



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY SEPTEMBER 30, 2010**

Invocation: Pastor Fred Krebs, Prince of Peace Lutheran 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, September 30, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

CONSENT AGENDA

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

1. Approve the minutes of the Austin City Council regular meeting of September 23, 2010.
The minutes from the regular Council meeting of September 23, 2010 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
2. Approve an ordinance repealing and replacing Exhibits B, C, D, E, and G of Ordinance No. 20100805-005A, as previously amended, ordering the November 2, 2010, municipal election, regarding election day polling place locations, election day precinct judges, early voting polling locations, central counting station judges, and acknowledging the terms of the joint election agreements. Funding is in the budget for Fiscal Year 2010-2011.
Ordinance No. 20100930-002 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
3. Authorize the negotiation and execution of the fee simple acquisition of Lot 1, Kuykendall Addition, an addition in Travis County, Texas, according to the map and plat thereof recorded in Volume 67, Page 45, Plat Records of Travis County, Texas, for the Waller Creek Tunnel Project in the amount of \$1,500,000. The owner of the property is STENGER REAL ESTATE HOLDINGS, LTD. Funding in the amount of \$1,500,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
The motion authorizing the negotiation and execution of the fee simple acquisition from Stenger Real Estate Holdings, Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 4 was pulled for discussion.

5. Approve a resolution authorizing the filing of eminent domain proceedings for the NWC Transmission Main Project to acquire a 2,408 square foot water line easement, out of Lot 1, Block A, Plaza Volente, a subdivision in Travis County, Texas, in the amount of \$4,617. The owner of the needed property interest is KRG PLAZA VOLENTE, LP. The property is located at 11521 N. Ranch Road 620, Austin, Travis

and Williamson Counties, Texas. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

This item was postponed on consent to October 14, 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

6. Approve a resolution authorizing the filing of eminent domain proceedings for the Ft. Branch WMA 6 & 7 - Truelight Area and Eleanor Drive Project to acquire a 1,590 square foot drainage easement, out of and part of Lot 18, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas, in the amount of \$2,619. The owners of the needed property interest are CARLOS and KELLY GONZALES. The property is located at 1224 Fort Branch Boulevard, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

Resolution No. 20100930-006 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

7. Approve a resolution authorizing the filing of eminent domain proceedings for the Ft. Branch WMA Reach 6 & 7 - Truelight Area and Eleanor Drive Project to acquire a 707 square foot drainage easement, out of and part of Lot 16, Block 4, Green Valley No. 1, a subdivision in the City of Austin, Travis County, Texas, in the amount of \$3,601. The owner of the needed property interest is CARMEN KIARA. The property is located at 1109 Lott Avenue, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

Resolution No. 20100930-007 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

8. Authorizing a resolution authorizing the filing of eminent domain proceedings for the Little Walnut at North Meadows Project to acquire a 275 square foot drainage easement, out of and part of Lot 4, E.S. Barrow subdivision section 1, a subdivision in the City of Austin, Travis County, Texas, in the amount of \$1,389. The owner of the needed property interests is SON HONG PHUNG. The property is located at 903 McPhaul Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

Resolution No. 20100930-008 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 9 through 11 were pulled for discussion.

12. Authorize negotiation and execution of a professional services agreement with Richards, Rodriguez, & Skeith, LLP, for legal services related to Nathaniel Sanders, Sr., et al v. City of Austin, et. al (concerns a breach of contract and fraud lawsuit filed against the City); Cause No.D-1-GN-10-003252 filed in District Court; Travis County, Texas in an amount not to exceed \$220,000. Funding is available in the Fiscal Year 2009 - 2010 Budget of the Liability Reserve Fund

The motion authorizing the negotiation and execution of a professional services agreement with Richards, Rodriguez & Skeith, LLP was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

13. Approve an amendment to the outside counsel contract with Scott, Douglass & McConnico, LLP, Austin, TX, for legal counsel concerning issues relating to the design and construction issues of the airport parking garage, in the amount of \$15,000, for a total contract amount of \$400,000. Funding is available in the Fiscal Year 2009-2010 Budget of the Aviation Department.

