

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 6, 2009**

Invocation: Sister Patricia Bachman, DC, Mission Integration with the Seton Family of Hospitals

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 6, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:02 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 July 23, 2009 Regular meeting.
The minutes from the meeting of July 23, 2009 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
2. Approve the issuance of a Letter of Intent for a rebate to Criterion Onion Creek Apts., L.L.C. for the installation of a solar photovoltaic system at the project located at 8515 S. IH-35, Austin, Texas, 78744, 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 approving the issuance a letter of intent for a rebate to Criterion Onion Creek Apts., L.L.C. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
3. Approve the issuance of a rebate to CH Realty IV/Pecan Park L.P. for the installation of energy efficient equipment including high efficiency transformers, self-contained A/C units, cooling towers and variable frequency drives, in an amount not to exceed \$117,166. 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 approving the issuance of a rebate to CH Realty IV/Pecan Park L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
4. Approve negotiation and execution of an agreement with The University of Texas at Austin for the granting of a 0.814 acre electric utility easement across the undeveloped portion of its property located on Montopolis Drive in Austin, Texas, in an amount not to exceed \$53,300. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.

The motion authorizing the negotiation and execution of an agreement with The University of Texas at Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Items 5 and 6 were pulled for discussion.

7. Authorize execution of a construction contract with YANTIS COMPANY, San Antonio, TX, for Remain Over Night (RON) Apron, Phase 1 in the amount of \$5,939,273.25 plus a \$593,927.33 contingency, for a total contract amount not to exceed \$6,533,200.58. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. Lowest compliant bid of eight (8) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 28.87% DBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.
This item was postponed to August 20, 2009 on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

8. Authorize negotiation and execution of a professional services agreement with FACILITY ENGINEERING ASSOCIATES, P.C., Dallas, TX, for Leadership in Energy and Environmental Design in Existing Buildings (LEED EB) consulting services for the Austin Convention Center in an amount not to exceed \$900,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center. Best qualification statement of fourteen (14) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subcontractor participation.
This item was postponed to August 20, 2009 on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Item 9 was pulled for discussion.

10. Authorize execution of an Interlocal Agreement by and between the City of Austin, Tax Increment Financing Reinvestment Zone Number Sixteen, and the Mueller Local Government Corporation regarding tax increment financing of the Mueller Redevelopment Project.
The motion authorizing the execution of an interlocal agreement by and between the City of Austin, Tax Increment Financing Reinvestment Zone Number Sixteen and the Mueller Local Government Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Item 11 was pulled for discussion.

12. Authorize an Interlocal Agreement with Travis County to allow the County to reimburse the City in an amount not to exceed \$28,605, to purchase three hybrid vehicles, as part of the Texas Commission on Environmental Quality - Travis County Local Initiatives Project Fund Funding in the amount of \$28,605 is available in the Fiscal Year 2008-2009 Fleet Vehicle Acquisition Fund.
The motion authorizing an interlocal agreement with Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
13. Approve an ordinance accepting \$50,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, CARDIOVASCULAR HEALTH AND WELLNESS PROGRAM and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$50,000 for the Heart Disease and Stroke Prevention in

Employees Through Value-Based Benefit Design Demonstration Project. Funding is available from the Texas Department of State Health Services, Cardiovascular Health and Wellness Program. The grant period is June 30, 2009 through June 29, 2010.

