution of an advance funding agreement with the Texas Department of Transportation and Ordinance No. 20100204-025 were approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

26. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. The following appointments and waivers were approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Board**Nominated By:****Arts Commission**

Samuel Tinnon

Council Member Riley

Public Safety Commission

Sam Holt

Mayor Leffingwell

27. Approve a resolution initiating amendments to City Code Chapter 25-2 (Sign Regulations) to authorize placement of memorial markers in the public right-of-way to honor public safety officers killed in the line of duty. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Randi Shade)
Resolution No. 20100204-027 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
28. Approve a resolution authorizing an application for funding to Preserve America in an amount up to \$250,000 in grant funds for an historic survey web tool to assist the City's historic preservation program. (Council Member Laura Morrison Mayor Lee Leffingwell Council Member Chris Riley)
Resolution No. 20100204-028 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
29. Approve the waiver of certain fees and requirements for the Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin that will be held Saturday, April 17, 2010 at Waterloo Park. (Council Member Sheryl Cole Council Member Chris Riley Council Member Randi Shade)
The motion to approve the waiver of certain fees and requirements for the Bengali New Year Festival was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
30. Set a public hearing to consider an ordinance for floodplain variances requested by Mr. Richard Suttle of Armbrust and Brown, LLP, on behalf of Stubb's Austin Restaurant Co., L.C., to validate existing development in the form of various buildings and structures at the existing business known as Stubb's, 801 Red River Street. Portions of the property including areas where unpermitted development has occurred are within the 25-year and 100-year floodplains of Waller Creek. (Suggested date and time: February 11, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) There is no unanticipated fiscal impact.
The public hearing was set for February 11, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
39. Approve an ordinance repealing Resolution No. 861211-9 and amending City Code Chapter 8-1 relating to use of athletic fields for youth recreation. There is no unanticipated fiscal impact. A fiscal note is not required. Approved by the Parks and Recreation Board.
Ordinance No. 20100204-039 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Items 31 through 33 were zoning items set for 2:00 p.m.

Items 34 through 37 were public hearing items set for 4:00 p.m.

Item 38 was a public hearing item set for 6:00 p.m.

DISCUSSION ITEM CONTINUED

3. Approve a resolution authorizing the City Manager to establish and administer a residential solar rebate program and a performance-based solar incentive program for commercial and multi-family facilities. Recommended by the Resource Management Commission the Electric Utility Commission.
Resolution No. 20100204-003 was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.

Mayor Leffingwell recessed the Council Meeting at 10:21 a.m.

Mayor Leffingwell called the Council Meeting back to order at 12:03 p.m.

CITIZEN COMMUNICATION: GENERAL

John Goldstone - ARA 12th street. Direction was given to staff to have the development of policies on cameras on 12th Street include a public input process.

Tommy Eden - Immediate improvement of major arterials for bicycles

Kenneth Lewis - False arrest and compensation

Gus Peña - City issues. He was not present when his name was called.

Debbie Bressette - 211 United Way help line. She was not present when her name was called.

Bruce Kline - Hate crimes. He was not present when his name was called.

Mayor Leffingwell recessed the Council Meeting at 12:21 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:37 p.m.

ZONING CONSENT ITEMS

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

31. C14-2009-0127 - Austin Woodfin Suite - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7685 Northcross Drive (Shoal Creek Watershed) from community commercial-mixed use (GR-MU) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: Withdrawn by applicant. Applicant: B-H Enterprises (William Hale). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Clark Patterson, 974-7691.
This item was withdrawn on consent by the applicant on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

32. C14-2009-0149 - 2103 West Slaughter Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2103 West Slaughter Lane (Slaughter Creek Watershed) from single family residence-standard lot (SF-2) district zoning to general office-mixed use (GO-MU) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Owner/Applicant: Shokrollah Delaram. Agent: Sean Hildebrandt. City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20100204-032 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
33. C814-01-0114.02 - Comanche Canyon Ranch PUD Amendment #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Comanche Trail at Monte Castillo Parkway (Lake Travis Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant/Owner: Comanche Canyon East Commercial Partners, L.P. (Robert Theriot). Agent: Vision 360 (Brian Birdwell). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and the first reading of the ordinance for planned unit development (PUD) district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

