

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

Invocation: Dr. Joseph C. Parker, Jr., Pastor, David Chapel Missionary Baptist Church

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

Mayor Leffingwell called the Council Meeting to order at 10:06 a.m.

CONSENT AGENDA

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

1. Approve the Minutes of the Austin City Council special called meetings of February 18, February 22, and March 3, 2010, and regular meeting of February 25, 2010 and approve amended minutes of November 5, 2009.
The minutes from the special called meetings of February 18, February 22 and March 3, 2010, the regular meeting of February 25, 2010 and the amended minutes of November 5, 2009 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
2. Approve issuance of a rebate to REIT Management & Research LLC for the installation of energy efficient reflective roofing at 12455 Research Blvd. in Austin, Texas, in an amount not to exceed \$82,981.44. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Electric Utility Commission and Resource Management Commission.
The motion to approve the issuance of a rebate to REIT Management & Research LLC was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
3. Approve an ordinance authorizing acceptance of \$17,500 in grant funds from the U.S. Department of Energy through the Railroad Commission of Texas and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate such grant funds, and authorize negotiation and execution of a four-year agreement between the Central Texas Clean Cities Program and the Railroad Commission of Texas to promote the use of propane vehicles and improve related infrastructure, in an amount not to exceed \$17,500 a year, for a total amount not to exceed \$70,000. Funding in the amount of \$17,500 is available from the U.S. Department of Energy through the Railroad Commission of Texas. Matching funds are not required. Recommended by the Electric Utility Commission and Resource Management Commission.

Ordinance No. 20100311-003 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

4. Approve an ordinance authorizing acceptance of \$20,000 in grant funds from the U.S. Department of Energy through Leonardo Technologies Inc., Morgantown, WV, and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$20,000 for programmatic support of the Central Texas Clean Cities Program. Funding is available from the U.S. Department of Energy through Leonardo Technologies Inc. Matching funds are not required. Recommended by the Electric Utility Commission and the Resource Management Commission.

Ordinance No. 20100311-004 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

5. Authorize the negotiation and execution of an agreement with River Place Municipal Utility District ("River Place") for the provision of out-of-district water service to an approximately one-acre tract ("Dunlap Tract") which is located east of River Place's boundary. The landowner and River Place will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an agreement with River Place Municipal Utility District ("River Place") was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

6. Authorize negotiation and execution of a reimbursement agreement with a consortium of rent-a-car companies holding Concession Agreements at Austin-Bergstrom International Airport for professional services to perform a study to determine the feasibility of a new rental car facility and parking garage at the Airport in an amount not to exceed \$454,000. Funding in the amount of \$454,000 is available in the residual account of the surplus fund of the Rental Car Special Facility Revenue Bond Customer Facility Charge (CFC) Trust Account. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of a reimbursement agreement with a consortium of rent-a-car companies holding concession agreements at Austin-Bergstrom International Airport was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

7. Authorize negotiation and execution of an agreement with Reed Business Information, Quadrant House, The Quadrant, Sutton, Surrey SM2 5AS, United Kingdom, to host the Network USA 2011 Conference to be held March 6, 7, and 8, 2011. Execution of the agreement with Reed Business Information will obligate the City to expend approximately \$165,000 to host the Conference. Funding in the amount of \$75,000 is available in the Fiscal Year 2009-2010. The remaining funds are subject to availability in the Fiscal Year 2010-2011 budget. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of an agreement with Reed Business Information, Quadrant House, The Quadrant, Sutton, Surrey SM2 5AS and United Kingdom was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

8. Approve an ordinance authorizing the acceptance and appropriation of grant funding from the Capital Area Planning Council of Governments under the 2010-2011 Regional Solid Waste Grant Program in the amount of \$20,801 to purchase surveillance cameras and related equipment. Funding is available from the 2010-2011 Regional Solid Waste Grant Program.

