



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, AUGUST 4, 2011

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

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 4, 2011 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.

1. Approve the minutes of the Austin City Council work session of July 26, 2011, budget work session of July 27, 2011, and regular meeting of July 28, 2011.
The minutes from the Council work session of July 26, 2011, budget work session of July 27, 2011, and regular meeting of July 28, 2011 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
2. Approve issuance of a rebate to CJUF II STRATUS BLOCK 21 LLC for the installation of energy efficient equipment in an amount not to exceed \$63,475.
The motion to approve the issuance of a rebate to CJUF II Stratus Block 21 LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
3. Approve the issuance of a Letter of Intent for a rebate to LENNAR HOMES, Austin, TX, for the installation of solar energy systems designed to serve 12 new construction residential homes in the BRADSHAW CROSSING, COLORADO CROSSING, and STONEY RIDGE CROSSING SUBDIVISIONS, for a total amount not to exceed \$120,000.
The motion to approve the issuance of a letter of intent for a rebate to Lennar Homes was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
4. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the fee simple acquisition of a 12.62-acre tract of land out of Lot 4, Block H, Interport Planned Development, Travis County, Texas, located on Fallwell Lane, Austin, Texas, from New Interport, Ltd., a Texas Limited Partnership, to increase the land buffer and to support the planned expansion of Austin Energy's Sand Hill Energy Center in an amount not to exceed \$998,000.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 5 was pulled for discussion.

6. Approve a resolution nominating Gila, LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act"). The qualifying project consists of a renovation and expansion of its new facility located at 8325 Tuscany Way, Building 4, Austin, Texas.

Resolution No. 20110804-006 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 7 was pulled for discussion.

8. Approve an Ordinance amending City Code Chapters 12-4, 25-1, and 25-2 to correct typographical errors.
- Ordinance No. 20110804-008 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

Item 9 was set for a time certain of 3:00 p.m.**Item 10 was pulled for discussion.**

11. Approve a resolution authorizing the filing of eminent domain proceedings for the Group 11 Phase 2 Southeast Residential Collector Streets Project for 736 square feet of land for a permanent drainage easement, situated in the Santiago Del Valle Grant, and being a portion of Lot 1, Block A, Douglas Landing Subdivision, a subdivision according to the Plat of Record in Volume 102, Pages 188-189 of the Plat Records of Travis County, Texas, in the amount of \$1,095. The owners of the needed property interests are DOUGLAS STREET LANDINGS, LTD., A TEXAS LIMITED PARTNERSHIP. The property is located at 2347 Douglas Street, Austin, Travis County, Texas.

Resolution No. 20110804-011 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 12 was pulled to be heard after related item 48.

13. Authorize award and execution of a 12-month requirements supply contract with S&C ELECTRIC COMPANY, Chicago, IL for the purchase of circuit switchers for Austin Energy in an estimated amount not to exceed \$798,085, with four 12-month extension options in an estimated amount not to exceed \$798,085 per extension option, for a total estimated contract amount not to exceed \$3,990,425.

The motion authorizing the award and execution of a requirements supply contract with S&C Electric Company was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

14. Authorize award, negotiation, and execution of a 28-month professional services agreement with GATEWAY PLANNING GROUP, Fort Worth, TX, to provide planning and implementation services related to the Sustainable Communities Analytical Tool in an amount not to exceed \$83,040.

The motion authorizing the award, negotiation and execution of a professional services agreement with Gateway Planning Group was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with MOTOROLA SOLUTIONS, INC. for hardware and related services, support, and training to replace the 9-1-1 recording system at the Combined Transportation Emergency Communications Center in an amount not to exceed \$864,286.

The motion authorizing the award, negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Motorola Solutions, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

17. Authorize award and execution of a 12-month requirements service contract with ABB, INC., Raleigh, NC for support and maintenance of Austin Energy's STATCOM System in an estimated amount not to exceed \$100,000, with four 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$500,000.

