

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JUNE 10, 2010**

Invocation: Rev. Harvey Rhodes, New Hope Missionary Baptist 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, June 10, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 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 May 27, 2010.
The minutes from the regular Council meeting of May 27, 2010 were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
2. Authorize the negotiation and execution of the conveyance of approximately one-acre tract of land, out of the Garner Mayes Survey No. 501, in Travis County, Texas, locally known as 9310 FM 812 to TJFA, L.P., for the fair market value of \$10,389 as determined by a sealed bid auction held on April 13, 2010. Revenue generating sale of property. Funds received must be used in the Airport Noise Mitigation Program in accordance with federal regulations.
The motion authorizing the negotiation and execution of the conveyance of approximately one-acre of land was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
3. Approve a resolution authorizing the filing of eminent domain proceedings for the Pleasant Valley from St. Elmo to Button Bend Project to acquire 3.430 acres and 0.1404 acres of right of way; 2,961 sq. ft. and 13,099 sq. ft. of permanent slope and drainage easements and 2,775 sq. ft. of temporary working space, in the amount of \$413,454. The owner of the needed property interests is BARKLEY FAMILY FARM PARTNERSHIP, LTD., a Texas Limited Partnership. The property is located at 2501 E. St. Elmo Road, Austin, Travis County, Texas 78744. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.
Resolution No. 20100610-003 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Items 4 and 5 were pulled for discussion.

6. Authorize execution of a construction contract with HILL COUNTRY CONCRETE & MASONRY SUPPLY, INC, Kerrville, TX, for the Wheless Lane Substation Wall in an amount not to exceed \$145,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid of one (1) bid 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 the achievements of Good Faith Efforts with 6.68% MBE and 1.21% WBE subcontractor participation. Recommended by the Electric Utility Commission.

The motion authorizing the execution of a construction contract with Hill Country Concrete & Masonry Supply, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 7 was pulled for discussion.

8. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, TX, for the West Gate Extension Roadway Improvements from Cameron Loop to Cohoba Drive in the amount of \$4,467,261 plus a \$223,363.05 contingency, for a total contract amount not to exceed \$4,690,624.05. Funding in the amount of \$73,647 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$4,616,977.05 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Lowest bid of seven (7) 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 achieving good faith efforts with 7.45% MBE and 3.58% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Cash Construction Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

9. Authorize execution of change order #3 to the construction contract with AUSTIN UNDERGROUND, INC., Lago Vista, TX, (MBE/MH-88.08%) for the Oak Lawn Neighborhood Storm Drain Improvements in the amount of \$215,973, for a total contract amount not to exceed \$1,674,834.61. Funding in the amount of \$215,973 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Business Owned Business Enterprise Procurement Program) with 88.08% MBE PRIME and 1.53% MBE and 7.47% WBE subcontractor participation to date, including this change order.

The motion authorizing the execution of change order number three to the construction contract with Austin Underground, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 10 was pulled for discussion.

11. Approve an ordinance accepting \$611,360 in Assistance to Firefighters Grant funds from the Federal Emergency Management Agency; and amending the Fiscal Year 2009-2010 Fire Department Operating Budget Special Revenue Fund of Ordinance No. 20090915-002 to appropriate \$611,360 for the installation of Diesel Exhaust Evacuation Systems at Austin fire stations. Funding is available from FEMA Fiscal Year 2009 Assistance to Firefighters Grant program (\$611,360). An in - kind match of \$152,840 is available from the Fire Department's Operating Budget. The grant period is May 22, 2010 to May 21, 2011.

Ordinance No. 20100610-011 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

12. Authorize execution of an amendment to the legal services contract with the law firm of Fulbright & Jaworski, L.L.P., to provide legal services regarding public improvement district bonds and other public finance aspects of the proposed development agreement for the Whisper Valley development project in an amount not to exceed \$50,000, for a total contract amount not to exceed \$75,000. The developer for Whisper Valley, CLUB DEAL 120 WHISPER VALLEY, LIMITED PARTNERSHIP, has agreed to reimburse the total amount of \$75,000 to the City for legal services rendered by Fulbright & Jaworski, L.L.P. Funding in the amount of \$50,000 will be provided from developer reimbursements.
- The motion authorizing the execution of an amendment to the legal services contract with Fulbright & Jaworski, L.L.P. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

Item 13 was pulled for discussion.

