



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, NOVEMBER 4, 2010**

**Invocation:** Rev. Paul Meyer, Pastor, Mt. Olive Lutheran Church

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 4, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

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

**CONSENT AGENDA**

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

1. Approve the minutes of the Austin City Council regular meeting of October 28, 2010.  
**The minutes from the regular Council meeting of October 28, 2010 were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
2. Authorize additional funding in the amount of \$90,000 for the remainder of design and design-build services for a total Design-Build Agreement amount not to exceed \$440,000 with FLINTCO, INC., Austin, TX for the new Asian American Resource Center. Funding in the amount of \$90,000 is available in the Fiscal Year 2010-2011 Capital Budget of the Financial and Administrative Services Department. 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 33.00% MBE and 15.80% WBE subconsultant participation.  
**This item was withdrawn on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
3. Authorize execution of a construction contract with FORSYTHE BROTHERS INFRASTRUCTURE, L.L.C., Austin, TX for Channel Road Bridge Replacement in an amount not to exceed \$308,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Lowest bid of 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) by meeting the goals with 10.39% MBE and 1.72% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Forsythe Brothers Infrastructure, L.L.C. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Items 4 and 5 were pulled for discussion.**

6. Authorize execution of a legal services contract with Robert Icenhauer-Ramirez, Austin, Texas, for representation of Leonardo Quintana in Sir Smith v. Leonardo Quintana; In The United States District Court, for the Western District of Texas Austin Division; Case No. A 10 CA 778 SS, in an amount not to exceed \$190,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Liability Reserve Fund.  
**The motion authorizing the execution of a legal services contract with Robert Icenhauer-Ramirez was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
7. Consider and set the Austin City Council meeting schedule for calendar year 2011.  
**The motion to set the Austin City Council meeting schedule for calendar year 2011 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
8. Authorize negotiation and execution of a one year co-sponsorship agreement with West Austin Youth Association, Inc. for youth recreation center services in the amount of \$82,000.00 with optional annual renewals for up to ten years in the amount specified in the city's annual budget. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Parks and Recreation Department.  
**The motion authorizing the negotiation and execution of a co-sponsorship agreement with West Austin Youth Association, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Item 9 was pulled for discussion.**

10. Approve an ordinance amending Ordinance No. 20100527-090, Distance requirements for Mobile Food Establishments, to correct the boundaries of the Anderson Mill Neighborhood Association.  
**Ordinance No. 20101104-010 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
11. Approve an ordinance amending Ordinance No. 20100527-091, Restricted Parking Area Map, to correct the boundaries of the Anderson Mill Neighborhood Association.  
**Ordinance No. 20101104-011 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
12. Approve an ordinance to authorize execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TXDOT) regarding award of Transportation Enhancement Funds to construct bicycle lanes and associated improvements citywide; accept grant funds in the amount of \$569,509 from TXDOT, amend the Fiscal Year 2010-2011 Public Works Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to transfer \$569,509 to the Fiscal Year 2010-2011 Public Works Department Capital Budget of Ordinance No. 20100913-003, and amend the 2010-2011 Public Works Department Capital Budget of Ordinance No. 20100913-003 to appropriate \$569,509 for bicycle lanes and associated improvements. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department.  
**Ordinance No. 20101104-012 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
13. Authorize award, negotiation, and execution of a 12-month requirements service contract with E SOURCE COMPANIES, LLC, Boulder, CO, for subscription services of independent data and analysis of retail energy markets, services, and technologies in an amount not to exceed \$145,870, with four 12-month extension options in an estimated amount not to exceed \$145,870 per extension option, for a total estimated contract amount not to exceed \$729,350. E Source Companies, LLC is the single source for

these services. Funding in the amount of \$145,870 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the extension options 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). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award, negotiation and execution of a requirements service contract with E Source Companies, LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

14. Authorize award and execution of a 12-month requirements service contract with U. S. SECURITY ASSOCIATES, INC, Austin, TX, or one of the other qualified bidders to IFB-BV No. KDW0060, to provide unarmed uniformed security guard services in an estimated amount not to exceed \$1,478,110, with four 12-month extension options in an estimated amount not to exceed \$1,478,110 per extension option, for a total estimated contract amount not to exceed \$7,390,550. Funding in the amount of \$1,354,934 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining month of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of nine bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- This item was postponed on consent to November 18, 2010 on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