The motion authorizing the award and execution of a requirements service contract with ABB, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

18. Authorize award, negotiation, and execution of a 1-year revenue concession contract with BRIGHT BLUE MARKETING INCORPORATED DBA BRIGHT BLUE COMBO PLATTER, Austin, TX, for the City of Austin Annual Holiday Festival with five 12-month extension options.

The motion authorizing the award, negotiation and execution of a revenue concession contract with Bright Blue Marketing Incorporated doing business as Bright Blue Combo Platter was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

19. Approve the ratification of a contract with ALFRED CONHAGEN, INC., OF TEXAS, La Marque, TX, to rebuild a water circulating pump at Austin Energy's Sand Hill Energy Center in an estimated amount not to exceed \$86,790.

The motion to ratify a contract with Alfred Conhagen, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman'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 Cole's motion, Council Member Spelman's second on a 7-0 vote.

Board/Nominee

Animal Advisory Commission

Sara Palmer Neuhaus

Asian American Resource Center Advisory Board

Ahsan Chowdhury

Austin Music Commission

Eve McArthur

Board of Adjustment

Nora Salinas

Bond Oversight Committee

Karen Friese

Building and Fire Code Board of Appeals

Scott Stookey

Building and Standards Commission

Daniel Gonzalez

Nominated by

Council Member Tovo

Council Member Morrison

Council Member Tovo

Council Member Martinez

Council Member Tovo

Council Member Tovo

Council Member Martinez

Commission for Women

Flannery Bope

Council Member Morrison

Community Development Commission

Angelica Noyola (representative – Montopolis area)

Karen Paup

Council Member Morrison

Council Member Riley

Electric Utility Commission

Phillip Schmandt

Council Member Riley

Ethics Review Commission

Austin Kaplan

Mayor Leffingwell

Historic Landmark Commission

Laurie Limbacher

Leslie Wolfenden-Guidry

Council Member Riley

Council Member Tovo

Impact Fee Advisory Committee

Brian Rodgers

Council Member Morrison

Planning Commission

Danette Chimenti

Sustainable Food Policy Board

Kathy Golson

Council Member Spelman

Council Member Tovo

Urban Forestry Board

Christopher Kite

Council Member Morrison

Urban Renewal Board

Michael Clark-Madison

Cristina De La Fuente-Valadez

Mayor Leffingwell

Mayor Leffingwell

Water and Wastewater Commission

Mickey Fishbeck

Council Member Riley

Waterfront Planning Advisory Board

Cory Walton

Council Member Tovo

Council Committees and Other Intergovernmental Bodies

Approve a resolution appointing members to Council committees and other intergovernmental bodies.

Resolution No. 20110804-020 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 21 was pulled for discussion.

22. Approve a resolution directing the City Manager to work with residents of the East Cesar Chavez Neighborhood to pursue recognition of the Tejano Healthy Walking and Tejano Music Legends Trails as a National Recreational Trail by the United States Secretary of the Interior (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Laura Morrison)
- Resolution No. 20110804-022 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

Item 23 was pulled for discussion.

24. Approve a resolution directing the City Manager to work with City staff and community stakeholders and to recommend to Council amendments to the Code of Ordinances and the City's National Wildlife Federation Community Wildlife Habitat program in order to resolve conflicts that exist between the provisions of the Code and the program. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Resolution No. 20110804-024 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 25 was pulled for discussion.

Item 26 was pulled to be heard after the related Executive Session item.

Item 27 was pulled for discussion.

Item 28 was pulled to be heard after the related Executive Session item.

Item 29 was set for a time certain of 3:00 p.m.

30. Approve a resolution directing the City Manager to delay implementation of Ordinance 20110303-025 as it pertains to extended parking meter hours in the area bounded by Lady Bird Lake, IH-35, 10th Street and Lamar Boulevard until January 1, 2012, and to conduct a public process to allow stakeholders the opportunity to provide input and express concerns regarding extended parking meter hours in this area.

