

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 20, 2009**

Invocation: Rev. Donald Gelles, Hyde Park Church of Christ

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 20, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

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

Item 1 was pulled for discussion.

2. Approve an ordinance authorizing the application for and acceptance of State and Tribal Assistance Grant funds in the amounts of \$286,000 (Phase I) and \$291,000 (Phase II) from the United States Environmental Protection Agency (EPA); and amending the Fiscal Year 2008-2009 Austin Water Utility Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$577,000 for activities associated with the mitigation of Sanitary Sewer Overflows. Funding is available from the United States EPA. A 45% local match requirement of \$260,000 will be provided through authorized expenditures associated with the corrective actions of Sanitary Sewer Overflows. Grant funding along with the matching funds are used to rehabilitate deteriorated facilities and all contracts are processed by the Contract & Land Management Department through competitive bidding. Recommended by Water & Wastewater Commission.

Ordinance No. 20090820-002 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

3. Approve negotiation of a lease with ABIA Retail Development Venture, L.L.C., Austin, Texas for a tract of approximately 13 acres of land at Austin-Bergstrom International Airport to develop for commercial retail uses. A lease, if agreed to, will be a revenue generating contract. Recommended by the Austin Airport Advisory Commission.

The motion to approve the negotiation of a lease with ABIA Retail Development Venture, L.L.C. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

4. Authorize the negotiation and execution of two Interlocal Agreements between the City and the Capital Area Council of Governments (CAPCOG) related to the City's participation in the enhanced 9-1-1 emergency telephone system as follows: CAPCOG reimbursement in an amount not less than \$458,523 to the City for maintenance of the 9-1-1 database on a county-wide basis for a 12-month term with one renewal option for 12-months in an amount not less than \$440,523, for a total contract amount of

\$899,046; and, CAPCOG reimbursement in an amount not less than \$7,000 to the City to maintain the CAPCOG Public Service Answering Points (PSAP), upgrade equipment, and train personnel to participate in the enhanced 9-1-1 emergency telephone system in the ten-county CAPCOG region, with one renewal option for 12 months in an amount not less than \$7,000, for a total contract amount not less than \$14,000. Reimbursements from CAPCOG in the amount of \$899,046 for the enhanced 9-1-1 emergency telephone system and \$14,000 for maintenance of the CAPCOG PSAP are anticipated in Fiscal Years 2009-2011.

The motion authorizing the negotiation and execution of two interlocal agreements between the City and the Capital Area Council of Governments (CAPCOG) was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

5. Authorize execution of a construction contract with PIKE ELECTRIC, INC, Mount Airy, NC, for the Control Building Installation at Austin Energy's Koenig Lane Substation, in an amount not to exceed \$107,886.50. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Lowest bid of four (4) 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. Recommended by the Electric Utility Commission.
The motion authorizing the execution of a construction contract with Pike Electric, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
6. 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 withdrawn on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
7. Authorize execution of Change Order #8 to the construction contract with LAUGHLIN-THYSSEN, INC, Houston, TX, for the ACWP Govalle 1 - South 2nd Street Wastewater Improvements Project in the amount of \$844,581.37, for a total contract amount not to exceed \$10,599,869.57. 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 13.48% MBE and 7.32% 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 eight to the construction contract with Laughlin-Thyssen, Inc was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
8. Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, L.P., Houston, TX, for the Elroy Transmission Main project in the amount of \$2,166,285 plus a \$108,715 contingency, for a total contract amount not to exceed \$2,275,000. 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 8.00% MBE and 18.04% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with BRH-Garver Construction, L.P. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

9. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC., Houston, TX, for the WRI Central Phase 3A Red River to UT Reclaimed Transmission Main in the amount of \$7,498,841.45 plus a \$525,158.55 contingency, for a total contract amount not to exceed \$8,024,000. Funding 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) by meeting the goals with 9.08% MBE and 47.80% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

10. Authorize execution of a construction contract with MAC, INC, Austin, TX, for the Solid Waste Services Vehicle & Equipment Truck Scale Station in the amount of \$136,460. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. Lower of two (2) 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 6.59% MBE and 0.49% WBE participation. Recommended by the Solid Waste Advisory Commission.

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

11. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX, for design, bid, and construction phase services for the East Bouldin-Euclid-Wilson Storm Drain Improvements project, in an amount not to exceed \$900,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection Department. 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 16.00% MBE and 17.00% WBE subcontractor participation.

The motion authorizing the negotiation and execution of a professional services agreement with Lockwood, Andrews & Newnam, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

12. 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 15.8% MBE and 15.8% WBE subcontractor participation.