The motion to approve an amendment to the outside counsel contract with Scott, Douglass & McConnico, LLP was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 14 was pulled for a briefing from Law.

15. Approve an ordinance amending the Fiscal Year 2009-2010 Operating Budget Ordinance No. 20090914-002 of the Sustainability Fund by increasing transfers out to the Neighborhood Housing and Community Development Fund in the amount of \$250,000; and amending the Fiscal Year 2009-2010 Operating Budget Ordinance No. 20090914-002 by increasing transfers in from the Sustainability Fund and increasing expenditure appropriations in the Neighborhood Housing and Community Development Office by \$250,000. Funding is available in the Fiscal Year 2009-2010 Amended Ending Balance of the Sustainability Fund. Related to Item #17.

Ordinance No. 20100930-015 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman recused himself.

16. Authorize the negotiation and execution of an interim agreement with the Urban Renewal Agency of the City of Austin (URA) relating to roles, responsibilities and processes for the redevelopment of E. 11th and 12th Street.

The motion authorizing the negotiation and execution of an interim agreement with the Urban Renewal Agency of the City of Austin was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman recused himself.

17. Authorize the negotiation and execution of an agreement with the Austin Revitalization Authority and Eleven East Corporation related to the conclusion of the Acquisition, Development and Loan Agreement (Tri-Party Agreement) including the purchase of certain predevelopment materials and site improvements for an amount not to exceed \$430,000 and modifications of agreements. Funding is available in the amended Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Development Office. Release of funds is contingent upon environmental review and release of federal funds on this project. Related to Item #15.

The motion authorizing the negotiation and execution of an agreement with the Austin Revitalization Authority and Eleven East Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman recused himself.

Item 18 was pulled for discussion.

19. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Wandering Way to the table of speed limits having a maximum speed limit of 20 miles per hour, during certain times, for students attending Graham Elementary School, and provide for emergency passage. \$4,000 for the installation of signs is available in the Fiscal Year 2010-2011 Child Safety Fund of the Department of Public Works.

Ordinance No. 20100930-019 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

20. 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 Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Board/NomineeNominated byCommission for Women

Katherine Haenschen

Council Member Morrison

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for David Lundstedt's service on the Animal Advisory Commission. The waiver includes absences through today's date.

21. Approve an ordinance amending Ordinance No. 20091105-038, previously amended related to the compensation and benefits for Associate Judges and Substitute Judges to the City of Austin Municipal Court for the 2010-2013 judicial term. (Council Member William Spelman Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)
Ordinance No. 20100930-021 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
22. Approve a resolution directing the City Manager to work with other area governmental bodies and coordinate a job fair on or before Saturday, November 20, 2010 with the goal of filling as many vacant positions as soon as possible. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Sheryl Cole)
Resolution No. 20100930-022 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
23. Approve a resolution directing the City Manager to investigate incentives for the recycling of demolition and construction materials in support of the City's Zero Waste goals, demolition and construction fee waivers for economic hardship, and the application of demolition and relocation fees toward historic preservation reviews. (Council Member Chris Riley Council Member Laura Morrison Council Member William Spelman)
Resolution No. 20100930-023 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
24. Approve a resolution authorizing the initiation of amendments to an adopted neighborhood plan at any time as is necessary to implement the outcomes of the expedited process for adoption of land development regulations for the properties within the East Riverside Corridor Master Plan boundaries. (Council Member Chris Riley Council Member Laura Morrison)
This item was postponed on consent to October 14, 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
25. Approve a resolution to become a community partner in Bank on Central Texas, and directing the City Manager to participate in Bank on Central Texas programs, promote the use of electronic wage payments by City employees, and report on such activities to Council. (Council Member William Spelman Council Member Sheryl Cole)
Resolution No. 20100930-025 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
26. Approve a resolution directing the City Manager to conduct quarterly work sessions to review the financial and operational performance of Austin Energy. (Council Member William Spelman Council Member Sheryl Cole)
Resolution No. 20100930-026 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