Ordinance No. 20090806-013 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

14. Approve an ordinance amending Chapter 12-5 of the City Code relating to civil fines, costs and fees for parking violations and declaring an emergency.
Ordinance No. 20090806-014 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
15. Authorize the City Manager to negotiate and execute a Multiple Use Agreement between the City of Austin and the Texas Department of Transportation (TxDoT) to allow construction of the Northern Walnut Creek hike and bike trail in the MoPac/Loop 1 right-of-way. There is no unanticipated fiscal impact. A fiscal note is not required.
The motion authorizing the City Manager to negotiate and execute a multiple use agreement between the City of Austin and the Texas Department of Transportation (TxDot) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
16. Approve an ordinance, negotiation, and execution of an agreement with AUSTIN BC, LP, for cost participation in the construction of street improvements to a portion of 44th Street between Mopac Boulevard (Loop One) and Bull Creek Road in an amount not to exceed \$50,595.50. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department.
Ordinance No. 20090806-016 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
17. 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 \$31,035 is available in the Fiscal Year 2008-2009 Austin Energy Operating Budget. Additional funding sources include \$87,500 from a grant from the State Energy Conservation Office (SECO) including matching funds, and \$62,000 in matching funds from a U.S. Department of Energy (DOE) grant. 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.
The motion authorizing the award and execution of a contract with Texas Solar Power Co., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
18. Authorize award and execution of a contract with AMERICAN EUROCOPTER, LLC, Grand Prairie, TX for the purchase of a main rotor hub for an EC120 helicopter for the Austin Police Department in an amount not to exceed \$56,439. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. 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 contract with American Eurocopter, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

19. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources (DIR) with EXECUTIVE INFORMATION SYSTEMS, LLC, Bethesda, MD, for a technology assessment for the Communications and Technology Management Division in an amount not to exceed \$69,983. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. 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 contract. However, the contractor intends to subcontract, after review by DSMBR, the contractor has provided good faith effort.
- The motion authorizing the award, negotiation and execution of a contract through the State of Texas Department of Information Resources (DIR) with Executive Information Systems, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**
20. Authorize award, negotiation, and execution of a 36-month contract through the State of Texas Department of Information Resources (DIR) with DYNAMIC IMAGING SYSTEMS, INC., Marlton, NJ, for PictureLink mug-shot software, hardware, conversion, interface programming, implementation, and maintenance in an amount not to exceed \$64,326.60. Funding is available from the Special Revenue Fund, Department of Treasury Police Forfeiture Fund. 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 State of Texas Department of Information Resources (DIR) with Dynamic Imaging Systems, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**
21. Authorize award and execution of a 36-month requirements service and supply contract with CAMPBELL-PARNELL, INC., Phoenix, AZ to provide installation services and parts for Timed Sequential Injection (TSi) Liquefied Petroleum Gas (LPG) systems in an estimated amount not to exceed \$839,300, with three 12-month extension options in amounts not to exceed \$273,997 for the first extension option, \$311,065 for the second extension option, and \$353,492 for the third extension option, for a total estimated contract amount not to exceed \$1,777,854. Funding in the amount of \$64,073 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. 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.
- The motion authorizing the award and execution of a requirements service and supply contract with Campbell-Parnell, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**
22. Authorize award and execution of a 36-month requirements service contract with CAPITOL HYDRAULICS, Austin, TX to provide hydraulic repair services and parts in an estimated amount not to exceed \$1,092,000, with three 12-month extension options in estimated amounts not to exceed \$518,400 for the first extension option, \$622,080 for the second extension option, and \$746,496 for the third extension option, for a total estimated contract amount not to exceed \$2,978,976. Funding in the amount of \$50,000 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. Best-value

bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Capitol Hydraulics was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Item 23 was pulled for discussion.

24. Authorize award and execution of a contract with ENVIROMEDIA SOCIAL MARKETING, Austin, TX for media services associated with tobacco prevention and control campaign in an estimated amount not to exceed \$109,129, with two 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a total estimated contract amount not to exceed \$409,129. Funding in the amount of \$109,129 is available in the Fiscal Year 2008-2009 Health & Human Services Department Tobacco Prevention and Control grant. Funding for the remaining 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.

