

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, FEBRUARY 11, 2010**

Invocation: Father Isidore, Pastor, St. Albert the Great Catholic Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 11, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:06 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 February 4, 2010.  
The minutes from the meeting of February 4, 2010 were approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
2. Approve the negotiation and execution of a fee simple acquisition of a part of Lot Nos. Five (5), Six (6), Seven (7) and Eight (8), in Block No. Thirty-seven (37), in the City of Austin, Travis County, Texas, located at 707 E. 5th Street, for the Waller Creek Tunnel Project from KAY SHAPIRO, TRUSTEE OF THE MICHAEL SHAPIRO 1988 FAMILY TRUST, ET AL., in an amount not to exceed \$928,416. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.  
The motion authorizing the negotiation and execution of a fee simple acquisition for the Waller Creek Tunnel Project from Kay Shapiro, Trustee of the Michael Shapiro 1988 Family Trust, et al. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.
3. Authorize negotiation and execution of an 84-month lease renewal for 8,000 square feet of office and warehouse space for the Vector Control Program of the Health and Human Services Department, located at 4122 Todd Lane, from THE ESTATE OF MINA S PARVEN, Austin, TX, in an amount not to exceed \$463,899.28. Funding in the amount of \$26,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
The motion authorizing the negotiation and execution of a lease renewal from the Estate of Mina S Parven was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

4. Authorize negotiation and execution of a 12-month lease renewal of 2.52 acres of land and 3,000 square feet of office and warehouse improvements located at 5109 E. Ben White, from 5005 B.W. LP, for the Watershed Protection Department, Pond Maintenance Program, in an amount not to exceed \$55,000. Funding in the amount of \$53,250 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the remaining contract period is contingent on available funding in future budgets.  
**The motion authorizing the negotiation and execution of a lease renewal from 5005 B.W. LP was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**
5. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for the Austin Convention Center 3rd & 4th Level Connector in the amount of \$795,347, plus a \$39,767 contingency, for a total contract amount not to exceed \$835,114. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Convention Center Department. Lowest bid of five (5) 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 29.10%MBE and 3.67% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Southwest Corporation was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**
6. Authorize negotiation and execution of an amendment to the professional services agreement with URBAN DESIGN GROUP (WBE/FW-64.59%), Austin, TX, for engineering services on the East 7th Street Corridor Improvements Project in the amount of \$473,290.57 for a total contract amount not to exceed \$1,575,027.73. Funding in the amount of \$249,015.84 is included in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Funding in the amount of \$162,020.77 is included in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$62,253.96 is included in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. This contract will be awarded in compliance with Chapter 2-9B of the city Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 14.62% MBE and 14.36% WBE subcontractor participation to date. Briefings were presented to the Design Commission, Urban Transportation Commission, Land and Facilities Subcommittee, Water and Wastewater Commission, and the Parks and Recreation Board. To be reviewed by the Water and Wastewater Commission on February 10, 2010. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Urban Design Group was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

7. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, Texas (MBE/MH - 36.44%) for Group 11 Reconstruction and Utility Adjustments for the Burleson Road Heights and Santa Monica Park Subdivisions Phase 2, an ACCELERATE AUSTIN PROJECT, in the amount of \$1,820,349.53 plus a \$91,017.48 contingency, for a total contract amount not to exceed \$1,911,367.01. Funding in the amount of \$1,282,664.52 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$628,702.49 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 49.35% MBE and 10.00% 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 Shade's motion, Council Member Morrison's second on a 7-0 vote.**
8. Approve a resolution adopting the City's Federal Legislative Program including Fiscal Year 2011 appropriations requests.  
**Resolution No. 20100211-008 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 9 was pulled for discussion.**

10. Authorize award, negotiation, and execution of a 12-month requirements contract through the State of Texas, Department of Information Resources (DIR), with ORACLE USA, Austin, TX, for the purchase of the Oracle Utilities Mobility Workforce Management Real Time Scheduler software and software support services in an estimated amount not to exceed \$300,000, with three 12-month extension options in an estimated amount not to exceed \$55,000 per extension option, for a total estimated contract amount not to exceed \$465,000. Funding in the amount of \$300,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Electric Utility Commission.  
**The motion authorizing the award, negotiation and execution of a requirements contract through the State of Texas, Department of Information Resources (DIR) with Oracle USA was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**
11. Authorize award, negotiation, and execution of a 12-month requirements service contract with COMPUTER SCIENCE CORPORATION, Houston, TX, for the purchase of software technology implementation services and training in an estimated amount not to exceed \$1,800,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget for Austin Energy. Best evaluated proposal meeting requirements of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.50% MBE and 11.00% WBE subcontractor participation. Recommended by Electric Utility Commission.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Computer Science Corporation was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**
12. Authorize award and execution of a contract with HARVEY-CLEARY BUILDERS, Austin, TX for the purchase and installation of a 2,500-ton chiller system at the Robert Mueller Energy Center in an amount not to exceed \$3,610,498. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin

Energy. Best evaluated 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) by meeting the goals with 12.24% MBE and 2.36% WBE subcontractor participation. Recommended by the Electric Utility Commission.

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

13. Authorize award and execution of Amendment No. 3 to the contract with OPEN SYSTEMS INTERNATIONAL, INC., Minneapolis, MN, for the purchase of Generation Management System (GMS) software, technical services, annual maintenance and support, and implementation by increasing the current contract term authorization in an estimated amount not to exceed \$200,000, increase the two remaining extension options in an estimated amount not to exceed \$150,000 per extension option, and add three additional 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a revised total estimated contract amount not to exceed \$2,095,227. Funding in the amount of \$200,000 is available in the Fiscal Year 2009-2010 Operating Budget for Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of amendment number three to the contract with Open Systems International, Inc. was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

14. Authorize award and execution of a contract with WATTHOUR ENGINEERING CO., INC., Pearl, MS, for the purchase of automated three-phase meter test systems in an amount not to exceed \$107,720. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. 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 Electric Utility Commission.

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

15. Approve the execution of a restated and amended contract with Mid-America Recycling, L.L.C. dba Greenstar for the transport, processing, and sale of commingled recycling material for a 36-month term with estimated revenue of \$7,661,354 and estimated processing and transportation expenditures in an amount not to exceed \$14,782,935 and four (4) 6-month extension options related to the completion of the City's proposed single-stream material recovery facility, with estimated revenue of \$1,322,317 and estimated processing and transportation expenditures in an amount not to exceed \$2,640,319 per extension option, for a total contract not to exceed \$12,393,589. Funding is available in the Fiscal Year 2009 Operating Budget through an end of year accounting accrual and in the Fiscal Year 2010 Operating Budget of the Solid Waste Services Department. To be reviewed by the Solid Waste Advisory Commission on February 10, 2010.

**This item was postponed to February 25, 2010 on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

16. 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:****Commission for Women**

Veronica Garcia

Mayor Pro Tem Martinez

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

Roland Hayes

Charles Miles

Council

Council

17. Approve an ordinance authorizing 96-hour sound amplification permits; waiving the requirements of City Code Section 9-2-24 related to permit duration; and declaring an emergency. (Council Member Randi Shade Mayor Pro Tem Mike Martinez Council Member Laura Morrison)  
**Ordinance No. 20100211-017 was approved on consent on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 18 was pulled for discussion.**

19. Approve a resolution directing the City Manager to identify means of reducing nitrogen oxides, particulate, and greenhouse gas emissions associated with construction and demolition projects. (Council Member Chris Riley Mayor Lee Leffingwell Council Member William Spelman)  
**Resolution No. 20100211-019 was approved on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 20 was pulled for discussion.**

21. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with LegalZoom.com, Inc. (Suggested date and time: February 18, 2010, 5:30 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set for February 18, 2010 at 5:30 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.**
22. Set a public hearing to receive public comment on the City's spending priorities for affordable housing using General Obligation Bonds and federal funds. (Suggested date and time: February 25, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set for February 25, 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.**

Items 23 through 25 were briefing items set for 10:30 a.m.

Items 26 and 27 were Executive Session items.

Items 28 through 33 were zoning items set for 2:00 p.m.

Items 34 through 36 were public hearing items set for 4:00 p.m.