Ordinance No. 20100311-008 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

9. Approve an ordinance authorizing the City Manager to transfer certain real property to the Austin Housing Finance Corporation for the development of affordable residential housing.
Ordinance No. 20100311-009 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 5-0 vote. Council Member Cole was off the dais. Council Member Spelman recused himself.
10. Authorize the use of the Design-Build method for design and construction services in accordance with Local Government Code, Chapter 271, Subchapter H, Section 271.119 for the development of the Asian American Resource Center.
The motion authorizing the use of the Design-Build method was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
11. Authorize the negotiation and execution of a 36-month lease renewal for 1,643 square feet of storage space for the Organized Crime Unit of the Austin Police Department, located near Highway 290 East from MB-LA COSTA LTD., in an amount not to exceed \$57,600 for the initial renewal. Funding in the amount of \$4,800 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Funding for the remaining contract period is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of a lease renewal from MB-LA Costa Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
12. Authorize the negotiation and execution of a 36-month lease renewal for 10,000 square feet of warehouse space for the Austin Transportation Department, located at 6014 Technicenter Drive, Suite 2-201, from TECHNI-CENTER PARTNERS LTD., Austin TX, in an amount not to exceed \$170,100 for the initial renewal. Funding in the amount of \$14,175 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Transportation Department. Funding for the remaining contract period is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of a lease renewal from Techni-Center Partners Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
13. Authorize execution of a construction contract with SOUTHLAND CONTRACTING, INC., Fort Worth, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program, Segment 2/5 - Slaughter and Onion Creek Crossings, 36-Inch Water Main in the amount of \$5,985,534, plus a \$299,276.70 contingency, for a total contract amount not to exceed \$6,284,810.70. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.89% MBE and 5.45% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Southland Contracting, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
14. Authorize execution of a construction contract with RESTEK, INC., Manchaca, TX, for the 2010 Miscellaneous Bridge Maintenance Project in an amount not to exceed \$313,288.83. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.00% MBE and 15.91% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with Restek, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

Item 15 was pulled for discussion.

16. Authorize the negotiation and execution of the fee simple acquisition of .386 acre (16,806 square feet), more or less, out of .889 acre of land in the Santiago Del Valle Grant, Travis County, Texas, locally known as 915 Bastrop Highway, from ERASMO GONZALES and BERTA GONZALES for the Airport Noise Mitigation Program, in the amount of \$96,000 for the land, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$106,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.

The motion authorizing the negotiation and execution of the fee simple acquisition from Erasmo Gonzales and Berta Gonzales was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

Item 17 was pulled for discussion.

18. Authorize negotiation and execution of a professional services agreement with the following six firms: URS CORPORATION, Austin, TX; INTERA INC, Austin, TX; SHAW ENVIRONMENTAL & INFRASTRUCTURE, INC, Austin, TX; TRC ENVIRONMENTAL CORPORATION, Austin, TX; WESTON SOLUTIONS INC., Austin, TX; AMEC GEOMATRIX, INC., Austin, TX, for Professional Engineering Services for the Environmental Services Rotation List 2010-2012 for a period of two years or until financial authorization is expended, maximum amount not to exceed \$3,600,000 divided among the six firms. Funding is available in the Capital Budgets and/or Operating Budgets of various departments. Best six (6) qualification statements of nineteen (19) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with the following firms: URS Corporation, Intera Inc., Shaw Environmental & Infrastructure, Inc., TRC Environmental Corporation, Weston Solutions Inc., and AMEC Geomatrix, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

19. Authorize negotiation and execution of a professional services agreement with the following two firms: HALFF ASSOCIATES, INC., Austin, TX and PBS&J, Austin, TX, for the Floodplain Modeling and Mapping Engineering Services Rotation List for various Capital Improvement Projects for an estimated period of three years or until financial authorization is expended, with a maximum funding amount not to exceed \$2,000,000, divided among the two firms. Partial funding is available in the Fiscal Year 2009-2010 Capital Budget and/or Operating Budget of the Watershed Protection Department. Funding for the remaining contract term is contingent upon available funding in future fiscal years. Best two (2) qualification statements of fourteen (14) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with Halff Associates, Inc. and PBS&J was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

20. Approve an ordinance amending the Fiscal Year 2009-2010 EMS Fee Schedule of Ordinance No. 20090914-004, to approve changes made by Travis County Commissioners Court to the Fiscal Year 2009-2010 STAR Flight patient transport fees.
Ordinance No. 20100311-020 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

Items 21 and 22 were pulled for discussion.