27. Approve a resolution formally expressing the City of Austin's commitment to certain joint-partnership objectives with its Sister City, Oita, Japan. (Council Member Laura Morrison Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
Resolution No. 20100930-027 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
28. Approve the waiver of certain right-of-way fees for the 23rd annual AIDS Walk Austin event which is to be held on October 17, 2010. (Mayor Lee Leffingwell Council Member Randi Shade Council Member Laura Morrison)
The motion to approve the waiver of certain right-of-way fees for the 23rd annual AIDS Walk Austin event was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
29. Approve the waiver of the deadline requirement that applicants issue a proposed street closure notice 90 days prior to an event which allows affected individuals and neighborhood associations to object to the closure under City Code Chapter 14-8 for the 2nd annual Dell Children's 5K and Family Fun Fair which is to be held on Saturday, October 30, 2010 at the Dell Children's Medical Center. (Mayor Lee Leffingwell Council Member Randi Shade Mayor Pro Tem Mike Martinez)
The motion to approve the waiver of the deadline requirement that applicants issue a proposed street closure notice 90 days prior to an event for the 2nd annual Dell Children's 5K and Family Fun Fair was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
30. Approve the waiver of certain fees for the Marathon Kids 2010-2011 Kick Off Celebration which is to be held on Saturday, October 9, 2010 at The University of Texas' Mike Myers Track and Field Stadium. (Mayor Lee Leffingwell Council Member Sheryl Cole Council Member Randi Shade)
The motion to approve the waiver of certain fees for the Marathon Kids 2010-2011 Kick Off Celebration was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
31. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 20th Annual ThunderCloud Subs Turkey Trot which is to be held on Thursday, November 25, 2010 at the Long Center for the Performing Arts. (Council Member Randi Shade Council Member Sheryl Cole and Mayor Pro Tem Mike Martinez)
The motion to approve the waiver of certain fees and requirements for the 20th Annual ThunderCloud Subs Turkey Trot was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-1 vote. Mayor Leffingwell voted nay.
32. Approve the waiver of a park rental fee for the House the Homeless' Memorial Service which is to be held on Sunday, November 14, 2010 at the Fanny Gazebo on Auditorium Shores. (Council Member Sheryl Cole Council Member Randi Shade Mayor Pro Tem Mike Martinez)
The motion to approve the waiver of a park rental fee for the House the Homeless' Memorial Service was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

33. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 13 relating to docks, bulkheads and shoreline access; amending section 25-2-1006 relating to screening; amending section 25-5-2 relating to site plan exemptions; amending section 25-5-3 relating to small projects; and amending section 25-8-92 relating to Critical Water Quality Zone Boundaries. (Suggested date and time: October 28, 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 on consent to October 28, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 34 and 35 were briefing items set for 2:00 p.m.

Item 36 was an action on Executive Session item.

Items 37 through 46 were zoning items set for 2:00 p.m.

Items 47 through 57 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

4. Authorize the negotiation and execution of a ten (10) year lease renewal with one (1) option to extend for an additional ten (10) years with PLANNED PARENTHOOD, INC, for the use of a City-owned .35 acre tract of land improved with a 3,720 square foot free standing building located at 1823 E. 7th Street, for the purpose of operating a family planning clinic. The lease revenue is \$1 annually.

The motion authorizing the negotiation and execution of a lease renewal with Planned Parenthood, Inc. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

9. Authorize negotiation and execution of a \$50,000 contract amendment and 6-month contract extension with PLANNED PARENTHOOD of Austin, TX, to provide teen pregnancy prevention services to youth for an amended 15 month contract amount not to exceed \$85,605, and a total contract amount not to exceed \$133,078. Funding in the amount of \$50,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. The contract period is January 1, 2010 - March 31, 2011.

The motion authorizing the negotiation and execution of a contract amendment with Planned Parenthood was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

10. Approve the proposed Request for Proposals (RFP) process and timeline for Social Services contracts. Funding is contingent upon Council action on the Fiscal Year 2011-2012 Operating Budget of the Health and Human Services Department. The contract period is October 1, 2011 - September 30, 2012.