### DISCUSSION ITEMS

9. Approve a resolution authorizing the Parks and Recreation Department's application for up to \$1,000,000 in grant funding from the Texas Parks and Wildlife Department's Urban Outdoor Recreation Grant Program to improve facilities and resources at Morris Williams Golf Course. The City will match 100% of all granted funds. Funding in the amount of \$1,000,000 for the grant match is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department.  
**Resolution No. 20100211-009 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.**
20. Approve the waiver of certain fees and requirements for the 2010 Hallmark Speakers Series event, Mommy's Coming Home: The Reintegration of Women Veterans to the Family, sponsored by the Young Women's Christian Association (YWCA) of Greater Austin which is to be held Friday, March 19, 2010 at the George Washington Carver Museum & Cultural Center. (Council Member Sheryl Cole Mayor Lee Leffingwell Council Member Laura Morrison)  
**The motion to approve the waiver of certain fees and requirements for the 2010 Hallmark Speakers Series event was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.**
18. Approve an ordinance amending City Code Section 14-8-32, relating to temporary closures for a right-of-way event to create certain requirements for peace officer participation. (Council Member Randi Shade Mayor Lee Leffingwell and Council Member Sheryl Cole)  
**There was a motion made by Council Member Shade and seconded by Mayor Pro Tem Martinez to approve the ordinance.**

**A substitute motion was made by Council Member Morrison and seconded by Council Member Spelman to postpone this item to May 13, 2010. In the interim, staff was directed to:**

- pull together other stakeholders including other law enforcement and event people to develop an alternate proposal that meet the needs;**
- take the proposal to the Public Safety Commission for review and recommendation; and**
- come back to Council by May 13, 2010.**

**This motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Spelman. Those voting nay were: Mayor Leffingwell and Mayor Pro Tem Martinez and Council Members Cole, Riley and Shade.**

**A friendly amendment was made by Council Member Spelman to replace the proposed ordinance language with, "A permittee must select peace officers commissioned by the Texas Commission on Law Enforcement Officer Standards and Education for traffic control and who are licensed to do work in Travis County. The permittee must furnish the police chief with a security control plan including the proposed number of certified law enforcement officers who will provide security for the event. The police chief has the authority to accept, reject, or require amendments to the plan." The amendment was not accepted by the maker of the motion.**

**A motion to table this item to allow staff time to review the proposed amendment before Council voted was made by Council Member Spelman and seconded by Council Member Morrison. This motion failed on a vote of 3-4. Those voting aye were: Council Members Cole, Morrison, and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Riley, and Shade.**

The following substitute motion that was made by Council Member Spelman, seconded by Council Member Morrison failed on a vote of 2-5. Those voting aye were Council Members Morrison and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole, Riley and Shade. The substitute motion was to replace the wording of the proposed ordinance language with the following, "A permittee must select peace officers commissioned by the Texas Commission on Law Enforcement Officer Standards and Education for traffic control and who are licensed to do work in Travis County. The permittee must furnish the police chief with a security control plan including the proposed number of certified law enforcement officers who will provide security for the event. The police chief has the authority to accept, reject, or require amendments to the plan."

Ordinance No. 20100211-018 was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole, Riley and Shade. Those voting nay were: Council Members Morrison and Spelman. Direction was given to staff to send the ordinance to the Public Safety Commission for review and comment.

#### **BRIEFINGS**

- 24. Staff presentation regarding an economic development proposal to create an economic development program for LegalZoom.com, Inc. (Public comment is permitted on this staff presentation)  
The presentation was made by Kevin Johns, Director of Economic Growth and Redevelopment Services
- 23. Annual Update on the City of Austin and Lower Colorado River Authority Water Partnership  
The presentation was made by Greg Meszaros, Director of Austin Water Utility.
- 25. Briefing on the East Riverside Corridor Master Plan by City staff.  
The presentation was made by Erica Leak, Planner III, and Molly Scarbrough, Planner Senior, for Planning and Development Review Department

#### **CITIZEN COMMUNICATIONS: GENERAL**

Susana Almanza - Celebrate 18th anniversary of Tank Farm closure

Rae Nadler-Olenick - Water fluoridation

Robert L. Thomas - Labor and industrial relations at Rosewood Park and Recreation Center

Michelle Kimbrough - Travis County family treatment court

Gary Etie- TBD He was not present when his name was called.

Darlene Byrne - The Travis County family treatment drug court

Ronnie Reefersseed - Peace and freedom generally speaking

JD Horne - Contract and land management-item #9 from the February 4, 2010 meeting He was not present when his name was called.

Paul Robbins - City issues

Gus Peña - City issues

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:41 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.

26. Discuss legal issues related to Cause No. D-1-GN-08-003669, Rodriguez Barr, Inc. d/b/a The Barr Company v. City of Austin, in the 201st Judicial District of Travis County, Texas. (Private Consultation with Attorney - Section 551.071).
27. Discuss legal issues related to Nona K. Allen v. City of Austin, GN-08-003418, 201st Judicial District, Travis County, Texas. (Private Consultation with Attorney - Section 551.071)  
This item was withdrawn.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:10 p.m.