15. Authorize award and execution of a 12-month requirements service contract with VERSATERM, INC., Ottawa, Ontario, Canada, for software licenses, maintenance, support, and services for the Austin Police Department Record Management System in an estimated amount not to exceed \$391,147, with four 12-month extension options in an estimated amount not to exceed \$817,108 for the first extension option, \$456,084 for the second extension option, \$410,237 for the third extension option, and \$422,110 for the fourth extension option, for a total estimated contract amount not to exceed \$2,496,686. Versaterm is the sole source for these services. Funding in the amount of \$316,647 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, CTECC. Funding in the amount of \$74,500 is available in the Fiscal Year 2010-2011 Capital Budget of the Financial and Administrative Services Department Technology CIP. Funding for the extension options will be 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). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements service contract with Versaterm, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

16. Authorize award and execution of Amendment No. 2 to a requirements service contract with 3M TRACK AND TRACE SOLUTIONS, St. Paul, MN, for the maintenance and repair of 3M equipment for the Austin Public Libraries to increase the contract authorization for the first extension option in an estimated amount not to exceed \$15,429 increase the second extension option in an estimated amount not to exceed \$30,726 and increase the third extension option in an estimated amount not to exceed \$49,848 for a revised total estimated contract amount not to exceed \$279,040.51. 3M Track and Trace Solutions is the sole source for these services. Funding in the amount of \$56,090 is available in the 2010-2011 Operating Budget of the Austin Public Library Department. Funding for the remaining one month of the current contract term and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned

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

**The motion authorizing the award and execution of amendment number two to a requirements service contract with 3M Track and Trace Solutions was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

17. Authorize award and execution of a 36-month requirements supply contract with ENVIRONMENTAL SURVEY, INC. (WBE/FW), Austin, TX, or the other qualified bidder for IFB-BV No. SDC0156, for vegetation control services at wet ponds for the Watershed Protection Department in an estimated amount not to exceed \$293,481, with three 12-month extension options in an estimated amount not to exceed \$97,827 for each extension option, for a total estimated contract amount not to exceed \$586,962. Funding in the amount of \$81,523 is available in the Fiscal Year 2010-2011 Operating Budget of the Watershed Protection Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

**Items 18 and 19 were pulled for discussion.**

20. Authorize the negotiation and execution of a month to month lease agreement between the City of Austin and CAR2GO, a subsidiary of DAIMLER, for a period of up to 12 months to continue operating a Smart-Car car-sharing program.

**The motion authorizing the negotiation and execution of a lease agreement between the City of Austin and Car2Go, a subsidiary of DAIMLER, was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

21. Approve an ordinance authorizing acceptance of \$1,100,000 in grant funds from the Federal Emergency Management Agency (FEMA); and amending the Fiscal Year 2010-2011 Watershed Protection Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002, to appropriate \$1,100,000 for flood studies and flood maps for various watersheds. Funding is available in the FEMA Cooperating Technical Partners Program grant funding administered by FEMA. The City will match this grant funding with \$735,179 of existing expenditures and \$443,440 of local matching funds, which is available in the Fiscal Year 2010-2011 Amended Capital Budget of the Watershed Protection Department, for a total project cost of \$2,278,619.

**Ordinance No. 20101104-021 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

22. 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 appointment was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Board/Nominee**

