



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, SEPTEMBER 22, 2011**

Invocation: Pastor Lois Hayes, Joshua Chapel CME 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 22, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:04 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council budget work session of August 24, 2011 regular meeting of August 25, 2011, hearing on tax rate of September 1, 2011 and budget reading of September 12, 2011. The minutes from the budget work session of August 24, 2011, regular meeting of August 25, 2011, hearing on tax rate meeting of September 1, 2011 and budget reading of September 12, 2011 were approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Approve a resolution authorizing the revision and extension of the fee schedule for participation under the Balcones Canyonlands Conservation Plan - Shared Vision through September 30, 2012. Resolution No. 20110922-003 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
4. Authorize the negotiation and execution of an agreement with the Brazos River Authority for the operation and maintenance of the Brushy Creek Regional Wastewater System. The motion authorizing the negotiation and execution of an agreement with the Brazos River Authority was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
5. Authorize execution of a 12-month Greater Austin-Travis County Regional Radio System (GATRRS) Associate Interlocal Cooperation Agreement with Austin Community College (ACC), beginning on October 1, 2011, with up to ten one-year renewal options and a service fee paid to the City to permit the connection of ACC's radios and dispatch consoles to the GATRRS and to authorize ACC's use of the GATRRS for primary public safety voice radio communications.

The motion authorizing the execution of a Greater Austin-Travis County Regional Radio System Associate interlocal cooperation agreement with Austin Community College was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

6. Authorize the negotiation and execution of an Interlocal Agreement among the City of Austin, Travis County and Austin Travis County Integral Care to provide substance abuse and mental health treatment services for offenders with a history of repeated contact with the criminal justice system, through the program known as Project Recovery, for a total contract amount not to exceed \$393,427 for the Fiscal Year 2011-2012.

This item was withdrawn on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

7. Authorize execution of a construction contract with EAS CONTRACTING, L.P., Carrollton, TX, for Airfield Lighting Control and Monitoring System (ALCMS) Upgrade in the amount of \$631,690 plus a \$63,169 contingency, for a total contract amount not to exceed \$694,859.

The motion authorizing the execution of a construction contract with EAS Contracting, L.P. was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 8 was pulled for discussion.

9. Authorize negotiation and execution of a professional services agreement with MWM DESIGN GROUP, INC. (DBE/FH-76.10%), Austin, TX, for engineering services on the West Rundberg Lane Extension Project in an amount not to exceed \$435,475.99.

The motion authorizing the negotiation and execution of a professional services agreement with MWM Design Group, Inc. was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

10. Authorize negotiation and execution of a professional services agreement with FOUND DESIGN LLC, dba MERJE, West Chester, PA or another qualified responder to RFQ Solicitation No. CLMP083, to provide Planning Design services for the Austin Downtown Wayfinding System, in an amount not to exceed \$180,000.00.

The motion authorizing the negotiation and execution of a professional service agreement with Found Design LLC, doing business as Merje was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

11. Authorize award and execution of Amendment No. 1 to extend the 2010 Job Order Contracting Agreement for one additional year term with Kellogg Brown & Root, LLC (KBR), Alpha Building Corporation, and Prism Development, Inc. (MBE/MH) for City of Austin facilities improvements. The estimated budget for the one-year extended term of the Contract is \$3,000,000 to be distributed among the three Job Order Contractors based on work authorization and availability.

The motion authorizing the award and execution of amendment number one to extend the 2010 job order contracting agreement with Kellogg Brown & Root, LLC, Alpha Building Corporation and Prism Development, Inc. was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

12. Authorize execution of a construction contract with C & Z Enterprises, LLC of Pflugerville, TX for the Ulrich WTP Basin Coating Project in an amount not to exceed \$74,999.99 plus a \$7,499.99 contingency for a total contract amount not to exceed \$82,499.98.

The motion authorizing the execution of a construction contract with C & Z Enterprises, LLC was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