23. Authorize execution of an amendment to the legal services contract with MGT of America, Inc. for representation services on behalf of the City of Austin for an increase of \$30,000, with a total contract amount not to exceed \$70,000. Funding is available in the Fiscal year 2009-2010 Operating Budget of the Austin Water Utility.
The motion authorizing the execution of an amendment to the legal services contract with MGT of America, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
24. Authorize award, negotiation, and execution of a 12-month requirements service contract with FRANK CRYSTAL & CO. OF TEXAS, INC., Houston, TX, to provide Airport Liability Insurance for Austin-Bergstrom International Airport (ABIA), in an estimated amount not to exceed \$83,500, with four 12-month extension options in estimated amounts not to exceed \$91,850, \$101,035, \$111,138 and \$122,252 respectively, for a total estimated contract amount not to exceed \$509,775. Funding in the amount of \$83,500 is available in the 2009-2010 Operating Budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation and execution of a requirements service contract with Frank Crystal & Co. of Texas, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
25. Authorize award and execution of Amendment No. 3 to a contract with HPI, LLC, Houston, TX to increase the contract for the upgrade of the gas turbine controls at Decker Creek Power Station in an amount not to exceed \$238,565, for a revised total estimated contract amount not to exceed \$2,171,834. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of amendment number three to a contract with HPI, LLC was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
26. Authorize award and execution of a 12-month requirements supply contract with VAUGHN MANUFACTURING CORP., Salisbury, MA, for the purchase of digital water heater timers in an estimated amount not to exceed \$206,240, with three 12-month extension options in an estimated amount not to exceed \$205,000 per extension option, for a total estimated contract amount not to exceed \$821,240. Funding in the amount of \$120,307 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore,

no goals were established for this solicitation. Recommended by the Electric Utility Commission and the Resource Management Commission.

The motion authorizing the award and execution of a requirements supply contract with Vaughn Manufacturing Corp. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

27. Authorize award and execution of a 21-month requirements service contract through the Texas Multiple Award Schedule (TXMAS) with STROUHAL TIRE RECAPPING PLANT, INC., Bryan, TX, for the purchase of retread tires in an estimated amount not to exceed \$2,044,900. Funding in the amount of \$667,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 14 months of the original contract period is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase, therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract through the Texas Multiple Award Schedule (TXMAS) with Strouhal Tire Recapping Plant, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

28. Authorize award and execution of a 12-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GT DISTRIBUTORS, INC., Austin, TX, for the purchase of ammunition in an estimated amount not to exceed \$552,615. Funding in the amount of \$201,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Funding for the remaining six months of the original contract period is contingent upon available funding in future budgets. This cooperative contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GT Distributors, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

29. Authorize award and execution of Amendment No. 1 to a contract with MYCOFF, FRY, PROUSE, LLC. Conifer, CO for an increase to the contract for recruitment services for the Austin Energy General Manager in an estimated amount not to exceed \$46,000 for a revised total estimated contract amount not to exceed \$69,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Professional Service. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of amendment number one to a contract with Mycoff, Fry, Prouse, LLC was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

30. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments and waivers were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

BoardEarly Childhood Council

Sue Carpenter

(waiving the attendance requirement, Section 2-1-26, City Code)

Nominated By:

Mayor Leffingwell

Intergovernmental BodiesCapital Area Metropolitan Planning Organization Transportation Policy Board

Approve a resolution appointing Mayor Lee Leffingwell, and Council Members Morrison, Shade, Spelman, Riley, and Cole to serve as alternates to the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

Resolution No. 20100311-030 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