Mayor Leffingwell recessed the Council Meeting at 1:10 p.m.

Mayor Pro Tem Martinez called the Council Meeting back to order at 3:33 p.m.

#### ZONING ITEM

28. C14H-2009-0047 - Pace-Perry House - Approve second/third readings of 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. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Don and Daphne Kuykendall. City Staff: Steve Sadowsky, 974-6454.  
This item was postponed to March 11, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.

#### ZONING CONSENT ITEMS

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

29. 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. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Marvin and Elizabeth Henry. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
The public hearing was closed and the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.



30. 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 grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Catholic Diocese of Austin (W.M. Mulvey). Agent: Baker-Aicken & Associates. City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was closed and the first reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.**
31. C14-2009-0140 - Najib's .30 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 214 East Anderson Lane Service Road West Bound (Buttermilk Branch Watershed) from Community Commercial (GR) district zoning to Commercial-Liquor Sales-Conditional Overlay Combining (CS-1-CO) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay combining (CS-1-CO) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant/Owner: Najib F. Wehbe. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was closed and Ordinance No. 20100211-031 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.**
32. C14-2009-0157 - Albert Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201-7207 Albert Road and 1305-1407 Matthews Lane (South Boggy Creek; Williamson Creek Watersheds) from single family residence large lot-conditional overlay (SF-1-CO) combining district zoning to single family residence standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 16, 2010. Owner/Applicant: Stone Properties (Jacqueline P. Stone). Agent: Austin Civil Engineering, Inc. (Brent Hammond). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed on consent to February 25, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.**
33. C14-2009-0158 - 7211 Albert Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7211 Albert Road (South Boggy Creek; Williamson Creek Watersheds) from development reserve (DR) district zoning to single family residence standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 16, 2010. Owner/Applicant: Chester C. Young. Agent: Damon Young. City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed on consent to February 25, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.**

Mayor Leffingwell recessed the Council Meeting at 3:50 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:02 p.m.

**PUBLIC HEARINGS AND POSSIBLE ACTION**

34. Conduct a public hearing and 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.

This item was postponed to February 25, 2010 on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote. Direction was given to staff to facilitate a meeting with all the parties to identify the specific concerns and bring that information back to Council.

35. Conduct a public hearing and consider an appeal by the River Bluff Neighborhood Association of a decision to approve an Outdoor Music Venue permit for Sustainable Waves, located at 4822 E. Cesar Chavez.

There was a motion made by Council Member Shade and seconded by Mayor Pro Tem Martinez to postpone this item to February 25, 2010. Council Member Morrison made a friendly amendment to hold the public hearing and then vote on the postponement. The motion was withdrawn by the maker, and Mayor Pro Tem Martinez who seconded the motion.

The public hearing was held open and this item was postponed to February 25, 2010, with the following friendly amendment, on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. The friendly amendment from Council Member Shade was direction to staff to facilitate a meeting with all concerned parties and notify Council of the meeting date, time and location. And, provide the owner's of Little Woodrow's and Sustainable Waves a copy of Ordinance No. 20100211-017. The amendment was accepted by the maker of the motion and by Council Member Cole, who made the second.

36. Conduct a public hearing and 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. There is no unanticipated fiscal impact.

The public hearing was closed and Ordinance No. 20100211-036 reflecting the applicant's request was approved on an emergency passage on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 5:17 p.m.

**LIVE MUSIC**

Austin Lounge Lizards

**PROCLAMATIONS**

Proclamation -- Austin Energy Regional Science Festival -- to be presented by Mayor Lee Leffingwell and to be accepted by Russell Cowen

Proclamation -- Take Heart Austin -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Paul Hinchey, EMS

Proclamation -- Engineering Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Rick McMaster

Proclamation -- International Mother Language Day -- to be presented by Council Member Randi Shade and to be accepted by Sadia Banu

Proclamation -- Austin Film Society -- to be presented by Council Member Laura Morrison and to be accepted by Rebecca Campbell

Proclamation -- Dental Health Month -- to be presented by a Council Member and to be accepted by Earl Maxwell

**Mayor Leffingwell called the meeting back to order and adjourned at 6:13 p.m. without objection.**

**The minutes for the regular meeting of February 11, 2010 were approved on this the 25th day of February 2010 on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.**