14. Authorize negotiation of a 20 year agreement with Young Men's Christian Association dba YMCA of Austin, a Texas non-profit corporation, for the development and operation of a recreation center located at 1000 West Rundberg Lane, Austin, Texas, for public use in an amount not to exceed \$8,600,000. \$1,794,987 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Funding for future appropriation is contingent upon approval in future budgets and will come from funds approved in Proposition 3 of the 2006 Bond Program. Recommended by the Parks and Recreation Board.
- The motion authorizing the negotiation of an agreement with Young Men's Christian Association doing business as YMCA of Austin was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
15. Approve an ordinance authorizing the acceptance of \$303,089 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$303,089 for the education component of the traffic safety grant program. Funding in the amount of \$303,089 is available from the MCSAP High Priority Grant. No match is required.
- Ordinance No. 20100610-015 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
16. Approve an ordinance authorizing the acceptance of \$895,514 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2009-2010 Police Department Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$895,514 for the enforcement component of the traffic safety grant program. Funding in the amount of \$895,514 is available from the MCSAP High Priority Grant. A 20% match is required and will be met with existing staff salaries and benefits.
- Ordinance No. 20100610-016 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
17. Approve an ordinance authorizing the acceptance of grant funds in the amount of \$110,358 from the Downtown Austin Alliance; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate an additional \$110,358 for a total of \$539,358 in funding for the Downtown Ranger Program. Funding is available from the Downtown Austin Alliance from May 1, 2010 through April 30, 2011.
- Ordinance No. 20100610-017 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
18. Authorize award, negotiation and execution of a professional services contract with R.W. BECK, INC., Austin, TX, for consulting services for performing an affordability benchmarking of Austin Energy customers' rates/bills in an amount not to exceed \$81,400. Funding is available in the Fiscal Year 2009-

2010 Operating Budget of Austin Energy. Professional Service. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. The Electric Utility Commission was notified of this purchase on May 17, 2010.

The motion authorizing the award, negotiation and execution of a professional services contract with R.W. Beck, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

19. Authorize award and execution of two contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 16 medium-duty vehicles in an amount not to exceed \$754,298.25. Funding in the amount of \$142,763.66 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$293,149.11 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$152,546.36 is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$107,214.30 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Funding in the amount of \$35,402.47 is available in the Fiscal Year 2009-2010 Capital Budget of the Health and Human Services Department. Funding in the amount of \$23,222.35 is available in the Fiscal Year 2009-2010 Capital Budget of the Municipal Court. 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 Water and Wastewater Commission and Electric Utility Commission.

The motion authorizing the award and execution of two contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, Ltd. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

20. Authorize award and execution of a 36-month requirements supply contract with RECYCLED ENGINE COOLANT, INC., Buda, TX for the supply of recycled antifreeze in an estimated amount not to exceed \$436,800, with three 12-month extension options in an estimated amount not to exceed \$207,360 for the first extension option, \$248,832 for second extension option, and \$298,598 for the third extension option, for a total estimated contract amount not to exceed \$1,191,590. Funding in the amount \$40,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D 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.

The motion authorizing the award and execution of a requirements supply contract with Recycled Engine Coolant, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

21. Authorize award and execution of a 36-month requirements service contract with TOWN & COUNTRY GLASS, Cedar Creek, TX to provide automotive glass repair and replacement services for automobiles, trucks, and other City equipment in an estimated amount not to exceed \$273,000, with three 12-month extension options in estimated amounts not to exceed \$129,600 for the first extension option, \$155,520 for the second extension option, and \$186,624 for the third extension option, for a total estimated contract amount not to exceed \$744,744. Funding in the amount of \$25,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Services Division. Funding for the remaining 33 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned

Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Town & Country Glass was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

22. Authorize ratification of an amendment to increase the contract with AMERICAN EUROCOPTER, Grand Prairie, TX for repairs made to the Austin Police Department's EC 120b helicopter main gearbox in a total revised amount not to exceed \$73,094.90. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion to ratify an amendment to increase the contract with American Eurocopter was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 23 was pulled for discussion.

24. Authorize award and execution of a contract with REPUBLIC ITS, Grand Prairie, TX for the purchase of 600 each pedestrian head traffic signal modules for the Transportation Department in an amount not to exceed \$116,100. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Transportation Department. Lowest bid of nine 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.