13. Authorize execution of renewal and amendment of the Interlocal Cooperation Agreement between the City and Travis County to provide ground emergency medical services in areas of Travis County outside the City's corporate limits and support services to Travis County's STAR Flight program for a 12-month term beginning on October 1, 2011, in exchange for payment of \$11,868,477 by Travis County.
The motion authorizing the execution of renewal and amendment of the interlocal cooperation agreement between the City and Travis County was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
14. Authorize negotiation and execution of an Automatic Aid Agreement between the City of Austin and Travis County Emergency Service District Number 11 (Travis County Fire Rescue) in order to provide additional fire protection and emergency service response resources for both City and County areas in the south and southeast portion of the City, and SE portion of the county. The initial term will be one year beginning October 1, 2011 with up to four additional one-year term renewals.
The motion authorizing the negotiation and execution of an automatic aid agreement between the City of Austin and Travis County Emergency Service District Number 11 (Travis County Fire Rescue) was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
15. Approve an ordinance authorizing acceptance of \$10,000 in additional grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), Austin, TX; and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$10,000 for WIC operating expenses.
Ordinance No. 20110922-015 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
16. Authorize negotiation and execution of Amendment No. 4 to the Interlocal Agreement with WORKSOURCE GREATER AUSTIN AREA WORKFORCE BOARD d/b/a WORKFORCE SOLUTIONS - CAPITAL AREA WORKFORCE BOARD for child care quality improvement services for a 6-month renewal in an amount not to exceed \$244,107, for a total contract amount not to exceed \$1,114,126.
The motion authorizing the negotiation and execution of amendment number four to the interlocal agreement with Worksource Greater Austin Area Workforce Board, doing business as Workforce Solutions – Capital Area Workforce Board, was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
17. Authorize negotiation and execution of a 12-month local match agreement with WORKSOURCE GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD d/b/a WORKFORCE SOLUTIONS - CAPITAL AREA WORKFORCE BOARD for child care services in an amount not to exceed \$331,832, with three 12-month extension options in an amount not to exceed \$331,832 per extension option, for a total agreement amount not to exceed \$1,327,328.
The motion authorizing the negotiation and execution of a local match agreement with Worksource Greater Austin Area Workforce Development Board, doing business as Workforce Solutions – Capital Area Workforce Board, was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
18. Approve negotiation and execution of amendments to contracts between the City and the following four providers of services for people with HIV or AIDS: Amendment No. 4 to the contract with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$18,655, for a total contract amount not to exceed \$743,131; Amendment No. 4 to the contract with A/TC MENTAL HEALTH MENTAL RETARDATION C.A.R.E. Program, in an amount not to exceed \$4,286 for a total contract amount not to exceed \$173,450; Amendment No. 4 to the contract with PROJECT TRANSITIONS, INC. in an amount not to exceed \$44,220, for a total contract amount not to exceed \$307,767; and Amendment No. 4 to the

contract with THE WRIGHT WELLNESS CENTER in an amount not to exceed \$9,804, for a total contract amount not to exceed \$385,590.

The motion to approve the negotiation and execution of amendments to contracts between the City and the following providers of services for people with HIV or AIDS: amendment number four to the contract with AIDS Services of Austin, Inc.; amendment number four to the contract with A/TC Mental Health Mental Retardation C.A.R.E.; amendment number four to the contract with Project Transitions, Inc.; and amendment number four to the contract with The Wright Wellness Center was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 19 was pulled for discussion.

20. Authorize negotiation and execution of a 12-month contract between the City of Austin and FAMILY ELDERCARE, for senior services, in an amount estimated not to exceed \$134,221, with three 12-month extension options in an amount estimated not to exceed \$134,221 per extension option, for a total agreement amount estimated not to exceed \$536,884.

The motion authorizing the negotiation and execution of a contract between the City of Austin and Family Eldercare was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

21. Authorize negotiation and execution of Amendment No. 6 to the Interlocal Agreement with AUSTIN COMMUNITY COLLEGE CHILD DEVELOPMENT DEPARTMENT; for child care quality improvement services and training for child care employees for a 6-month renewal in an amount not to exceed \$86,039 for a total contract amount not to exceed \$770,209.

The motion authorizing the negotiation and execution of amendment number six to the interlocal agreement with Austin Community College Child Development Department was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

22. Authorize negotiation and execution of Amendment Number Eleven to the Truancy Court Pilot Project Interlocal Agreement between the CITY OF AUSTIN, TRAVIS COUNTY and the TRAVIS COUNTY JUVENILE BOARD for chronic truancy intervention services in an amount not to exceed \$19,414 for a six month term beginning October 1, 2011 through March 31, 2012 with no renewals.

The motion authorizing the negotiation and execution of amendment number eleven to the Truancy Court Pilot Project interlocal agreement between the City of Austin, Travis County and the Travis County Juvenile Board was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

23. Approve negotiation and execution of an amendment to the Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT for the following four programs, Community Education, Victory Tutorial, Prime Time Program and the Adult Basic Education/English as a Second Language, to extend the term for six months beginning October 1, 2011, in an amount not to exceed \$714,422, for a total contract amount not to exceed \$3,214,901.

The motion to approve the negotiation and execution of an amendment to the interlocal agreement with the Austin Independent School District was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 24 was pulled for discussion.

25. Approve an ordinance authorizing acceptance of \$17,592 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, ZOONOSIS BRANCH, Austin, TX; and amending the Fiscal Year 2010-2011 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$17,592 to conduct spay and neuter activities.