The motion authorizing the negotiation and execution of a professional services agreement with Facility Engineering Associates, P.C. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

13. Authorize the execution of a co-sponsorship agreement between the City and the Capital of Texas Public Telecommunications Council, KLRU TV-18/Austin, to sponsor Austin City Limits concert series, from

October 1, 2008 to September 31, 2011, in an amount not to exceed \$225,000 annually, for a total contract amount not to exceed \$675,000. Future years funding is contingent upon future year's budgets.

The motion authorizing the execution of a co-sponsorship agreement between the City and the Capital of Texas Public Telecommunications Council, KLRU TV-18/Austin was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

14. Approve an ordinance accepting \$15,908 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 Ordinance No. 20080908-002 to appropriate \$15,908 for the Ryan White Part C HIV Early Intervention Services Grant Program. Funding is available from the Department of Health and Human Services Health Resources and Services Administration. The grant period is from January 1, 2009 through December 31, 2009. No City match is required.

Ordinance No. 20090820-014 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation for construction of sidewalk improvements along Plains Trail from South Meadows Drive to Kramer Lane as approved through the 2007 Safe Routes to School Program; approve an ordinance amending the Fiscal Year 2008-2009 Public Works Department Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$557,800 in grants funds and amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$557,800 from the Public Works Department Special Revenue Fund; and authorize acceptance of a Safe Routes to School Program Grant in the amount of \$557,800. The total grant amount of \$557,800 will be provided by the Texas Department of Transportation. This grant does not require any local match. **The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation, acceptance of a safe routes to school program grant, and Ordinance No. 20090820-016 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

17. Authorize award and execution of a 24-month requirements supply contract with ACT PIPE & SUPPLY, Pflugerville, TX for the purchase of cast iron manhole covers and rings for Austin Energy in an estimated amount not to exceed \$145,898, with two 12-month extension options in an estimated amount not to exceed \$72,949 per extension option, for a total estimated contract amount not to exceed \$291,796. Funding in the amount of \$6,079 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 23 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 the Electric Utility Commission.

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

18. Authorize award, negotiation, and execution of a contract with ALLTECH ENGINEERING CORPORATION, Mendota Heights, MN for the restoration, reconditioning, and installation of a spare gate for the Longhorn Dam in an amount not to exceed \$386,363. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Best evaluated proposal of three 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) through the achievements of Good Faith Efforts with 6.73% MBE and 22.00% WBE subcontractor participation. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a contract with Alltech Engineering Corporation was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

19. Authorize award and execution of two contracts with: GRANDE TRUCK CENTER, San Antonio, TX for the purchase of four 36-foot truck-mounted aerial devices in an amount not to exceed \$369,968, and LONGHORN INTERNATIONAL TRUCKS, LTD, Austin, TX for the purchase of one 40-foot truck-mounted overcenter aerial device and one 55-foot truck-mounted overcenter aerial device in an amount not to exceed \$345,469. Funding in the amount of \$715,437 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Lowest bids of four bids received. These contracts 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 with Grande Truck Center and Longhorn International Trucks, LTD was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
20. Authorize award and execution of Amendment No. 2 to a contract with HPI, LLC, Houston, TX to increase the contract amount for the upgrade of the gas turbine controls at Decker Creek Power Station in an amount not to exceed \$156,000, for a revised total estimated contract amount not to exceed \$1,933,269. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of amendment number two to a contract with HPI, LLC was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
21. Authorize award and execution of a 12-month requirements supply contract with POWER SUPPLY, Austin, TX for 3-phase distribution reclosers for Austin Energy in an estimated amount not to exceed \$188,250, with three 12-month extension options in an estimated amount not to exceed \$188,250 per extension option, for a total estimated contract amount not to exceed \$753,000. Funding in the amount of \$188,250 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Energy Department. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid 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 a requirements supply contract with Power Supply was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
22. Authorize award and execution of a contract with SKANETZKY ENGINEERING LLC, Austin, TX to supply 420 solar photovoltaic modules in an amount not to exceed \$249,900. Funding in the amount of \$8,344 is available in the Fiscal Year 2008-2009 Operating Budget for Austin Energy. Funding in the amount of \$241,556 is available in the Fiscal Year 2008-2009 Capital Budget for Austin Energy. Lowest bid of four 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 contract with Skanetzky Engineering LLC was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