The motion authorizing the award and execution of a contract with Republic ITS was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

25. Authorize award and execution of a 36-month requirements supply contract with JAE CONSTRUCTION, Austin, TX, for topsoil and sandy loam in an estimated amount not to exceed \$1,598,502, with three 12-month extension options in an estimated amount not to exceed \$532,834 for each extension option, for a total estimated contract amount not to exceed \$3,197,004. Funding in the amount of \$36,330 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding in the amount of \$6,033 is available in the Fiscal Year 2009-2010 Operating Budget of Public Works. Funding in the amount of \$135,248 is available in the Fiscal Year 2009-2010 Operating Budget of Parks & Recreation Department. Funding for the remaining 32 months of the original contract period and extension options 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.

The motion authorizing the award and execution of a requirements supply contract with JAE Construction was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

26. Approve an ordinance authorizing the execution of a First Amendment to the Standby Purchase Agreement and a Second Amended and Restated Letter Agreement between the City of Austin and Landesbank Baden Wurttemberg relating to the City of Austin, Texas Water and Wastewater System Variable Rate Revenue Refunding Bonds, Series 2004 and the approval of all related documents. No Fiscal impact during Fiscal Year 2009-2010. The fee remains unchanged at 0.75% per annum.

Ordinance No. 20100610-026 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

27. 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, waivers and nominations were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Nominations

Austin Airport Advisory Commission

George Farris

Council Member Spelman

Environmental Board

James Schissler

Council Member Cole

Waterfront Planning Advisory Board

Robin Rather

Council Member Morrison

Waivers

Construction Advisory Committee

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Ira Crofford's service on the Construction Advisory Committee. The waiver includes absences through today's date. The motion to waive the attendance requirement for Ira Crofford, Construction Advisory Committee, was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Electric Utility Commission

Approve an ordinance waiving the requirement prescribed in Subsection 2-1-143 (A) of the City Code for Steve Taylor's service on the Electric Utility Commission.

Ordinance No. 20100610-027A was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Intergovernmental Bodies

Capital Area Council of Governments Clean Air Subcommittee

Approve a resolution appointing Council Member Riley to the Capital Area Council of Governments Clean Air Coalition Subcommittee replacing Mayor Leffingwell on the subcommittee.

Resolution No. 20100610-027B was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

28. Approve a resolution inviting the National League of Cities to hold its 2014 Congress of Cities and Exposition in Austin, Texas. (Mayor Lee Leffingwell Council Member William Spelman Council Member Randi Shade)
Resolution No. 20100610-028 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 29 was pulled for discussion.

30. Approve issuance of a street event permit for the 8th Annual Keep Austin Weird Festival, a fee paid event, to be held on the South First Street/Drake Bridge between Cesar Chavez Drive and Riverside Drive; and waiver of payment to the City of a percentage of admission fees. This event is scheduled from

Friday, June 25 at 6:00 p.m. through Sunday, June 27, 2010 at 11:00 p.m. (Council Member Randi Shade Council Member Laura Morrison Council Member Chris Riley)

The motion to approve the issuance of a street event permit for the 8th Annual Keep Austin Weird Festival was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

31. Set a public hearing to receive citizen comment on the City's Draft Annual Action Plan for Fiscal Year 2010-2011, as required by the U.S. Department of Housing and Urban Development (HUD), and the Community Development 2010-2011 Program as required by Texas Local Government Code Chapter 373. (Suggested date and time: June 29, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). March 10, 2010 - Community Development Commission conducted a public hearing
The public hearing was set for June 24, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
32. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Charles Haren and Mrs. Casta Calderon-Haren for an existing development that converted a garage into conditioned area at the existing single-family residence at 332 Heartwood Drive, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
33. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner, Mr. Craig Davis of SDP Properties, LLC, for an existing development that converted a garage into conditioned area at the existing single-family residence at 207 Heartwood Drive, which is in the 25-year and the 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
34. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Scott Harpst and Ms. Patricia Kirksey for an existing development that converted a garage into conditioned area at the existing single-family residence at 300 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
35. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Rogelio Moreno for an existing development that converted a garage into conditioned area at the existing single-family residence at 301 Thistlewood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

