

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JULY 23, 2009**

Invocation: Alan Graham, President and Founder, Mobile Loaves & Fishes Inc.

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, July 23, 2009 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 June 18, 2009 regular meeting and June 22, 2009 special called meeting.
The minutes from the June 18, 2009 regular meeting and June 22, 2009 special called meeting were approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
2. Authorize negotiation and execution of an Interlocal Agreement with the United Soybean Board through Osborn & Barr Communications, Inc. to provide grant funded assistance to the Central Texas Clean Cities Program for implementation of a statewide soybean-based biofuels education program, in the amount of \$17,550. Grant funding is available from the United Soybean Board through Osborn & Barr Communications, Inc. No match is required. Recommended by the Resource Management Commission. Related to Item #3.
The motion authorizing the negotiation and execution of an interlocal agreement with the United Soybean Board through Osborn & Barr Communications, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
3. Approve an ordinance authorizing acceptance of \$17,550 in grant funds from the United Soybean Board through Osborn & Barr Communications, Inc., and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20080908-02 to appropriate \$17,550 for implementation of a statewide soybean-based biofuels education program by the Central Texas Clean Cities Program. Funding is available from the United Soybean Board through Osborn & Barr Communications, Inc. No match is required. To be reviewed by the Resource Management Commission on July 21, 2009. Related to Item #2.
Ordinance No. 20090723-003 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

4. Approve an ordinance authorizing acceptance of \$7,500 in grant funds from Research and Development Solutions, LLC, Morgantown, WV, and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$7,500 for programmatic support of the Central Texas Clean Cities Program. Funding is available from Research and Development Solutions, LLC. Recommended by the Resource Management Commission.
Ordinance No. 20090723-004 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
5. Approve the issuance of a Letter of Intent for a rebate to St. Alban's Episcopal Church for the installation of a solar photovoltaic system at the project located at 11819 IH-35 South, Austin, Texas, in the amount of \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
The motion authorizing the issuance of a letter of intent for a rebate to St. Alban's Episcopal Church was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
6. Approve the issuance of a Letter of Intent for a rebate to Tesoros Trading Company for the installation of a solar photovoltaic system at the project located at 1500 S. Congress, Austin, Texas, in an amount not to exceed \$99,101. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. To be reviewed by the Resource Management Commission on July 21, 2009.
The motion authorizing the issuance of a letter of intent for a rebate to Tesoros Trading Company was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 7 and 8 were pulled for discussion.

9. Appoint David Arthur to the board of directors of Austin-Bergstrom Landhost Enterprises, Inc.
The motion to appoint David Arthur to the board of directors of Austin-Bergstrom Landhost Enterprises, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 10 was pulled for discussion.

11. Authorize the negotiation and execution of an Interlocal Agreement with Travis County Emergency Services District #4 to purchase portable radio equipment as part of the U.S. Department of Homeland Security's Fiscal Year 2008-2009 Assistance to Firefighter grant program, in an amount not to exceed \$29,230. Funding is available the Fiscal Year 2008-2009 Capital Budget of the Financial and Administrative Services Department, Communications and Technology Management, Wireless Division.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County Emergency Services District #4 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
12. Approve an ordinance authorizing the fee simple acquisition of Lot 5, Block 2, Bergstrom Downs No. 1, locally known as 815 Patton Avenue, from ARNULFO S. GONZALEZ and ORALIA E. GONZALEZ for the Airport Noise Mitigation Program, in the amount of \$115,000 for the land and improvements and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations in the amount of \$44,975, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$169,975. Funding is

available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.

Ordinance No. 20090723-012 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

13. Authorize the fee simple acquisition of a 0.184 acre tract out of Lot 1, Block 2, Bergstrom Downs No. 1, locally known as 827 Patton Avenue, from JAMES ANTHONY CRIST for the Airport Noise Mitigation Program, in the amount of \$127,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$20,000, for an amount not to exceed \$147,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.

This item was postponed indefinitely on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

14. Approve an ordinance vacating 0.373 acres of an un-constructed portion of Springdale Road between Heflin Lane and Oak Cliff Drive, to allow Travis County to rezone the property to public and develop the property by constructing a Travis County administrative building. Recommended by the Planning Commission and the Urban Transportation Commission.

Ordinance No. 20090723-014 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

15. Authorize the City Manager to negotiate and execute the First Amendment to the Lease Agreement between the City and the Travis County Healthcare District for the East Austin Clinic to provide for the construction of leasehold improvements to be funded by an American Recovery and Reinvestment Act grant and to negotiate and execute a Notice of Federal Interest with respect to the East Austin Clinic and the federal interest in the property under the grant. Related to Item #16.

The motion authorizing the City Manager to negotiate and execute the first amendment to the lease agreement between the City and the Travis County Healthcare District for the East Austin Clinic was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

16. Authorize the City Manager to negotiate and execute the First Amendment to the Lease Agreement between the City and the Travis County Healthcare District for the South Austin Clinic to provide for the construction of leasehold improvements to be funded by an American Recovery and Reinvestment Act grant (federal stimulus funding) and to negotiate and execute a Notice of Federal Interest with respect to the South Austin Clinic and the federal interest in the property under the grant. Related to Item #15.

The motion authorizing the City Manager to negotiate and execute the first amendment to the lease agreement between the City and the Travis County Healthcare District for the South Austin Clinic was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 17 and 18 were pulled for discussion.

19. Approve ratification of a service contract with SCS FIELD SERVICES, Austin, TX for repairs to the leachate collection system at Mabel Davis Park in an estimated amount not to exceed \$111,758.45. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Solid Waste Services. Public Health & Safety Exemption 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 Solid Waste Advisory Commission.

The motion to ratify a service contract with SCS Field Services was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

20. Authorize execution of a construction contract with LANDMARK STRUCTURES I, L.P., Fort Worth, TX, for the 3 Million Gallon Avery Ranch Elevated Composite Water Tank in the amount not to exceed \$6,044,000 plus a \$302,200 contingency, for a total contract amount not to exceed \$6,346,200. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of three (3) 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 4.46% MBE and 9.52 % WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Landmark Structures I, L.P. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

21. Authorize execution of Change Order #4 to the construction contract with LEWIS CONTRACTORS, INC., Bertram, TX, for the Green Water Treatment Plant Decommissioning & Deconstruction - Water Valve Isolation Package in an amount not to exceed \$30,904.01, for a total contract amount, including administratively approved Change Orders #1, #2, and #3 in the amount of \$52,852.76, not to exceed \$668,371.77. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 2.59% MBE and 1.65% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of change order number four to the construction contract with Lewis Contractors, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

22. Authorize execution of a construction contract with D. SHAFFER CONCRETE CO., INC, Pflugerville, TX, for the Street and Bridge Alleys Project (FY 2008) in the amount of \$302,590.50 plus a \$15,129.53 contingency, for a total contract amount not to exceed \$317,720.03. Funding in the amount of \$118,944.34 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$198,775.69 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of seven (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 6.93% MBE and 4.10% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with D. Shaffer Concrete Co, Inc was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

23. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY INC., Pflugerville, TX, for the Allen - Barclay Transmission Main (Loop 360) Project in the amount of \$1,116,518 plus a \$55,825.90 contingency, for a total contract amount not to exceed \$1,172,343.90. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of fourteen (14) 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 6.54% MBE and 3.75% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Cash Construction Company Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

24. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, Inc., Pflugerville, TX, for the Brazos Street, Cesar Chavez to 11th Street project, in the amount of \$10,557,430 plus a \$527,871.50 contingency, for a total contract amount not to exceed \$11,085,301.50. Funding in the amount of \$9,560,216.40 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$1,525,085.10 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. 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 achievements of Good Faith Efforts with 8.13% MBE and 4.06% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Cash Construction Company, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

25. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, L.P. (MBE/MH 71.89 %), Austin, TX, for La Crosse Reservoir Access Road Improvements in an amount not to exceed \$143,182.08. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of nine (9) 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 9.72% MBE and 10.51% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Aaron Concrete Contractors, L.P. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

26. Authorize execution of a construction contract with AUSTIN UNDERGROUND INC., (MBE/MH 97.06 %), Lago Vista, TX, for Pickfair Lift Station Decommissioning in the amount of \$237,964.48 plus a \$11,898.22 contingency, for a total contract amount not to exceed \$249,862.70. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) 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 0.00% MBE and 2.94% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Austin Underground Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

27. Authorize execution of a construction contract with BENITEZ CONSTRUCTION INC (MBE/MH), Manor, TX, for the West Campus Waterline Improvements in the amount of \$1,824,820.75 plus a \$91,241.04 contingency, for a total contract amount not to exceed \$1,916,061.79. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of thirteen (13) 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 9.58% MBE and 4.46% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Benitez Construction Inc was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

28. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for the Roy G. Guerrero Colorado River Park Rebid in the amount of \$4,895,804.82 plus a \$489,580.18 contingency, for a total contract amount not to exceed \$5,385,385. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Lowest bid of seven (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 11.02% MBE and 3.03% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Austin Filter Systems, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
29. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for Elisabet Ney Museum Building, ADA Accessibility and Landscape Improvements in an amount not to exceed \$285,553. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Lowest responsible 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 18.80% MBE and 5.20% WBE subcontractor participation. Recommended by the Landmark Commission.
The motion authorizing the execution of a construction contract with Barecky Construction Company was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
30. Authorize negotiation and execution of a professional services agreement with KENNEDY/JENKS CONSULTANTS, Austin, TX, for preliminary engineering, design, bid, construction and warranty phase services for the Parmer Lane Interceptor project, in an amount not to exceed \$3,500,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best qualification statement of twenty-one (21) 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 17.00% MBE and 16.00% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of a professional services agreement with Kennedy/Jenks Consultants was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
31. Authorize negotiation and execution of an amendment to the professional services agreement with the following ten firms: HNTB CORPORATION, Austin, TX, HALFF ASSOCIATES, INC., Austin, TX, OTHON, INC., Austin, TX, HVJ ASSOCIATES, INC. (MBE/MB), Austin, TX, FREESE AND NICHOLS, INC., Austin, TX, LOCKWOOD ANDREWS & NEWNAM, INC., Austin, TX, DANNENBAUM ENGINEERING COMPANY, Austin, TX, MWM DESIGN GROUP, INC. (MBE/MH), Austin, TX, S&B INFRASTRUCTURE, LTD, Austin, TX and; KLOTZ ASSOCIATES, INC., Austin, TX to provide professional engineering services for street reconstruction projects related to ACCELERATE AUSTIN for the years 2009 through 2011 or until financial authorization is expended, in the amount of \$3,125,000 in additional authorization, for a total not to exceed amount of \$15,625,000 for this rotation list. Funding is available in the Capital and/or Operating Budgets of the various departments for which services are needed. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.50% MBE and 14.20% WBE subcontractor participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the following ten firms: HNTB Corporation; Halff Associates, Inc.; Othon, Inc.; HVJ Associates, Inc.; Freese and Nichols, Inc.; Lockwood, Andrews & Newnam, Inc.; Dannenbaum

Engineering Company, MWM Design Group, Inc.; S&B Infrastructure, LTD; and Klotz Associates, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

32. Authorize negotiation and execution of professional service agreements with the following eight firms: MCKINNEY YORK ARCHITECTS (WBE/FW), Austin, TX; THE LAWRENCE GROUP, Austin, TX; HPA, LLP dba hatch + ulland owen architects, Austin, TX; LIMBACHER & GODFREY ARCHITECTS (WBE/FW), Austin, TX; CASABELLA ARCHITECTS (MBE/MH), Austin, TX; COTERA + REED ARCHITECTS (MBE/MH), Austin, TX; JACKSON GALLOWAY ASSOCIATES, PLCC / MORALES & ASSOCIATES ARCHITECTS (MBE/MH) JOINT VENTURE, Austin, TX; STUDIO 8 ARCHITECTS, INC. / HIME, MILTON (MBE/MH), Austin, TX; for architectural services projects for the years 2009 through 2011 or until financial authorization is expended, each agreement in an amount not to exceed \$500,000 per firm, with the total amount for the eight agreements not to exceed \$4,000,000. Funding is available in the Fiscal Year 2008-2009 Capital and/or Operating Budgets of the various departments for which services are needed. Best eight (8) qualification statements of fifty (50) statements received. This contract will be award 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 professional service agreements with the following eight firms: McKinney York Architects; The Lawrence Group; HPA, LLP doing business as hatch + ulland owen architects; Limbacher & Godfrey Architects; CasaBella Architects; Cotera + Reed Architects; Jackson Galloway Associates, PLCC/Morales & Associates Architects Joint Venture; and Studio 8 Architects, Inc./ Hime, Milton was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
33. Authorize negotiation and execution of an amendment to the professional services agreement with AECOM (EARTH TECH), INC., Austin, TX, to provide program management, reporting and close-out services for the Austin Clean Water Program through the end of calendar year 2009 in the amount of \$260,544, for a total contract amount not to exceed \$36,488,316. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program) with 28.6% MBE and 18.5% WBE subcontractor participation to date. Recommended by the Water and Wastewater Commission.
- The motion authorizing the negotiation and execution of an amendment to the professional services agreement with AECOM (Earth Tech), Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 34 was pulled to be heard after the related Executive Session item.

35. Approve an ordinance amending the Fiscal Year 2008-2009 Emergency Medical Services Department Fee Schedule of Ordinance 20080908-006 to increase the fees that may be charged by non-emergency transport franchisees for Non-Emergency Basic Life Support Transport, Non-Emergency Advanced Life Support Transport, and Non-Emergency Mileage.
- Ordinance No. 20090723-035 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
36. Authorize negotiation and execution of an Automatic Aid Agreement between the City of Austin and Travis County Emergency Service District #2 (Pflugerville Fire Department) in order to provide additional fire protection and emergency service response resources for both City and County areas in the northern portion of the City and NE portion of the county. The initial term will be one year beginning

August 1, 2009 and the parties may renew for up to four (4) additional one-year terms. No funding is required

The motion authorizing the negotiation and execution of an automatic aid agreement between the City of Austin and Travis County Emergency Service District #2 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

37. Approve an ordinance accepting \$67,586 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, COMMUNITY SERVICES BLOCK GRANT; and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$67,586 for the delivery of basic needs, case management, employment support and preventive health service to low-income residents. Funding is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant. The grant period is January 1, 2009 through December 31, 2009. No City match is required.
Ordinance No. 20090723-037 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
38. Approve an ordinance accepting \$1,430,692 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, COMMUNITY SERVICES BLOCK GRANT; and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$1,430,692 for the delivery of basic needs, case management, and employment support services to low-income residents. Funding is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant. The grant period is August 1, 2009 through September 30, 2010. No City match is required.
Ordinance No. 20090723-038 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
39. Approve an ordinance accepting \$62,268 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, COMMUNITY PREPAREDNESS SECTION; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20080908-002 to appropriate \$62,268 for the Epidemiology and Disease Surveillance Unit to implement a public health preparedness gap project. Funding is available from the Texas Department of State Health Services, Community Preparedness Section. The grant period is from June 1, 2009 to November 30, 2009. No City match is required.
Ordinance No. 20090723-039 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
40. Approve an ordinance accepting \$136,016 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, COMMUNITY PREPAREDNESS SECTION; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20080908-002 to appropriate \$136,016 for the Epidemiology and Disease Surveillance Unit to conduct public health and emergency response activities and to add one full-time equivalent position. Funding is available from the Texas Department of State Health Services, Community Preparedness Section. The grant period is from August 1, 2009 through July 31, 2010. A city match of \$40,500 is required.
Ordinance No. 20090723-040 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
41. Approve an ordinance accepting \$539,739 in grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of No. Ordinance 20080908-002 to appropriate \$539,739 for the Ryan White Part A HIV Emergency Relief Grant Program. Funding

is available from the Department of Health and Human Services Health Resources and Services Administration. The grant period is from March 1, 2009 to February 28, 2010. No City match is required. **Ordinance No. 20090723-041 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

42. Approve an ordinance amending Title 3 of the City Code relating to animal regulation to repeal pet registration requirements.
Ordinance No. 20090723-042 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

43. Authorize negotiation and execution of an Interlocal Agreement with MORNINGSIDE RESEARCH AND CONSULTING, INC. and TEXAS A&M UNIVERSITY, to share evaluation data for the grant-funded Safe Routes to School Project for a seventeen-month term beginning on August 1, 2009.
The motion authorizing the negotiation and execution of an interlocal agreement with Morningside Research and Consulting, Inc. and Texas A&M University was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

44. Authorize negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L.L.P., Austin, TX, for legal representation, advice, and counsel concerning securing Austin's long-term water supply, including regulatory matters involving the Colorado River and the Lower Colorado River Authority before the Texas Commission on Environmental Quality, and contractual matters relating to raw water supply, for an increase of \$200,000, with a total contract amount not to exceed \$1,970,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Water Utility.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L.L.P. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

45. Approve a resolution appointing Chris Riley and Bill Spelman as Directors; reappointing Sheryl Cole and Mike Martinez as Directors; appointing Lee Leffingwell as President; and appointing Mike Martinez as Vice President of the Austin Housing Finance Corporation for terms expiring on June 21, 2012.
Resolution No. 20090723-045 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 46 was pulled for discussion.