This item was postponed on consent to August 18, 2011 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

31. Approve the waiver of closure notice and deadline requirements under City Code Chapter 14-8 that allow objection to the closure of right-of-way; approve the waiver of certain other fees relating to right-of-way events under City Code Chapter 14-8; and authorize payment of certain costs for the City co-sponsored Night of the Bat event which is to be held on August 27, 2011, at the Ann Richards Bridge on Congress Avenue. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)

The motion to approve the waiver of closure notice and deadline requirements was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

32. Set a Public Hearing to receive public comment on the City of Austin Fiscal Year 2011-2012 Proposed Budget. (Suggested date and time: September 1, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for September 1, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 33 was pulled for discussion.

Item 34 was a briefing item set for 10:30 a.m.

Items 35 through 39 were Executive Session items.

Items 40 through 46 were zoning items set for 2:00 p.m.

Item 47 was an AHFC item set for 3:00 p.m.

Items 48 through 51 were public hearing items set for 4:00 p.m.

DISCUSSIONITEMS

5. Authorize execution of a construction contract with PIATRA INC. (WBE/FW - 81.66%), Austin, TX for Austin Energy's Mueller Substation Security Enclosure in an amount not to exceed \$199,897.50.
The motion authorizing the execution of a construction contract with Piatra Inc. was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
10. Authorize the negotiation and execution of an amendment to the legal services agreement Andrews Kurth, L.L.P., Austin, TX, to provide legal services related to the City's Minority-Owned Business Enterprise Program (MBE/WBE), to increase funding in the amount of \$100,000, for a total contract amount not to exceed \$200,000. Partial funding of \$50,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Small & Minority Business Resources Department. Funding for the remaining contract term is contingent upon available funding in future fiscal years.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, L.L.P. was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

BRIEFINGITEM

34. AE Quarterly Briefing
The presentation was made by Larry Weis, General Manager, and Elaine Hart, Sr. Vice President of Finance for Austin Energy.

Action was taken on item 33 but was reconsidered later in the meeting. See below.

CITIZEN COMMUNICATION: GENERAL

Max Rangel - Education

Angelica Noyola - Funding for the social enterprise building at Southwest Key programs

Ronnie Reefersseed - Peace, freedom, fluoride and the spasm of war

Ora Houston - Responsiveness of City staff to the citizens of Austin

Valerie Joiner - Funding a social enterprise building

Paul Robbins - City issues

Jennifer Reed - Plastic bags

Heather Fazio - Airport security

John Bush - City issues

Carmen Tyler - Tree permit for 4808 Balcones Drive

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:37 p.m.

EXECUTIVE SESSION

35. Discuss legal issues related to No. 10-0316; City of Austin, Petitioner v. Harry M. Whittington, et al., Respondents; In the Supreme Court of Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn from the agenda.
36. Discuss legal issues related to an Open Meetings Act complaint, associated requests made under the Public Information Act, the retention of records and financial disclosure (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
37. Discuss legal issues relating to districting, proposed city charter amendments, and election legislation (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
38. Discuss legal issues in Nathaniel Sanders, Sr., Individually and As Heir to the Estate of Nathaniel Sanders II, and Yulonda Sanders, Individually, and As Heir to the Estate of Nathaniel Sanders II. v. Leonardo Quintana; In the United States District Court, for the Western District of Texas - Austin Division; Case No. A 09 CA 426 SS and Sir Smith v. Leonardo Quintana and City of Austin, Case No. A-10-CA-778-SS; in the U.S. District Court for the Western District of Texas - Austin Division. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
39. Discuss legal issues related to Dominic Chavez, Alfred Stanley, and Michael Levy v. City of Austin and City Council Members, Lee Leffingwell, Mayor, Chris Riley, Place 1, Mike Martinez, Place 2, Mayor Pro Tem, Randi Shade, Place 3, Laura Morrison, Place 4, Bill Spelman, Place 5, and Sheryl Cole, Place 6. Cause No. D-1-GN-11-001063, In the 419th Judicial District Court of Travis County, Texas. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn from the agenda.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:14 p.m.