36. Set a public hearing to consider an ordinance regarding floodplain variances requested by Ms. Jennifer Pierre Louis for an existing development that converted a garage into conditioned area at the existing single-family residence at 302 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
37. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Ben Hartman and Mrs. Alice Hartman for an existing development that converted a garage into conditioned area at the existing single-family residence at 316 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
38. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Robert Abeita for an existing development that converted a garage into conditioned area at the existing single-family residence at 317 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
39. Set a public hearing to consider an ordinance regarding floodplain variances requested by Ms. Susie Osio for an existing development that converted a garage into conditioned area at the existing single-family residence at 318 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
40. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Alfredo Hernandez for an existing development that converted a garage into conditioned area at the existing single-family residence at 326 Heartwood Drive, which is in the 25-year and the 100-year floodplains of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

41. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. George Mullins for an existing development that converted a garage into conditioned area at the existing single-family residence at 334 Heartwood Drive, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
42. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. George Mullins for an existing development that converted a garage into conditioned area at the existing single-family residence at 400 Heartwood Drive, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
43. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. John Anguiano and Mrs. Lupe Anguiano for an existing development that converted a garage into conditioned area at the existing single-family residence at 401 Heartwood Drive, which is in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 29, 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 July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Items 44 through 46 were briefing items set for 10:30 a.m.

Items 47 and 48 were executive session items.

Item 49 was a bond sale item set for 2:00 p.m.

Items 50 through 63 were zoning items set for 2:00 p.m.

Items 64 through 68 were public hearing items set for 4:00 p.m.

Item 69 was a public hearing item set for 6:00 p.m.

Item 70 was on an addendum

DISCUSSION ITEMS

Items 5 and 10 were acted on in a combined motion. Public input was limited to 45 minutes by Mayor Leffingwell per Council agreement. The following direction was given to staff:

- Apprise Council of any significant deviation on meeting environmental goals and cost containment on the project.
 - Provide a written response as to why staff believes it is not a true statement that residential rates could be raised 74 to 93 percent.
5. Authorize execution of Work Authorization Amendment No. 2 to Construction Manager at Risk contract with MWH CONSTRUCTORS, INC., Broomfield, CO, for a Guaranteed Maximum Price of \$22,808,997

for Work Package No. 3B - Early Out Site Excavation, Clearwells, and Clarifiers for the Water Treatment Plant No. 4 (WTP4). Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Goals were established for each specific construction bid package. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of Work Authorization amendment number two to Construction Manager at Risk contract with MWH Constructors, Inc. was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

10. Authorize negotiation and execution of an amendment to the professional services agreement with CAROLLO ENGINEERS, P.C., Austin, TX, for professional engineering services for the construction and warranty phase of the new Water Treatment Plant No. 4 (WTP4) project, in an amount of \$22,164,272, for a total contract amount not to exceed \$64,282,806. Funding is available in the Fiscal Year 2009-2010 Amended Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 12.74% MBE and 17.31% WBE subconsultant participation to date, including this amendment. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, P.C. was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

4. Authorize the use of the Competitive Sealed Proposal project delivery method in accordance with Local Government Code, Chapter 271, Subchapter H for the historical renovation and construction of a new African-American Cultural and Heritage Facility.

The motion authorizing the use of the competitive sealed proposal project delivery method was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Riley was off the dais.

7. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, TX, for the South Congress 12-inch Wastewater Line Upgrade project in the amount of \$953,752 plus a \$95,375 contingency, for a total contract amount not to exceed \$1,049,127. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) 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 10.80% MBE and 3.57% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Cash Construction Co., Inc. was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.

BRIEFINGS

46. Presentation on Social Media Policy for Boards and Commissions

The presentation was made by Doug Mathews, Chief Communications Officer for the Public Information Office. Direction was given to staff to conduct a pilot program with one to three boards and prepare a written report for Council.

45. Downtown Bicycle Boulevard Plan
This item was postponed to June 24, 2010 without objection.

CITIZEN COMMUNICATION: GENERAL

Camille Perry - Noise from outdoor music venues

Kenneth Snyder - Northridge Acres subdivision the third world

Dan Miller - Watershed at Brodie Wild He was not present when his name was called.