Ordinance No. 20110922-025 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

26. Approve negotiation and execution of Amendment No. 5 to the Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT for a 12-month extension for Teen Parent Child Care services in an amount not to exceed \$179,644, for a total agreement amount not to exceed \$838,220.
The motion authorizing the negotiation and execution of amendment number five to the interlocal agreement with the Austin Independent School District was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
27. Approve negotiation and execution of Amendments to two contracts: (1) Amendment No. 4 for a 12-month extension to the contract with CHILD, INC. for child care services in an amount not to exceed \$84,928, for a total contract amount not to exceed \$424,640; and, (2) Amendment No. 4 for a 12-month extension to the contract with GENERATIONS CHILD DEVELOPMENT CENTERS, INC. for child care services in an amount not to exceed \$102,156, for a total contract amount not to exceed \$510,780.
The motion authorizing the negotiation and execution of amendment number four to the contract with Child, Inc. and amendment number four to the contract with Generations Child Development Centers, Inc. was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
28. Approve negotiation and execution of a social services Interlocal Cooperation Agreement with the Austin Travis County Mental Health Mental Retardation Center, d.b.a. Austin Travis County Integral Care, Austin, TX, to provide mental health support funding for a six month term beginning October 1, 2011 in an amount not to exceed \$840,580.
The motion authorizing the negotiation and execution of a social services interlocal cooperation agreement with the Austin Travis County Mental Health Mental Retardation Center doing business as Austin Travis County Integral Care was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Items 29 and 30 were pulled for discussion.

31. Authorize negotiation and execution of an amendment to the legal services agreement with Reeves & Brightwell, LLP to pay for legal services related to Cause No. D-1-GN-11-001063; Dominic Chavez et al v. City of Austin et al; In the 419th Judicial District Court of Travis County, Texas, to increase funding in the amount of \$20,000, for a total contract amount not to exceed \$123,000. Funding is available in the Fiscal Year 2011-2012 budget of the Liability Reserve Fund.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Reeves & Brightwell, LLP was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
32. Authorize negotiation and execution of an amendment to the legal services agreement with Renea Hicks to pay for legal services related to Eddie Rodriguez, et al v. Rick Perry et al. Cause No. SA-11-CA-635-OLG-JES-XR [Consolidated case], In the U.S. District Court for the Western District of Texas, San Antonio Division, to increase funding in the amount of \$90,000 for a total contract amount not to exceed \$143,000. Funding is available in the Fiscal Year 2010-2011 of the Law Department Operating Budget.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Renea Hicks was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 33 was pulled for discussion.

34. Authorize negotiation and execution of a legal services agreement with Reeves & Brightwell LLP to provide counsel and representation to the City regarding the 2011 Central Texas fires for a total

agreement not to exceed \$150,000. Funding is available in the Fiscal Year 2011-2012 budget of the Liability Reserve Fund.

The motion authorizing the negotiation and execution of a legal services agreement with Reeves & Brightwell LLP was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 35 was pulled for discussion.

36. Authorize the City Manager to negotiate and execute a one-year service agreement with the Austin Housing Finance Corporation to manage and operate various housing programs on the City's behalf during Fiscal Year 2011-2012, funded by proceeds from the City's General Obligation Housing Bonds in an amount not to exceed \$6,649,505.

The motion authorizing the City Manager to negotiation and execute a service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

37. Authorize the City Manager to negotiate and execute a one-year service agreement with the Austin Housing Financing Corporation to manage and operate various housing programs on the City's behalf during Fiscal Year 2011-2012, funded by United States Department of Housing and Urban Development funds and local housing funds in an amount not to exceed \$6,620,570.

The motion authorizing the City Manager to negotiate and execute a service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

38. Authorize the negotiation and execution of a one-year contract in an amount not to exceed \$200,000 with Business Investment Growth to provide training and technical assistance services to Certified Micro Enterprises under the Small Business Assistance program.

The motion authorizing the negotiation and execution of a contract with Business Investment Growth was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

39. Authorize the negotiation and execution of a one-year contract with the Austin Tenant's Council in an amount not to exceed \$288,729, to fund and administer the Tenant's Rights Assistance program for community education and protection under tenant protection laws.

The motion authorizing the negotiation and execution of a contract with the Austin Tenant's Council was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

40. Authorize the negotiation and execution of a one-year contract with PeopleFund in an amount not to exceed \$150,000 to administer the Community Development Bank program and support job creation and the expansion of small businesses by providing loan services through PeopleFund's Small Business Development program.

The motion authorizing the negotiation and execution of a contract with PeopleFund was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 41 was pulled for discussion.