The motion authorizing the award and execution of a contract with Enviromedia Social Marketing was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

25. Authorize award and execution of a 36-month requirements supply contract with AUSTIN SCREEN PRINTING, Austin, TX for t-shirts, caps, jackets, and other apparel, in an estimated amount not to exceed \$609,000, with three 12-month extension options in an estimated amount not to exceed \$203,000 per extension option, for a total estimated contract amount not to exceed \$1,218,000. Funding in the amount of \$33,834 is available in the Fiscal Year 2008-2009 Operating Budget of the Parks and Recreation Department. 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 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.

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

26. Authorize award and execution of a 36-month requirements supply contract with AARON CONCRETE CONTRACTORS LP, (MBE/MH) Austin, TX for Type I hydraulic cement in an estimated amount not to exceed \$287,100, with three 12-month extension options in an estimated amount not to exceed \$95,700 per extension option, for a total estimated contract amount not to exceed \$574,200. Funding in the amount of \$15,950 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Aaron Concrete Contractors LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

27. Authorize award and execution of a 36-month requirements service contract with VEOLIA ES TECHNICAL SOLUTIONS, LLC, Baytown, TX to package, transport, and dispose of household hazardous waste collected at the Household Hazardous Waste Collection Facility in an estimated amount not to exceed \$911,337, with three 12-month extension options in an estimated amount not to exceed \$303,779 per extension option, for a total estimated contract amount not to exceed \$1,822,674. Funding in the amount of \$50,630 is available in the Fiscal Year 2008-2009 Operating Budget of the Solid Waste Services Department. 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 six 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 Solid Waste Advisory Commission.
- The motion authorizing the award and execution of a requirements service contract with Veolia ES Technical Solutions, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
28. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Indina Hills Drive and Lisi Anne Drive to a table of speed limits as having a maximum speed limit of 20 miles per hour at certain times for students attending Patsy Sommer Elementary School. Funding in the amount of \$880 for the installation of signs is available in the Fiscal Year 2008-2009 Child Safety Fund of the Department of Public Works.
- Ordinance No. 20090806-028 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
29. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate an American Recovery and Reinvestment Act (ARRA) project for the construction of traffic signals at various locations throughout the City of Austin; and approve an ordinance authorizing acceptance of grant funds and amending the Fiscal Year 2008-2009 Public Works Department Operating Budget of Ordinance No. 20080908-002 and Capital Budget of Ordinance No. 20080908-003 to transfer and appropriate grant funds. The total grant amount of \$2,400,000 will be provided by the Texas Department of Transportation. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department to cover the \$33,000 administrative costs as required by the Texas Department of Transportation.
- The motion authorizing the negotiation and execution of an advance funding agreement with the Texas Department of Transportation and Ordinance No. 20090806-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
30. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
- The following appointments and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Board**2006 Bond Oversight Committee**

Karen Friese

Animal Advisory Commission

Babette Ellis

Robert Graham

Lisa McClain

Nominated By:

Council Member Shade

Council Member Cole

Council Member Spelman

Council Member Riley

Larry Tucker recommended by Travis County Commissioners Court	Council Member Morrison
<u>Austin Community Technology and Telecommunications Commission</u> Bianca Taulman	Council Member Riley
<u>Austin Mayor's Committee for People with Disabilities</u> Tanya Winters	Mayor Leffingwell
<u>Construction Advisory Committee</u> Conrad Masters	Council Member Riley
<u>Downtown Austin Community Court Advisory Committee</u> Tim Miles	Council Member Spelman
<u>Downtown Commission</u> Susan Daniels Michael McGill	Council Member Spelman Council Member Riley
<u>Early Childhood Council</u> Cindy Rojas Rodriguez Natasha Rosofsky	Council Member Spelman Mayor Leffingwell
<u>Environmental Board</u> Bob Anderson	Council Member Riley
<u>Ethics Review Commission</u> Velve Price	Council Member Cole
<u>Historic Landmark Commission</u> Laurie Limbacher	Council Member Riley
<u>Human Rights Commission</u> Tom Davis	Council Member Spelman
<u>Impact Fee Advisory Board</u> William Moore	Council Member Cole
<u>Library Commission</u> David Kobierowski	Council Member Riley
<u>MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee</u> Marco Mancillas	Mayor Leffingwell
<u>Parks and Recreation Board</u> Carol Lee Jerome Perales	Mayor Leffingwell Council Member Cole
<u>Public Safety Commission</u> Roy Butler	Mayor Leffingwell
<u>Resource Management Commission</u>	