Pamela Monday - Concern about development on the watershed

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

Frank Harren - Transportation in the context of comprehensive planning

Jeff Lewis - Building project that has been held up by the City of Austin at 2206 East 14th Street

Alex San Martin - Noise next door He was not present when his name was called.

Mity Myhr Clay - Building permit issued in error - on my street at 4605 Avenue B that is in clear violation of our neighborhood zoning plan

Robert James - Building Permit issued for a duplex project at 4605 Avenue B that is NOT in compliance with our NCCD

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:32 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.

47. Discuss legal issues relating to the attorney-client privilege and to communications made during a closed session of the City Council authorized under the Open Meetings Act. (Private Consultation with Attorney - Section 551.071)
48. Discuss legal issues related to possible changes to the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program (City Code Chapters 2-9A to 2-9D). (Private Consultation with Attorney - Section 551.071)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:02 p.m.

DISCUSSION AND POSSIBLE ACTION ON BOND SALES

49. Approve an ordinance authorizing the issuance of City of Austin, Texas, Electric Utility System Revenue Refunding Bonds, Series 2010A and City of Austin, Texas Electric Utility System Revenue Refunding Bonds, Taxable Series 2010B (Direct Subsidy-Build America Bonds), in an amount not to exceed \$240,000,000, and approval of all related documents. \$10,999,443 in the first year debt service

requirement and \$250 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2010-2011 Proposed Budget of the Utility Revenue Bond Redemption Fund. Ordinance No. 20100610-049 in the amount of \$119,255,000 and \$100,990,000 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 5-0 vote. Council Members Morrison and Spelman were off the dais.

DISCUSSION ITEMS CONTINUED

70. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin, Travis County, the Austin Independent School District, and the University of Texas for the provision of services as a partner under a Promise Neighborhood grant proposal submitted to U.S. Department of Education by the University of Texas. The partnership will also involve multiple non-profit agencies. Funding in the amount of \$2,408,876 is available in the FY2009-2010 Operating Budgets of the Austin Police, Austin Public Library, Health and Human Services, and Parks and Recreation departments. Funding for the program period is contingent upon future budgets. The motion to authorize the negotiation and execution of an interlocal agreement between the City of Austin, Travis County, the Austin Independent School District and the University of Texas was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman recused himself from this item.

BRIEFINGS

44. Briefing on the Waller Creek District Master Plan
The presentation was made by Jim Robertson, Planning and Development Review Department and Jim Adams, Roma Design Group.

DISCUSSION ITEMS CONTINUED

23. Approve the award and negotiation of a contract with ALLIED WASTE SERVICES OF AUSTIN, Del Valle, TX for the provision of recycling services. Authorization to execute a contract upon successful negotiations will be by separate City Council action in the future. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Solid Waste Services Department. Funding for the remaining months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of seven responsible and responsive 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). Firm MBE/WBE participation will be negotiated as part of the final contract. To be reviewed by the Solid Waste Advisory Commission on June 9, 2010. Related to # 13
There was a motion made by Council Member Shade and seconded by Mayor Pro Tem Martinez to reject all proposals, cancel the request for proposal process and withdraw agenda item 13.
The privileged motion to go into Executive Session to discuss Council's options under the posting language was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 2:52 p.m.

EXECUTIVE SESSION CONTINUED

The Mayor announced that Council would discuss item number 23 on the regular agenda during Executive Session.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:20 p.m.

ITEM 23 CONTINUED

There was a motion made by Council Member Shade and seconded by Mayor Pro Tem Martinez to reject the Allied Waste Services proposal, to close the request for proposal process and withdraw agenda item 13.

The substitute motion to withdraw this item and bring it back on June 24, 2010 was made by Council Member Cole and seconded by Council Member Spelman. This motion failed on a vote of 2-5. Those voting aye were: Council Members Cole and Spelman. Those voting nay were Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Morrison, Riley and Shade.

The motion to reject all proposals, cancel the request for proposal process and withdraw agenda item 13 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 Morrison, Riley and Shade. Those voting nay were: Council Members Cole and Spelman.

13. Authorize negotiation and execution of a professional services agreement with Kelly Hart & Hallman in an amount not to exceed \$185,000 for legal services in connection with the negotiation and execution of contracts for the development of a Municipal Recycling Facility and the provision of recycling services. Funding in the amount of \$185,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Related to # 23

This item was withdrawn without objection.