31. Approve an ordinance authorizing reimbursement of payment for water quality controls in the amount of \$12,208.64 for the property known as the Shoalmont Subdivision, city file number C8-2008-0224.OA. (Council Member Laura Morrison Council Member Randi Shade Mayor Pro Tem Mike Martinez)
Ordinance No. 20100311-031 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
32. Approve a resolution directing the City Manager to allocate \$4,684 from Holly Good Neighbor "Cultural Arts" projects to fund the Conjunto Music Festival during the Latino music month of May. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)
Resolution No. 20100311-032 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
33. Approve a resolution authorizing the City Manager to work with Travis County to monitor industrial uses in the City's Extraterritorial Jurisdiction (ETJ), with particular attention to the impact on residential land uses, ground water, surface water, and air quality. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Sheryl Cole)
Resolution No. 20100311-033 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
34. Approve a resolution recognizing the "Let's Get to Work" initiative and supporting pursuit of community partnerships and potential grant funds, including state and federal grant funds. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)
Resolution No. 20100311-034 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
35. Approve a resolution directing the City Manager to work with stakeholders to create a policy regarding the use of social media sites and online collaborative tools for the City's Boards and Commissions. (Council Member Chris Riley Mayor Pro Tem Mike Martinez Council Member Laura Morrison)
Resolution No. 20100311-035 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
36. Approve a resolution directing the City Manager to obtain additional information regarding the expected annual average wage for the lowest paid 10 percent of local workers from companies negotiating firm-based economic development proposals with the City. (Council Member Randi Shade Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
Resolution No. 20100311-036 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

Item 37 was pulled for discussion.

38. Approve a resolution directing the City Manager to identify barriers experienced by artists working on city-sponsored art projects with members of the arts community, including the Arts Commission, and make recommendations for process improvements for assisting artists participating in city-sponsored art projects, including but not limited to potential fee waivers. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez)
Resolution No. 20100311-038 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
39. Approve the waiver of certain fees under City Code Chapter 14-8 for the 2010 Men Rally for Change: Marching for Safe Homes and Safe Streets event sponsored by SafePlace which is to be held Saturday, April 10, 2010 beginning at the Mexican-American Cultural Center (MACC) and ending at Fiesta Gardens. (Mayor Pro Tem Mike Martinez Council Member Randi Shade and Council Member Chris Riley)
The motion to approve the waiver of certain fees for the 2010 Men Rally for Change: Marching for Safe Homes and Safe Streets was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
40. Set a public hearing to consider an ordinance amending Chapter 25-2, Subchapter E of the City Code, related to Design Standards and Mixed Use. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
41. Set a public hearing to consider an ordinance amending City Code Sections 25-12-111 and 25-12-113 relating to permitting requirements of the 2008 National Electrical Code. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Dan McNabb, 974-2752; Leon Barba 974-7254; Sylvia Arzola, 974-6448. Recommended by the Electric Board.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
42. Set a public hearing to consider an ordinance repealing and replacing Article 12 of City Code Chapter 25-12 to adopt the 2009 International Energy Conservation Code and local amendments. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Electric Utility Commission, Resource Management Commission, Building and Fire Code Board of Appeals, and the Mechanical, Plumbing and Solar Board.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
43. Set a public hearing to consider an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2009 International Building Code and local amendments; and amending Article 13 of City Code Chapter 25-12 related to permit application and expiration requirements. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Building and Fire Code Board of Appeals.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

44. Set a public hearing to consider an ordinance amending City Code Sections 25-12-241 and 25-12-243 relating to permitting and energy efficiency requirements of the 2006 International Residential Code. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Building Fire Code Board of Appeals.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
45. Set a public hearing to consider an ordinance repealing and replacing Article 7 of City Code Chapter 25-12 to adopt the 2009 International Fire Code and local amendments. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
46. Set a public hearing to consider an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2009 Uniform Plumbing Code and certain local amendments. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Mechanical, Plumbing and Solar Board.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
47. Set a public hearing to consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2009 International Property Maintenance Code and local amendments; repealing Article 10 (Dangerous Buildings Code) of City Code Chapter 25-12; and amending City Code Chapters 2-1 and 6-1 to correct code citations. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Building and Standards Commission.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
48. Set a public hearing to consider an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2009 Uniform Mechanical Code and local amendments. (Suggested date and time: April 8, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by Mechanical, Plumbing and Solar Board.
The public hearing was set for April 8, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

Items 49 and 50 were briefing items.

Item 51 was an Executive Session item.

Items 52 through 62 were zoning items set for 2:00 p.m.