Leo Dielmann	Council Member Cole
<u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u>	
James Dwyer	Mayor Pro Tem Martinez
<u>Solid Waste Advisory Commission</u>	
Bob Schafer	Council Member Cole
<u>Sustainable Food Policy Board</u>	
Terri Buchanan	Council Member Spelman
<u>Urban Forestry Board</u>	
Jessica Wilson	Council Member Riley
<u>Urban Renewal Agency</u>	
Michael Clark-Madison	Mayor Leffingwell
<u>Waller Creek Citizen Advisory Committee</u>	
Jude Galligan	Council
Susan Harris	Council
<u>Water and Wastewater Commission</u>	
Aaron Googins	Council Member Spelman
<u>Waterfront Planning Advisory Board</u>	
Jim Knight	Mayor Leffingwell
waiving the residency requirement (Section 2-1-27, City Code)	
Robert Pilgrim	Council Member Spelman
Daniel Woodroffe	Council Member Cole
<u>Zoning and Platting Commission</u>	
Gregory Bourgeois	Council Member Riley

Council Subcommittees and Other Intergovernmental Bodies

Approve a resolution appointing members to Council subcommittees and other intergovernmental bodies. **Resolution No. 20090806-030 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

31. Approve a resolution amending Resolution No. 20090723-096 related to appointments to Council committees, boards and other intergovernmental bodies. (Mayor Lee Leffingwell Council Member Laura Morrison)
Resolution No. 20090806-031 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
32. Approve an ordinance amending City Code Section 2-3-9 Relating to the Council Audit and Finance Committee and Section 2-10-5 relating to the Judicial Committee. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
Ordinance No. 20090806-032 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Item 33 was pulled for discussion.

34. Approve a resolution directing the city manager to allocate city resources, including staff, to centralize city programs and activities related to supporting Austin music. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Randi Shade)
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
35. Approve a resolution directing the City Manager to evaluate measures to use landscaped parking lot medians for water conservation and water quality treatment and report to the Environmental Board and Council in 90 days. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Chris Riley)
Resolution No. 20090806-035 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Item 36 was pulled for discussion.

37. Approve a resolution directing the city manager to review and amend contracting policies, economic development programs, and review personnel policies related to non-discrimination for lesbian, gay, bisexual or transgender individuals. (Council Member Laura Morrison Council Member William Spelman)
Resolution No. 20090806-037 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
38. Set a Public Hearing to receive public comment on the City of Austin 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).
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 Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
39. Set a Public Hearing to receive public comment on the City of Austin Fiscal Year 2009-2010 Proposed Budget. (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 Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
40. Set a Public Hearing to consider an ordinance regarding a proposal from Atmos Energy Corporation to increase customer gas rates. (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 Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
41. Set a Public Hearing to receive public comment on an amendment to the Electric Rate Schedule in Exhibit A of Ordinance No. 20080908-006 amending the Batch-6 Green Power Charge to the GreenChoice(r) Energy Rider. (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 Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

42. Set a Public Hearing to receive public comment on the addition of a Transmission Service Adjustment Rider to the Electric Rate Schedule of Austin Energy as part of the Fiscal Year 2009-2010 Proposed Budget. (Suggested date and time: August 20, 2009, 6:00 PM 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 Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

43. Set a Public Hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2009-2010 Proposed Budget. (Suggested date and time: August 27, 2009, 6:00 pm at Austin City Hall, 301 W. Second Street, Austin, TX).

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 Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Items 44 and 45 were Executive Session items.