23. Authorize award and execution of a 12-month requirements service contract with TECHLINE, INC., Austin, TX for rebuilding network protectors in Austin Energy's downtown electrical network in an estimated amount not to exceed \$872,364, with three 12-month extension options in an estimated amount not to exceed \$872,364 per extension option, for a total estimated contract amount not to exceed \$3,489,456. Funding in the amount of \$72,697 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification 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. Recommended by the Electric Utility Commission.
- The motion authorizing the award and execution of a requirements service contract with Techline, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
24. Authorize award, negotiation, and execution of a 12-month requirements supply contract with ZONAR SYSTEMS INC., Seattle, WA, for the purchase of truck-mounted hardware and access to a web based electronic vehicle maintenance inspection reporting system for Austin Energy, in an estimated amount not to exceed \$83,483, with four 12-month extension options for access to the web based system in an estimated amount not to exceed \$25,000 per extension option, for a total estimated contract amount not to exceed \$183,483. Funding in the amount for \$83,483 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the extension options is contingent upon approval of 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, negotiation and execution of a requirements supply contract with Zonar Systems Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
25. Authorize award and execution of a requirements service contract with ASHBROOK SIMON-HARTLEY OPERATIONS, LP, Houston, TX for the repair of two belt presses for the Austin Water Utility in a total estimated amount not to exceed \$495,903. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Lowest bid of two 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 Ashbrook Simon-Hartley Operations, LP was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
26. Approve ratification of a contract with BENITEZ CONSTRUCTION INC. (MBE/MH), Manor, TX for the emergency repair of a 54-inch water transmission main for the Austin Water Utility for a total contract in an amount not to exceed \$61,256. Funding is available in the Fiscal Year 2008-2009 Operating Budget

of the Austin Water Utility. Emergency Purchase. 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 contract. Recommended by the Water and Wastewater Commission.

The motion to ratify a contract with Benitez Construction Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

27. Authorize award and execution of a 24-month requirements supply contract with FJ TURNER COMPANY, Raleigh, NC, for manhole extension rings in an estimated amount not to exceed \$227,500, with two 12-month extension options in an amount not to exceed \$113,750 per extension option, for a total estimated contract amount not to exceed \$455,000. Funding in the amount of \$9,479 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 23 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 the Water and Wastewater Commission.

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

28. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with JOHNSON CONTROLS, INC., Austin, TX, for the purchase and installation of a boiler for the Austin Water Utility in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2008-2009 Operating 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. However, the contractor has agreed to subcontract with Mechanical & Process Systems (MBE) - \$75,000. Recommended by Water and Wastewater Commission.

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

29. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with JOHNSON CONTROLS, INC., Austin, TX, for the purchase and installation of a chiller for the Austin Water Utility in an amount not to exceed \$70,950. Funding is available in the Fiscal Year 2008-2009 Operating 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. However, the contractor has agreed to subcontract with the following companies: Mechanical and Process Systems (MBE)-\$5,000; J S Electric, Inc. (WBE)-\$1,900. 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 Johnson Controls, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

30. Authorize award and execution of a 24-month requirements supply contract with KINLOCH EQUIPMENT AND SUPPLY, INC., Arlington, TX for hi-pressure hoses and couplings in an estimated amount not to exceed \$114,376, with two 12-month extension options in an estimated amount not to exceed \$57,188 per extension option, for a total estimated contract amount not to exceed \$228,752.

Funding in the amount of \$4,766 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 23 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five 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 Wastewater Commission.

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

31. Authorize award and execution of a contract with PIATRA, INC., Austin, TX, in an amount not to exceed \$253,393.50 for the purchase and installation of fencing within the Balcones Canyonlands Preserve for the Austin Water Utility. Funding is available in the Fiscal Year 2008-2009 Wildland Conservation Fund of the Austin Water Utility. Lowest 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. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of a contract with Piatra, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
32. Authorize award and execution of a contract with SIEMENS WATER TECHNOLOGIES, Vineland, NJ, for the purchase of three sodium hypochlorite generation systems for the Austin Water Utility in an amount of \$243,509. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. 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 contract with Siemens Water Technologies was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
33. Authorize award and execution of four contracts through the Houston-Galveston Area Council of Governments (HGAC) with: B&C BODY COMPANY., Irving, TX for the purchase of three hydraulic pusher trailers in an amount not to exceed \$207,081; COOPER EQUIPMENT COMPANY, San Antonio, TX for the purchase of one self-propelled paver and three street sweepers in an amount not to exceed \$778,493; SANTEX TRUCK CENTERS LTD., San Antonio, TX for the purchase of nine dump trucks, 10 truck tractors, one truck-mounted knuckleboom loader, two service trucks, three water service trucks, and three underground line body trucks in an amount not to exceed \$2,788,238; and VOLVO CONSTRUCTION EQUIPMENT SERVICES Houston, TX for the purchase of one trailer-mounted generator in an amount not to exceed \$88,206. Funding in the amount of \$398,118 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$1,031,086 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$941,182 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$1,011,445 is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$480,187 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review 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. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of four contracts through the Houston-Galveston Area Council of Governments (HGAC) with B&C Body Company; Cooper Equipment Company; Santex Truck Centers LTD.; and Volvo Construction Equipment Services was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

34. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, INC., Edgewater, FL, for the purchase of a fire/rescue boat in an amount not to exceed \$125,988. Funding is available in the Fiscal Year 2008-2009 Vehicle Acquisition 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 and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Brunswick Commercial & Government Products, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

35. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 32 medium-duty and four light-duty vehicles in an amount not to exceed \$2,005,218. Funding in the amount of \$135,544 is available in the Fiscal Year 2008-2009 Vehicle Acquisition Fund. Funding in the amount of \$57,690 is available in the Fiscal Year 2008-2009 Operating Budget of the Building Services Division of the Financial and Administrative Services Department. Funding in the amount of \$86,811 is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding in the amount of \$588,485 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$493,559 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$386,451.56 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$151,291 is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$105,386 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review 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. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, LTD. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

36. Authorize award and execution of six contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: RDO EQUIPMENT CO., Pflugerville, TX for the purchase of three articulated wheeled loaders, 10 tractor/loader/backhoes, two skid steer loaders, and two hydraulic excavators in an amount not to exceed \$1,899,996.76; VERMEER OF TEXAS, Round Rock, TX for the purchase of one tub grinder in an amount not to exceed \$626,650; TYMCO INTERNATIONAL, LTD, Waco, TX for the purchase of one street sweeper in an amount not to exceed \$79,397.50; COOPER EQUIPMENT CO., San Antonio, TX for the purchase of three low bed equipment trailers and one motor grader in an amount not to exceed \$351,116.90; KINLOCH EQUIPMENT & SUPPLY, INC., Arlington, TX for the purchase of two street sweepers in an amount not to exceed \$324,660; and HOLT CAT, Austin, TX for the purchase of one articulated wheeled loader in an amount not to exceed \$300,010. Funding in the amount of \$79,397.50 is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding in the amount of \$72,081 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$1,144,916 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$29,250 is available in the Fiscal

Year 2008-2009 Vehicle Acquisition Fund. Funding in the amount of \$858,674.90 is available in the Fiscal Year 2008-2009 Capital Budget of the Street & Bridge Division of the Public Works Department. Funding in the amount of \$926,660 is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$470,851.76 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection & Development Review 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. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of six contracts through the Texas Government Purchasing Cooperative (BuyBoard) with RDO Equipment Co.; Vermeer of Texas; Tymco International, LTD; Cooper Equipment Co.; Kinloch Equipment & Supply, Inc.; and Holt Cat was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

37. Authorize award and execution of a 36-month requirements supply contract with WEBBERVILLE PROPANE, INC., Manor, TX to provide liquid petroleum gas (LPG/propane) motor fuel in an estimated amount not to exceed \$2,317,000, with three 12-month extension options in estimated amounts not to exceed \$931,700 for the first extension option, \$1,024,870 for second extension option, and \$1,127,357 for the third extension option, for a total estimated contract amount not to exceed \$5,400,927. Funding in the amount of \$58,333 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 35 months of the original contract period and extension options is contingent upon available funding in future budgets Best evaluated 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 Webberville Propane, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

38. Authorize award and execution of a 16-month requirements supply contract through the U.S. Communities Government Purchasing Alliance with THE HOME DEPOT U.S.A., Atlanta GA, to purchase building supplies and small tools in an estimated amount not to exceed \$933,328, with three 12-month extension options in an estimated amount not exceed \$700,000 per extension option, for a total estimated contract amount not to exceed \$3,033,328. Funding in the amount of \$58,333 is available in the 2008-2009 Operating Budget of various City departments. Funding for the remaining 15 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 2-9D 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. Recommended by the Water and Wastewater Commission. **The motion authorizing the award and execution of a requirements supply contract through the U.S. Communities Government Purchasing Alliance with The Home Depot U.S.A. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

39. Authorize the City Manager to submit an application for the Transportation Investment Generating Economic Recovery (TIGER) Grant Program to the United States Department of Transportation (USDOT) for competitive funding for transportation projects. If approved, the total grant amount being requested will be provided by the United States Department of Transportation (USDOT). Criteria for developing projects were presented to the Comprehensive Planning and Transportation Committee

(CPTC), Council subcommittee, on Monday August 3, 2009. Reviewed by the Comprehensive Planning and Transportation Committee and the Urban Transportation Commission.