The motion to approve the proposed request for proposals process and timeline for social services contracts was approved with the threshold being reduced to \$20,000 on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

BRIEFINGS

34. A briefing on the City of Austin's Permanent Supportive Housing Strategy
Presentation was made by Bert Lumberras, Assistant City Manager, and Dianna Lewis, Director of the Texas Corporation of Supportive Housing.

Mayor Leffingwell recessed the Council Meeting at 12:02 p.m.

Council Member Cole called the Council Meeting back to order at 12:15 p.m.

CITIZEN COMMUNICATION: GENERAL

Walter Olenick - Water Fluoridation

Linda Greene - City Council and water utility are not as green as they seem

William Doyle - Fluoride

Ailana Larson - Austin vision impact affecting us

Susana Almanza - Neighborhood plan process

Nancy Mc Donald - End of ozone season. **She was not present when her name was called.**

Girard Kinney - Signage ordinance reform

Isabelle Headrick - Health and Human Services- social services contract. **She was not present when her name was called.**

Ofelia Zapata - Capital IDEA-long term job training program. **She was not present when her name was called.**

SueAnn Campbell - Time Warner- confiscation of bandwidth (city property) - the people's channels

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 1:01 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.

36. Discuss legal issues related to Nathaniel Sanders, Sr., et al v. City of Austin, et. al, Cause No.D-1-GN-10-003252 filed in District Court; Travis County, Texas (concerns a breach of contract and fraud lawsuit filed against the City)(Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:57 p.m.

DISCUSSION ITEMS CONTINUED

11. Approve the negotiation and execution of an Interlocal Agreement with AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, dba Austin Travis County Integral Care, to provide Community Development Block Grant (CDBG) eligible services to youths and their families, for a 12-month term beginning October 1, 2010, in an amount not to exceed \$203,700, with one 12-month renewal option, an amount not to exceed \$203,700, for a total contract amount not to exceed \$407,400. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Neighborhood Housing and Community Development Office. Grant funding is contingent on the release of Fiscal Year 2010 federal funds from the U.S. Department of Housing and Urban Development (HUD). June 22, 2010, Community Development Commission approval of the 2010-2011 Year Action Plan.

The motion to approve the negotiation and execution of an interlocal agreement with Austin/Travis County Mental Health Mental Retardation Center doing business as Austin Travis County Integral Care was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

14. Approve settlement of claims with Austin Filter Systems, Inc., in connection with the Green Water Treatment Plant Decommissioning and Deconstruction Project.

The motion to approve the settlement of claims with Austin Filter Systems, Inc. was approved with the following terms on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote. The terms were as follows:

- **The City will pay Austin Filter Systems, Inc., the amount of \$350,000.**
- **The City will grant Austin Filter Systems, Inc. an additional 60 days to complete the project.**
- **Austin Filter Systems will indemnify the City from any subcontractor claims including current lawsuits on the project.**

18. Approve renaming Zilker Neighborhood Park, 3.95 acres of parkland located at 2016 Bluebonnet Lane. Funding in the amount of \$350 is available in the Fiscal Year 2009-2010 Operating Budget of the Parks and Recreation Department. Recommended by the Parks and Recreation Board.

There was a motion made by Council Member Shade and seconded by Mayor Leffingwell to approve renaming Zilker Neighborhood Park to Little Zilker Park.

There was a substitute motion made by Council Member Morrison to rename Zilker Neighborhood Park to Little Zilker-Bluebonnet Park. This motion was later withdrawn by Council Member Morrison.

The motion to approve renaming Zilker Neighborhood Park to Little Zilker Park was approved on Council Member Shade's motion, Mayor Leffingwell's second on a 7-0 vote

BRIEFINGS CONTINUED

35. Report on Taxi Cab Issues

Presentation was made by Gordon Derr, Assistant Director of the Transportation Department.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

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

38. C14H-2010-0006 - Castle Hill Historic District - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property to establish a Historic Area (HD) Combining District generally between West 6th Street and West 12th Street along Blanco and Baylor Street. The Historic Area (HD) Combining District will be applied to the base district of the properties

with no change in the base district zoning. First reading approved on August 19, 2010. Vote 6-0. Council Member Morrison recused herself. Applicant: Castlehill Hill LHD Team. City Staff: Susan Kirby, 974-3524.