Items 63 through 66 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

17. Authorize the negotiation and execution of documents necessary to purchase in fee simple Lot 1, Block A of Barton Creek Office Park, a subdivision in Travis County, Texas, located at 2800 S. Capital of Texas Hwy from BARTON CREEK VENTURE, LTD., for the Barton Creek Wilderness Park in an amount not to exceed \$5,500,000. Funding in the amount of \$1,900,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$3,600,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
Mayor Leffingwell turned the meeting over to the Mayor Pro Tem Martinez for this item. The motion authorizing the negotiation and execution of documents necessary to purchase in fee simple Lot 1, Block A from Barton Creek Venture, LTD. was approved on Mayor Leffingwell's motion, Council Member Shade's second on a 7-0 vote. The meeting was turned back to Mayor Leffingwell.
37. Approve a resolution directing the City Manager to bring forward the Austin Regional Intelligence Center Privacy Policy and Interlocal Agreement between participating entities to the Public Safety Commission for review and recommendations to the City Council. (Council Member Laura Morrison Council Member William Spelman)
This item was withdrawn without objection by Council Members Morrison and Spelman.
21. Approve a resolution adopting the Recommendations for the Implementation Plan to Reduce Animal Intake and Increase Live Animal Outcomes, and authorizing the City Manager to initiate implementation. Resolution No. 20100311-021 was approved with the recommended items from the Health and Human Services subcommittee on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to put an item on the agenda for the Public Health and Human Services Subcommittee agenda each month to provide an update on the following topics to ensure the success of this project:
- implementation of the ordinance;
 - drafting of the request for proposal (RFP); and
 - outsourcing of adoptions.

Items 15 and 22 were acted upon in a combined motion.

15. Authorize execution of a construction contract with VCC, LLC, Irving, TX, for a new Animal Services Center at 7201 Levander Loop in the amount of \$11,635,000 plus a \$450,000 contingency, for a total contract amount not to exceed \$12,085,000. Funding in the amount of \$9,270,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Health and Human Services Department; Funding in the amount of \$2,625,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Financial Administration Services Department; Funding in the amount of \$190,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid of ten (10) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievement of Good Faith Efforts with 4.01% MBE and 2.96% WBE subcontractor participation. Recommended by the Electric Utility Commission. Related to Item #22.
The motion authorizing the execution of a construction contract with VCC, LLC was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote. Direction was given to staff to do more to get African American bids.
22. Approve an ordinance amending the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget of Ordinance No. 20090914-003 to transfer \$588,000 to the Health and Human Services Department Capital Budget; and amending the Fiscal Year 2009-2010 Health and Human Services Department Capital Budget of Ordinance No. 200909014-003 to appropriate the \$588,000 transfer from the Capital Improvement Program (CIP) Contingency Program for infrastructure

improvements. Funding is available in the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget - Capital Improvements Program Contingency. Related to Item #15.

Ordinance No. 20100311-022 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.

BRIEFINGS

49. Asian American Resource Center briefing
Presentation was made by Rudy Garza, Assistant City Manager, and Schiller Liao, representing the Asian American Resource Center Advisory Board.
50. Groundwater Characteristics
Presentation was made by Jose Guerrero, Consulting Engineer for Watershed Protection and Development Review.

CITIZEN COMMUNICATION: GENERAL

Kenneth Lewis - Statute of limitations and false arrest

Pat Valls-Trelles - Animal issues

Paul Aviña - Economic prosperity

Pat Johnson - Anticipated wrecker driver and towing company scams during the 2010 South by Southwest

Robert G. MacDonald - The importance of DREAMS & Hope

Richard Troxell - Homelessness in Austin

Patricia Smith - Opening access from Maufrais to Button Bend to provide safety for our child care center, Little Dudes Learning Center in Dove Springs. **She was not present when her name was called.**

Thomas Heikkala - City of Austin has picked out specifically our neighborhood to issue building code violations that are unfair **Direction was given to the City Manager to report on how the City could grandfather existing developments that have been on the ground for a long time.**

Scott Harpst - Building code violations. **He was not present when his name was called.**

Douglas Lee Riley - Capital Metro **He was not present when his name was called.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:44 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.

51. Discuss legal issues concerning agreements with Capital Metro relating to construction of transportation projects (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:03 p.m.