The motion authorizing the City Manager to submit an application for the Transportation Investment Generating Economic Recovery (TIGER) Grant Program to the United States Department of Transportation (USDOT) was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

40. 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 Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Board

Nominated By:

Arts Commission

Allen Chen

Hal Katz

Council Member Spelman

Council Member Cole

Asian American Resource Center Advisory Board

Cameron Graber

Veronica Lee

waiving the residency requirement (Section 2-1-27, City Code)

Mayor Leffingwell

Council Member Cole

Austin Mayor's Committee for People with Disabilities

Alyssa Eacono

Council Member Spelman

Building and Fire Code Board of Appeals

Frank Haught

Council Member Spelman

Community Development Commission

Mario Flores

Myron Smith (representative – South Austin Neighborhood)

Council Member Spelman

Council Member Cole

Construction Advisory Committee

Eddie Hurst, Jr.

waiving the residency requirement (Section 2-1-27, City Code)

Emily Timm

Council Member Spelman

Mayor Pro Tem Martinez

Downtown Commission

Paul Oveisi (representative – Austin Music Commission)

Council Member Spelman

Early Childhood Council

Sue Carpenter

Larry Elsner

Althea Huston

Rhonda Paver

Mayor Leffingwell

Mayor Leffingwell

Mayor Leffingwell

Mayor Leffingwell

Environmental Board

Robin Gary

Council Member Spelman

Human Rights Commission

Lisa Scheps

Council Member Riley

Impact Fee Advisory Board

Brian Rodgers

Council Member Riley

Mechanical, Plumbing & Solar Board

Paul Hovey

Council Member Spelman

Mexican American Cultural Center Advisory Board

Emilio Zamora

Council Member Spelman

Public Safety Commission

Moses Saldana, Sr.

Mayor Pro Tem Martinez

Residential Design and Compatibility Commission

Karen McGraw

Council Member Spelman

Resource Management Commission

Perla Cavazos

Mayor Pro Tem Martinez

Solid Waste Advisory Commission

Fayez Kazi

Council Member Spelman

Urban Forestry Board

Nevic Donnelly

Council Member Spelman

Urban Transportation Commission

Shelia Holbrook-White

Council Member Spelman

Zoning and Platting Commission

Teresa Rabago

41. Approve a resolution directing the City Manager to work with and provide resources for the Recycling Ordinance Reform Sub-committee of the Solid Waste Advisory Commission to assist the Sub-committee as it considers revisions to the commercial and multi-family recycling ordinance; and directing the City Manager and Sub-committee to report to City Council. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member William Spelman)
Resolution No. 20090820-041 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 42 and 43 were pulled for discussion.

44. Approve the waiver of certain fees under City Code Chapter 14-8 and authorize the reimbursement of certain costs for the City co-sponsored Austin Symphony Concert and Fireworks 2009 event by the Austin Symphony Orchestra which was held on July 4, 2009 at Auditorium Shores. (Mayor Lee Leffingwell Council Member Randi Shade)
The motion to approve the waiver of certain fees and authorizing the reimbursement of certain costs for the City co-sponsored Austin Symphony Concert and Fireworks 2009 event by the Austin Symphony Orchestra was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

45. Set Public Hearings for the full purpose annexation of the following annexation areas: (1) Ferguson Lane - Brown Lane Annexation Area (approximately 22 acres in eastern Travis County east of Brown Lane and west of Ferguson Lane approximately 875 feet north of the intersection of Ferguson Lane and Brown Lane); (2) Northwest Hills Ranch Annexation Area (approximately 20 acres in northern Travis County east of D K Ranch Road approximately 275 feet south of the intersection of D K Ranch Road and Texas Plume Road); (3) Reserve at Westhill Annexation Area (approximately 7 acres in northern Travis County at the northwest corner of the intersection of Yaupon Drive and Texas Plume Road); (4) Shaw Lane Quarry Annexation Area (Approximately 172 acres in eastern Travis County approximately 2,225 feet south of the intersection of McKinney Falls Parkway and Shaw Lane). (Suggested dates and times: September 24, 2009 at 6:00 p.m., and October 1, 2009 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearings were set for September 24, and October 1, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

46. Set a Public Hearing to receive public input on the proposed rate and fee changes for the Solid Waste Services Department 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 Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 47 was a briefing item set for 10:30 a.m.