Ordinance No. 20100930-038 to establish a historic area (HD) combining district was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Morrison recused herself.

39. C14-2010-0085 - Northfork Plaza Shopping Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13945 U.S. Highway 183 North (Lake Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. First reading approved on August 26, 2010. Vote 7-0. Applicant: Northfork Plaza Shopping Center L.P. (Keith Heil). Agent: Drenner & Golden Stuart Wolff, LLP (Michele C. Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20100930-039 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

40. C14-2010-0096 - Boardwalk Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13215 Research Boulevard (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. First reading approved on August 26, 2010. Vote: 7-0. Applicant: Douglas L. Harbison. Agent: Holford Group (Kerby Smith). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20100930-040 for community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

41. C814-95-0002.09 - Four Points Centre PUD Amendment #9 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 7301 North FM 620 Road (Bull Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on August 26, 2010. Vote: 7-0. Applicant: US Retail Income Fund VIII C/O BVT Management Services, Inc. (Scott I. Farber). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20100930-041 for planned unit development (PUD) district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

42. C14-2010-0087 - The Domain Rezoning-Simon - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace (Walnut Creek/Shoal Creek Watersheds) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. First reading approved on August 26, 2010. Vote: 7-0. Owner: SPGIL Domain LP, The Domain Shopping Center LP, (Richard S. Sokolov), Heritage Communities LP. Applicant: City of Austin-Planning & Development Review Department (Sherri Sirwaitis). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to October 14, 2010 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

43. C14-06-0121(RCA) - The Domain Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing (Walnut Creek /Shoal Creek Watersheds) to modify the time period associated with the requirements to provide 9-acres of private parkland within the Domain development. Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To grant the public restrictive covenant amendment. Applicant: RREEF Domain LP Development Trust, Domain Gateway I, LP, Domain Retail (Chad Marsh). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to October 14, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

44. C14-2010-0015 - The Domain Rezoning-Endeavor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing (Walnut Creek/Shoal Creek Watersheds) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Applicant: RREEF Domain LP Development Trust, Domain Gateway I, LP, Domain Retail I LP (Chad Marsh). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to October 14, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

45. C14-2010-0099 - Design Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4929 FM 2222 (Bull Creek Watershed) from interim lake austin residence (I-LA) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on November 16, 2010. Applicant/Agent: Joe Burke & Mark Smith. City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to December 16, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

37. C14-2010-0052 - West Austin Neighborhood Group Planning Area Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the West Austin Neighborhood Group 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 13 tracts of land (16.18 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) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multifamily residence limited density (MF-1) district zoning; multifamily residence low density (MF-2) district zoning; multifamily residence medium density (MF-3) district zoning; multifamily residence moderate-high density (MF-4) district zoning; multifamily residence high density (MF-5) district zoning; multifamily residence highest density (MF-6) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; community recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and public (P) district zoning. 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. First reading approved on August 19, 2010. Second reading approved on September 23, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865. A valid petition has been filed on Tracts 104 and 105 in opposition to the request.

Ordinance No. 20100930-037, with the following amendments, was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

The motion to rezone 700 Hearn Street (Tract 104) to MF-3-CO-NP with a 35 feet height limit was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

The motion to rezone 2309 Pruett Street (Tract 105) to SF-6-NP was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

46. C14H-2010-0016 - Callan-Boswell House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 408 E. 33rd Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To deny family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To deny family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. Owners: Charles and Christine Boes. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the motion to deny the rezoning was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 3:42 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:03 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