Asian American Resource Center Advisory Board  
Erica Estetter

**Nominated by**

Council Member Shade

23. Approve a resolution extending the tenure of the Green Roof Advisory Group to October 28, 2011 and directing the City Manager to provide assistance to the Green Roof Advisory Group. (Council Member Chris Riley Mayor Pro Tem Mike Martinez Council Member Randi Shade)  
**Resolution No. 20101104-023 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
24. Approve a resolution supporting legislation in the 82nd Texas Legislature to increase the City of Austin's contribution rate to the Austin Police Retirement System as agreed to in the Meet and Confer Agreement between the City of Austin and the Austin Police Association as amended in 2009. (Council Member Randi Shade Mayor Lee Leffingwell and Mayor Pro Tem Mike Martinez)  
**Resolution No. 20101104-024 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
25. Approve the waiver of certain fees and requirements for the 2011 Dell Children's Gala: One Child at a Time event, which is to be held on Saturday, January 29, 2011 at the Austin Convention Center. (Council Member Chris Riley Council Member Sheryl Cole Mayor Lee Leffingwell)  
**The motion to approve the waiver of certain fees and requirements for the 2011 Dell Children's Gala: One Child at a Time event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
26. Approve the waiver of certain fees and requirements for the Ending Community Homelessness Coalition (ECHO) 2010 Homeless Resource Fair event, which is to be held on Saturday, November 13, 2010, at the Oswaldo A.B. Cantu Pan American Recreation Center. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Chris Riley)  
**The motion to approve the waiver of certain fees and requirements for the Ending Community Homelessness Coalition (ECHO) 2010 Homeless Resource Fair event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

Items 27 and 28 were briefing items set for 10:30 a.m.

Items 29 and 30 were Executive Session items.

Items 31 through 45 were zoning items set for 2:00 p.m.

Item 46 was a public hearing item set for 4:00 p.m.

### DISCUSSION ITEMS

4. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC, Austin, TX, (MBE/MH 46.18%) for the Williamson Creek - Pack Saddle Pass Tributary Rehabilitation project in the amount of \$453,537.80, plus a \$45,353.78 contingency, for a total contract amount not to exceed \$498,891.58. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. Lowest bid of 7 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 46.18% MBE prime and 40.04% MBE and 8.31% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to research the impact on the cost of the project if future requests for proposal (RFP) restricted concrete suppliers to suppliers of e-crete or other non-Portland based products.**

5. Approve a resolution authorizing negotiation and execution of federal representation services contracts for a total combined amount not to exceed \$270,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Government Relations Office  
**Resolution No. 20101104-005 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.**
9. Approve a resolution for the adoption of the Parks and Recreation Department's "Long Range Plan for Land, Facilities and Programs" which is a guide for future growth and development of Austin's parks and recreation system and follows the requirements of the Texas Parks and Wildlife Department master plan documents for parks and recreation agencies grant application. Recommended by the Parks and Recreation Board.  
**This item was postponed to November 18, 2010 to incorporate additional comments from the stakeholders into the long range parks plan on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.**

**Items 18 and 19 were acted on in a combined motion.**

18. Approve an ordinance amending City Code Chapter 15-6 related to recycling. Recommended by Solid Waste Advisory Commission.  
**Ordinance No. 20101104-018 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.**
19. Approve a resolution regarding implementation of proposed recommendations in the Commercial/Multi-Family Recycling Ordinance Report and Recommendations Phase 1 dated October 28, 2010. Recommended by the Solid Waste Advisory Commission.  
**Resolution No. 20101104-019 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote. Direction was given to staff to provide Council with estimated recycling implementation cost for apartment owners and office managers.**

### **BRIEFINGS**

27. Austin Climate Protection Plan  
**The presentation was made by Karl Rabago, Vice President, Distributed Energy Services of Austin Energy.**

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:30 a.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.**

29. Discuss legal issues related to a new convention center hotel in Downtown Austin (Private Consultation with Attorney - Section 551.071). Related to Item #28.

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:05 p.m.**

### **CITIZEN COMMUNICATION: GENERAL**

Gus Peña - 1. Please support and thank our military personnel for their service and sacrifices to and for our Country's freedom, safety and democracy 2. Our returning military needs Jobs, P.T.S.D treatment, mental health care, affordable housing, wrap around services and our prayers 3. You all will have the day off on Veterans Day but a lot of us Veterans will not have the day off 4. Remember our homeless veterans and homeless veterans with families. It's a disgrace that our country cannot help our homeless veterans (with families) to achieve self sufficiency. Give them a hand up and not a hand out. God bless America. God bless our Veterans and our Marine Corps

Paul Connett - Fluoridation

Rob Love - Fluoride crosses blood brain barrier

Heather Fazio - Water fluoridation in Austin

Neil Carman - Pure castings

Paige DeShong - Pure casting

Bill Wigmore - Annual report

Susana Almanza - Relocate pure castings- protect the children

Babs K. Warren - Did you know that Hitler in the 20's and 30's used fluoride to sterilize the Germans so they would not have children? Fluoride is put in Austin water and lakes! You can get this stopped