Item 48 was an Executive Session item.

Item 49 was a briefing item set for 2:00 p.m.

Items 50 through 58 were zoning items set for 4:00 p.m.

Items 59 through 68 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

15. Approve a resolution to create a Comprehensive Plan Citizen's Advisory Task Force to assist in the Comprehensive Planning process. Recommended by Planning Commission.

There was a motion made by Council Member Morrison and seconded by Council Member Cole to approve the resolution with the following amendments from Council Member Morrison:

Section 2 a) of the resolution should read,

"consist of (i) 25 to 35 members who either live, own property, own a business, or work within the corporate limits of the City or its extraterritorial jurisdiction and

(ii) 10 liaisons who represent the various elements of the Comprehensive Plans from our city's boards and commissions to monitor and serve as resources for the Task Force, as delineated as follows: Planning Commission (2), Zoning and Platting (1), Urban Transportation Commission (1), Water/Waste Water Commission (1), Solid Waste Advisory Commission (1), Resource Management Commission (1), Environmental Board (1), Parks Board (1), and the Community Development commission (1)."

Section 4 of the resolution should read,

“No person who is registered or required to register as a lobbyist by Section 4-8-4 (Persons Required to Register) or is an employee of a person required to register may be appointed to or serve on the Task Force within three years of engaging in lobbying activity; however, this limitation does not apply to employees of a person that does not lobby on behalf of others for compensation or where in conflict with state statute or the City Charter.”

In reference to attendance the motion was to have it read,

“A member who misses three consecutive regular meetings or misses one-third of all regular meetings in a 12-month time period, except for health reasons as determined by the chair in both instances, shall be ineligible to continue serving and the member’s vacancy shall be filled by the planning commission. Attendance records shall be kept by the member of City staff assigned to provide support to the Task Force who shall report to the city council whenever the need for a new appointment occurs.”

There was a friendly amendment made by Council Member Cole to allow the Comprehensive Planning and Transportation Committee to determine the size of board. This was accepted by the maker. There was a friendly amendment to recommend and to expand the language in 2a)(ii) to not exclude other boards and commissions not listed in section 2a)(ii). Council Member Cole withdrew this friendly amendment.

A substitute motion to postpone this item to August 27, 2009 was made on Mayor Pro Tem Martinez’ motion, Council Member Shade’s second, on a 7-0 vote.

43. Approve a resolution directing the City Manager to process the necessary code amendments to clarify that a Neighborhood Planning Contact Team may be an interested party for purposes of administrative appeals. (Council Member Laura Morrison Council Member Chris Riley Council Member Randi Shade) Resolution No. 20090820-043 with the following amendment was approved on Council Member Morrison’s motion, Council Member Shade’s second on a 7-0 vote. The amendment was the second BE IT FURTHER RESOLVED should read “The City Manager is directed to process the code amendments as expeditiously as possible for council consideration.”

BRIEFING

47. Update on the City’s Drought Contingency Plan
Presentation was made by Greg Meszaros, Austin Water Utility Director.

DISCUSSION ITEMS CONTINUED

42. Approve a resolution directing the city manager to initiate changes to council meeting procedures, including any necessary code amendment. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
There was a motion to approve the resolution that was made by Mayor Pro Tem Martinez and seconded by Council Member Cole.

A friendly amendment was made by Council Member Morrison to have number six read “Modify participation requirements for general citizen’s communication to allow each person to speak once out of every three regularly scheduled council meetings.” This was accepted by the maker of the motion and Council Member Cole who seconded the motion.

A friendly amendment was made by Council Member Spelman to have number one read “Allow any consent item to be scheduled at a time certain at the request of two council members.” This was accepted by the maker of the motion and Council Member Cole who seconded the motion.

A friendly amendment was made by Council Member Spelman to have number four read, "Schedule action on consent zoning cases at 2 p.m., and public hearings and action on discussion zoning cases at 4 p.m." This was not accepted by the maker of the motion.

There was an amendment to have number four read, "Schedule action on consent zoning cases at 2 p.m., and public hearings and action on discussion zoning cases at 4 p.m." that was made by Council Member Spelman, seconded by Council Member Morrison. This was withdrawn by Council Member Spelman.

A friendly amendment was made by Council Member Morrison to have number four read, "Adjust scheduling of time certain zoning items, including zoning public hearings to 2:00 p.m., with the following procedural option: Any zoning item, including a consent item, may be postponed to a 4:00 p.m. time certain setting at the request of one council member." This was accepted by the maker of the motion and Council Member Cole who seconded the motion.