47. Approve an ordinance amending Ordinance No. 20090514-054, to correct the address of the property locally known as 9801 South 1st Street (Regency Nursing and Rehabilitation Center, Zoning Case C14-2009-0007).
Ordinance No. 20090723-047 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
48. Approve an ordinance accepting up to \$4,000 in grant funds from Humanities Texas; and amending the Fiscal Year 2008-2009 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate up to \$4,000 to support the costs of an independent contractor who will serve as the guest curator for the opening exhibits of the Susanna Dickinson Hannig Museum. Funding is available from Humanities Texas under their NEH We the People major grant program. No City match is required.
Ordinance No. 20090723-048 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

49. Authorize negotiation and execution of a Historic Preservation Easement to the Texas Historical Commission covering the Elisabet Ney Museum at 304 East 44th St. to fulfill a condition of a Save America's Treasures grant from the National Park Service of the U.S. Department of Interior.
The motion authorizing the negotiation and execution of a historic preservation easement to the Texas Historical Commission covering the Elisabet Ney Museum was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
50. Authorize the negotiation and execution of a Parkland Improvement Agreement with C3 Presents L.L.C. to provide for reimbursement of the City's cost of approximately \$2,500,000 to improve Zilker Park, including an improved irrigation system, underground conduit for communication lines, and grass turf.
The motion authorizing the negotiation and execution of a parkland improvement agreement with C3 Presents L.L.C. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
51. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to accept and administer the 2009 Justice Assistance Grant Program (JAG) on behalf of the City of Austin and the Travis County Sheriffs Office. Funding in the amount of \$466,492 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program. Related to Item #52.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
52. Authorize application for and acceptance of \$466,492 in grant funds from the U.S. Department of Justice for grant expenditures under the 2009 Justice Assistance Grant. Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Grant Program, for the grant period October 1, 2009 through September 30, 2012. A cash match is not required. Related to Item #51.
The motion authorizing the application for and acceptance of grant funds from the U.S. Department of Justice was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 53 and 54 were pulled for discussion.

55. Approve a resolution authorizing the application for \$135,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, Coverdell Forensic Sciences Improvement Program, for supplies, equipment, and overtime for existing laboratory personnel. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Coverdell Forensic Sciences Improvement Program for the grant period October 1, 2009 to June 30, 2010. There is no required match.
Resolution No. 20090723-055 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 56 was pulled to be heard after the related Executive Session item.

57. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to establish the Capital Area Pavement Engineering Council; and allocate \$40,300 for the City of Austin's initial participation, including a \$300 annual membership fee to cover administrative costs, for a total amount not to exceed \$40,300. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

58. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with FACILITY SOLUTIONS GROUP, Austin, TX for the purchase and installation of lighting fixtures for the Austin Convention Center in an amount not to exceed \$183,602. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. 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 contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Facility Solutions Group was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
59. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SOUTHERN ALUMINUM MFG., INC., Meadowlakes, TX for the purchase of stackable chairs in an amount not to exceed \$490,560. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. This contract will be awarded in compliance with Chapter 2-9D 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 contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Southern Aluminum Mfg., Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
60. Authorize award, negotiation, and execution of a 12-month service contract, with the State of Texas Department of Information Resources (DIR), with ADJACENT TECHNOLOGIES, Austin, TX, for implementation and support of the IBM FileNet software, including technical, training, and annual support and maintenance services, as the Enterprise Document and Process Management system for Austin Energy, in an estimated amount not to exceed \$680,000, with two 12-month extension options in estimated amounts not to exceed \$725,000 for the first extension option and \$525,000 for the second extension option, for a total estimated contract amount not to exceed \$1,930,000. Funding in the amount of \$680,000 is available in the Fiscal Year 2008-2009 Capital 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). 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. Recommended by the Electric Utility Commission.
The motion authorizing the award, negotiation and execution of a service contract with the State of Texas Department of Information Resources (DIR) with Adjacent Technologies was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
61. Authorize award, negotiation, and execution of a 12-month requirements service contract with AIR HYGIENE, INC, Humble, TX, for stack testing services at Austin Energy power plants in an estimated amount not to exceed \$86,450, with three 12-month extension options in an estimated amount not to exceed \$86,450 per extension option, for a total estimated contract amount not to exceed \$345,800. Funding in the amount of \$14,408 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of four 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. Recommended by the Electric Utility Commission.

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

62. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with AMERICAN MATERIAL HANDLING, INC., Lilburn, GA for the purchase of a self-propelled man-lift in an amount not to exceed \$83,320. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9D 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. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with American Material Handling, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

63. Authorize award and execution of a 24-month requirements service contract with BILT RITE SCAFFOLD COMPANY, Austin, TX; AUSTIN SALES, INC, Austin, TX; BASIC INDUSTRIES OF SOUTH TEXAS, San Antonio, TX; and THYSSENKRUPP SAFWAY, INC., Austin, TX, for scaffolding services for Austin Energy in an estimated amount not to exceed \$306,000 each and combined, with two 24-month extension options in an estimated amount not to exceed \$306,000 each and combined per extension option, for a total estimated contract amount not to exceed \$918,000 each and combined. Funding in the amount of \$25,500 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Best four evaluated bids 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. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements service contract with Bilt Rite Scaffold Company; Austin Sales, Inc.; Basic Industries of South Texas; and Thyssenkrupp Safway, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

64. Authorize ratification of Amendment No. 4 to increase a contract with COMVERGE, Inc., Norcross, GA, for purchased Superstats(r) programmable thermostats and Digital Control Unit switches for Austin Energy's Power Partner Program in an amount not to exceed \$1,161,568.03, for a revised total contract amount not to exceed \$7,945,806.43. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority and Woman-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 ratification of amendment number 4 to increase a contract with Comverge, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

65. Authorize award and execution of a 12-month requirements supply contract with CRAWFORD ELECTRIC SUPPLY, Austin, TX for the purchase of compact fluorescent bulbs in an estimated amount not to exceed \$59,819, with one 12-month extension option in an estimated amount not to exceed

\$59,819, for a total estimated contract amount not to exceed \$119,638. Funding in the amount of \$9,970 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Lowest bid meeting specifications of seven bids 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.

The motion authorizing the award and execution of a requirements supply contract with Crawford Electric Supply was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

66. Authorize award and execution of a 12-month requirements supply contract with DC SYSTEMS, Pleasanton, CA, to purchase an interface software system and support services to provide a communications path to control pole-top distribution from Austin Energy's Energy Control Center, in an estimated amount not to exceed \$115,710, with four 12-month extension options in an estimated amount not to exceed \$5,910 per extension option, for a total estimated contract amount not to exceed \$139,350. Funding in the amount of \$115,710 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. 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 a requirements supply contract with DC Systems was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

67. Authorize award, negotiation and execution of a 12-month professional services contract with DUNCAN, WEINBERG, GENZER & PEMBROKE, P.C., Washington, DC, for public power consultant services in an amount not to exceed \$80,000, with two 12-month extension options in an amount not to exceed \$80,000 per extension option, for a total contract amount not to exceed \$240,000. Funding in the amount of \$13,333 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Professional Services. This contract will be awarded in compliance with Chapter 2-9B 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 professional services contract with Duncan, Weinberg, Genzer & Pembroke, P.C. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

68. Authorize award and execution of a five-year requirements service contract through the Texas Multiple Award Schedule (TXMAS) with JOHNSON CONTROLS, INC., Austin, TX for a heating, ventilation, air conditioning and energy management system, maintenance, repair and service program, in an estimated amount not to exceed \$493,900. Funding in the amount of \$16,463 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 58 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 Woman-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. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements service contract through the Texas Multiple Award Schedule (TXMAS) with Johnson Controls, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

69. Authorize award and execution of a 24-month requirements supply contract with MITSUBISHI ELECTRIC, Warrendale, PA for 362kV Class dead tank circuit breakers for Austin Energy in an estimated amount not to exceed \$1,258,730, with three 12-month extension options in an estimated amount not to exceed \$629,365 per extension option, for a total estimated contract amount not to exceed \$3,146,825. Funding in the amount of \$1,258,730 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of two bids 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.

The motion authorizing the award and execution of a requirements supply contract with Mitsubishi Electric was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

70. Authorize award and execution of a contract with PETRO-VALVE, INC., Houston, TX for the purchase of a new valve body to repair a main steam stop valve at Austin Energy's Decker Creek Power Station in an amount not to exceed \$118,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Sole Source. 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 contract. To be reviewed by the Electric Utility Commission on July 20, 2009. Recommended by the Electric Utility Commission

The motion authorizing the award and execution of a contract with Petro-Valve, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

71. Authorize award and execution of two contracts for the purchase of high strength porcelain post insulators with POWER SUPPLY, INC., Austin, TX, in an amount not to exceed \$65,000; and with MACLEAN POWER SUPPLY, Franklin Park, IL, in an amount not to exceed \$34,300. Funding in the amount of \$65,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$34,300 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Lowest bid meeting specifications of eight bids 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.

The motion authorizing the award and execution of two contracts for the purchase of high strength porcelain post insulators with Power Supply, Inc. and MacLean Power Supply was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

72. Authorize award and execution of a contract with STARFISH ENGINEERING ASSOCIATES, LLC, Tyler, TX, for the purchase of a portable electronic protractor assembly for Austin Energy in an amount not to exceed \$70,725. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. 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.