ZONING CONSENT ITEMS

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

52. C14-2008-0123 - Bennett Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 7309 South IH 35 Service Road Northbound (South Boggy Creek; Onion Creek Watersheds) from interim-rural residence (I-RR) district zoning and community commercial (GR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. First reading approved on January 28, 2010. Vote: 7-0. South Austin I-35 Associates c/o Bennett Realty Group (Delbert C. Bennett). Big Red Dog Engineering/Consulting (Will Schnier). Wendy Rhoades, 974-7719.
Ordinance No. 20100311-052 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
53. C14H-2009-0047 - Pace-Perry House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Don and Daphne Kuykendall. City Staff: Steve Sadowsky, 974-6454.
This item was postponed on consent to April 8, 2010 at the staff's request on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

ZONING CONSENT ITEMS

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

54. C14-2008-0220 - Double Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10200 - 10614 South IH-35 Service Road Southbound (Slaughter and Onion Creek Watersheds) from interim rural-residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on April 20, 2010. Applicant: Sterling/Babcock & Brown Double Creek LP (Drew M. Ireland). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to April 29, 2010 at the staff's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
55. C14-2009-0156 - Los Comales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2136 East 7th Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Staff Recommendation: To deny commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning.

Applicant: Merced and Graciela Benitez. Agent: Evergreen Global Group, LLC (Roger Chan). City Staff: Joi Harden, 974-2122.

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

56. C14-2010-0005 - Athena School Haussmann - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1409 Morgan Lane (West Bouldin Creek watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant neighborhood office-conditional overlay (NO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-conditional overlay (NO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning. Applicant: Karl D. Haussmann. Agent: Rob Buchanan. City Staff: Stephen Rye 974-7604.
- The public hearing was closed and Ordinance No. 20100114-056 for neighborhood office-conditional overlay (NO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
57. C14-2009-0162 - AAA Limousine - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11902 North Interstate Highway-35 Service Road South Bound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant/Owner: Mohammad Boujabadi. Agent: A.E.C. Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.
- This item was postponed on consent to April 8, 2010 at the staff's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
58. C14-2009-0165 - 5639 Airport Boulevard Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5639 Airport Boulevard (Tannihill Branch Watershed) from commercial services-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning to commercial services-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan. (CS-1-V-CO-NP) combining district zoning. Staff Recommendation: To grant commercial services-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial services-liquor sales-vertical mixed use building-conditional overlay- neighborhood plan. (CS-1-V-CO-NP) combining district zoning. Applicant: Wonderworkers Properties, L.L.C. (David Jabour) Agent: Thrower Design (Ron Thrower) City Staff: Clark Patterson, 974-7691.
- The public hearing was closed and Ordinance No. 20100311-058 for commercial services-liquor sales-vertical mixed use-conditional overlay-neighborhood plan. (CS-1-V-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
59. C14-2009-0163 - Lot 1 Leon A. Schmidt Addition - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8565 Research Boulevard (Little Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan

(CS-1-CO-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant/Owner: O'Brien Cedrone Inc. (Alfredo Cedrone). Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and Ordinance No. 20100114-059 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

60. C14-2009-0166 - Westend Bistro - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1315 West 6th Street (Town Lake) from limited office-vertical mixed use-neighborhood plan (LO-V-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to community commercial-vertical mixed use-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-vertical mixed use-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-vertical mixed use-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning. Applicant: AGSA Group, L.L.C. (Gretchen Alley) Agent: Jim Bennett Consulting (Jim Bennett) City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20100311-060 for community commercial-vertical mixed use-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning was approved with the following regulations, prohibited uses, and conditions on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

The following site development regulations apply to the property:

- Maximum height of a building is 25 feet from natural grade level
- Maximum height of a building is two stories
- Minimum interior side yard setback is five feet
- Minimum rear yard setback is five feet
- Maximum building coverage is 50 percent
- Maximum impervious cover is 80 percent
- Maximum floor-to-area ratio is 0.7 to 1.0
- Gross floor area of a building may not exceed 3,500 square feet.