Resolution No. 20090820-042 with the above amendments was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Shade was off the dais. Direction was given to staff to recommend a way to allow people that have spoken within the last three council meetings to speak if there are open spots and to give advanced notice of the rescheduling for a time certain when it is known in advance.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:34 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.

48. Discuss legal issues related to Cause No. D-1-GN-07-001790; Archer-Western Contractors, Ltd., an Illinois Limited Partnership v. City of Austin, Texas; In the 201st Judicial District Court of Travis County, Texas (concerns Ulrich Water Treatment Plant). (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:20 p.m.

CITIZEN COMMUNICATION: GENERAL

Gus Peña - 1.To speak about the City Budget. Fully fund all youth and senior citizen programs and summer job programs for the youth 2.Please fully fund social service agencies. The need is great with this recession and downturn of the economy 3.Please support and appreciate our military veterans who are fighting for our safety and our freedom. Veterans need jobs, job training, PTSD treatment, mental health treatment, reentry counseling, affordable housing 4.Please continue to expand youth programs to keep our youth active, positive, productive and out of trouble.

Ronnie Gjemre - Peace and freedom

Paul Robbins - City issues

Robert G. MacDonald - Protection of Homeless. Power street light poles with new solar sails

Linda Greene - ADA and CDC say fluoride is bad for babies

Rae Nadler-Olenick - Water fluoridation

Robert L. Thomas - Unfair labor and industrial relations at the Rosewood Park and Recreation Center

Carol Torgrimson - City code as social contract

CarolAnneRose Kennedy - LUCILLE : HER STORY...? KENNY ROGERS! WHERE WERE YOU WHEN I NEEDED YOU!

Sylvia Orozco - To support staff positions at the Mexican American Cultural Center in the new education wing of the new building. Education programs are very much needed in the community. **She was not present when her name was called.**

DISCUSSION ITEM CONTINUED

1. Approve the Minutes of the Austin City Council August 5, 2009 Special Called and August 6, 2009 regular meetings.

This item was postponed to August 27, 2009 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Mayor Leffingwell recessed the Council Meeting at 12:55 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:32 p.m.

BRIEFING

49. Responsible Hospitality Institute presentation
The presentation was made by Josh Allen, Sixth Street Austin Association; Allison Harnden, Responsible Hospitality Institute; and Howard Lazarus, Director of Public Works Department.

ZONING CONSENT ITEMS

Item 50 was reconsidered later in the meeting.

51. C14-2009-0053 - Animal Trustee CC St. John's Avenue - Approve second/third readings of 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-conditional overlay (LR-CO) combining district zoning with conditions. First reading approved on July 23, 2009. Vote: 7-0. Applicant and Agent: Graves Dougherty Hearon and Moody (Michael Whellan). City Staff: Joi Harden, 974-2122.
Ordinance No. 20090820-051 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 5-0 vote. Council Members Cole and Spelman were off the dais. There was a written agreement between the applicant and City for dedication of right-of-way at a later time.

ZONING CONSENT ITEMS

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

52. C14-2009-0030 - Beal #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1503 West Avenue (Shoal Creek Watershed) from family residence-historic landmark (SF-3-H) combining district zoning to limited office-mixed use-historic landmark (LO-MU-H) combining district zoning. Staff Recommendation: To grant limited office-mixed use-historic landmark (LO-MU-H) combining district zoning. Planning Commission Recommendation: To deny limited office-mixed use-historic landmark (LO-MU-H). Applicant: D. Linette Beal-Stubbs. Agent: Bennett Consulting (Jim Bennett). Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to August 27, 2009 at the staff's request on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.
55. 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.
The public hearing was closed and the amendment to the restrictive covenant was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.
56. 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.
The public hearing was closed and Ordinance No. 20090820-056 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.
57. NPA-2009-0020.01 - SoFi Plaza - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050818-Z001, the South Congress 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 single family to commercial for the property located at 511 Normandy Street (Williamson Creek Watershed). Staff Recommendation: To deny commercial land use designation. Planning Commission Recommendation: To be reviewed on September 8, 2009. Applicant: Tanvir Siddiqui. City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to September 24, 2009 at the staff's request on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.
58. C14-2009-0028 - SoFi Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 511 Normandy Street (Williamson

Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on September 8, 2009. Applicant and Agent: Tanvir Siddiqui. City Staff: Stephen Rye, 974-7604.