DISCUSSION ITEMS CONTINUED

26. Approve a resolution directing the City Manager to identify options and related costs for administration of a May 2012 city election. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20110804-026 was approved with the following amendment on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

The amendment was to make the following sections read as follows.

The fifth WHEREAS should read, "SB 100 gives cities the option to move municipal elections to the November uniform election date by Resolution; and"

The BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN should read, "That the City Manager shall identify options for a May or a November 2012 City of Austin municipal election, including the purchase or rental of the City's own election system and collaboration with other governmental bodies considering holding an election on the May 2012 uniform election date within the City of Austin, and evaluate each option's cost and feasibility, including cost for staff, training, supplies, and technology."

The BE IT FURTHER RESOLVED should read, "That the City Manager shall report back to the City Council in a public briefing at the August 25, 2012 City Council Meeting."

9. Approve a settlement in Dominic Chavez et al v. City of Austin et al. Cause No. D-1-GN-11-001063, In the 419th Judicial District Court of Travis County, Texas; and - to effectuate the settlement - approve an Ordinance amending City Code Chapter 11-1 relating to partial exemptions from ad valorem taxes for Historic Landmarks, and approve changes to the application form for historic property tax exemptions. **The motion to approve a settlement in Dominic Chavez et al v. City of Austin et al. was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

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

LIVE MUSIC

Bill Baird

PROCLAMATIONS

Proclamation -- World Breastfeeding Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Donna Sundstrom

Distinguished Service Award (retirement) -- Clarke Hammond -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Amala Foundation's Global Youth Peace Summit -- to be presented by Council Member Kathie Tovo and to be accepted by Vanessa Stone

Proclamation -- Texas Campaign for the Environment's 20th Anniversary -- to be presented by Council Member Laura Morrison and to be accepted by Robin Schneider

Mayor Leffingwell called the Council Meeting back to order at 6:31 p.m.

DISCUSSION ITEMS CONTINUED

29. Approve a resolution initiating amendments to City Code Title 25 and Chapter 11-1 and directing the City Manager to develop an ordinance, make recommendations, and take other actions relating to the City's historic preservation program. **Resolution No. 20110804-029 was approved with the following friendly amendments on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

The friendly amendment from Mayor Leffingwell was to have number 5 under the seventh "BE IT FURTHER RESOLVED" read as follow. The amendment was accepted by the maker of the motion and by Council Member Morrison, who made the second. The amendment should read, BE IT FURTHER RESOLVED: "5. Until a change of ownership occurs, maintain the current level of tax exemption for properties designated before December 1, 2004 and the current level of tax exemption for properties designated between December 1, 2004 and January 1, 2010 or the effective date of these proposed code changes."

The friendly amendment from Council Member Martinez was to add the following wording to the resolution "Properties designated historic after January 1, 2010 to date would remain under the current exemption status until the point of sale." The amendment was accepted by the maker of the motion and by Council Member Morrison, who made the second.

The friendly amendment from Council Member Morrison was to have section 1) d) of the BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN read as follows. The amendment was accepted by the maker of the motion. The amendment should read, "d) No

property with an addition or alteration which has significantly compromised its historical original integrity as defined by the National Register of Historic Properties may be considered a historic landmark."

The friendly amendment from Council Member Tovo was to have sections 1) b), 1) c) ii) (2), and 1) c) iv) of the BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: read as follows. The amendment was accepted by the maker of the motion and by Council Member Morrison, who made the second. The amendment should read:

b) "retains a high degree of integrity as defined by the National Park Service, that clearly conveys its historical significance."

1) c) ii) (2) "represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time."

1) c) iv) "Community Value – The property has a unique location, physical characteristic or significant feature that contributes to the character, image or cultural identity of the city, a neighborhood, or a particular group."