42. Approve an ordinance authorizing acceptance of \$15,000 in grant funds from the Texas Historical Commission and amending the Fiscal Year 2010-2011 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$15,000 for development and implementation of the Web-based Historical Survey Web tool project.

Ordinance No. 20110922-042 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

43. Approve an ordinance authorizing acceptance of \$9,000 in grant funds from the Texas Historical Commission and amending the Fiscal Year 2011-2012 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$9,000 to carry out a comprehensive survey of all city-owned or maintained properties that are over 50 years old to determine their eligibility for designation.
Ordinance No. 20110922-043 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
44. Approve an ordinance amending Ordinance 20100930-038 to correct zoning errors approved in Exhibit B of the Castle Hill Local Historic District.
Ordinance No. 20110922-044 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 6-0 vote. Council Member Morrison recused herself.
45. Authorize negotiation and execution of an Interlocal Agreement for Booking and Related Services between Travis County and the City of Austin in the amount of \$6,345,554 for Fiscal Year 2011-2012.
The motion authorizing the negotiation and execution of an interlocal agreement for booking and related services between Travis County and the City of Austin was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
46. Authorize award, negotiation, and execution of a 48-month revenue share contract with IMAGE MICRO SYSTEMS, Austin, TX, or one of the other qualified offerors to RFP No. CB30021, for citywide use, for the recycling of computer equipment and other media with options to extend for two additional 12-month periods.
The motion authorizing the award, negotiation and execution of a revenue share contract with Image Micro Systems was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
47. Approve ratification of a contract with EXCEL CONSTRUCTION SERVICES, LLC, Leander, TX for emergency repairs to the Ullrich Water Treatment Plant raw water header for the Austin Water Utility (AWU) for a total contract amount not to exceed \$371,000.
The motion to ratify a contract with Excel Construction Services, LLC was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
48. Authorize award and execution of a 12-month requirements service agreement with AM CONSERVATION GROUP, INC, Charleston, SC to purchase weatherization kits for Austin Energy, in an estimated amount not to exceed \$393,710, with four 12-month extension options in an estimated amount not to exceed \$265,710 per extension option, for a total estimated contract amount not to exceed \$1,456,550.
The motion authorizing the award and execution of a requirements service agreement with AM Conservation Group, Inc. was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
49. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Board/Nominee

Arts Commission
Amy Wong Mok

Nominated by

Council Member Tovo

Austin Travis County Integral Care Board of Trustees
Dr. Exalton Delco

Mayor Leffingwell

Board of Adjustment
Will Schnier (alternate)

Mayor Leffingwell

Building and Standards Commission
Charles Cloutman

Council Member Morrison

Commission for Women
Julia Aguilar

Council Member Tovo

Commission on Immigrant Affairs
Donald Krupens

Council Member Tovo

Community Development Commission
Gilberto Rivera (representative – Rosewood-Zaragosa Blackland)

Council Member Riley

Design Commission
James Shieh

Council Member Tovo

Early Childhood Council
Robert Borowski

Council Member Tovo

Electric Board
Peggy “Susie” Simpson

Council Member Morrison

Ethics Review Commission
James Ruiz

Council Member Tovo

Human Rights Commission
Elizabeth Brenner

Council Member Tovo

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee
Schiller Liao

Council Member Tovo

Public Safety Commission
Kent Anschutz

Council Member Tovo

Solid Waste Advisory Commission
Jeff Paine

Council Member Tovo

Urban Forestry Board
Peggy Maceo
April Rose

Council Member Tovo
Council Member Riley

Water and Wastewater Commission
Bill Moriarty

Council Member Tovo

Zoning and Platting Commission
Betty Baker

Council Member Tovo

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Melvin White's service on the Austin Community Technology and Telecommunications Commission.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for George Luc's service on the Austin Mayor's Committee for People with Disabilities.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Charles Cloutman's appointment to the Building and Standards Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Peggy "Susie" Simpson's appointment to the Electric Board.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Barbra Boeta's service on the MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Bill Moriarty's appointment to the Water and Wastewater Commission.

50. Approve a severance agreement with the Deputy City Clerk, Yvonne Spence. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole)

The motion to approve a severance agreement with the Deputy City Clerk, Yvonne Spence, was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

51. Approve an ordinance naming the property known as the Ivanhoe Tract, generally located north of RM 2222, between Loop 360 and FM 620, as the Kent Butler Ecological Reserve, and waiving the applicable requirements of Chapter 14-1 of the City Code related to naming this property the Kent Butler Ecological Reserve. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member William Spelman CO 2: Council Member Laura Morrison)

Ordinance No. 20110922-051 was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 52 was pulled for discussion.