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

RECONSIDERED

50. C14-2009-0044 - The Fault - Approve second/third readings of 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. First reading approved on July 23, 2009. Vote: 4-3 (Morrison, Riley and Shade voted Nay). Applicant: Anderson Retail, Ltd. (Jim Cotton). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20090820-050 for commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 5-0 vote. Council Members Cole and Spelman were off the dais.

A motion to reconsider item 50 was approved on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.

A motion to deny the zoning request was made by Council Member Riley, seconded by Council Member Morrison. This failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Riley. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole, Shade, and Spelman.

The second reading of the ordinance for commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district zoning was approved on consent on Mayor Pro Tem Martinez' 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.

ZONING DISCUSSION ITEMS

53. 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.

The public hearing was held open and this item was postponed to September 24, 2009 on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote with a request to the neighborhood and owners to have a conversation regarding developing a restrictive covenant.

54. 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.
The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 5:26 p.m.

LIVE MUSIC

nelo

PROCLAMATION

Certificates of Appreciation -- Employees who facilitated the Dollars & Sense Initiative -- to be presented by Mayor Lee Leffingwell and City Manager Marc Ott and to be accepted by the honorees

Mayor Leffingwell called the Council Meeting back to order at 6:13 p.m.

PUBLIC HEARING AND POSSIBLE ACTION

59. Conduct a Public Hearing authorizing the use of approximately 4,616 square feet permanent drainage easement and approximately 5,713 square feet 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 through dedicated parkland known as Parque Zaragoza Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. 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 closed and the motion authorizing the use of permanent drainage easement and temporary working space area was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 5-0 vote. Council Members Cole and Spelman were off the dais.
60. Conduct a Public Hearing and 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. Reviewed by the Environmental Board. Recommended by the Planning Commission.
The public hearing was closed and Ordinance No. 20090820-060 was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
61. Conduct a Public Hearing and consider an ordinance amending Chapter 25-9 of the Austin City Code relating to water and wastewater service extension requests. There is no unanticipated fiscal impact. Recommended by the Planning Commission. Recommended by the Water and Wastewater Commission.
The public hearing was closed and Ordinance No. 20090820-061 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

62. Conduct a public hearing and consider an ordinance amending the pricing of GreenChoice(r) Batch 6 in Schedule A of Ordinance No. 20080908-006. Recommended by the Electric Utility Commission.
The public hearing was closed and Ordinance No. 20090820-062 was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
63. Conduct a Public Hearing and consider an ordinance regarding a proposal from Atmos Energy Corporation, Mid-Tex Division to increase customer gas rates.
The public hearing was closed and Ordinance No. 20090820-063 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
65. Conduct 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. To be reviewed by the Electric Utility Commission on August 24, 2009.
This item was withdrawn without objection.
66. Conduct a Public Hearing on a proposed Strategic Partnership Agreement 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).
The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.
67. Conduct a Public Hearing to receive public comment on the City of Austin Fiscal Year 2009-2010 Proposed Budget.
The public hearing was recessed on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
68. Conduct a Public Hearing and approve a resolution reauthorizing the East Sixth Street Public Improvement District (PID) for a period of five years. Funding of PID Assessments not to exceed \$0.25 per \$100 evaluation, and the City of Austin annual contributions not to exceed \$43,500.
The public hearing was closed and Resolution No. 20090820-068 was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
64. Conduct a Public Hearing and consider an appeal by Elda Bruciaga of a decision to approve the renewal of an Outdoor Music Venue Permit for ATX Sports Bar located at 1504 East 6th Street.
There was a motion to close the public hearing, deny the appeal, renew the Outdoor Music Venue Permit with the following conditions that was made by Mayor Pro Tem Martinez and seconded by Council Member Morrison. The conditions are: a maximum of 12 outdoor music events per year with a minimum of a seven day notification to staff prior to the event. If staff is not notified of the event, the permit will be revoked for the remainder of the year. Staff was directed to consider if there was a way to post online when the live music events were going to be held. This motion was withdrawn by Mayor Pro Tem Martinez.

The motion to close the public hearing and postpone action to August 27, 2009 was approved on Mayor Pro Tem Martinez's motion, Council Member Riley's second on a 7-0 vote.

Council Member Spelman encouraged all concerned parties to meet and see what kind of common ground could be found on the number of events, the notice procedure, sound mitigation being provided by the operator (landscaping, buffering and building design), and limitation on the hours.

Mayor Leffingwell adjourned the meeting at 8:44 p.m. without objection.

The minutes for the regular meeting of August 20, 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.