The motion authorizing the award and execution of a contract with Starfish Engineering Associates, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

73. Authorize award and execution of two 36-month requirements supply contracts for transmission insulators with: TECHLINE INC., Austin, TX, in an estimated amount not to exceed \$509,334, with two 12-month extension options in an estimated amount not to exceed \$169,778 per extension option, for a total estimated contract amount not to exceed \$848,890; and with KBS ELECTRICAL DISTRIBUTORS INC., Austin, TX, in an estimated amount not to exceed \$291,000, with two 12-month extension options in an estimated amount not to exceed \$97,000 per extension option, for a total estimated contract amount not to exceed \$485,000. Funding in the amount of \$44,463 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids meeting specification of six bids 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.

The motion authorizing the award and execution of two requirements supply contracts for transmission insulators with Techline Inc. and KBS Electrical Distributors Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

74. Authorize award and execution of a contract with TEXAS SOLAR POWER CO., INC., Austin, TX, to provide solar photovoltaic system installation services, in an amount not to exceed \$180,535. Funding in the amount of \$31,535 is available in the Fiscal Year 2008-2009 Austin Energy Operating Budget. Additional funding sources include \$87,000 from the State Energy Conservation Office (SECO) and \$62,000 from the U.S. Department of Energy (DOE). Lowest bid of two 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 to August 6, 2009 on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

75. Authorize award and execution of a 36-month requirements service contract through the Texas Multiple Award Schedule (TXMAS) with ALLIED BARTON SECURITY SERVICES LLC, Austin, TX, for security guard services for various City departments in an estimated contract amount not to exceed \$3,385,688, with three 12-month extension options in estimated amounts not to exceed \$1,482,853 for the first extension option, \$1,705,281 for the second extension option, and \$1,961,073 for the third extension option, for a total estimated contract amount not to exceed \$8,534,895. Funding in the amount of \$32,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Funding in the amount of \$44,148 is available in the Fiscal Year 2008-2009 Operating Budget of the Rutherford Lane Campus Fund; \$6,020 is available in Financial and Administrative Services - Building Services Division's operating budget. Funding in the amount of \$12,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. Funding in the amount of \$26,667 is available in the Fiscal Year 2008-2009 Operating Budget of the Municipal Court. Funding for the remaining 34 months of the original contract period and 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). 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 Allied Barton Security Services LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

76. Authorize award and execution of a 24-month requirements contract with ACT PIPE & SUPPLY, Pflugerville, TX, for various types and sizes of Polyvinyl Chloride (PVC) wastewater line fittings for the Austin Water Utility in an estimated amount not to exceed \$274,690, with two 12-month extension options in an estimated amount not to exceed \$157,947 per extension option, for a total estimated contract amount not to exceed \$590,584. Funding in the amount of \$22,891 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids 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 Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements contract with ACT Pipe & Supply was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

77. Authorize award and execution of a contract with ATLAS COPCO COMPTEC INC., Voorheesville, NY for the purchase of repair parts for the Austin Water Utility's South Austin Regional Wastewater Treatment Plant in an amount not to exceed \$115,091. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Sole Source. 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 Water and Wastewater Commission.

The motion authorizing the award and execution of a contract with Atlas Copco Comptec Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

78. Authorize award and execution of a 24-month requirements supply contract with GENERAL CHEMICAL PERFORMANCE PRODUCTS, LLC, Parsippany, NJ, for the purchase of liquid ferric sulfate for the Austin Water Utility, in an estimated amount not to exceed \$1,898,390, with two 12-month extension options in an estimated amount not to exceed \$949,195 per extension option, for a total estimated contract amount not to exceed \$3,796,780. Funding in the amount of \$158,200 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 22 months of the original contract and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of two bids 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 Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract with General Chemical Performance Products, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

79. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with KONE ELEVATOR, San Antonio, TX for modernization of one geared passenger elevator for the Austin Water Utility in an amount not to exceed \$79,540. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9D 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. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Kone Elevator was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

80. Authorize award and execution of a 12-month requirements service contract with NATIONAL WORKS, INC., New Braunfels, TX for the cleaning and inspection of large diameter sanitary sewer collection system lines for the Austin Water Utility in an estimated amount not to exceed \$400,525, with two 12-month extension options in estimated amounts not to exceed \$500,657 for the first extension option, and \$625,820 for the second extension option, for a total estimated contract amount not to exceed \$1,527,002. Funding in the amount of \$66,754 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four 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 Water and Wastewater Commission.

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

Item 81 was pulled for discussion.

82. Authorize award and execution of a 12-month requirements service contract with PIPELINE VIDEO INSPECTION & CLEANING, LLC., Phoenix, AZ for the cleaning and inspection of small diameter sanitary sewer collection system lines for the Austin Water Utility in an estimated amount not to exceed \$530,517, with two 12-month extension options in estimated amounts not to exceed \$663,147 for the first extension option, and \$762,620 for the second extension option, for a total estimated contract amount not to exceed \$1,956,284. Funding in the amount of \$88,420 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of seven 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 Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements service contract with Pipeline Video Inspection & Cleaning, LLC. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

83. Authorize award, negotiation, and execution of Amendment No. 1 to a contract with SIEMENS WATER TECHNOLOGIES CORP., Cedar Park, TX, for the purchase of Bioxide salt, to increase the contract in an estimated amount not to exceed \$165,600 and to increase the first extension option in an estimated amount not to exceed \$33,120, for a subtotal amount of this action not to exceed \$198,720, for a revised total estimated contract amount not to exceed \$2,183,726. Funding in the amount of \$165,600 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the extension option is contingent upon available funding in future budgets. 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 Water and Wastewater Commission.

The motion authorizing the award, negotiation and execution of amendment number one to a contract with Siemens Water Technologies Corp was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

84. Authorize award and execution of a 36-month requirements supply contract with ALAMO BMW, Boerne, TX to provide captive repair parts and tires for BMW motorcycles in an estimated amount not to exceed \$1,108,659, with three 12-month extension options in estimated amounts not to exceed \$407,109 for the first extension option, \$427,464 for the second extension option, and \$448,838 for the third extension option, for a total estimated contract amount not to exceed \$2,392,070. Funding in the amount of \$58,613 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids 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.
The motion authorizing the award and execution of a requirements supply contract with Alamo BMW was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
85. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with DALLAS DODGE, Dallas, TX for the purchase of three Dodge Sprinter cargo vans in an amount not to exceed \$107,175. Funding in the amount of \$71,450 is available in the Fiscal Year 2008-2009 Vehicle Acquisition Fund. Funding in the amount of \$35,725 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. This contract will be awarded in compliance with Chapter 2-9D 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 contract.
The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with Dallas Dodge was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
86. Authorize award and execution of a 36-month requirements supply contract with TEXANA MACHINERY CORPORATION, Manor, TX to provide repair services and parts for Case heavy equipment in an estimated amount not to exceed \$315,250, with three 12-month extension options in estimated amounts not to exceed \$115,763 for the first extension option, \$121,551 for the second extension option, and \$127,628 for the third extension option, for a total estimated contract amount not to exceed \$680,192. Funding in the amount of \$16,667 is available in the Fiscal Year 2008-2009 Operating Budget of the Fleet Services Division of the Financial and Administrative Services Department. Funding for the remaining 34 months of the original contract period and the extension options is contingent upon available funding in future budgets. Sole bid 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 Texana Machinery Corporation was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
87. Authorize award, negotiation, and execution of a 12-month requirements service contract with AON GLOBAL RISK CONSULTING, Irvine, CA, for the workers' compensation third party administrator, claims management audit services for the City of Austin in an estimated amount not to exceed \$64,000, with three 12-month extension options in estimated amounts not to exceed \$64,000 for the first extension

option, and \$65,500 for the second and third extension options, for a total estimated contract amount not to exceed \$259,000. Funding in the amount of \$64,000 will be included in the 2009-2010 proposed Operating Budget of the Human Resources Department. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four 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 AON Global Risk Consulting was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

88. Authorize award, negotiation, and execution of a 60-month contract through the United States General Services Administration (GSA) with immixTechnology, Inc., McLean, VA, for communications management software and maintenance in an estimated amount not to exceed \$112,103.68. Funding is available in the Fiscal Year 2008-2009 Homeland Security, State Homeland Security Grant Program. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D 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, negotiation and execution of a contract through the United States General Services Administration (GSA) with immixTechnology, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

89. Authorize award and execution of three contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, TX, for the purchase of nine truck cab and chassis in an amount not to exceed \$1,144,690; with HEIL OF TEXAS, Houston, TX, for the purchase of seven automated and two rear-loading refuse collection bodies in an amount not to exceed \$994,645.45; and with RUSH TRUCK CENTER, Houston, TX, for the purchase of one dead-end rear-loading refuse collection truck in an amount not to exceed \$114,011.13. Funding in the amount of \$2,253,346.58 is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. These contracts will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). These contracts are Cooperative Purchases; therefore, they are 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 three contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Longhorn International Trucks, Ltd; Heil of Texas; and Rush Truck Center was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