29. Approve a resolution to initiate code amendments to limit the number of certain historic landmark nominations per month and to direct the City Manager to confer with the Historic Landmark Commission on preservation tax incentives and the allocation of City resources for preservation. (Council Member William Spelman Council Member Randi Shade Mayor Pro Tem Mike Martinez)

There was a motion made by Council Member Morrison and seconded by Council Member Cole to approve the resolution with the following amendments.

The Be It Further Resolved section of the resolution should read as follows:

Number 2. should read "work with the Historic Landmark Commission to prepare recommendations on the allocation of City resources for historic preservation purposes; and" Number 4 should read, "work with the Historic Landmark Commission and other stakeholders to perform an evaluation of the effectiveness of the 2006 revision criteria and process for Historic Landmark designation and to draft an approach to proactive preservation and outreach to encourage preservation in all historically significant areas of town."

The substitute motion to approve the green copy of the resolution with the following friendly amendment was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 5-2 vote. The friendly amendment from Council Member Spelman was to add a new number one to the Be It Further Resolved paragraph to read as follows and renumber remaining items accordingly 1. "Examine Historic landmark preservation practices in peer United States cities and identify best practices for identifying, designating and ensuring the preservation of historic properties;" This amendment was accepted by the maker of the motion and by Mayor Pro Tem Martinez who made the second.

ZONING CONSENT ITEMS

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

53. C14-2009-0159 - 2807 Del Curto Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 Del Curto Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Ace Bartlett and Polly Family Living Trust (Tim Bartlett). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.
This item was postponed on consent to June 24, 2010 at the owner's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
54. C14-2010-0035 - 1800 Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 1800 Nueces (Shoal Creek) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use (DMU) district zoning. Planning Commission Recommendation: to grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Coore & Crenshaw (Scott Sayers) Agent: Coore & Crenshaw (Scott Sayers) City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to June 24, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
55. C14-2010-0017 - Great Hills Country Club - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 5914 Lost Horizon Drive (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining 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. Zoning and Platting Commission Recommendation: To grant community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Great Hills Golf Club of Austin, Inc. (Larry Harper). Agent: Randall Jones & Associates Engineering, Inc. (R. Brent Jones). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to June 24, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
56. NPA-2010-0022.01 - 1307 Newning Avenue, Newning Avenue Townhomes - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single-family to higher-density single family for the properties located at 1307 Newning Avenue. (Blunn Creek Watershed). Staff Recommendation: To grant higher-density single family land use designation. Planning Commission Recommendation: To deny higher-density single family land use designation. Applicant: Brenda Reese. Agent: Brenda Reese. City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to June 24, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
57. C14-2010-0039 - Newning Avenue Townhomes- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1307 Newning Avenue (Blunn Creek Watershed) from family residence-neighborhood combining conservation district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to urban family residence- neighborhood

combining conservation district-neighborhood plan (SF-5-NCCD-NP) combining district zoning. Staff Recommendation: To grant urban family residence-neighborhood combining conservation district-conditional overlay-neighborhood plan (SF-5-NCCD-CO-NP) combining district zoning. Planning Commission Recommendation: To deny urban family residence-neighborhood combining conservation district- neighborhood plan (SF-5-NCCD-NP) combining district zoning. Applicant: Brenda Reese. Agent: Brenda Reese. City Staff: Stephen Rye 974-7604.

This item was postponed on consent to June 24, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

58. C14-85-288.166(RCA) - Sunset Ridge - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 8401 Southwest Parkway (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Owner/Applicant: Los Indios Ventures, Inc. (Tim Jamail). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

59. C14-2010-0042 - Sunset Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 Southwest Parkway (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) from industrial park-neighborhood plan (IP-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Owner/Applicant: Los Indios Ventures, Inc. (Tim Jamail). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20100610-059 for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

61. NP-2010-0027 - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central West Austin Combined Neighborhood Plan. The combined planning area is bounded to the north by 35th Street and 38th Street, to the south by Lady Bird Lake (west of MoPac) and 24th Street (east of Mopac), to the east by Lamar Boulevard, and to the west by Lady Bird Lake. To be reviewed by Planning Commission on June 22, 2010.