Items 46 and 47 were briefing items set for 2:00 p.m.

Items 48 through 66 were zoning items set for 4:00 p.m.

Items 67 through 69 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

33. Approve an ordinance authorizing the incorporation of the Pecan Street Project. (Council Member Randi Shade Mayor Lee Leffingwell Council Member Laura Morrison)

Ordinance No. 20090806-033 was approved on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

23. Authorize award and execution of an Interlocal Agreement with the Texas Department of State Health Services for anti-viral medication for the Health and Human Services Department in an estimated amount not to exceed \$11,693. Funding is available in the approved Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Public Health and Emergency Preparedness grant. The grant period is August 1, 2009 through July 31, 2010.

The motion authorizing the award and execution of an interlocal agreement with the Texas Department of State Health Services was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

9. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Public Safety (Texas DPS) for the improvement and leasing of an existing Texas DPS building to house the Austin Regional Intelligence Center, in an amount not to exceed \$200,000, including an annual lease with ten one-year automatic extensions. Funding is available in the Management Services, Office of Emergency Management Urban Area Security Initiative Grant Fund. Recommended by the Urban Area Working Group.

A motion was made by Council Member Morrison to authorize the negotiation and execution of an interlocal agreement with the Texas Department of Public Safety (Texas DPS). Council Member Morrison withdrew the motion.

A motion to postpone this item was made by Council Member Morrison and seconded by Council Member Spelman.

A substitute motion authorizing the negotiation and execution of an interlocal agreement with the Texas Department of Public Safety (Texas DPS) was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to bring the written agreement concerning operation of the facility to Council for approval prior to the opening of the facility.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:31 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Item 44 was discussed later in Executive Session.

45. Discuss legal issues related to requirements to adopt budget and set tax rate. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:02 p.m.

CITIZEN COMMUNICATION: GENERAL

Pat Smith - Open Maufrais Lane for the safety and public health of the children attending our Dove Spring child care located by the unnecessarily barricaded Maufrais Lane/Button Bend intersection

Gus Peña - To discuss the City budget and its implications on US residents 2. Please continue to support and appreciate our military veterans and their service to our country 3. Please advocate and support true affordable housing initiatives 4. Please continue to improve social services and social fabric initiatives

Linda Greene - Fluoride in our water: How to save more than a million a year!

Paul Norris - Energy Conservation Audit and Disclosure (ECAD) ordinance limitations

Rae Nadler-Olenick - Water fluoridation

Debbie Russell and Brandy Clark- Eco. Change, exchange

Wanda Thompson - Budget-Fire control

CarolAnneRose Kennedy - Bye Bye Uncle Sam. All you have to do is change your W-4 form in 2010 January 10th and put the saving under the mattress until January 10 and December 20th 2010. She was not present when her name was called.

Louis Kokernak - Billboards

Ronnie Gjemre - Peace and Freedom

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:38 p.m.

EXECUTIVE SESSION CONTINUED

44. Discuss legal issues related to council's authority to establish council's meeting procedures. (Private Consultation with Attorney - Section 551.071).

Executive Session ended at 1:44 p.m.

Mayor Leffingwell called the Council Meeting back to order at 2:04 p.m.

BRIEFINGS

46. Presentation by ETC Institute on the results of the 2009 City of Austin Citizen Survey
The presentation was made by Ed Van Eenoo, Budget Officer, and Chris Tatham, ETC Institute. Direction was given to the ETC Institute to provide Council with data comparing this year's results to past performance to determine if the City has improved or become more deficient in certain areas.
47. Presentation by Wallace, Roberts, & Todd, LLC regarding the Comprehensive Plan Advisory Committee
The presentation was made by Garner Stoll, Assistant Director of Neighborhood Planning and Zoning Department, and John Fernsler, Wallace, Roberts & Todd. Direction was given to staff to post a summary of the expected role and time commitment of the applicants on the web.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:13 p.m. See separate minutes.