90. Authorize award and execution of a 12-month requirements service contract through the State of Texas Department of Information Resources with VERIZON WIRELESS, Lewisville, TX and AT&T Mobility, Phoenix, AZ for wireless communication services and equipment in an estimated amount not to exceed \$1,681,660 each and combined, with four 12-month extension options in estimated amounts each and combined not to exceed \$1,801,660 for the first extension option, \$1,921,660 for the second extension option, \$2,041,660 for the third extension option, and \$2,161,660 for the fourth extension option, for a total estimated contract amount not to exceed \$9,608,300 each and combined. Funding in the amount of \$280,277 is available in the Fiscal Year 2008-2009 Operating Budget of various City departments. Funding for the remaining 10 months of the original contract period and 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). 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 State of Texas Department of Information Resources with Verizon Wireless and AT&T Mobility was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

91. Authorize award, negotiation, and execution of Amendment No. 6 to a contract with VIEUX & ASSOCIATES, INC., Norman, OK, for radar rainfall prediction services to increase the contract in an estimated amount not to exceed \$58,000, for a revised total estimated contract amount not to exceed \$432,637. Funding in the amount of \$58,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection & Development Review Department. 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 amendment number six to a contract with Vieux & Associates, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 92 was pulled for discussion.

93. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by U.S. Highway 290 West, Convict Hill Road, Escarpment Boulevard, Davis Lane, and F.M. 1826. Funding in the amount of \$5,500 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department for installation of necessary signs.

Ordinance No. 20090723-093 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

94. Approve a Resolution authorizing and directing publication of an Official Notice of Intention to Issue \$12,500,000 City of Austin, Certificates of Obligation, Series 2009.

Resolution No. 20090723-094 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 95 was pulled to be heard after the related Executive Session item.

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

The following appointments and waivers were approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Board

2006 Bond Oversight Committee

Moses Garcia

African American Resource Advisory Commission

Dr. Chiquita Eugene

Nelson Linder

Candice Wade

Jennifer Wilks

Nominated By:

Council Member Spelman

Mayor Pro Tem Martinez

Mayor Leffingwell

Council Member Cole

Council Member Spelman

Animal Advisory Commission

Dr. Ellen Jefferson
David Lundstedt

Mayor Leffingwell
Mayor Pro Tem Martinez

Arts Commission

Gloria Mata Pennington
Bruce Willenzik

Mayor Pro Tem Martinez
Mayor Leffingwell

Asian American Resource Advisory Commission

Schiller Liao

Council Member Spelman

Austin Airport Advisory Commission

Steven Hart
waiving the residency requirement (Section 2-1-27, City Code)
Richard Hatfield
Carolyn Lowe

Mayor Pro Tem Martinez

Mayor Leffingwell
Council Member Spelman

Austin Community Technology and Telecommunications Commission

Randy Kolb
Wendell Ramsey
Kedron Touvell
Melvin White
waiving the residency requirement (Section 2-1-27, City Code)

Mayor Leffingwell
Council Member Spelman
Mayor Pro Tem Martinez
Council Member Cole

Austin Mayor's Committee for People with Disabilities

Kathy Kasprisin
Ron Lucey

Mayor Pro Tem Martinez
Council Member Cole

Austin Music Commission

Rich Garza
Randy Houston
Duane Ter'ell Hunter
Paul Oveisi

Mayor Pro Tem Martinez
Council Member Riley
Council Member Cole
Council Member Spelman

Board of Adjustment

Clarke Hammond
Jeff Jack

Mayor Leffingwell
Council Member Morrison

Nora Salinas

Mayor Pro Tem Martinez

Building and Fire Code Board of Appeals

Alan Schumann
James Sullivan

Council Member Cole
Mayor Pro Tem Martinez

Building and Standards Commission

Dr. Ethelynn Beebe
Stacy Kaplowitz

Council Member Spelman
Council Member Cole

Commission for Women

Marilyn Bostick
Angela Howard Frederick

Council Member Cole
Mayor Leffingwell

Laurie Felker Jones
Linda Medina

Council Member Spelman
Mayor Pro Tem Martinez

Commission on Immigrant Affairs
Thomas Esparza, Jr.
Laura Hernandez

Mayor Pro Tem Martinez
Council Member Spelman

Community Development Commission
Bo McCarver
Elridge Nelson
Karen Paup

Mayor Leffingwell
Council Member Cole
Council Member Riley

Construction Advisory Commission
Ira Crofford
Calvin Williams
waiving the residency requirement (Section 2-1-27, City Code)

Mayor Leffingwell
Council Member Cole

Design Commission
Juan Cotera, Sr.
David Knoll
Eleanor McKinney
Richard Weiss
Jeannie Wiginton

Mayor Pro Tem Martinez
Council Member Spelman
Mayor Leffingwell
Council Member Riley
Council Member Cole

Downtown Austin Community Court Advisory Committee
Marshall Jones
Lori Renteria

Council Member Riley
Council Member Cole

Downtown Commission
Robert Knight
Joel Sher

Mayor Pro Tem Martinez
Council Member Cole

Early Childhood Council
Jon Kyle Holder
Avis Jones Wallace

Mayor Pro Tem Martinez
Council Member Cole

Electric Board
Robert Schmidt
waiving the residency requirement (Section 2-1-27, City Code)
Randy Walden
Ronny Williams

Mayor Pro Tem Martinez
Mayor Leffingwell
Council Member Cole

Electric Utility Commission
Shudde Fath
Phillip Schmandt
Stephen Smaha
Michael Webber

Mayor Leffingwell
Council Member Riley
Council Member Cole
Council Member Spelman

Environmental Board
Rodney Ahart
John Dupnik

Council Member Cole
Council Member Spelman

Phil Moncada
Mary Ann Neely

Mayor Pro Tem Martinez
Mayor Leffingwell

Ethics Review Commission
James “Jim” Henson

Mayor Pro Tem Martinez

Historic Landmark Commission
Joe Arriaga
John Rosato

Council Member Cole
Mayor Pro Tem Martinez

Human Rights Commission
Jay Chung
Dewayne Lofton
Delia Meyer

Mayor Leffingwell
Council Member Cole
Mayor Pro Tem Martinez

Impact Fee Advisory Committee
Daniel Buda
Richard Kallerman

Mayor Pro Tem Martinez
Council Member Spelman

Library Commission
Carolyn Goldston
Carol Martin
Gloria Meraz
Benito Ornelas

Council Member Cole
Mayor Leffingwell
Council Member Spelman
Mayor Pro Tem Martinez

MBE/WBE and Small Business Procurement Program Advisory Committee

Anne Harutunian
 waiving the residency requirement (Section 2-1-27, City Code)
Ed Lowenberg
Brian Walters

Council Member Spelman

Mayor Pro Tem Martinez
Council Member Cole

Mechanical, Plumbing and Solar Board

Thomas Combs
 waiving the residency requirement (Section 2-1-27, City Code)
Stephen Cox
Jerry Garza
 waiving the residency requirement (Section 2-1-27, City Code)

Council Member Cole

Mayor Pro Tem Martinez
Mayor Leffingwell

Mexican American Cultural Center Advisory Board

Martha Cotera
Sylvia Orozco
Juan Oyervides
Maria Ramirez

Council Member Spelman
Mayor Pro Tem Martinez
Mayor Leffingwell
Council Member Cole

Parks and Recreation Board

Hill Abell
Linda Guerrero

Council Member Riley
Mayor Pro Tem Martinez

Planning Commission

Danette Chimenti
Jay Reddy

Council Member Spelman
Council Member Riley

Dave Sullivan
Kathryne Tovo

Council Member Shade
Council Member Morrison

Public Safety Commission
Dr. Michael Lauderdale
Michael Levy

Council Member Cole
Council Member Shade

Renaissance Market Commission
Arron Brooks
Laura Widsom

Council Member Cole
Mayor Leffingwell

Residential Design and Compatibility Commission
Keith L. Jackson
Chuck Mains

Council Member Cole
Mayor Leffingwell

Resource Management Commission
Grace Hsieh

Mayor Leffingwell

Robert Mueller Municipal Airport Plan Implementation Advisory Commission
Ashley Fisher
Michael Jones
Rick Krivoniak

Council Member Spelman
Council Member Cole
Mayor Leffingwell

Solid Waste Advisory Commission
Gerard Acuna
Rick Cofer

Mayor Pro Tem Martinez
Mayor Leffingwell

Sustainable Food Policy Board
Melanie McAfee
Ronda Rutledge
Ellen Sweets

Mayor Leffingwell
Mayor Pro Tem Martinez
Council Member Cole

Travis County Healthcare District Board of Managers
Katrina Daniel

Council

Urban Forestry Board
Keith Babberney
Nicholas Classen
Ryan Fleming
Peggy Maceo

Mayor Leffingwell
Council Member Cole
Mayor Pro Tem Martinez
Council Member Shade