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 6:47 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 6:49 p.m.

15. Authorize award, negotiation, and execution of a contract with ELECTRONIC DATA INC. (EDI), St. Petersburg, FL for the Phase II implementation of Maximo software, including technical and training services, as the Enterprise Asset Management (EAM) System for the Department of Aviation in an amount not to exceed \$319,500. EDI is the single source provider for these services.

The motion authorizing the award, negotiation and execution of a contract with Electronic Data Inc. was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Morrison was off the dais.

27. Approve a resolution directing the City Manager and Austin Energy General Manager to report back to Council on the strategy related to reaching adopted policy goals for solar generation in Austin. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Lee Leffingwell)

Resolution No. 20110804-027 was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was off the dais.

33. Set a public hearing to consider an appeal submitted by event promoter David Grice, president of Raceworks, Inc., on behalf of Susan G. Komen Austin of a decision by the Director of the Transportation Department denying a street closure application because of the proposed route for the Susan G. Komen Race for the Cure event scheduled for Sunday, November 13, 2011. (Suggested date and time: August 18, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for September 1, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

The motion to reconsider and amend item 33 to set the public hearing for August 25, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0. Council Member Morrison was off the dais.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

40. C14-04-0022.01 - North University NCCD Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by amending ordinance number 040826-58, the North University Neighborhood Conservation Combining District (NCCD) bounded by 38th Street to the north, San Jacinto Boulevard and 27th Street to the south, Guadalupe Street to the west and Duval Street to the east (Waller Creek Watershed, Boggy Creek Watershed, Shoal Creek Watershed) to change certain conditions of zoning. Staff Recommendation: To amend the North University Neighborhood Conservation Combining District (NCCD) to change certain conditions of zoning. Planning Commission Recommendation: To amend the North University Neighborhood Conservation Combining District (NCCD) to change certain conditions of zoning. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110804-040 to amend the North University Neighborhood Conservation Combining District – neighborhood plan (NCCD-NP) to change certain conditions of zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
41. C14-2011-0031 - Pour House Pub - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6701 Burnet Road (Shoal Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Applicant: Spiritual Urban Warrior, L.L.C. (Andrew Creixell). Agent: McLean & Howard, L.L.P. (Jeff Howard). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110804-041 for commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
42. C14-2011-0055 - Kessler Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 and 12504 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Owner/Applicant: Illan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to September 22, 2011 at the applicant's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
43. C14-2011-0060 - West Gibson Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 West Gibson Street (East Bouldin Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-

NP) combining district zoning. Applicant: SC Investors, LLC. (Peter Barlin). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to August 25, 2011 at the applicant's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

44. C814-2008-0136.01 - North Austin Medical Centre Planned Unit Development Amendment #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12221 North Mo-Pac Expressway Northbound and 2311-2511 Park Bend Drive (Walnut Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant the 1st amendment of the North Austin Medical Centre PUD. Zoning and Platting Commission Recommendation: To be reviewed on August 2, 2011. Owner/Applicant: St. David's Healthcare Partnership L.P., LLP (Malcolm Bellsie). Agent: City of Austin-Parks and Recreation Department (Chris Yanez), Coats Rose Yale Ryman & Lee, P.C. (John M. Joseph). Staff: Sherri Sirwaitis, 974-3057.
- This item was postponed on consent to August 25, 2011 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

46. C14-2011-0049 - Pioneer Hill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900-10324 Dessau Road (Lake Creek Watershed) from traditional neighborhood district (TND) zoning to multi-family residence-limited density (MF-1) district zoning for Tract 1, townhouse and condominium residence (SF-6) district zoning for Tract 2, multi-family residence-medium density (MF-3) district zoning for Tract 3, community commercial (GR) district zoning for Tract 4, and limited industrial (LI) district zoning for Tracts 5A and 5B. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. Owner/Applicant: Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier), Estate of Fred Morse (Scott Morse). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of ordinance for multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions with access provided through Brown Lane was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