34. Conduct a public hearing for the full purpose annexation of the Harris Branch Outparcel (approximately 2 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).
The public hearing was closed on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
35. Conduct a public hearing for the limited purpose annexation of the Moore's Crossing - Linda Vista Area (approximately 34 acres in southern Travis County east of FM 973 at the southeast corner of the intersection of FM 973 and Burleson Road and east of the intersection of FM 973 and Linda Vista Drive).
The public hearing was closed on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
36. Conduct a public hearing for the limited purpose annexation of the Greenshores on Lake Austin and Excess Capacity Area (approximately 161 acres in Travis County north and west of the intersection of Oak Shores and Pearce Road; west of Robbins Road; south of Smoky Ridge; and east of Ski Shores Terrace).
The public hearing was closed on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

37. Conduct a public hearing and consider an amendment to the Land Development Agreement between the City and Austin Independent School District to increase the height regulations for a structure associated with a Performing Arts Center at McCallum High School, located at 5600 Sunshine Drive. Recommended by Planning Commission.

The public hearing was closed and an amendment to the land development agreement between the City and Austin Independent School District was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 4:46 p.m.

LIVE MUSIC

C.L.U.E.

PROCLAMATIONS

Presentation to the City – to be presented by Zenda Johnson, Texas Association of Partners in Education (TAPE) and to be accepted by Mayor Lee Leffingwell, Brenda Branch and Katie Arens

Mayor Leffingwell called the Council Meeting back to order at 6:05 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

38. Conduct a public hearing and consider an ordinance amending Chapter 25-8, Subchapter B, Article 1, and Section 6-3-48 of the City Code relating to tree protection. Recommended by Environmental Board, Electric Utility Commission, Urban Forestry Board, and Planning Commission.

The public hearing was closed and Ordinance 20100204-038 was approved per staff recommendations with the following friendly amendments on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. All the friendly amendments were accepted or made by both the maker of the motion and Mayor Pro Tem Martinez, who seconded the motion.

- Council Member Riley moved to amend Part 2 of the ordinance by amending the definition of Heritage Tree in Subsection 25-8-602 (1) by deleting the words, ". . . at least one stem with. . ." The public process would remain for only single stem trees with a trunk greater than thirty inches.
- Council Member Riley moved to amend Part 2 Subsection 25-8-602 (1) by deleting the various species of oak in subsection (1) (g) through (1) (q) and inserting instead a new subsection (g) "All oaks" and renumber the remaining species accordingly and by adding a sentence at the end of the definition that reads, "This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule."
- Mayor Pro Tem Martinez moved to delete Part 8 Subsection 25-8-621 (D); delete Part 13 Subsection 25-8-641 (E); amend Part 10 Subsection 25-8-624 (A) (3) to read, "is an imminent hazard to life or property and the hazard cannot reasonably be mitigated without removing the tree;" and amend Part 13 Subsection 25-8-642 (A) (2) to read, "is an imminent hazard to life or property and the hazard cannot reasonably be mitigated without removing the tree; or."
- Council Member Spelman moved to amend Part 6 Subsection 25-8-606 to read, "REPORTS. The city arborist shall annually report to the Environmental Board and monthly report to the Urban Forestry Board. The report shall include, but is not limited to,

- impacts to protected or heritage trees, tree promotional programs, and urban forestry planning efforts."
- Council Member Morrison moved to amend Part 13 Subsection 25-8-642 (C) (2) and Subsection 25-8-643 (A) (2) to read, "removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic and cultural value of the trees on site."
 - Mayor Leffingwell moved to amend Part 10 Subsection 25-8-624 (A) (6) (b) to read, "prevents the construction of utility or drainage facilities that may not feasibly be rerouted" deleting the words "maintenance or."

Mayor Leffingwell adjourned the meeting at 8:51 p.m. without objection.

The minutes for the regular meeting of February 4, 2010 were approved on this the 11th day of February 2010 on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.