Urban Transportation Commission
Allen Demling
Sara Krause
Dustin Lanier
Dana Lockler

Mayor Leffingwell
Council Member Riley
Council Member Cole
Mayor Pro Tem Martinez

Water and Wastewater Commission
Dale Gray
Chien Lee
Gwen Webb

Mayor Pro Tem Martinez
Mayor Leffingwell
Council Member Cole

Waterfront Planning Advisory Council

Mary Arnold

Council Member Morrison

Zoning and Platting Commission

Sandy Baldrige

Cynthia Banks

Mayor Leffingwell

Council Member Cole

Council Subcommittees and Other Intergovernmental BodiesLong Center Board of Trustees

Randy Houston

Council

Approve a resolution appointing members to Council subcommittees and other intergovernmental bodies. Resolution No. 20090723-096 was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Waivers

Pursuant to Section 2-1-27 of the City Code, Council Member Shade is requesting a waiver of the residency requirement for the following board member:

Electric Board

David Adamson

97. Approve an ordinance amending City Code Section 2-7-72 to require submittal of mandatory disclosure statements by members of the Waterfront Planning Advisory Board. (Council Member Randi Shade Mayor Lee Leffingwell)
Ordinance No. 20090723-097 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
98. Approve an ordinance waiving the deadlines established in Sections 2-3-2(C) and 2-3-2(D) of the City Code relating to the selection of the City Auditor. (Council Member Sheryl Cole Council Member Randi Shade Council Member Laura Morrison)
Ordinance No. 20090723-098 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
99. Approve a resolution renaming the City Council's Land Use and Transportation Committee to the Comprehensive Planning and Transportation Committee. (Council Member Laura Morrison Mayor Lee Leffingwell)
Resolution No. 20090723-099 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
100. Approve a resolution relating to the development of a residential rental registration program. (Council Member William Spelman Council Member Laura Morrison Council Member Sheryl Cole)
Resolution No. 20090723-100 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
101. Approve the waiver of certain fees under Chapter 14-8 of the City Code for the Bicycle Film Festival street event to be held at the 800 block of E. 5th St. and the 400 block of Brushy St. on August 8, 2009. (Council Member Chris Riley Council Member William Spelman Council Member Laura Morrison)

The motion authorizing the waiver of certain fees for the Bicycle Film Festival street event was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

102. Approve the waiver of banner fees under Chapter 25-10 of the City Code for the 2009 Austin Gay and Lesbian International Film Festival (AGLIFF) taking place at the Alamo Drafthouse Cinema located on 1120 South Lamar Blvd., to be held September 8-13, 2009. (Council Member Randi Shade Council Member Laura Morrison Council Member Sheryl Cole)
The motion authorizing the waiver of banner fees for the 2009 Austin Gay and Lesbian International Film Festival (AGLIFF) was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
103. Set public hearings on a proposed Strategic Partnership Agreement (SPA) between the City of Austin and River Place Municipal Utility District (approximately 1,040 acres located on River Place Boulevard and Big View Drive, approximately one mile south of FM 2222 in Travis County). Suggested dates and times: August 20, 2009, 6:00 p.m.; and August 27, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for August 20 and 27, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
104. Set a public hearing to consider an ordinance amending Chapter 25-9 of the Austin City Code relating to water and wastewater service extension requests. (Suggested date and time: August 20, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) There is no unanticipated fiscal impact. Recommended by the Planning Commission. To be reviewed by the Water and Wastewater Commission on August 12, 2009.
The public hearing was set for August 20, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
105. Set a public hearing to consider the use of approximately 4,725 square feet (0.10 acre) permanent drainage easement and approximately 7,875 square feet (0.18 acre) temporary working space area, to construct, use, maintain, repair, and replace a stormdrain line and appurtenances for construction of a portion of the E. 7th Street Drainage Improvement Project - Northwestern to Pleasant Valley (CIP ID 6055.004) through dedicated parkland known as Parque Zaragoza Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: August 20, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.
The public hearing was set for August 20, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
106. Set a public hearing to consider a request by David Allison, owner of the property located at 12223 RR 620 N, Suite 105, for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a church. (Suggested date and time: August 6, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.)
The public hearing was set for August 6, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

107. Set a public hearing to consider an appeal by Elda Bruciaga of a decision to approve an Outdoor Music Venue Permit for ATX Sports Bar located at 1504 East 6th Street. (Suggested date and time: August 20, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for August 20, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
108. Set a public hearing to consider an ordinance amending Sections 25-7-153 and 30-4-153 relating to maintenance of flood detention basins and appurtenances and amending Sections 25-8-231 and 30-5-231 relating to maintenance and inspection of water quality controls. (Suggested date and time: August 20, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.) Reviewed by the Environmental Board. Recommended by the Planning Commission.
The public hearing was set for August 20, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
109. Set a public hearing to consider the reauthorization of the East Sixth Street Public Improvement District (PID). (Suggested date and time: August 20, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) There is no unanticipated fiscal impact. A fiscal note is not required.
The public hearing was set for August 20, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
110. Set a public hearing to receive public comment regarding the proposed fee increases and a rate structure change for vertical construction for the drainage fee of the Watershed Protection and Development Review Department as part of the Fiscal Year 2009-2010 proposed budget. (Suggested date and time: August 27, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Environmental Board.
The public hearing was set for August 27, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 111 was a briefing item set for 10:30 p.m.

Items 112 through 115 were Executive Session items.

Items 116 and 117 were briefing items set for 2:00 p.m.

Items 118 through 134 were zoning items set for 4:00 p.m.

Items 135 through 137 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

81. Authorize award and execution of a 24-month requirements supply contract with NIAGARA CONSERVATION CORP., Cedar Knolls, NJ, for the purchase and installation of high efficiency toilets for the Austin Water Utility in an estimated amount not to exceed \$3,173,300, with two 12-month extension options in an estimated amount not to exceed \$1,586,650 per extension option, for a total estimated contract amount not to exceed \$6,346,600. Funding in the amount of \$264,442 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in

future budgets. Lowest bid meeting specifications of two bids 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 Water and Wastewater Commission.

This item was postponed indefinitely on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote. Council directed staff to take this item to the Resource Management Commission for their review.

BRIEFING

111. Austin Water Utility briefing on Water Conservation Strategies
The presentation was made by Rudy Garza, Assistant City Manager, and Greg Meszaros, Director of Austin Water Utility.

CITIZEN COMMUNICATION: GENERAL

Gus Peña - To discuss the City budget and its implications on taxpayers 2. Please do not postpone the police academy class; we need more officers on the streets. Crime is on the increase 3. Please fully fund social service agencies that help the poor, needy, have nots and the less fortunate. The need is greater due to the recession and downturn of the economy. 4. Please continue to fund youth programs and senior citizen programs 5. Please continue to advocate and support transitional housing for homeless family initiatives 6. Please advocate and support our military personnel. Let's provide P.T.S.D. treatment, mental health treatment, affordable housing, jobs and reentry counseling 7. Please support our City Manager, he is doing a good job.

Rae Nadler-Olenick - Water fluoridation

Louis Kokernak - Billboard ordinance. He was not present when his name was called.

Anthony Walker - TBD

Lauren Ross - Report on eco change exchange

CarolAnneRose Kennedy - MAYOR 2009; VOTING FOR JENNIFER GALE

Jimmy Castro - Budget: Do not cut funding from the Balcones Youth Association

David Edrich - Lamar Billboard

Bill Oakey - Containment of high property taxes

Stephanie Peco - Neighbor's fence

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

112. Discuss legal issues related to property located at 328 Heartwood, concerning: appeal of site plan disapproval; pending code enforcement action; permitting issues; and a floodplain variance request.(Private Consultation with Attorney - Section 551.071). Related to Items #95, 136, and 137.
113. Discuss legal issues in Case No. A06CA306LY, Diana and David Hopgood, et al. v. City of Austin, et al., in the United States District Court, Western District of Texas, Austin Division. (Private Consultation with Attorney - Section 551.071).
114. Discuss legal issues relating to labor negotiations for the Fire department and amendments to the Meet and Confer Agreements with the Austin Police Association and the Austin-Travis County EMS Employees Association. (Private Consultation with Attorney - Section 551.071) Related to Items # 34 and 56.
115. Discuss legal issues regarding open meetings law. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:38 p.m.