50. Conduct a public hearing relating to the proposed assessments on the Public Improvement District for the Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

51. Conduct a public hearing relating to the proposed assessments on the Public Improvement District for the Indian Hills Area (approximately 234 acres in Travis County west of SH130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

48. Conduct a public hearing to consider appeals by CRVI LOOP 360 LP (David Armbrust, Armbrust and Brown, PLLC) and South Beecave Woods Neighborhood Association (Lynn Harrison-David, Chair) of the Land Use Commission's (Zoning and Platting Commission) decision to approve a Hill Country Roadway Site Plan application with waivers for Tarlton 360 Townhomes, SPC-2010-0071C.MGA. The project is located at 2500-2530 Walsh Tarlton. Related to Item #12.

The public hearing was conducted and the motion to close the public hearing and deny the appeals with the Zoning and Platting Commission's recommendation to eliminate three residential units was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 7-0 vote.

DISCUSSION ITEM CONTINUED

12. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with CRVI Loop 360 LP, for the 16.24 acre tract located at 2500 Walsh Tarlton, known as the Tarlton 360 Townhomes site plan, SPC-2010-0071C.MGA, to extend the time for which the approved site plan can be constructed. Related to Item #48.

The motion to approve the ordinance and the Managed Growth Agreement for five years was made by Council Member Tovo. This motion failed for lack of a second.

There was a friendly amendment made by Council Member Spelman to approve the ordinance and approve the Managed Growth Agreement for 10 years. This was not accepted by the maker of the motion.

The substitute motion made by Council Member Spelman, seconded by Mayor Pro Tem Cole to approve Ordinance No. 20110804-012 and the Managed Growth Agreement for 10 years was approved on a 7-0 vote.

ZONING DISCUSSION ITEM

45. C14-2011-0043 - 753 Montopolis - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 753 Montopolis Drive (Country Club East Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Owner/Applicant: Babubhai Mohammad. Agent: Rafiq B. Mohammad. City Staff: Stephen Rye, 974-7604.

This item was postponed to August 18, 2011 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

49. Conduct a public hearing and consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to modify requirements for open space (C20-2010-020).
This item was postponed to September 22, 2011 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

DISCUSSIONITEMSCONTINUED

7. Authorize the negotiation and execution of amendment to the outside counsel contract with Thompson & Knight, LLP for legal services relating to the redevelopment of the Green Water Treatment Plant property, in the amount of \$75,000, for a total contract amount of \$267,000.
The motion authorizing the negotiation and execution of amendment to the outside counsel contract with Thompson & Knight, LLP was approved on Council Member Spelman's motion, Council Member Martinez's second on a 5-0 vote. Mayor Pro Tem Cole and Council Member Tovo were off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Martinez' motion, Council Member Tovo's second on a 7-0 vote.

21. Approve a resolution directing the City Manager to develop a city ordinance providing a comprehensive phase-out of single-use retail plastic bags offered at retail checkouts within the city limits.(Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
Resolution No. 20110804-021 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
23. Approve a resolution recognizing the National Association of City Transportation Officials' Urban Bikeway Design Guide as a resource for guidance on the development of bicycle facilities in Austin.(Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)
Resolution No. 20110804-023 was approved on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote.
25. Approve a resolution directing the City Manager to transmit copies of this resolution supporting federal legislation to regulate conditions for egg laying hens to federal officials.(Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Resolution No. 20110804-025 was approved on Council Member Martinez' motion, Council member Spelman's second on a 7-0 vote.
28. Approve a resolution establishing the Charter Revision Committee to gather public input and provide council with recommendations regarding proposed charter amendments and districting plans.(Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)
Resolution No. 20110804-028 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 10:55 p.m. without objection.

The minutes for the work regular meeting of August 4, 2011 were approved on this the 18th day of August 2011 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.