This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

62. C14-2010-0051 - Windsor Road Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Windsor Road Neighborhood Planning Area, generally bounded by West 35th Street and West 38th Street to the north, North Lamar Boulevard to the east, Windsor Road to the south and MoPac Expressway to the west (Johnson Creek, Shoal Creek Watersheds). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Central West Austin Combined Neighborhood Plan, NP-2010-0027, on 2 tracts of land (1.775 acres). Under the proposed Windsor Road NPCD, the following design tools are proposed to be applied area-wide: "parking placement and impervious cover restrictions" and "garage placement". Another design tool that could be approved by City Council is the "front porch setback" design tool. The following special use option is proposed to be

applied area-wide: "small-lot amnesty". Other special use options that could be approved by City Council on a neighborhood-wide basis include: "cottage", "urban home", "secondary apartment", and "corner store". Other special use options that could be approved by City Council on a parcel-specific basis include "residential infill", "neighborhood urban center", and "neighborhood mixed-use building". There is also a proposal to create more restrictions on front and side yard parking, and mobile food vending. The City Council may approve a zoning change to any of the following: rural residence (RR); single family residence large lot (SF-1); single family residence standard lot (SF-2); family residence (SF-3); single family residence small lot (SF-4A); single family residence condominium site (SF-4B); urban family residence (SF-5); townhouse & condominium residence (SF-6); multifamily residence limited density (MF-1); multifamily residence low density (MF-2); multifamily residence medium density (MF-3); multifamily residence moderate-high density (MF-4); multifamily residence high density (MF-5); multifamily residence highest density (MF-6); neighborhood office (NO); limited office (LO); general office (GO); community recreation (CR), neighborhood commercial (LR); community commercial (GR); warehouse/limited office (W/LO); general commercial services (CS); commercial-liquor sales (CS-1); and public (P). A conditional overlay (CO), historic landmark combining district (H), historic area combining district (HD), mixed use combining district overlay (MU), vertical mixed use building (V), or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To approve rezonings that implement the land use recommendations of the Windsor Road Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 22, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865.

This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

63. C14-2010-0052 - West Austin Neighborhood Group Planning Area Rezonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the West Austin Neighborhood Group Neighborhood Planning Area, generally bounded by West 35th Street to the north, MoPac Expressway to the east, Lady Bird Lake to the south and Lake Austin to the west (Johnson Creek, Lake Austin, Lady Bird Lake, Taylor Slough South, Taylor Slough North Watersheds). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Central West Austin Combined Neighborhood Plan, NP-2010-0027, on 14 tracts of land (18.37 acres). Under the proposed West Austin Neighborhood Group NPCD, the following design tools are proposed to be applied area-wide: "parking placement and impervious cover restrictions" and "garage placement". Another option that could be approved by City Council is the "front porch setback" design tool. The following special use option is proposed to be applied area-wide: "small-lot amnesty". Other special use options that could be approved by City Council on a neighborhood-wide basis include: "cottage", "urban home", "secondary apartment", and "corner store". Other special use options that could be approved by City Council on a parcel-specific basis include "residential infill", "neighborhood urban center", and "neighborhood mixed-use building". There is also a proposal to create more restrictions on front and side yard parking, and mobile food vending. The City Council may approve a zoning change to any of the following: rural residence (RR); single family residence large lot (SF-1); single family residence standard lot (SF-2); family residence (SF-3); single family residence small lot (SF-4A); single family residence condominium site (SF-4B); urban family residence (SF-5); townhouse & condominium residence (SF-6); multifamily residence limited density (MF-1); multifamily residence low density (MF-2); multifamily residence medium density (MF-3); multifamily residence moderate-high density (MF-4); multifamily residence high density (MF-5); multifamily residence highest density (MF-6); neighborhood office (NO); limited office (LO); general office (GO); community recreation (CR), neighborhood commercial (LR); community commercial (GR); warehouse/limited office (W/LO); general commercial services (CS); commercial-liquor sales (CS-1); and public (P). A conditional overlay (CO), historic landmark combining district (H), historic area combining district (HD), mixed use combining district overlay (MU), vertical mixed use building (V), or neighborhood plan combining district (NP) may also be

added to these zoning base districts. Staff Recommendation: To approve rezonings that implement the land use recommendations of the West Austin Neighborhood Group Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 22, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865.