47. Conduct a public hearing for the full purpose annexation of the Boulder Lane Area (approximately 18 acres in Travis County north of Boulder Lane at the intersection of Boulder Lane and Foundation Road). **The public hearing was closed on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to review issues that have been raised prior to Council action on October 28, 2010 and let Council know the results of this review.**
48. Conduct a public hearing for the full purpose annexation of the Kruger Area (approximately 7 acres in Travis County at the northeast corner of the intersection of Dessau Road and Parmer Lane). **The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**
49. Conduct a public hearing for the full purpose annexation of the Oak Valley Road Area (approximately 18 acres in Travis County east of Old Manchaca Road at the intersection of Old Manchaca Road and Oak Valley Road). **The public hearing was closed on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**
50. Conduct a public hearing for the full purpose annexation of Pearson Place at Avery Ranch (approximately 196 acres in southern Williamson County south of Avery Ranch Boulevard at the intersection of Avery Ranch Boulevard and Double Eagle Pass). **The public hearing was closed on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**
51. Conduct a public hearing for the full purpose annexation of the Ranch Apartments Area (approximately 10 acres in Williamson County east of Parmer Lane approximately 1,500 feet north of the intersection of State Highway 45 West and Parmer Lane). **The public hearing was closed on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.**
52. Conduct a public hearing for the full purpose annexation of State Highway 45 at Parmer Lane (approximately 18 acres in Williamson County at the intersection of SH 45 and Parmer Lane). **The public hearing was closed on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
53. Conduct a public hearing for the full purpose annexation of the Springwoods Outparcels Area (approximately 2 acres in Williamson County north of Pond Springs Road at the east of the intersection of Pond Springs Road and Sparkling Creek Drive, and north of the intersection of Pond Springs Road and Cahill Drive). **The public hearing was closed on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.**
54. Conduct a public hearing for the full purpose annexation of the Waterford House Area (approximately 9 acres in Travis County east of IH 35 approximately one quarter mile east of the intersection of IH 35 and Brandt Road). **The public hearing was closed on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.**
55. Conduct a public hearing for the full purpose annexation of the Bridges of Bear Creek Ph. 2 Sec. 2 (approximately 28 acres in Travis County west of the intersection of FM 1626 and Brodie Lane).

The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

56. Conduct a Public Hearing and consider an ordinance regarding a proposal from Atmos Energy Corporation to increase customer gas rates and approving an agreement setting terms of rate review for the next two years.

The public hearing was closed and Ordinance No. 20100930-056 was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

57. Conduct a public hearing and consider an appeal by the Zilker Neighborhood Association regarding the decision to approve an Outdoor Music Venue permit for Opa's, located at 2050 South Lamar Blvd.

The public hearing was closed and the appeal was withdrawn because the following conditions were agreed to by both sides on Council Member motion, Council Member second on a 6-0 vote. Council Member Spelman was off the dais. The conditions of the agreement were to:

- **Limit music to 70 decibels;**
- **Turn off any outdoor piped music during closing time;**
- **Sunday through Thursday end stage live music outdoor activities at 9:00 p.m. and 10:00 p.m. on Friday and Saturday;**
- **Purchase and install sound mitigation equipment;**
- **Purchase and install decibel meter at property line;**
- **To make sure they are not exceeding 70 decibels, city staff will test the equipment;**
- **Opa's will provide Zilker Neighborhood Association with a list of four names of individuals they can contact if there are problems;**
- **The contacts and Opa's, will maintain a log;**
- **If Opa's fails to respond in a timely manner, the neighbors will no longer call the owners but call Austin Police Department with the complaint.**

Mayor Leffingwell adjourned the meeting at 4:45 p.m. without objection.

LIVE MUSIC

Tee Double

PROCLAMATIONS

Distinguished Service Award -- retirement -- Cliff Redd -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Save for Retirement Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Tony Ross

Proclamation -- COACCC Kick-Off -- to be presented by Mayor Lee Leffingwell and to be accepted by Mike Trimble

Proclamation -- Binational Health Week -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Annie Crawford

Proclamation -- Huston-Tillotson University's 135th Anniversary -- to be presented by Council Member Sheryl Cole and to be accepted by Larry L. Earvin

Proclamation -- German-Texan Heritage Month -- to be presented by Council Member Laura Morrison and to be accepted by Jean Warnecke

The minutes for the regular meeting of September 30, 2010 were approved on this the 14th day of October 2010 on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.