53. Approve the waiver of certain fees for the Marathon Kids 2011-2012 Kick Off Celebration which is to be held on Saturday, October 1, 2011 at The University of Texas' Mike Myers Track and Field Stadium. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley)

The motion to approve the waiver of certain fees for the Marathan Kids 2011-2012 kick off celebration was approved on consent on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

54. Set public hearings for the full purpose annexation of the following annexation areas: (1). Burleson-Felter (approximately 97 acres in Travis County south of Burleson Road approximately 1,100 feet west of the intersection of Burleson Road and McKinney Falls Parkway); (2). Northridge Park Section 2 (approximately 97 acres in Travis County at the northeast corner of the intersection of Manor Road and Old Manor Road); (3). Ribelin Ranch Preserve (approximately 546 acres in Travis County north of FM 2222 approximately 900 feet north of the intersection of FM 2222 and McNeil Drive); (4). Circuit of the Americas (approximately 1,470 acres in Travis County south of Pearce Lane approximately one half mile east of the intersection of Pearce Lane and Ross Road). (Suggested dates and times: November 3, 2011, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX and November 10, 2011, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for November 3, 2011 and November 10, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Item 55 was briefing item set for 10:30 a.m.

Items 56 through 58 were Executive Session items

Items 59 through 77 were zoning items set for 2:00 p.m.

Item 78 was Austin Housing Finance meeting set for 3:00 p.m.

Items 79 through 87 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

33. Approve an Ordinance authorizing a May 2012 general election date or a Resolution authorizing a November 2012 general election date.

There was a motion made by Council Member Martinez and seconded by Council Member Riley to approve the resolution authorizing a November 2012 general election date.

A substitute motion was made by Council Member Morrison and seconded by Council Member Spelman to approve the first reading of the ordinance authorizing a May 2012 general election date. This motion passed on a 4-3 vote. Those voting aye were: Mayor Pro Tem Cole, Council Members Morrison, Spelman, and Tovo. Those voting nay were: Mayor Leffingwell, Council Members Martinez and Riley.

2. Authorize execution of a power purchase agreement with Iberdrola Renewables, Inc., for a term of up to twenty-five years for up to 200 megawatts of wind-generated electricity in an estimated amount of \$29,000,000 per year, for a total estimated contract amount of \$725,000,000. Recommended by the Electric Utility Commission and Resource Management Commission.
The motion authorizing the execution of a power purchase agreement with Iberdrola Renewables, Inc. was approved on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.
8. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, Texas for the Shoal Creek - Ridgelea Bank Stabilization project in the amount of \$614,401 plus a \$61,440 contingency, for a total contract amount not to exceed \$675,841.
The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
19. Approve negotiation and execution of Amendment No. 11 to the Interlocal Cooperation Agreement among the CITY OF AUSTIN, AUSTIN TRAVIS COUNTY INTEGRAL CARE and TRAVIS COUNTY for substance abuse treatment and related behavioral healthcare services to renew the agreement for one 12-month term beginning October 1, 2011, in an amount not to exceed \$1,605,935 (\$958,760 City; \$971,440 County).
The motion to approve the negotiation and execution of amendment number eleven to the interlocal cooperation agreement with the City of Austin, Austin Travis County Integral Care and Travis County was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
24. Approve negotiation and execution of amendments to and renewals of 48 social services contracts with 42 social service agencies to extend the contracts for six months, from October 1, 2011 through March 31,

2012, for a total amount not to exceed \$ 4,746,948. Recommended by the Public Health and Human Services Committee.

The motion authorizing the negotiation and execution of amendments to and renewals of social services contracts with 42 social service agencies was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

29. Authorize negotiation and execution of a Renewal to and Amendment of the Public Health Services Interlocal Agreement between the City and Travis County under which City provides certain public health services to Travis County, in exchange for payment of \$3,128,888, for a 12-month period beginning October 1, 2011.

The motion authorizing the negotiation and execution of a renewal to and amendment of the Public Health Services interlocal agreement between the City and Travis County was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Asif Mohammad- Street closure on Brunning Ave

John Goldstone- East 12th Street

Babs K. Warren- Eliminating poison in our drinking and lake water! 1. Fluoride was listed on outside of box of rat poisoning that my mother used to kill rats. 2. At the Bureau of Economic Geology on 19th St., I was asked to draw a map of the 1st uranium mines that were released by State of Texas. I spotted those uranium mines when I was a teenager and learned how deadly they were. Why can't you learn this and act on it while I am 78 years old? Right now! Save us and your grandchildren. They're going to ask where you were. I am afraid to water ski too!