DISCUSSION ITEMS CONTINUED

34. Approve a Resolution ratifying Amendments to the Meet and Confer Agreement between the City of Austin and the Austin-Travis County EMS Employees Association relating to wages, hours, and terms and conditions of employment for EMS uniformed employees, that was ratified by the Austin City Council on September 25, 2008 and became effective on October 1, 2008. Related to Item #114.
Resolution No. 20090723-034 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.
56. Approve a resolution ratifying Amendments to the Meet and Confer Agreement between the City of Austin and the Austin Police Association relating to wages, hours, and terms and conditions of employment for Austin Police Officers, that was ratified by the Austin City Council on September 25, 2008 and became effective on October 1, 2008. Related to Item #114.
Resolution No. 20090723-056 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was off the dais.

BRIEFING

116. Austin Water Utility update on Water Treatment Plant 4
The presentation was made by Rudy Garza, Assistant City Manager, and Greg Meszaros, Director of Austin Water Utility.

DISCUSSION ITEMS CONTINUED

7. Authorize the City Manager to negotiate and execute Interlocal Agreements to purchase the City of Austin's share of the Brushy Creek Regional Wastewater System from the Lower Colorado River Authority; to contract with the Brazos River Authority for the operation and maintenance of the Brushy Creek System; and to contract with the cities of Round Rock, Leander, and Cedar Park concerning ownership, administration, and governance. Funding in the amount of \$13 million is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. Related to Item #8.

The motion authorizing the City Manager to negotiate and execute interlocal agreements with the Lower Colorado River Authority; and to contract with Brazos River Authority; and to contract with the cities of Round Rock, Leander and Cedar Park was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

8. Approve an ordinance amending the Fiscal Year 2008-2009 Austin Water Utility Capital Budget of Ordinance No. 20080908-03 to appropriate \$13,000,000 for the purchase of the Brushy Creek Regional Wastewater System. Funding is available from a Reimbursement Resolution. Recommended by the Water and Wastewater Commission. Related to Item #7.
Ordinance No. 20090723-008 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
53. Approve a resolution accepting \$410,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period June 15 - September 30, 2009. There is no required match. Related to Item #54.
Resolution No. 20090723-053 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
54. Approve an ordinance accepting \$410,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$410,000 to purchase a mobile shooting range. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period June 15 - September 30, 2009. There is no required match. Related to Item #53.
Ordinance No. 20090723-054 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
10. Approve the 2009 General Obligation Bond Sale Schedule (\$110,085,000 in Public Improvement Bonds, \$12,500,000 in Certificates of Obligation, and \$13,800,000 in Contractual Obligations). \$110,085,000 in Public Improvement Bonds, \$12,500,000 in Certificates of Obligation, and \$13,800,000 in Contractual Obligations.
The motion to approve the 2009 general obligation bond sale schedule was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

BRIEFING

117. Presentation by Roma Design Group and HR&A Consultants on Downtown Austin Plan Affordable Housing Strategy and Density Bonus Program
The presentation was made by Jim Robertson, Neighborhood Planning and Zoning Department; Jim Adams, Roma Design Group; and John H. Alschuler, HR&A Advisors, Inc.

Mayor Leffingwell recessed the Council Meeting at 5:36 p.m.

LIVE MUSIC

Anthony Locke

PROCLAMATIONS

Mayor Leffingwell called the Council Meeting back to order at 6:34 p.m.

DISCUSSION ITEMS CONTINUED

46. Approve the City's 1) Five-year Consolidated Plan for Fiscal Years October 1, 2009 - September 30, 2014, as required by the City to the U.S. Department of Housing and Urban Development (HUD); 2) the Annual Fiscal Year 2009-2010 Action Plan, as required by the U.S. Department of Housing and Urban Development; and 3) the Community Development 2009-2010 Program, as required by the Texas Local Government Code Chapter 373. The Community Development Commission conducted two needs assessment public hearings on February 5, 2009 and March 9, 2009, and a public hearing on the Draft Action Plan on June 29, 2009. The Community Development Commission voted to approve the Draft Fiscal Years 2009-2014 Consolidated Plan and the Draft Fiscal Year 2009-2010 Action Plan on July 14, 2009.

The motion to approve the five-year consolidated plan for fiscal years October 1, 2009 – September 30, 2014; the annual fiscal year 2009-2010 action plan; and the community development 2009-2010 program was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

18. Authorize an increase in the previously approved authorization amount to allow for negotiation of an amendment to the design-build contract with HARVEY-CLEARY BUILDERS, INC., Austin, TX, for the Public Safety Training Facility, in the amount of \$3,800,000, for a total not to exceed contract amount of \$17,800,000. Funding in the amount of \$3,500,000 is available in the Fiscal Year 2008-2009 Capital Budget of Financial and Administrative Services Department and \$300,000 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Selection was made based on most qualified. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program) with 27.7% MBE and 13.10% WBE (design phase) subcontractor participation to date. Recommended by the Electric Utility Commission.

The motion authorizing an increase in the previously approved authorization amount to allow for negotiation of an amendment to the design-build contract with Harvey-Cleary Builders, Inc. was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

17. Approve the Scoping Framework for the new Comprehensive Plan; and authorize execution of a contract to begin Phase I activities with WALLACE, ROBERTS, & TODD, LLC, Philadelphia, PA to provide professional planning services with the City of Austin for Phase I, in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. The awarded firm is in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subconsultant participation.

The motion to approve the scoping framework for the new Comprehensive Plan and authorizing the execution of a contract to begin Phase I activities with Wallace, Roberts, & Todd, LLC was approved with the following amendments on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Page 3, fourth bullet, second paragraph should read, "A further aspect of community engagement will be the review of existing Austin plans. These plans represent an enormous amount of time spent by the Austin community."

Page 4, first bullet, should read, "Sustainability and climate change are overarching issues to be addressed in the Comprehensive Plan."

Page 8, 1.2.2, should read:

“Orientation Briefings

- **Planning Commission**
 - **Recommend Participation Plan to City Council**
- **City Council**
 - **Adopt Participation Plan after Planning Commission recommendation**
- **Media**
- **Identifying other jurisdictions and institutions and inviting their involvement and support”**

Page 13, third bullet should read:

- **“Implementation actions, such as capital improvements and partnerships”**

92. Approve issuance of a street event permit for the Bat Fest 2009, a fee paid event to be held on Congress Avenue from Cesar Chavez Street to Barton Springs Road, including all lanes on the Congress Avenue bridge. The street closure is scheduled for August 22, 2009 from 6:00 a.m. to August 23, 2009 at 4:00 a.m. The event will last from August 22 at 1:00 p.m. to 12:00 midnight.

The motion to approve the issuance of a street event permit for the Bat Fest 2009 was approved with direction on Council Member Cole’s motion, Council Member Spelman’s second on a 5-2 vote. Mayor Leffingwell and Mayor Pro Tem Martinez voted nay. Direction was given to the applicant to not hold the event on any bridges that cross the Colorado River in the future.

ZONING CONSENT ITEMS

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

118. C14-2008-0069 - IABA Phase-1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12460 Los Indios Trail (Rattan Creek Watershed) from interim-rural residence (I-RR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on July 24, 2008. Vote: 7-0. Applicant: Islamic Ahlul Bayt Association (Jabir Yusufali). Agent: Syed Riaz Jafri. City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20090723-118 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Morrison’s motion, Mayor Pro Tem Martinez’ second on 7-0 vote.

ZONING CONSENT ITEMS

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

119. C14-85-339(RCA) - East Yager Lane Restrictive Covenant Amendment - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 400-900 Block of East Yager Lane (Walnut Creek Watershed). Staff Recommendation: To approve amendment of the restrictive covenant. Zoning and Platting Commission Recommendation: To approve amendment of the restrictive covenant. Applicant: Armbrust & Brown, L.L.P. (Amanda Morrow). Agent: Allen Samuels Realty (Jeff Wooley); Solo Star Realty, Inc. (John McCormack); Burton Landing L.L.C. (Robert S. Peed Jr.); and Austin Korean Presbyterian Church. City Staff: Joi Harden, 974-2122.

This item was postponed on consent to August 6, 2009 at the applicant’s request on Mayor Pro Tem Martinez’ motion, Council Member Cole’s second on a 7-0 vote.