This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

50. C14-2009-0102(PART) - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 3 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 3 from the overlay district. First reading approved on March 11, 2010. Vote: 5-1, Martinez-Nay, Shade-Abstained. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657. A valid petition has been filed in opposition to this rezoning request.

The second reading of the ordinance to amend the VMU Overlay District to exclude Tract 3 was approved on Council Member Morrison's motion, Mayor Leffingwell's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell and Council Members Cole, Morrison and Spelman. Those voting nay were: Mayor Pro Tem Martinez and Council Members Riley and Shade.

51. NPA-2009-0012.03(PART) - Upper Boggy Creek Vertical Mixed Use Neighborhood Plan Amendment, Tract 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-92, 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 office to mixed use/office on Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Planning Commission Recommendation: To change the Future Land Use Map from office to mixed use/office on Tract 3. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.

This item was postponed to June 24, 2010 at the Council's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 5:32 p.m.

LIVE MUSIC

Double Portion

PROCLAMATIONS

Proclamation -- Classical Music Festival -- to be presented by Mayor Lee Leffingwell and to be accepted by Matt Hinsley

Mayor's Fitness Council Partner Certificates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

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

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 65 and 69 were acted on in a combined motion.

65. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner's engineer, Mr. Bradley Lingvai, on behalf of the owners to construct a new single-family house at 419 W. Johanna Street, which is in the 25-year and 100-year floodplains of East Bouldin Creek. There is no unanticipated fiscal impact. October 12, 2009- Board of Adjustments approved a variance from LDC Section 25-2-774(C)(2) to construct a principal structure to the rear of the lot and to change the use of the existing lot to create a two-family residential use in a SF-3-NP, Family Residence-Neighborhood Plan. **This item was withdrawn without objection.**
69. Conduct a public hearing and consider an appeal of the Zoning and Platting Commission's decision to deny a Conditional Use Site Plan application for a Hospital Services General (Jefferson Rehabilitation Hospital), located at 1600 W. 38th Street. **This item was withdrawn without objection.**

ZONING DISCUSSION ITEMS CONTINUED

52. C14-2009-0089 - Indian Hills - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as N FM 973 Road (Elm and Decker Creek Watersheds) from unzoned, public (P) district zoning and development reserve (DR) district zoning to multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. Owner/Applicant: Club Deal 116 Indian Hills TX, LP (Doug Gilliland). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Joi Harden, 974-2122. **The public hearing was closed and the first reading of the ordinance for multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
60. C814-2009-0094 - Whisper Valley PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9605 N FM 973 Road, 9501 N FM 973 Road, Taylor Lane, Nez Perce Trace, 8312 Taylor Lane, and 9015 Taylor Lane (Colorado River and Gilleland Creek Watersheds) from unzoned to Planned Unit Development (PUD) district zoning. Staff Recommendation: To grant Planned Unit Development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant Planned Unit Development (PUD) district zoning. Owner/Applicant: Club Deal 120 Whisper Valley LP (Doug Gilliland). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Jerry Rusthoven, 974-3207.

The public hearing was closed and the first reading of the ordinance for Planned Unit Development (PUD) district zoning was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to discuss and develop specs to show what the parkland would look like for the extra 100-acres.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

64. Conduct a public hearing and consider an ordinance amending City Code sections 25-10-3 and 25-10-103 and adding a new section 25-10-157 authorizing the placement of memorial markers in the public right-of-way. Recommended by the Planning Commission.
The public hearing was closed and Ordinance No. 20100610-064 was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
66. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to create a new residential use, Conservation Single-Family Residential. Recommended by the Planning Commission.
This item was postponed to June 24, 2010 on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
67. Conduct a public hearing and consider a resolution granting a request by Walgreen Company for a waiver from the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school, for Walgreen's #06189, located at 12550 Metric Blvd.
The public hearing was closed and Resolution No. 20100610-067 was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
68. Conduct a public hearing and consider an appeal of the Planning Commission's decision to approve a four-year site plan extension for Western Oaks Retail Center, located at 4625 W. William Cannon Drive (SPC-2007-0439C(XT2)).
The public hearing was closed, the appeal was denied and the Planning Commission decision upheld on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Morrison voted nay.

Mayor Leffingwell adjourned the meeting at 8:36 p.m. without objection.

The minutes for the regular meeting of June 10, 2010 were approved on this the 24th day of June 2010 on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.