Paul Aviña- Racism in government

Heather Fazio- City issues

Linda Greene- Why City Council must warn the public of the hazards of Austin's fluoridated water

Clay Dafoe- 1st amendment rights and Council Members salaries and term limits

Philip Greene- Fluoride and thyroid disease

Ted Edwards, MD- Getting fluoride out of City water Not present when the name was called.

Dr. Johnette Mason, Ddiv- African Cultural Enrichment in the community for families and youth. Not present when the name was called.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:34 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.

56. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

57. Discuss legal issues related to the 2011 Central Texas fires (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn.
58. Discuss legal issues relating to districting, proposed city charter amendments, election legislation, and election dates (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:42 p.m.

BRIEFINGS

55. New Central Library Schematic Design presentation.
The presentation was made by Bert Lumbreras, Assistant City Manager; David Lake, Lake|Flato Architects; and Sidney Bowen, Shepley Bulfinch.

DISCUSSION ITEMS CONTINUED

30. Authorize negotiation and execution of amendments to three social services contracts with the following: COMMUNITY PARTNERSHIP FOR THE HOMELESS INC., DBA GREEN DOORS, in an amount not to exceed \$62,060, for a total contract amount not to exceed \$133,800; COUNCIL ON AT-RISK YOUTH, in an amount not to exceed \$176,400, for a total contract amount not to exceed \$467,439; and IMMIGRATION COUNSELING AND OUTREACH SERVICES, in an amount not to exceed \$70,540 for a total contract amount not to exceed \$108,033, to fill gaps in social services for homeless, youth, and refugee services, for one year terms from October 1, 2011 through September 30, 2012.
The motion authorizing the negotiation and execution of amendments to social services contracts with: Community Partnership for the Homeless Inc., doing business as Green Doors; Council on At-Risk Youth; and Immigration Counseling and Outreach Services with the following amendment was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais. The amendment was to amend the Immigration Counseling and Outreach Services amount from \$70,540 to \$21,425, the difference of \$49,115 will go to the fund balance and applied on October 6, 2011 to the remaining unallocated funds in the 2012 budget for the social service contracts.
52. Approve a resolution directing the City Manager to work with a Joint Subcommittee of the Resource Management Commission, Water and Wastewater Commission and Impact Fee Advisory Committee to develop recommendations for a tiered, progressive Revenue Stability fee structure and short and long-term financial plans to strengthen the financial stability of Austin Water Utility. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Riley)
Resolution No. 20110922-052 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 6-0 vote. Council Member Spelman was off the dais. Direction was given to staff to apply the same principals to all the fees on the utility bill.
35. Authorize negotiation and execution of an amendment to the legal services agreement with The Law Office of Randy Leavitt, to provide legal services related to Texas Open Meeting Act issues, Public Information Act issues and records retention issues to increase funding in the amount of \$80,000, for a total contract amount not to exceed \$203,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Law Department; Authorize negotiation and execution of an amendment to the legal services agreement with Thompson & Knight, LLP, to provide legal services related to Texas Open Meeting Act issues, Public Information Act issues and, records retention issues to increase funding in the

amount of \$75,000 for a total contract amount not to exceed \$163,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Law Department.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with the Law Office of Randy Leavitt was approved on consent on Council Member Morrison's motion, Council Member Tovo's second on a 4-0 vote. Mayor Leffingwell and Council Members Martinez and Spelman were off the dais.

41. Authorize the negotiation and execution of a one-month extension to the existing agreement and a new 11-month agreement, including five 12-month extension options, with the Urban Renewal Agency of the City of Austin relating to roles, responsibilities and processes for the redevelopment of the East 11th and 12th Street Revitalization Project. Recommended by the Urban Renewal Board.
- The motion authorizing the negotiation and execution of an extension to the existing agreement and a new agreement with the Urban Renewal Agency of the City of Austin was approved with the following amendment on Council Member Riley's motion, Council Member Morrison's second on a 5-0 vote. Council Members Martinez and Spelman were off the dais. The amendment was to authorize the negotiation of a long term agreement with the Urban Renewal Agency and to come back to Council to authorize execution of the long-term agreement. There was a friendly amendment clarifying that the motion also includes authorizing the negotiation and execution of the extension to the existing agreement with the Urban Renewal Agency. This was accepted by the maker of the motion and Council Member Morrison who made the second.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

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

59. C14-2011-0049 - Pioneer Hill - Approve second reading of 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 service (LI) district zoning for Tracts 5A and 5B. On August 4, 2011, City Council approved First reading of 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 service-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with additional conditions. Vote: 7-0. 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 second reading of the 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 service-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with additional conditions was approved per the following amendments on consent on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Members Martinez and Spelman were off the dais. The amendment was to require access to the development via Brown Lane as follows.
1. A direct street connection from the Pioneer Hill tract to Brown Lane will not be required.
 2. A cul-de-sac turnaround will be required for the Pioneer Hill tract during the subdivision stage to terminate Brown Lane in accordance with City Standards.