The following uses are prohibited uses of the property:

- Automotive rentals
- Automotive sales
- Bail bond services
- Commercial off-street parking
- Consumer repair services
- Exterminating services
- Hotel-motel
- Indoor sports and recreation
- Outdoor entertainment
- Pawn shop services
- Plant nursery
- Research services
- Theater
- Guidance services
- Automotive repair services

- Automotive washing (of any type)
- Business or trade school
- Consumer convenience services
- Drop-off recycling collection facility
- Funeral services
- Indoor entertainment
- Off-site accessory parking
- Outdoor sports and recreation
- Pet services
- Printing and publishing
- Service station
- Custom manufacturing
- Hospital services (general)

The following uses are conditional uses of the property:

- College and university facilities
- Community recreation (public)
- Hospital services (limited)
- Community recreation (private)
- Congregate living
- Residential treatment

61. NPA-2009-0012.03 - Upper Boggy Creek Vertical Mixed Use Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-92, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single family, multifamily, office and commercial to mixed use and mixed use/office on selected tracts within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Planning Commission Recommendation: To approve mixed use and mixed use/office on selected tracts. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657. The public hearing was closed and **Ordinance No. 20100311-061 approving a future land use designation of Mixed Use for Tract 1 and portions of 16 and 18 and Mixed Use/Office for Tract 109 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez voted nay. Council Member Shade abstained.**
62. C14-2009-0102 - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude selected tracts from the vertical mixed use overlay

district. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.

The public hearing was closed and Ordinance No. 20100311-062 with the following provisions was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez' voted nay. Council Member Shade abstained.

Tract 1 was approved for vertical mixed use building (V) designation with no VMU-related standards.

Tract 2 was excluded from the VMU Overlay District.

Tracts 4-9, 27 and 100-109 were approved for vertical mixed use building (V) designation with all VMU-related standards.

Tracts 10, 12, 14, 16, 18, 20 and 23-26 were approved for vertical mixed use building (V) designation with only parking reduction.

An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

The first reading of the ordinance to amend the VMU Overlay District to exclude Tracts 3, 11, 13, 15, 17, 19, 21 and 22 from the VMU Overlay District was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez' voted nay. Council Member Shade abstained.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:33 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:34 p.m. and then recessed the meeting.

Mayor Leffingwell called the Council Meeting back to order at 4:04 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

63. Conduct a public hearing and consider an ordinance creating an economic development program and authorizing the negotiation and execution of an economic development agreement with FACEBOOK, INC.

The public hearing was closed and Ordinance No. 20100311-063 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

64. Conduct a public hearing and consider an ordinance creating an economic development program and authorizing the negotiation and execution of an economic development agreement with YINGLI GREEN ENERGY AMERICAS, INC.

The public hearing was closed and Ordinance No. 20100311-064 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

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

LIVE MUSIC

Tameca Jones

PROCLAMATIONS

Proclamation -- Fix-A-Leak Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Greg Meszaros

Proclamation -- Red Cross Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Marty McKellips

Proclamation -- National Women's Month -- to be presented by Council Member Laura Morrison and to be accepted by Molly Barker

Proclamation -- "Getting Connected" Business Resource Fair -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Vicky Valdez

Distinguished Service Awards -- Ralph Gohring and Kyoung Chung -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by the honorees

Certificate of Appreciation -- Johnny Degollado -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by the honoree

Mayor Leffingwell called the meeting back to order at 6:14 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

65. Conduct a public hearing and consider an appeal by North University Neighborhood Planning Team regarding the decision to approve an Outdoor Music Venue Permit for Little Woodrow's, located at 2610 Guadalupe.

The public hearing was closed, the appeal was denied, and the permit was modified per the staff's recommendation to maintain the privacy fence surrounding the property, to maintain the tree screening from the multi-family use in the rear across the alley, to reorient outdoor speakers away from the residents next door and redirect them toward the building, and implement a 70 decibel limit on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.

66. Conduct a public hearing to receive citizen input on community needs for the annual Action Plan for Fiscal Year 2010-2011, required by the U.S. Department of Housing and Urban Development; and the Community Development 2010-2011 Program as required by Texas Local Government Code Chapter 373.

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

Mayor Leffingwell adjourned the meeting at 7:13 p.m. without objection.

The minutes for the regular meeting of March 11, 2010 were approved on this the 8th day of April 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.