Robert Brennes - Parks board. **He was not present when his name was called.**

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:33 p.m.**

#### **EXECUTIVE SESSION CONTINUED**

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

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:12 p.m.**

#### **BRIEFING CONTINUED**

28. Presentation on economic analysis of new convention center hotel in Downtown Austin. Related to Item #29.

**The presentation was made by Rodney Gonzales, Deputy Director of Economic Growth and Redevelopment Services; Jon Hockenyos, President of Texas Perspectives, Inc.; Bob Lander, President and CEO of Austin Convention and Visitors Bureau; and Mark Tester, Director of the Austin Convention Center.**

#### **ZONING CONSENT ITEMS (PUBLIC HEARINGS)**

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

**Action was taken on items 31 and 32 but was reconsidered later in the meeting. See below.**

33. NPA-2010-0016.01 - Unifirst Development - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace 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 5912 & 5916 Bolm Road (Boggy Creek Watershed) from multifamily to office land use. Staff Recommendation: To grant office land use. Planning Commission Recommendation: To grant office land use. Owner/Applicant: Unifirst Corporation. Agent: Vincent Gerard & Associates, Inc. (Vince Huebinger). City Staff: Maureen Meredith, 974-2695.  
**The public hearing was closed and Ordinance No. 20101104-033 to change the land use to office designation was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
34. C14-2010-0117 - Unifirst Corporation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5912 and 5916 Bolm Road (Boggy Creek Watershed) from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Applicant: Unifirst Holdings Inc. (Matt Croatti). Agent: Vincent Gerard & Associates, Inc. (Ron Williams / Vince Huebinger). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20101104-034 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
37. C14-2010-0146 - Jollyville Food Mart - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11794 Jollyville Road (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Mohammad Arami. City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
40. C14-2010-0038 - Rezoning 1.56 Acres at Manchaca Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) 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. Owner/Applicant: THG Holdings LC (Guy Oliver). Agent: Brown McCarroll LLP (Nikelle S. Meade). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was closed and Ordinance No. 20101104-040 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. The owner agreed through a private restrictive covenant to provide bike racks, have no more than four pumps, and provide free air for bikes and cars if a gas station is developed on this property.**
41. C14-2010-0111 - 10301 Old San Antonio Road Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10301 Old San Antonio Road (Slaughter Creek Watershed) from multifamily residence-low density-conditional



overlay (MF-2-CO) combining district zoning to multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To deny multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant an indefinite postponement. Owner/Applicant: Sheldon Stablewood, LP (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

42. C14-2008-0220 - Double Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 10200-10614 South IH 35 Service Road Southbound (Onion Creek, Slaughter Creek Watersheds) from interim-rural residence (I-RR) district zoning and general commercial services (CS) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Owner/Applicant: Sterling/Babcock & Brown Double Creek LP (Drew Ireland). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.

**This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

### ZONING DISCUSSION ITEMS

35. NPA-2010-0008.01 - 2205 E. 12th Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 20011129-67, the Rosewood 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 2205 E. 12th Street (Boggy Creek Watershed) from civic to mixed use land use. Staff Recommendation: To grant mixed use land use. Planning Commission Recommendation: To grant mixed use land use. Owner/Applicant: Dr. Paul Riekert. Agent: Big Red Dog Engineering & Consulting (Will Schnier, P.E.) Inc. City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and Ordinance No. 20101104-035 to change the land use to mixed use designation was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

36. C14-2010-0114 - 2205 E. 12th Street - Conduct a public hearing and approve an ordinance amending chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 East 12th Street (Boggy Creek Watershed) from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Applicant: Dr. Paul Riekert. Agent: Big Red Dog Engineering & Consulting (Will Schnier, P.E.). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and Ordinance No. 20101104-036 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

### RECONSIDERED

**Items 31 and 32 were acted on in a combined motion.**

31. NPA-2010-0002.01 - 207 Chalmers Avenue - Conduct a public hearing and approve an ordinance amending Ordinance No. 19990513-70 the East Cesar Chavez 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 207 Chalmers Avenue & 1701 E. 3rd Street (Town Lake Watershed) from single family to mixed use land use. Staff Recommendation: To grant mixed use land use. Planning Commission Recommendation: To grant mixed use land use. Owner/Applicant: Chalmers L.L.C. (Grayson Cecil). Agent: Dale Guthrie. City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and the first reading of the ordinance to change the land use designation to mixed use designation was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