3. The Pioneer Hill tract will connect to Brown Lane at the cull-de-sac by means of a commercial Type II driveway.
4. A public easement along the subject driveway and through the Pioneer Hill tract will be required to provide connectivity for bicycles and pedestrians to and from Brown Lane.
5. The applicant (Pioneer Hill) will be responsible for the design, construction, and delivery of items two through four in accordance with the City's requirements.

60. C14-2011-0058 - 707 West Ave. Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 705, 707, 709, 711 West Avenue & 710 West 7th Street (Shoal Creek Watershed) from general office (GO) district zoning to general commercial services-conditional overlay (CS - CO) combining district zoning. First reading approved on August 25, 2011. Vote: 7-0. Applicant: Cirrus Logic (Thurman Case) Agent: Armbrust and Brown, P.L.L.C (Richard Suttle) City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition of this rezoning request.
- This item was postponed on consent to October 6, 2011 at the staff's request with the public hearing held open on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Members Martinez and Spelman were 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.

61. NPA-2011-0025.02 - Landscape Resources - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 7401 Old Bee Caves Road (Williamson Creek) from Mixed Residential to Mixed Use land use. Staff Recommendation: Not Recommended. Planning Commission Recommendation: To be reviewed December 13, 2011. Applicant/Owner: WEAPSA, L.L.C.. Agent: A. Ron Thrower. City Staff: Maureen Meredith, 974-2695.
- This item was postponed on consent to December 15, 2011 at the staff's request on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.**
62. 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 heard on September 20, 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.
- The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-062 for planned unit development (PUD) district zoning, to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.**
63. NPA-2011-0019.01 - Helms Condominiums - Conduct a public hearing and approve an ordinance amending Ordinance No. 20040826-056, the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 201 East 34th Street and 3307 Helms Street (Waller Creek) from Single Family Use to Higher-Density Single Family land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 11, 2011. Applicant/Owner: Zod

Bozorgmehr, Valarie Bauhofer & John White. Agent: Douglas Gibbins. City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to November 10, 2011 at the staff's request on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

64. C14-2011-0016 - Helms Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201 E. 34th Street and 3307 Helms Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to single family residence, small lot-neighborhood conservation combining district-neighborhood plan (SF-4A-NCCD-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 11, 2011. Applicant: Farhad Bozorgmehr. Agent: Bensalem Incorporated (Douglas Gibbins). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to November 10, 2011 at the staff's request on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

65. C14-2011-0023 -1601 Cedar Bend Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Cedar Bend Drive (Walnut Creek Watershed) from rural residence (RR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with conditions. Owner/Applicant: Jack Cearley. Agent: Lenworth Consulting (Nash Conzaes). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-065 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

66. 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 indefinitely on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.) Council directed staff to take the item back to the Planning Commission because the application has changed his zoning request to NO/MU.

67. C14-2011-0061 - 3635 North Hills Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3635 North Hills Drive (Dry North Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 20, 2011. Applicant: TSI North Hills Pad, Ltd (Fred H. Thomas). Agent: McLean & Howard (Jeff Howard) City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to October 20, 2011 at the staff's request on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

68. C14-2011-0062 - Junior League Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8501 Bluffstone Cove (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning. Owner/Applicant: Junior League of Austin (Morgan Hardin). Agent: Winstead PC (Pete Winstead). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-068 for community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.
69. C14-2011-0063 - 1001 E. 52nd Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 E. 52nd Street (Tannehill Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-neighborhood plan (GR-NP) combining district zoning. Staff Recommendation: To grant community commercial-neighborhood plan-conditional overlay (GR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-neighborhood plan-conditional overlay (GR-CO-NP) combining district zoning. Applicant: Olen Cothron. Agent: The Austin Company (Peter Von Wupperfeld) City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-069 for community commercial-neighborhood plan-conditional overlay (GR-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.
70. C14-2011-0068 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2611 Park Bend Drive, 9221 E. US 290 HWY and 7800 Johnny Morris Road from interim rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To approve public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye 974-7604.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-070 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.
71. C14-2011-0069 - Scofield Montessori School - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 Scofield Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Staff recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Owner/Applicant: Omsai Joint Venture LLC (Ashok Someshwar). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-071 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.
72. C14-2011-0071 - D. West Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 707 West Slaughter Lane (Slaughter

Creek Watershed) from development reserve (DR) district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Owner/Applicant: Alma Kay West. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-072 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