Mayor Leffingwell adjourned the Board of Directors' Meeting of the Austin Housing Finance Corporation and called the Board of Directors' Meeting of the Tax Increment Financing (TIF) Board #16 to order at 3:41 p.m. See separate minutes.

Mayor Leffingwell adjourned the Board of Directors' Meeting of the Tax Increment Financing (TIF) Board #16 and called the Board of Directors' Meeting of the Mueller Local Government Corporation to order at 3:42 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:45 p.m.

DISCUSSION ITEMS CONTINUED

11. Approve an ordinance adopting the final project plan and financing plan for the Mueller Redevelopment Project Tax Increment Financing Reinvestment Zone Number Sixteen.
Ordinance No. 20090806-011 was approved on Council Member Spellman's motion, Council Member Riley's second on a 6-0 vote. Council Member Cole was off the dais.

Mayor Leffingwell recessed the Council Meeting at 3:46 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:02 p.m.

ZONING CONSENT ITEMS

The following zoning item was acted on by one motion. No separate action occurred on the item.

48. C14H-2008-0037 - Texaco Depot - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1300-1302 East 4th Street (Town Lake Watershed) from transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to transit-oriented development-historic landmark-neighborhood plan (TOD-H-NP) combining district zoning. First reading approved on April 30, 2009. Vote: 7-0. Applicant and Agent: Lorelei Brown. City Staff: Steve Sadowsky, 974-6454.
- Ordinance No. 20090806-048 for transit-oriented development-historic landmark-neighborhood plan (TOD-H-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

ZONING CONSENT ITEMS

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

49. C14-2008-0155 - Home-Dental Office for John C. Besperka, D.D.S. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13985 FM 12769 Road (Lake Travis Watershed) from development reserve (DR) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant and Agent: John C. Besperka. City Staff: Sherri Sirwaitis, 974-3057.
- The public hearing was closed and the first reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
50. NPA-2008-0015.03 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Ordinance No.021107-Z11, the East MLK 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 mixed use designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). Staff Recommendation: To approve civic use designation. Planning Commission Recommendation: To approve civic use designation. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.
- The public hearing was closed and the first reading of the ordinance to change the land use designation on the Future Land Use Map (FLUM) to civic use designation was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
51. C14-2008-0174 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.
- The public hearing was closed and first reading of the ordinance for public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

52. 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 20, 2009 at the applicant's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
53. 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-conditional overlay (SF-6-CO) combining 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 20, 2009 at the applicant's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
57. C14-2009-0049 - Sigma Alpha Mu - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501 Leon Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alumni Association of Sigma Theta Chapter of Sigma Alpha Mu, Inc. (Michael L. Kottwitz). Agent: Greenblum & Associates (Bradley Greenblum). City Staff: Clark Patterson, 974-7691.
The public hearing was closed and Ordinance No. 20090806-057 for multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
58. C14-2009-0058 - Randolph Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901 Big Horn Drive (Shoal Creek Watershed) from Lake Austin residence (LA) district zoning to single-family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Planning Commission Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Applicant: TAG 04 Investments, L.P. (Gary Randolph). Agent: Land Answers (Jim Witliff). City Staff: Clark Patterson, 974-7691.
The public hearing was closed and Ordinance No. 20090806-058 for single-family residence-standard lot (SF-2) district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
59. 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 limited

office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. 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 20, 2009 at the applicant's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

60. C14-2009-0061 - Smart Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3404 South FM 973 Road (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning with conditions. Applicant: Travis County Facilities Management Department (Roger Elkhoury). Agent: Travis County (Gabriel Stock). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20090806-060 for public (P) district zoning with a condition was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. The condition was dedication of right-of-way on FM 973.