120. C14-2008-0193 - 500 Block of VFW and Yager Lane Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 500 Block of VFW Road (Walnut Creek Watershed) from multi-family residence-low density (MF-2) district zoning; limited office (LO) district zoning and neighborhood commercial (LR) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Applicant: Armbrust & Brown, L.L.P. (Amanda Morrow). Agent: Solo Star Realty, Inc. (John McCormack and John Gilbert.) City Staff: Joi Harden, 974-2122.
This item was postponed on consent to August 6, 2009 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
121. NPA-2009-0002.01 - East César Chávez Neighborhood Planning Area Vertical Mixed Use Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 001214-20, the East César Chávez Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from open space to mixed use on selected tracts within the East César Chávez Neighborhood Planning Area, bounded by the alley between East 6th Street and East Seventh Street to the north, Chicon Street to the east, Lady Bird Lake to the south and IH 35 to the west (Town Lake, Waller Creek Watersheds). Staff Recommendation: To approve mixed use on selected tracts. Planning Commission Recommendation: To approve mixed use on selected tracts. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jacob Browning, 974-7657.
This item was postponed on consent to August 6, 2009 at the staff's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
122. C14-2009-0036 - East César Chávez 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 East César Chávez Neighborhood Planning Area, bounded by the alley between East 6th Street and East 7th Street to the north; Chicon Street to the east; Lady Bird Lake to the south; and IH 35 to the west (Town Lake; 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 (VMU) zoning with dimensional standards and additional uses in office districts. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jacob Browning, 974-7657.
This item was postponed on consent to August 6, 2009 at the staff's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
123. NPA-2009-0003.1 - Chestnut Neighborhood Planning Area Vertical Mixed Use Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from Commercial to Mixed Use on selected tracts within the Chestnut Neighborhood Planning Area, bounded East Martin Luther King, Jr. Boulevard to the north; the Austin Northwestern Railroad tracks to the east; East 12th Street to the south; and Chicon Street to the west (Boggy Creek Watershed). Planning Commission Recommendation: To change the future land use map from commercial to mixed use on selected tracts within the Chestnut Neighborhood

Planning Area. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

The public hearing was closed and Ordinance No. 20090723-123 to change the land use designation on the Future Land Use Map (FLUM) to Mixed Use on selected tracts within the Chestnut Neighborhood Planning Area was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

124. C14-2009-0054 - Chestnut 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 Chestnut Neighborhood Planning Area, bounded by East Martin Luther King, Jr. Boulevard to the north; the Austin Northwestern Railroad tracks to the east; East 12th Street to the south; and Chicon Street to the west (Boggy Creek Watershed). 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 certain tracts from the vertical mixed use building (V) district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

The public hearing was closed and Ordinance No. 20090723-124 for vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use building (V) district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

127. C14-2009-0039 - Danziger 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2305 Bluebonnet Lane (West Bouldin Creek Watershed) from limited office (LO) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Allen Danziger. Agent: Jim Bennett. City Staff: Stephen Rye, 974-7604.

The public hearing was closed and Ordinance No. 20090723-127 for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

128. C14-2009-0059 - Texas Association of Nurse Anesthetists - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 888 Banister Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Planning Commission Recommendation: To be reviewed on July 28, 2009. Applicant: Texas Association of Nurse Anesthetists (Janet H. Morrow). Agent: Jackson Walker, LLP (Katherine Loayza). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to August 6, 2009 at the staff's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

131. C14-2009-0053 - Animal Trustee CC St. John's Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7205 Cameron Road (Fort Branch Watershed) from family residence (SF-3) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Planning Commission Recommendation: To

grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant and Agent: Graves Dougherty Hearon and Moody (Michael Whellan). City Staff: Joi Harden, 974-2122.

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions with the following conditions was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. The conditions were to limit vehicle trips to less than 2,000 trips per day and to substitute the requirement that a dedication occur at time of zoning with an agreed upon offer to dedicate right-of-way in the future.

132. C8-82-075.2A(RCA) - The Summit at West Rim - Conduct a public hearing and approve amendment of a restrictive covenant for the property located at 4320 River Gardens Trail (Lake Austin Watershed). Staff Recommendation: To approve an amendment to the restrictive covenant. Planning Commission Recommendation: To approve an amendment to the restrictive covenant. Applicant: Michael Misikoff. Agent: Brown McCarrol (Jerry Harris). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and the motion to approve the amendment of the restrictive covenant was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

133. C814-01-0114.01 - Comanche Canyon Ranch, ETJ Planned Unit Development Amendment #1 - Conduct a public hearing and approve an ordinance amending Ordinance No. 040129-43 and the Comanche Canyon Ranch ETJ Planned Unit Development Agreement to allow areas 3 and 4 identified in the Agreement and in the area locally known as 12309 Bullick Hollow Road and 6708 North FM 620 Road (Lake Travis Watershed), to be developed as a major utility facility (Water Treatment Plant 4) and to specify that development will adhere to the provisions of the City's Land Development Code and Ordinance No. 20080515-035. Staff Recommendation: To grant the first amendment to Comanche Canyon Ranch ETJ Planned Unit Development. Environmental Board Recommendation: To grant the first amendment to Comanche Canyon Ranch ETJ Planned Unit Development. Zoning and Platting Commission Recommendation: To grant an amendment to the Comanche Canyon Ranch ETJ Planned Unit Development. Applicant: Austin Water Utility (William P. Stauber). Agent: City of Austin, Public Works Department (Robert Hengst). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to August 6, 2009 at the staff's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

134. C814-06-0175.02 - East Avenue PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 SVRD SB (Boggy Creek and Waller Creek Watersheds) from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Applicant: East Avenue IG, L.P. (Andy Sarwal). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.

This item was withdrawn on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

125. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-

NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Applicant and Agent: Leslie M. Moore. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The public hearing was held open and the first reading of the ordinance for family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Martinez and Council Members Cole, Shade, and Spelman. Those voting nay were: Mayor Leffingwell and Council Members Morrison and Riley. The conditions were if requested zoning is granted, 28 feet of right-of-way should be dedicated from the center line of Red Bird Lane in accordance with the Transportation Criteria manual in order to accommodate traffic anticipated to be generated by this site.

126. NPA-2009-0025.01 - 6102 and 6110 Hill Forest Drive (Tract AD) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from high density single family to single family for the properties located at 6102 and 6110 Hill Forest Drive (Williamson Creek Watershed). Staff Recommendation: To deny single-family use on 6102 Hill Forest Drive and approve single family use on 6110 Hill Forest Drive. Planning Commission recommendation: To deny single family use on 6102 Hill Forest Drive and approve single family use on 6110 Hill Forest Drive. Applicant and agent: Neighborhood Planning and Zoning Department. City Staff: Maureen Meredith, 974-2695.

The motion to deny the request for a postponement was approved on Council Member Morrison's motion, Council Member Shade's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell and Council Members Morrison, Riley, Shade, and Spelman. Those voting nay were: Mayor Pro Tem Martinez and Council Member Cole.

The public hearing was closed and the motion to deny the single family land use designation on the future land use map (FLUM) on 6102 Hill Forest Drive and approve Ordinance No. 20090723-126 to change the land use designation on the future land use map (FLUM) to single family use designation on 6110 Hill Forest Drive was approved on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote.

129. C14-2009-0034 - Church of the Holy Vietnamese Martyrs Parish Diocese of Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1112 East Yager Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood office-conditional overlay (NO-CO) combining district zoning for Tract 2 to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood office-conditional overlay (NO-CO) combining district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood office-conditional overlay (NO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood office-conditional overlay (NO-CO) combining district zoning for Tract 2. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and Ordinance No. 20090723-129 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood office-conditional overlay (NO-CO) combining district zoning for Tract 2 was approved on Mayor Pro

Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Morrison recused herself from this item due to a conflict of interest with one of her staff members and was off the dais. The conditional overlay on Tracts 1 and 2 will limit the development intensity to less than 2,000 vehicle trips per day. The prohibited uses on Tract 1 are: automotive sales; washing; rental and repair; and pawnshop uses.

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

130. C14-2009-0044 - The Fault - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8002 Research Boulevard Southbound (Little Walnut Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district zoning. Applicant: Anderson Retail, Ltd. (Jim Cotton). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and the first reading of the ordinance for commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district zoning was approved on Council Member Spelman motion, Council Member Cole's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole and Spelman. Those voting nay were: Council Members Morrison, Riley, and Shade.

PUBLIC HEARINGS AND POSSIBLE ACTION

135. Conduct a public hearing and consider an ordinance amending Chapters 25-2 and 25-10 of the City Code to authorize home occupation signs on Core Transit Corridors and Future Core Transit Corridors. Recommended by the Planning Commission.

The public hearing was closed and the first reading of the ordinance was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to provide more flexibility in options for elevating the signs and decreasing the size of the signs.

95. Consider an ordinance establishing site-specific development regulations for a property located at 328 Heartwood Dr. Related to Items # 112, 136, and 137.

The motion to postpone this item to August 27, 2009 failed on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 3 to 4 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Member Cole. Those voting nay were: Council Members Morrison, Riley, Shade and Spelman.

The motion to deny the ordinance was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

137. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances.

September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #95, 112, and 136.

The motion to postpone this item to August 27, 2009 failed on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 3 to 4 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Member Cole. Those voting nay were: Council Members Morrison, Riley, Shade and Spelman.

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

136. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #95, 112, and 137.

The motion to postpone this item to August 27, 2009 failed on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 3 to 4 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Member Cole. Those voting nay were: Council Members Morrison, Riley, Shade and Spelman.

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

Mayor Leffingwell adjourned the meeting at 12:04 a.m. without objection.

The minutes for the Regular meeting of June 23, 2009 were approved on this the 6th day of August 2009 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.