**A motion to reconsider item 31 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

**The public hearing was closed and Ordinance No. 20101104-031 to change the land use designation to mixed use designation was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

32. C14-2010-0137 - 207 Chalmers - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 207 Chalmers Avenue & 1701 E. 3<sup>rd</sup> Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Chalmers Properties (Grayson Cecil). Agent: Dale Guthrie. City Staff: Joi Harden, 974-2122.

**The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

**A motion to reconsider item 32 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

**The public hearing was closed and Ordinance No. 20101104-032 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

39. C14-2010-0113 - Gagaland 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1501 Enfield Road (Town Lake Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood office-neighborhood plan (NO-NP) combining district zoning. Staff Recommendation: To grant neighborhood office-conditional overlay-neighborhood plan (NO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-conditional overlay-neighborhood plan (NO-CO-NP) combining district zoning. Applicant: Gagaland, LLC (Laura Gottesman). Agent: Tina Contros. City Staff: Clark Patterson, 974-7691

**The public hearing was closed and Ordinance No. 20101104-039 for neighborhood office-conditional overlay-neighborhood plan (NO-CO-NP) combining district zoning with a trip limitation of 2,000 trips per day and floor-to-area (FAR) ratio of 0.26 to 1.0 was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

38. C14-2010-0112 - Gagaland - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1503 Enfield Road (Town Lake Watershed) from neighborhood office-conditional overlay-neighborhood plan (NO-CO-NP) and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning. Applicant: Gagaland, LLC (Laura Gottesman) Agent: Tina Contros. City Staff: Clark Patterson, 974-7691

**The public hearing was closed and Ordinance No. 20101104-038 for multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning with a trip limitation of 2,000 trips per day and a maximum of three residential units was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.**

43. C14H-2010-0012 - Matsen House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 San Gabriel Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Megan Matsen Meisenbach, owner. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20101104-043 for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**

44. C14H-2010-0013 - McClendon-Kozmetsky House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 W. 17th Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Jay Tassin and Brent Danninger, owners. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20101104-044 for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Cole's motion, Council Member Morrison's second on a 5-0. Mayor Pro Tem Martinez and Council Member Spelman were off the dais.**

45. C14H-2010-0015 - Warner Stewart House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1015 Gaston Avenue (Shoal Creek Watershed) from family residence-standard lot (SF-2) district zoning to family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Staff Recommendation: To grant family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-standard lot-historic landmark (SF-

2-H) combining district zoning. Planning Commission Recommendation: To grant family residence-standard lot-historic landmark (SF-2-H) combining district zoning. Applicants: Bill Pewitt and Shannon McCann, owners. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and the first reading of the ordinance for family residence-standard lot-historic landmark (SF-2-H) combining district zoning was approved on Council Member Morrison's motion, Council Member Riley's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Spelman was off the dais.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

46. Conduct a public hearing and consider an ordinance amending Ordinance No. 20071018-008 to recognize other local incentives and economic development tools available to qualifying enterprise zone projects.

**The public hearing was closed and Ordinance No. 20101104-046 was approved on Council Member Cole's motion, Mayor Leffingwell's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Spelman was off the dais.**

**Mayor Leffingwell adjourned the meeting at 4:30 p.m. without objection.**

#### **LIVE MUSIC**

Mother Falcon

#### **PROCLAMATIONS**

Proclamation -- GIS Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Leanne Pacatte and Stephanie Jensen

Proclamation -- Advance Practice Nurses Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Marilyn Pattillo, PhD, RN

Proclamation -- National American Indian Heritage Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Barbara Woelk

Proclamation -- Pit Bull Awareness Day -- to be presented by Council Member Bill Spelman and to be accepted by Meghan Turner, Lydia Zaidman and Leala Ward

Proclamation -- Pancreatic Cancer Awareness Month -- to be presented by Council Member Randi Shade and to be accepted by Greg Petrosewicz and Robin Moore

**The minutes for the Regular Meeting of November 4, 2010 were approved on this the 18th day of November 2010 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**