62. C14H-2009-0006 - Walter E. and Janet Long House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1 Green Lanes (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

This item was postponed on consent to August 20, 2009 at the applicant's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

63. C14H-2009-0011 - St. David's Rectory - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1603 Pearl Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Valerie Wickland. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090806-063 for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

64. C14H-2009-0013 - Kappa Kappa Gamma House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2001 University Avenue (Waller Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate high density-historic

landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Applicant and Agent: Kappa Kappa Gamma House Association. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090806-064 for multi-family residence-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

65. C14H-2009-0017 - Murray-Hatfield House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 408 W. 32nd Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on August 25, 2009. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-640

This item was postponed on consent to September 24, 2009 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

66. C14H-2009-0019 - Mount Calvary Missionary Baptist Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2111 S.L. Davis Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Mount Calvary Missionary Baptist Church. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20090806-066 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

54. 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.

The public hearing was closed and Ordinance No. 20090806-054 to change the land use designation on the Future Land Use Map (FLUM) to mixed use on Tract 105 and a portion of Tract 106 (1101 Clermont Avenue) was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

55. 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.

The public hearing was closed and Ordinance No. 20090806-055 for vertical mixed use (VMU) zoning with dimensional standards and additional uses in office districts for Tracts 100-106 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

61. C14-2009-0063 - Patton Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 822 and 824 Patton Avenue (Carson Creek Watershed) from multi-family residence-low density (MF-2) district zoning and multi-family residence-medium density (MF-3) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant and Agent: James P. and Paula Sullivan. City Staff: Wendy Rhoades, 974-7719.

The public hearing was left open and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote. The prohibited use was cocktail lounge. The condition of 2,000 trips per day limitation was added.

Mayor Leffingwell recessed the Council Meeting at 5:27 p.m.

LIVE MUSIC

Fire Ants

PROCLAMATIONS

Presentation to APD -- Patriot Award -- to be accepted by Police Chief Art Acevedo

Proclamation -- Vision is for Learning Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Mark Wilson

Certificate of Appreciation -- AMLI -- to be presented by Mayor Lee Leffingwell and to be accepted by an AMLI representative

Proclamation -- Austin is a Preserve America Community -- to be presented by Mayor Lee Leffingwell and to be accepted by Sue Soy

Proclamation -- Mission Funeral Home 50th Anniversary -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Carlos Villasenor

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

PUBLIC HEARING AND POSSIBLE ACTION

69. Conduct a public hearing and 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. The public hearing was closed and the waiver was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
68. Conduct a public hearing and consider an ordinance amending City Code Chapter 11-1, Chapter 25-1, Chapter 25-2, and Chapter 25-11 relating to historic landmark tax exemptions, zoning, and enforcement. Recommended by Zoning and Platting Commission and Planning Commission. There was a main motion made by Council Member Morrison and seconded by Council Member Riley to close the public hearing and approve the ordinance with amendments. The amendments made by Council Member Morrison were as follows:

Section 25-2-356 is amended to add a new Subsection (C) to read:

"(C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens."

Section 25-2-353 is amended to add a new Subsection (B) to read:

"(B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application."

A friendly amendment was requested by Council Member Shade to amend Subsection 25-2-242(5) as follows "(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. City-owned property shall count towards the support for the nomination of the district if it contains a building or structure which has been zoned historic or was integral to the historical development of the district, based upon the recommendations of the Historic Preservation Office and the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district." The amendment was not accepted by the maker of the main motion as a friendly amendment.

There was a motion to amend that was made by Council Member Shade and seconded by Council Member Cole to approve the following amendment that failed on a vote of 3-4. Those voting aye were: Council Members Cole, Shade and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Morrison and Riley. The amendment from

Council Member Shade was to have Subsection 25-2-242(5) read, “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. City-owned property shall count towards the support for the nomination of the district if it contains a building or structure which has been zoned historic, or was integral to the historical development of the district, based upon the recommendations of the Historic Preservation Office and the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.”