73. C14-2011-0072-8915 Anderson Mill Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8915 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Owner/Applicant: GK Turtle Rock, Ltd. (David Holland). City Staff: Sherri Sirwaitis, 974-3057

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-073 for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

74. C14-2011-0073 - Villages at Turtle Rock - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12800 Turtle Rock Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Owner/Applicant: Villages at Turtle Rock, LP (David Holland). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-074 for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

75. C14-2011-0074 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5502 Johnny Morris Road from family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-075 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

76. C14-2011-0075 - NYOS Charter School Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 820 West Yager Lane (Walnut Creek Watershed) from limited industrial (LI) district zoning to general commercial services (CS) district zoning. Staff recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district

zoning, with conditions. Owner/Applicant: NYOS Charter School Inc. (Kathleen Zimmermann). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to October 20, 2011 at the neighborhood's request on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

77. C14-2011-0076 - Mopac Mini Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2707 O'Neal Lane (Walnut Creek Watershed) from rural residence (RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services (CS) district zoning. Owner/Applicant: Mopac Mini Storage (Phillip McKinely). Agent: Holford Group (Charles Dunn). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110922-077 for general commercial services (CS) district zoning was approved on consent on Council Member Spelman's motion, Council Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:14 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:15 p.m.

Mayor Leffingwell recessed the Council Meeting at 3:15 p.m.

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

PUBLIC HEARINGS AND POSSIBLE ACTIONS

The following items 79 – 85 were acted on in a combined motion.

79. 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 October 22, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
80. Conduct a public hearing to consider an appeal by Richard Kooris of the Planning and Development Review Department's decision to deny an Outdoor Music Venue Permit for East Side Drive In, located at 1001 E. 6th Street.
This item was postponed to October 20, 2011 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
81. Conduct a public hearing and consider an ordinance amending Chapter 25-6 of the City Code to modify parking requirements for properties in the downtown area that are zoned P-Public (C20-2011-010).
This item was postponed to October 6, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
82. Conduct a public hearing and consider an ordinance amending Chapter 25-12, Article 1 of the City Code (Building Code) to amend the local amendments to the Building Code.
This item was postponed to October 20, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
83. Conduct a public hearing and consider an ordinance amending Chapter 25-12-133, Article 5 of the City Code (Mechanical Code) amending certain local amendments.

This item was postponed to October 20, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

84. Conduct a public hearing and consider an ordinance repealing and replacing Article 4 (Electrical Code) of Chapter 25-12 of the City Code to adopt the 2011 National Electrical Code, and adopting certain local amendments to the Electrical Code.

This item was postponed to October 20, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

85. Conduct a public hearing and consider an ordinance amending Article 6 of Chapter 25-12-153 (Plumbing Code) of the City Code to amend local amendments.

This item was postponed to October 20, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

86. Conduct a public hearing to consider an appeal by Shaw Hamilton of the Planning Commission's decision to deny a Conditional Use Site Plan application for a Cocktail Lounge known as The Dram Shop at 907 E. 6th St. (SPC-2010-0034AT).

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

87. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to establish requirements for residential tours and garage sales and to clarify requirements for art production on residential property.

The public hearing was conducted and the motion to approve Ordinance No. 20110922-087 with the following amendment was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The amendment was to have 25-2-901, C read:

"(C) To qualify as an accessory use under this section, a residential tour that includes the production or sale of art must comply with the requirements of this subsection.

(1) A tour organizer must provide the dates of the tour and the address of all participating properties to the City of Austin Cultural Arts Division.

(2) A tour may not take place on more than six days per calendar year.

(3) A residential property may not:

(a) participate on a tour more than 12 days per calendar year;

(b) participate in more than three tours per calendar year;

(c) participate in a tour more than three days per week;

(d) include more than six guest artists, in addition to the primary artist; or

(e) include a garage sale."

Mayor Leffingwell adjourned the meeting at 5:29 p.m. without objection.

LIVE MUSIC

Shanice McKissick

PROCLAMATIONS

Proclamation -- Elisabet Ney Museum's 100th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Laura Esparza

Proclamation -- Childhood Cancer Awareness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by David Peach

Proclamation -- National Night Out -- to be presented by Mayor Lee Leffingwell and to be accepted by Joe Munoz

Proclamation -- Magic Street -- to be presented by Council Member Chris Riley and to be accepted by Dan Page

Distinguished Service Award -- Jay Reddy -- to be presented by Council Member Chris Riley and to be accepted by the honoree

Proclamation -- Women's Commission Hall of Fame -- to be presented by Council Member Laura Morrison and to be accepted by Women's Commission representatives

The minutes for the regular meeting of September 22, 2011 were approved on this the 6th day of September 2011 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.