There was a motion to amend that was made by Council member Shade’s motion and seconded by Council Member Spelman to approve the following amendment that passed on a 5-2 vote. Those voting aye were: Mayor Leffingwell and Council Members Cole, Riley, Shade, and Spelman. Those voting nay were: Mayor Pro Tem Martinez and Council Member Morrison. The amendment was to have Subsection 25-2-242(5) read, “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. Property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.”

The public hearing was closed and Ordinance No. 20090806-068 was approved with the following amendments on Council Member Morrison’s motion, Council Member Riley’s second on a 7-0 vote.

The amendments from Council Member Morrison were:

Section 25-2-356 is amended to add a new Subsection (C) to read:

“(C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens.”

Section 25-2-353 is amended to add a new Subsection (B) to read:

“(B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application.”

The amendment from Council Member Shade was:

Subsection 25-2-242(5) reads, “(5) for a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district. Property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.”

67. Conduct a Public Hearing to receive public comment on the Fiscal Year 2009-2010 Proposed Budget. The public hearing was conducted but held open on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.

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

DISCUSSION ITEMS CONTINUED

36. Approve a resolution directing the Citizen's Water Conservation Implementation Task Force to consider additional water conservation measures and present recommendations to City Council by January 1, 2010. (Council Member Chris Riley Mayor Lee Leffingwell Council Member Laura Morrison)
Resolution No. 20090806-036 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez's second on a 7-0 vote. A friendly amendment was made by Mayor Pro Tem Martinez that if the final analysis shows an impact to the budget requiring the City to hire FTEs to implement the policy, it would come back to Council prior to any action being taken. The friendly amendment was accepted by the maker of the motion.

5. Authorize negotiation and execution of a Construction Manager at Risk (CM@R) contract with MWH CONSTRUCTORS, INC., Broomfield, CO, for preconstruction phase services including reimbursable expenses for an amount not-to-exceed \$5,385,000, which equals 1.5% of the Construction Cost Limitation for construction of a new water treatment plant facility (Water Treatment Plant 4). Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best value of six (6) offers received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority and Women Owned Business Enterprise Procurement Program) by meeting the goals with 21.39% MBE and 5.17% WBE subcontractor participation (Pre-construction and general conditions phase). Recommended by the Water and Wastewater Commission. Related to Item #6.
Items 5 and 6 were acted upon in a combined motion. See item 6 below.

A friendly amendment to postpone item 5 to August 20, 2009 was made by Council Member Spelman. The friendly amendment was not accepted by the maker of the motion.

A substitute motion to postpone item 5 to August 20, 2009 was made by Council Member Spelman, seconded by Council Member Morrison, it failed on a 3-4 vote. Those voting aye were: Council Members Morrison, Riley, and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade.

6. Authorize execution of a construction contract with CENTRAL ROAD AND UTILITY, LTD., (MBE 67.60%), Austin, TX, for Bullick Hollow Roadway Improvements related to Water Treatment Plant 4 (WTP 4) in the amount of \$855,041.37 plus a \$42,752.07 contingency, for a total contract amount not to exceed \$897,793.44. Funding in the amount of \$897,793.44 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.18% MBE and 5.27% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. Related to Item #5.

The motion authorizing the negotiation and execution of a Construction Manager at Risk contract with MWH Constructors, Inc. (#5) and the execution of a construction contract with Central Road and Utility, LTD. (#6) was approved on Mayor Pro Tem Martinez' motion and Council Member Cole's second on a 6-1 vote. Council Member Morrison voted nay.

ZONING DISCUSSION ITEM CONTINUED

56. 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.
- The public hearing was closed and Ordinance No. 20090806-056 for an amendment to the Comanche Canyon Ranch ETJ Planned Unit Development per the Zoning and Platting Commission recommendation was approved on consent on Council Member Cole's motion, Mayor Leffingwell's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 12:13 a.m. without objection.

The minutes for the regular meeting of August 6, 2009 were approved on this the 27th day of August 2009 on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote.