

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 27, 2009**

Invocation: Rev. Adam Carrington, Grant AME Worship Center

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 27, 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.

Items 1 and 2 were pulled for discussion.

3. Approve an ordinance changing the name of Palmwood Way to February Drive. The application fee of \$415 does not apply, since this street name change is being initiated by a City department. The processing fee of \$214.65 for replacement of the street sign located at the corner of BERRYWOOD DR and PALMWOOD WAY will be funded by the Public Works Department. The funding in the amount of \$214.65 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. **Ordinance No. 20090827-003 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
4. Approve an ordinance authorizing the fee simple acquisition of Lot 5, Block 1, of Bergstrom Downs No. 1, locally known as 814 Patton Ave, from MARIA DOLORES VAZQUEZ MATA, formerly known as MARIA REYES, for the Airport Noise Mitigation Program, in the amount of \$135,000 for the land and improvements and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations in the amount of \$50,000, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$195,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants. **Ordinance No. 20090827-004 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
5. Authorize acquisition of the following property from Housing Authority of Austin for the Austin Clean Water Program: Govalle 1 - East of Lamar Wastewater Improvement Project in an amount not to exceed \$68,024: a 1,534 square-foot permanent wastewater line easement, a 4,244 square-foot permanent wastewater line easement, a 1,083 square-foot temporary working space easement, and a 24,089 square-foot temporary working space easement, out of Lots 1-2, Meadowbrook Subdivision, a subdivision in Travis County, Texas, and incorporated for all purposes (collectively called the "Property") located at

1201 W. Live Oak Street. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility.

The motion authorizing the acquisition of property from the Housing Authority of Austin was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

6. Approve an ordinance authorizing the fee simple acquisition of Lot 25, Richland Estates Section 1, a subdivision in Travis County, Texas, located at 1217 Harrison Lane, from ROBERT J. SAVICKI for the Richland Estates Voluntary Flood Buyout Program, and waiving certain requirements of Chapter 14-3 (Relocation Benefits) of the City Code to allow payment of relocation benefits in accordance with federal regulations in the amount of \$132,000 for the land and improvements, \$46,900 in owner assisted relocation benefits, and moving related expenses not to exceed \$10,000, for a total not to exceed \$188,900. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection Department.

Ordinance No. 20090827-006 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 7 and 8 were pulled for discussion.

9. Authorize the negotiation and execution of a one (1) year lease renewal with four (4) one (1) year extension options for 5,300 square feet of space for the First Workers Day Labor Center of the Health and Human Services Department, located at 4916 N. IH 35, from NAJIB WEHBE, Austin TX, in an amount not to exceed \$85,220.04 for the one (1) year lease renewal, \$88,184.04 for the first extension option, \$91,224.36 for the second extension option, \$94,343.28 for the third extension option, and \$97,543.20 for the fourth extension option, for a total amount not to exceed \$456,514.92. Funding in the amount of \$10,652.51 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. Funding for the remaining lease term period and extension options is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of a lease renewal from NAJIB WEHBE 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 RANGER EXCAVATING, L.P., Austin, TX, for FM 812 Landfill Final Closure and Erosion Control Improvements project in the amount of \$5,404,270 plus a \$270,213.50 contingency, for a total contract amount not to exceed \$5,674,483.50. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. 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 7.51% MBE and 7.25% WBE subcontractor participation. Reviewed by the Solid Waste Advisory Commission.

The motion authorizing the execution of a construction contract with Ranger Excavating, L.P. 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 12-month professional services contract with SKILLPOINT ALLIANCE, Austin, TX for the continuation of the Community Technology and Training Center Program for the Economic Growth and Redevelopment Services Office in an amount not to exceed \$287,833, with two twelve month renewal options, for a total estimated contract amount not to exceed \$863,499. Funding in the amount of \$287,833 is available in the Fiscal Year 2009-2010 proposed Sustainability Fund of the Finance and Administrative Services Department. Funding for the extension options is contingent upon available funding and future budgets.

The motion authorizing the negotiation and execution of a professional services contract with Skillpoint Alliance was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 12 was pulled for discussion.

13. Approve an ordinance accepting \$71,844 in grant funds from the National Institutes of Health and Hospital Physicians in Clinical Research, P.L.L.C; and amending the Fiscal Year 2008-2009 Emergency Medical Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$71,844 for training and supply costs related to participation in the Rapid Anticonvulsant Medication Prior to Arrival Trial (RAMPART). Funding is available from the National Institutes of Health and the Hospital Physicians in Clinical Research (HPCR) Organization. The grant period is September 1, 2009 through December 31, 2009.
Ordinance No. 20090827-013 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 \$19,997 in grant funds from TEXAS DEPARTMENT OF STATE HEALTH SERVICES, ZOONOSIS BRANCH, and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$19,997 to conduct spay and neuter activities. Funding is available from Texas Department of State Health Services, Zoonosis Branch. The grant period is September 1, 2009 through August 31, 2010. A City match of \$19,997 is required.
Ordinance No. 20090827-014 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
15. Approve an ordinance accepting \$54,746 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, DIVISION FOR PREVENTION AND PREPAREDNESS, HIV/STD PROGRAM, and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$54,746 for the Sexually Transmitted Disease Control Program to provide clinical and preventive services to the community to reduce the incidence of sexually transmitted diseases. Funding is available from the Texas Department of State Health Services, Division for Prevention and Preparedness, HIV/STD Program. The grant period is January 1, 2009 through December 31, 2009. No City match is required.
Ordinance No. 20090827-015 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
16. Approve an ordinance accepting \$3,500 in grant funds from the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$3,500 for the purpose of youth development juvenile crime prevention services. Funding is available from the Texas Department of Family and Protective Services, Youth of Promise Initiative Community Youth Development Program (CYD). This grant period is September 1, 2009 to August 31, 2010. No City match is required.
Ordinance No. 20090827-016 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
17. Authorize the negotiation and execution of three contracts for the period September 1, 2009 through August 31, 2010 for juvenile crime prevention services under the 78744 Youth of Promise Initiative Community Youth Development Program (CYD) with the following providers: MEXIC-ARTE MUSEUM, Austin, TX, in an amount not to exceed \$68,000, with two 12-month renewal options, in an amount not to exceed \$68,000 per renewal option for a total contract amount not to exceed \$204,000;

THEATRE ACTION PROJECT, Austin, TX, in an amount not to exceed \$78,000, with one 12-month renewal option, in an amount not to exceed \$78,000 per renewal option for a total contract amount not to exceed \$156,000; WORKER'S ASSISTANCE PROGRAM, Austin, TX, in an amount not to exceed \$60,000, with two 12-month renewal options, in an amount not to exceed \$60,000 per renewal option, for a total contract amount not to exceed \$180,000. Funding in the amount of \$251,000 is available in the Fiscal Year 2008-2009 Approved Operating Budget for the Health and Human Services Department Special Revenue Fund, from the Texas Department of Family and Protective Services, Youth of Promise Initiative (YPI) Community Youth Development Program (CYD). This grant period is September 1, 2009-August 31, 2010. No City match is required. Funding for the renewal options is contingent upon available funding.

The motion authorizing the negotiation and execution of three contracts with the following providers: Mexic-Arte Museum; Theatre Action Project; and Worker's Assistance Program was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

18. Approve negotiation and execution of renewals of and amendments to four contracts with the following providers of Ryan White HIV/AIDS Program Part A services: AIDS SERVICES OF AUSTIN, INC., for a seven-month renewal term beginning on August 1, 2009, in an amount not to exceed \$601,053, for a total contract amount of \$922,142 for the first 12-month period, with one 12-month renewal option in an amount not to exceed \$922,142, for a total contract amount not to exceed \$1,844,284; AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, for a seven-month renewal term beginning on August 1, 2009, in an amount not to exceed \$285,964, for a total contract amount of \$443,549 for the first 12-month period, with one 12-month renewal option in an amount not to exceed \$443,549, for a total contract amount not to exceed \$887,098; WATERLOO COUNSELING CENTER, INC., for a seven-month renewal term beginning on August 1, 2009, in an amount not to exceed \$36,005, for a total contract amount of \$55,626 for the first 12-month period, with one 12-month renewal option in an amount not to exceed \$55,626, for a total contract amount not to exceed \$111,252; CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC., for a seven-month term beginning on August 1, 2009, in an amount not to exceed \$1,068,177, for a total contract amount of \$1,696,997 for the first 12-month period, with one 12-month renewal option in an amount not to exceed \$1,696,997, for a total contract amount not to exceed \$3,393,994. Funding in the amount of \$429,707 is available in the Fiscal Year 2008-2009 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund Ryan White Part A HIV Emergency Relief Project. The initial grant period is March 1, 2009 to February 28, 2010. Funding for the renewal options is contingent upon available funding.

The motion authorizing the negotiation and execution of renewals of and amendments to four contracts with the following providers of Ryan White HIV/AIDS Program Part A services: AIDS Services of Austin, Inc; Austin Travis County Mental Health Mental Retardation Center; Waterloo Counseling Center; and Central Texas Community Health Centers, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

19. Approve an ordinance accepting \$243,187 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), WOMEN, INFANTS, AND CHILDREN PROGRAM, and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$243,187 to fund office and medical supplies and equipment, the implementation of new food rules, and an increase in indirect cost recovery. Funding is available from the Texas Department of State Health Services, WIC Program. The Grant period is October 1, 2008 through September 30, 2009. No City match is required.

Ordinance No. 20090827-019 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

20. Approve an ordinance accepting \$10,000 in grant funds from AMERICA'S PROMISE ALLIANCE, Washington, D.C., and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$10,000 to conduct a local Dropout Prevention Summit. Funding is available from America's Promise Alliance. This grant period is January 1, 2009 to March 31, 2010. No City match is required.
Ordinance No. 20090827-020 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
21. Approve an ordinance amending City Code Sections 2-7-72, 6-4-41, 6-4-42 and 14-8-13 to correct typographical errors and omissions.
Ordinance No. 20090827-021 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
22. Approve an ordinance amending Ordinance No. 20090723-014 to correct typographical errors and omissions.
Ordinance No. 20090827-022 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 23 was pulled for discussion.

24. Approve an ordinance accepting \$2,003,003 in American Recovery and Reinvestment Act of 2009 grant funds from the United States Department of Housing and Urban Development, Community Development Block Grant Recovery Program; and amending the Fiscal Year 2008-2009 Neighborhood Housing and Community Development Office Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$2,003,003 for community development projects. Funding is available through the Community Development Block Grant Recovery Funds in the Fiscal Year 2009- 2010 Neighborhood Housing and Community Development budget allocation under the Public Facilities Program. April 14, 2009 and May 12, 2009 - The Community Development Commission reviewed and made recommendations to City Council on a substantial amendment to the 2008-2009 Action Plan.
Ordinance No. 20090827-024 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
25. Authorize the negotiation and execution of a forgivable loan in the amount not to exceed \$500,000 to LifeWorks for the acquisition and development of 5.89 acres of land located at the Northeast Corner of Pleasant Valley Road North and Lyons Road. Funding is available through the Community Development Block Grant Recovery Funds in the Fiscal Year 2009-2010. Neighborhood Housing and Community Development budget allocation under the Public Facilities Program. April 14, 2009 and May 12, 2009 - The Community Development Commission reviewed and made recommendations to City Council on a substantial amendment to the 2008-2009 Action Plan.
The motion authorizing the negotiation and execution of a forgivable loan to LifeWorks was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
26. Authorize the negotiation and execution of a forgivable loan in the amount not to exceed \$500,000 to PeopleFund, for construction costs associated with the development of the People Fund Economic Opportunity Center, located at 1700 Alexander Avenue, Austin, Texas. Funding is available through the Community Development Block Grant Recovery Funds in the Fiscal Year 2009- 2010. Neighborhood Housing and Community Development budget allocation under the Public Facilities Program. April 14, 2009 and May 12, 2009 - The Community Development Commission reviewed and made recommendations to City Council on a substantial amendment to the 2008-2009 Action Plan.

The motion authorizing the negotiation and execution of a forgivable loan to PeopleFund was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

27. Approve an ordinance authorizing acceptance of \$45,000 in additional grant funds from the TEXAS DEPARTMENT OF AGRICULTURE; and amending the Fiscal Year 2008-2009 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$45,000 for a total grant amount of \$105,000 for the Summer Food Program for children participating in PARD summer programming. Additional funding in the amount of \$45,000 is available from the Texas Department of Agriculture. The grant period is June 8, 2009 through August 31, 2009.

Ordinance No. 20090827-027 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

28. Approve negotiation and execution of an Interlocal Agreement with the Austin Independent School District (AISD) for AISD to provide mentoring services at Metz Elementary School for a term of nine months beginning September 1, 2009, in an amount not to exceed \$100,000, with an option to renew for one additional nine-month term in an amount not to exceed \$100,000, for a total contract amount not to exceed \$200,000, and ratify three prior payments of \$100,000 each to AISD. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Parks and Recreation Department.

The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

29. Authorize negotiation and execution of an Interlocal Agreement with the University of Texas, Texas Center for Education Policy (TCEP), Division of Diversity and Community Engagement for the use of the Mexican American Cultural Center (MACC). Funding is available from the University of Texas.

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

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

Resolution No. 20090827-030 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

31. Approve an Interlocal Agreement regarding the release of approximately 239 acres of land from the Austin extraterritorial jurisdiction ("ETJ") to the City of Jonestown. Reviewed by Environmental Board.

The motion to approve an interlocal agreement for the release of land from the Austin extraterritorial jurisdiction ("ETJ") to the City of Jonestown was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 32 was pulled for discussion.

33. Approve an ordinance accepting \$1,008 in renewal grant funds from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority; and amending the Fiscal Year 2008-2009 Police Department Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$1,008 for the Police Department's Auto Burglary and Theft Interdiction Project. Funding is available from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority, for the grant period September 1, 2009 to August 31, 2010. A cash match of 20% is required and will be met using the salaries of existing personnel and direct operating expenses. Funding for the program is contingent upon available funding in future APD budgets.

Ordinance No. 20090827-033 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

34. Authorize execution of amendment #1 to the Interlocal Agreement between the City of Austin and Travis County to reimburse the Travis County Sheriffs Office for peace officer overtime hours incurred while working on Human Trafficking cases as part of the Austin/Travis County Human Trafficking Law Enforcement Task Force. Funding is available in the Fiscal Year 2008-2009 Special Revenue Fund of the Austin Police Department from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program.

The motion authorizing the execution of amendment number one to the interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

35. Approve a resolution authorizing the application for \$53,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to provide regional training on the topics of forensics and violent crime. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period October 1, 2009 to September 30, 2010. There is no required match.

Resolution No. 20090827-035 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

36. Approve an ordinance authorizing the negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate an American Recovery and Reinvestment Act project to mill and overlay portions of various streets; accepting \$1,500,000 in grant funds from the Texas Department of Transportation; amending the Fiscal Year 2008-2009 Public Works Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to transfer \$1,500,000 to the Public Works Department Capital Budget; and amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$1,500,000 for the mill and overlay street project. The total grant amount of \$1,500,000 will be provided by the Texas Department of Transportation. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department to cover the \$15,000 administrative costs as required by the Texas Department of Transportation.

Ordinance No. 20090827-036 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

37. Approve the ratification of a contract with HOUMA ARMATURE WORKS HOUSTON, Houston, TX for the repair of a boiler feed pump motor for Sand Hill Energy Center in an amount not to exceed \$60,562. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Critical Business Need. 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 ratifying a contract with Houma Armature Works Houston was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

38. Authorize award, negotiation, and execution of a contract with PACE GLOBAL ENERGY SERVICES, LLC, Fairfax, VA, for energy risk management program review at Austin Energy in an amount not to exceed \$232,151. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Best evaluated proposal of seven proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

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

39. Authorize award, negotiation, and execution of a contract with RSP ARCHITECTS, Minneapolis, MN, for an Austin Energy Facility and Logistics Needs Assessment in an amount not to exceed \$411,910. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award, negotiation and execution of a contract with RSP Architects was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
40. Authorize award and execution of a contract with SHERMAN & REILLY, INC., Chattanooga, TN for the purchase of 22-inch transmission bundle blocks for Austin Energy in an amount not to exceed \$105,450. Funding is available in the Fiscal Year 2008-2009 Capital Budget of 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 Sherman & Reilly, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
41. Authorize award and execution of a 24-month requirements supply contract with STUART C. IRBY CO, Dallas, TX for 362kV Class dead tank circuit breakers for Austin Energy in an estimated amount not to exceed \$1,258,730, with three 12-month extension options in an estimated amount not to exceed \$629,365 per extension option, for a total estimated contract amount not to exceed \$3,146,825. Funding in the amount of \$1,258,730 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining 23 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a requirements supply contract with Stuart C. Irby Co. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
42. Authorize award, negotiation, and execution of a 48-month requirements service contract with SUNGARD AVAILABILITY SERVICES LP., King of Prussia, PA, for the purchase of Living Disaster Recovery Planning Software (LDRPS) Enterprise Web Version 10 implementation/data migration, hosting services, maintenance and training for Austin Energy, in an estimated amount not to exceed \$238,161. Funding in the amount of \$56,001 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$45,540 is available in the 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 47 months of the original contract period is contingent upon available funding future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program).

No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a requirements service contract with Sungard Availability Services LP was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

43. Authorize award, negotiation, and execution of a 12-month requirements service contract with THOMAS & BETTS POWER SOLUTIONS, Richmond, VA, to purchase reliability enhancements and to provide service and preventative maintenance on static transfer switches in an estimated amount not to exceed \$57,666, with two 12-month extension options in an estimated amount not to exceed \$12,371 per extension option, for a total estimated amount not to exceed \$82,408. Funding in the amount of \$46,326 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. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a requirements service contract with Thomas & Betts Power Solutions was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

44. Authorize award and execution of a contract with LASER SHOT, Stafford, TX, for a 53-foot trailer-mounted mobile shooting range for the Austin Police Department in an amount not to exceed \$449,239.28. Funding is available in the Amended Fiscal Year 2008-2009 Operating Budget of the Austin Police Department, Special Revenue Fund of Ordinance No. 20080908-002. 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 contract with Laser Shot was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

45. Authorize award and execution of a 19-month requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with MILLER UNIFORMS & EMBLEMS INC., Austin, TX., for the purchase of ballistic vests for the Emergency Medical Services Department in a total estimated contract amount not to exceed \$116,725. Funding in the amount of \$6,143 is available in the Fiscal Year 2008-2009 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 18 months of the original contract period 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 solicitation.

The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Miller Uniforms & Emblems Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

46. Authorize award and execution of three 36-month requirements service contracts with C & C COLLISION CENTER, LLC, Waco, TX; NETWORK AUTO BODY & PAINT SHOP, (MBE) Austin, TX; and ACM BODY & FRAME, INC., San Marcos, TX to provide automotive body repair services in an estimated amount not to exceed \$3,523,520 each and combined, with three 12-month extension options in estimated amounts not to exceed \$1,672,704 for the first extension option, each and combined;

\$2,007,245, for the second extension option, each and combined; and \$2,408,694 for the third extension option, each and combined, for a total estimated contract amount not to exceed \$9,612,163, each and combined. Funding in the amount of \$161,333 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. Three best-value bids of 12 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 three requirements service contracts with C & C Collision Center, LLC; Network Auto Body & Paint Shop; and ACM Body & Frame, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

47. Authorize award and execution of a 12-month Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro), Austin, TX to allow City employees to use Capital Metro's transportation services in an estimated amount not to exceed \$127,000, with options to purchase additional cards in lots of 50 each at an estimated cost of \$100 per card. Funding is contingent upon approval of the Fiscal Year 2009-2010 Operating Budget of the Human Resources Department. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of an interlocal agreement with Capital Metropolitan Transportation Authority was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

48. Authorize award and execution of a 12-month Interlocal Agreement with the Texas Facilities Commission (TFC), Austin, TX for the sale/disposal of City surplus property and to permit the City to acquire or purchase State surplus property in an estimated amount not to exceed \$25,000, with four 12-month renewal options in an estimated amount not to exceed \$25,000 per renewal option, for a total estimated contract amount not to exceed \$125,000. Funding in the amount of \$2,083 is available in the Fiscal Year 2008-2009 Operating Budgets for all City Departments. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets. Interlocal Agreement. 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 an Interlocal Agreement; 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 an interlocal agreement with the Texas Facilities Commission (TFC) was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

49. Authorize award and execution of Amendment No. 1 through the Texas Local Government Purchasing Cooperative (BuyBoard) with KRAFTSMAN PLAYGROUND & PARK EQUIPMENT, Spring, TX., to increase the current contract in an amount not to exceed \$68,937, for a total amount not exceed \$719,901.53. Funding in the amount of \$68,937 is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Cooperative 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). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of amendment number one through the Texas Local Government Purchasing Cooperative (Buyboard) with Kraftsman Playground & Park Equipment was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

50. Authorize award and execution of Amendment No. 5 of an Interlocal Agreement with the University of North Texas, for a native vegetation restoration project conducted in Lake Austin and Lady Bird Lake requiring an increase in the contract amount in an estimated amount not to exceed \$15,000, for a revised estimated contract amount not to exceed \$390,000. Funding in the amount of \$15,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. Contract Amendment. 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 is an Interlocal Agreement and 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 amendment number five of an interlocal agreement with the University of North Texas was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

51. Authorize award and execution of a 36-month requirements supply contract with SUPERIOR STONE, INC., Austin TX, for cut limestone boulders for the Watershed Protection Department in an estimated amount not to exceed \$339,000, with three 12-month extension options in an estimated amount not to exceed \$113,000 for each extension option, for a total estimated contract amount not to exceed \$678,000. Funding in the amount of \$9,417 is available in the Fiscal Year 2008-2009 Operating Budget for the Watershed Protection and Development Review Department. Funding for the remaining 35 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

52. Approve an ordinance amending section 15-2 of the City Code relating to the Drainage Utility Fee for residential users in vertical construction. Recommended by the Environmental Board. Related to # 87 Ordinance No. 20090827-052 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

53. 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

Asian American Resource Center Advisory Board
Imad Ahmed

Board of Adjustment
Heidi Goebel (*alternate member*)

Community Development Commission

Nominated By:

Council Member Riley

Mayor Leffingwell

John Limon
Ken Shepardson

Mayor Leffingwell
Mayor Pro Tem Martinez

Electric Board
Gilbert Ferrales

Council Member Spelman

Impact Fee Advisory Board
J.R. Hank Kidwell

Mayor Leffingwell

Mechanical, Plumbing and Solar Board
Jon Burress

Council Member Riley

Public Safety Commission
Aman Bandali

Council Member Riley

Resource Management Commission
Sean Kelly

Council Member Spelman

Solid Waste Advisory Committee
Brent Perdue

Council Member Riley

Urban Renewal Agency
Sean Garretson

Mayor Leffingwell

Urban Transportation Commission
Boone Blocker

Council Member Morrison

Zoning and Platting Commission
Patricia Seeger

Council Member Spelman

Waivers

As allowed by Section 2-1-27 of the City Code, Council waives the attendance requirement established by Section 2-1-26 for the following board members:

Building and Fire Code Board of Appeals
Scott Stookey

Mexican American Cultural Center Advisory Board
Raul Garza

As allowed by Section 2-1-27 of the City Code, Council waives the residency requirement established by Section 2-1-21 for the following board member:

Electric Board
Gilbert Ferrales

Mechanical, Plumbing and Solar Board
Paul Hovey

54. Approve a resolution authorizing the use of Lady Bird Lake by registered participants and other approved persons for the Capital of Texas Triathlon Volunteer Recognition picnic to be held on August 29 and 30,

2009, at the Martin Picnic Shelter on Festival Beach. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Chris Riley)

Resolution No. 20090827-054 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 55 and 56 were pulled for discussion.

57. Approve a resolution directing the City Manager to convene and assist a green roof stakeholder group which shall develop and present to Council policy recommendations for promoting green roofs in the City on or before August 26, 2010. (Council Member Chris Riley Council Member Randi Shade and Mayor Pro Tem Mike Martinez)
Resolution No. 20090827-057 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
58. Approve a resolution to direct the Animal Advisory Commission to discuss and develop recommendations regarding the Animal Services' Donation Fund. (Council Member Randi Shade Council Member Chris Riley Council Member Laura Morrison)
Resolution No. 20090827-058 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
59. Approve a resolution directing the City Manager to begin the process to implement staff recommendations regarding underground structures and groundwater included in the February 12, 2009 report to City Council entitled "Groundwater Characteristics and Challenges for Subsurface Structures in Austin's Urban Core." (Council Member Laura Morrison Mayor Pro Tem Mike Martinez)
Resolution No. 20090827-059 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
60. Approve a resolution clarifying the intent of Council and directing the City Manager to initiate the necessary code amendment to amend Section 25-2-242 (5) to replace the phrase "17% of the 51%" with "one-third of the 51%". (Council Member Laura Morrison Council Member Chris Riley Mayor Lee Leffingwell)
Resolution No. 20090827-060 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
61. Set a Public Hearing to consider an ordinance amending Chapter 25-1 of the City Code, relating to neighborhood plan amendments. Suggested date and time: September 24, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for September 24, 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.
62. Set a Public Hearing to consider an ordinance amending Chapter 25-1 of the City Code to establish public notice and hearing requirements when processing a request for a development agreement for a project proposed by a governmental entity. (Suggested date and time: September 24, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for September 24, 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 63 was pulled for discussion.

64. Set a Public Hearing to consider an ordinance for floodplain variances requested by Mr. Efrain V. Avila for an existing development that converted a garage into conditioned area at the existing single-family residence at 306 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: October 1, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set for 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.

Item 65 was a briefing item set for 10:30 a.m.

Items 66 through 68 were Executive Session items.

Items 69 through 72 were bond sale items set for 2:00 p.m.

Item 73 was a briefing item set for 2:00 p.m.

Items 74 through 83 were zoning items set for 4:00 p.m.

Items 84 through 89 were public hearing items set for 6:00 p.m.

Item 90 was an addendum

DISCUSSION ITEM

55. Approve a resolution directing the City Manager to prepare ordinances prohibiting operators of moving motor vehicles and bicycles from text messaging and requiring a safe passing distance between vehicles and vulnerable road users. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Chris Riley)

Resolution No. 20090827-055 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.

BRIEFING

65. Presentation on the Hispanic and Latino Quality of Life Initiative
The presentation was made by Rudy Garza, Assistant City Manager, and Paul Saldana, President and Principal of Adelante Solutions.

DISCUSSION ITEMS CONTINUED

1. Approve the Minutes of the Austin City Council August 5, 2009 and August 19, 2009 Special Called; and August 6, 2009 and August 20, 2009 Regular meetings.

The minutes from the special called meetings of August 5 and 19, 2009 and the regular meetings of August 6 and 20, 2009 were approved with the following changes to the August 6, 2009 minutes on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote.

The amendments made by Council Member Morrison to item number 68 for the August 6, 2009 meeting were:

The first sentence of the sixth paragraph should read, "A friendly amendment was requested by Council Member Shade to amend Subsection 25-2-242(5) as follows..."

The last sentence of the sixth paragraph should read, "The amendment was not accepted by the maker of the main motion as a friendly amendment."

The first sentence of the seventh paragraph should read, "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."

The first sentence of the eighth paragraph should read, 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.

7. Authorize the City Manager to negotiate and execute an amendment to the lease agreement with Austin Java City Hall, L.P. in order to reduce the rental rate to reflect current market conditions.

Items 7 and 8 were acted upon in a combined motion. See item 8 below.

8. Authorize the City Manager to negotiate and execute an amendment to the retail lease agreement with RunTex, Incorporated to reduce the rental rate to reflect current market conditions. Rental income will be approximately \$25,000 lower on an annual basis. This will be reflected in the FY 2009-2010 Operating Budget of the Financial & Administrative Services Department.
The motion authorizing the City Manager to negotiate and execute an amendment: (7) to the lease agreement with Austin Java City Hall, L.P. and (8) to the retail lease agreement with RunTex, Incorporated was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

A motion to reconsider items 7 and 8 to allow for public input was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

The motion authorizing the City Manager to negotiate and execute an amendment: (7) to the lease agreement with Austin Java City Hall, L.P. and (8) to the retail lease agreement with RunTex, Incorporated was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 11:52 a.m.

Mayor Leffingwell called the Council Meeting back to order at 12:06 p.m.

CITIZEN COMMUNICATION: GENERAL

Gus Peña - 1.Budget 2. City Issues 3.To speak about fairness and equity from City elected officials and staff 4. Please direct our health authority to continue to educate the public on healthy measures to prevent H1N1 Swine Flu Influenza contamination 5. No furloughs of City employees. Furloughs for top level management, highly paid officials instead

Pat Smith - Safety and quality of life for the children and families served by Little Dudes Learning Center. Open Maufrais lane and make it safe. She was not present when her name was called.

CarolAnneRose Kennedy - BYE BYE UNCLE SAM

Cynthia Valadez - City Issues affecting people of color

Ronnie Gjemre - Peace and Freedom

Jose Quintero - The City wide Comprehensive Plan. He was not present when his name was called.

Phillip Green - Waste products in Austin drinking water

Linda Green - Austin's fluoride money pit

Paul Robbins - City issues

Robert G. Mac Donald - Alternative Energy

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:39 p.m.

EXECUTIVE SESSION

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

66. Consider the acquisition of approximately 2.4 acres in northeast Austin for a street and bridge facility. (Real Property - Section 551.072).
This item was postponed to September 24, 2009 without objection.
67. Consider the acquisition of approximately 2.5 acres in northeast Austin for warehouse space. (Real Property - Section 551.072).
This item was postponed to September 24, 2009 without objection.
68. Discuss legal issues related to City of Austin v. Reagan National Advertising of Austin, Inc.; Cause # D-1-GV-09-000461; In the District Court of Travis County Texas, 126th Judicial District . (Private Consultation with Attorney - Section 551.071).

The Mayor announced that Council would discuss item number 85 on the regular agenda during Executive Session.

Executive Session ended and Mayor Leffingwell called the meeting back to order at 2:02 p.m.

DISCUSSION ITEMS CONTINUED

90. Take action to give direction to the City Manager related to City of Austin v. Reagan National Advertising of Austin, Inc.; Cause # D-1-GV-09-000461; In the District Court of Travis County Texas, 126th Judicial District. (Related to Item 68)
This item was withdrawn without objection.

BRIEFING

73. Austin Technology Incubator Presentation on Fiscal Year 2009 accomplishments and highlights
This item was postponed to September 24, 2009 without objection.

DISCUSSION AND POSSIBLE ACTION ON BOND SALES

69. Approve a resolution authorizing the issuance of \$15,000,000 Mueller Local Government Corporation Contract Revenue Bonds, Series 2009 (Bonds), by the Mueller Local Government Corporation (Corporation), establishing parameters for the sale of the Bonds, and approving all related documents. \$787,500 in the estimated first year debt service requirement and \$400 annual administration fee for the paying agent/registrar for the proposed bond sale will be funded from property taxes generated in Tax Increment Financing Reinvestment Zone Number 16 (TIRZ # 16), the former site of the Robert Mueller Municipal Airport.
Resolution No. 20090827-069 in the amount of \$15,000,000 was approved on Mayor Pro Tem Martinez's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.

Items 70 through 72 were approved on one motion on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote

70. Approve an ordinance and related documents authorizing the issuance of City of Austin Public Improvement Bonds, Series 2009 A; and approve an ordinance and related documents authorizing the issuance of City of Austin Public Improvement Bonds, Series 2009 B in a total amount for both series not to exceed \$115,000,000. \$19,963,772 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2009-2010 Proposed Operating Budget of the General Obligation Debt Service Fund.
Ordinance No. 20090827-070A in the amount of \$20,905,000 and Ordinance No. 20090827-070B in the amount of \$78,460,000 were approved in the joint motion.
71. Approve an ordinance authorizing the issuance of \$12,500,000 City of Austin, Texas, Certificates of Obligation, Series 2009, and all related documents. \$1,250,417 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed Certificate of Obligation sale is included in the 2009-2010 Proposed Operating Budget of the General Obligation Debt Service Fund.
Ordinance No. 20090827-071 in the amount of \$12,500,000 was approved in the joint motion.
72. Approve an ordinance authorizing the issuance of \$13,800,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 2009, and all related documents. \$1,067,067 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed contractual obligation sale is included in the 2009-2010 Proposed Operating Budget of the General Obligation Debt Service Fund.
Ordinance No. 20090827-072 in the amount of \$13,800,000 was approved in the joint motion.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Mueller Local Government Corporation to order at 2:14 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 2:16 p.m.

DISCUSSION ITEMS CONTINUED

12. Approve a resolution authorizing the Austin Film Society, Inc., to sublease Stage 4 of their leased premises to Soundcheck Austin, LLC.
There was a motion made by Council Member Riley and seconded by Council Member Morrison to postpone this item to September 24, 2009. Direction was given to staff to take this item to the Arts Commission for their consideration.

The substitute motion to approve Resolution No. 20090827-012 was approved on Council Member Shade's motion, Council Member Cole's second on a 6-1 vote. Council Member Riley voted nay. Direction was given to staff to create a different process to avoid the perception of unfair competition going forward.

2. Approve a resolution adopting a maximum proposed property (ad valorem) tax rate of \$0.4209 per \$100 taxable value that the City Council will consider for Fiscal Year 2009-2010; and setting the date that the Council will adopt the Fiscal Year 2009-2010 property (ad valorem) tax rate (suggested date is Thursday, October 1, 2009 at 10:00 a.m.).

Resolution No. 20090827-002 adopting a maximum proposed property tax rate the City Council will consider for Fiscal Year 2009-2010 of \$0.4209 per \$100.00 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

The public hearing was set for Thursday, October 1, 2009 at 10:00 a.m. on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

63. Set Public Hearings on the proposed property (ad valorem) tax rate for Fiscal Year 2009-2010 (Suggested dates and times: September 14, 2009 at 9:00 a.m. and September 24, 2009 at 6:00 pm at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearings were set for September 14, 2009 at 9:00 a.m. and September 24, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

Action was taken on item 23 but was reconsidered later in the meeting. See below.

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

LIVE MUSIC

The Daze

PROCLAMATIONS

Proclamation – Rusty Wier Day – to be presented by Mayor Lee Leffingwell and to be accepted by members of Rusty Wier's family

Proclamation -- Texas Folklife's 25th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Doayl Nelms

Certificates of Congratulations -- Excellence in Pretreatment Compliance Award Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- Take A Loved One for a Check-Up Day -- to be presented by Council Member Sheryl Cole and to be accepted by a David Lurie and Shannon Jones

Mayor Leffingwell called the Council Meeting back to order at 6:40 p.m.

Action was taken on item 85 but was reconsidered later in the meeting. See below.

DISCUSSION ITEMS CONTINUED

56. Approve a resolution directing the City Manager to allocate \$100,000 from the Holly Neighborhood Grants Assistance Program for various community outreach programs. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)
Resolution No. 20090827-056 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

85. 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.
This item was postponed indefinitely and withdrawn from the agenda..

A motion to reconsider item 85 was approved on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

This item was postponed to September 24, 2009 on Council Member Shade's motion, Mayor Leffingwell's second on a 7-0 vote.

23. Approve an ordinance amending Chapter 2-5 of the City Code related to council meeting procedures. There was a main motion made by Council Member Riley and seconded by Council Member Spelman to approve the ordinance with the following friendly amendment from Council Member Riley.

Part 4, Section 2-5-28 is amended to add a new subsection (E) to read:

"(E) A person may speak more frequently than once out of every three regularly scheduled council meetings if, as of 4:30 p.m. on the Thursday before the council meeting at which the person intends to speak:

- (1) fewer than 10 people are registered to speak in general citizens communication; and
- (2) all of the remaining registration requests received by the city clerk are from people who have spoken within the past three regularly scheduled council meetings."

The friendly amendment was accepted by Council Member Spelman who seconded the motion.

There was a friendly amendment made by Mayor Leffingwell to delete Part 2, (B)(4) and renumber the remaining item and to have Part 4, Subsections 2-5-28(C) and (D) read,

"(C) The city clerk should not accept more than ten registrations under this section for general citizen communications at a council meeting. The city clerk may not accept a registration to speak at general citizen communication from a person more frequently than once out of every three regularly scheduled council meetings."

(D) A person may not register to speak at general citizen communication more often than once out of every three regularly scheduled council meetings."

The friendly amendment was accepted by the maker of the motion and Council Member Spelman who seconded the motion.

There was a friendly amendment made by Council Member Shade to have Part 1, Subsection 2-5-24(E) read,

"A councilmember may request that a non-zoning agenda item or hearing be set at a time certain if the councilmember receives the approval of one additional councilmember." The friendly amendment was accepted by the maker of the motion and Council Member Spelman who seconded the motion. Following discussion, Council Member Spelman withdrew his support for the friendly amendment.

The motion to amend the ordinance was approved on Council Member Shade's motion, Council Member Cole's second on a 6-1 vote. Council Member Morrison voted nay. The amendment is as follows.

PART 1. Subsection 2-5-24(E) should read, "A councilmember may request that a non-zoning agenda item or hearing be set at a time certain if the councilmember receives the approval of one additional councilmember."

Ordinance No. 20090827-023 was approved with the above three amendments on Council Member Riley's motion, Council Member Spelman's second on a 6-1 vote. Council Member Morrison voted nay.

A motion to reconsider item 23 was approved on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

Ordinance No. 20090827-023, as amended above, was approved on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote, with the following additional amendment to Part 1, Subsection 2-5-24(E).

PART 1. Subsection 2-5-24(E), "A councilmember may request that an agenda item or hearing be set at a time certain if the councilmember receives the approval of one additional councilmember."

ZONING CONSENT ITEMS

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

74. C14-2009-0044 - The Fault - Approve third reading 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). Second Reading approved on August 20, 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. 20090827-074 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 Spelman'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.
75. C14H-2009-0006 - Walter E. and Janet Long House - Approve second/third readings of 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. First reading approved on August 20, 2009. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
A motion to deny zoning request because the owner agreed to a preservation plan for this structure was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
76. C14-2009-0063 - Patton Avenue - Approve second/third readings of 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. On August 6, 2009, the City Council approved first reading to grant community commercial-conditional overlay (GR-CO) combining district zoning. Vote: 7-0. Applicant and Agent: James P. and Paula Sullivan. City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent indefinitely at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

ZONING CONSENT ITEMS

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

79. NPA-2009-0017.01 - Crestview Neighborhood Planning Area Vertical Mixed Use Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040401-Z-2, the Crestview Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from Commercial to Mixed Use on selected tracts within the Crestview Neighborhood Planning Area, bounded by Anderson Lane on the north; North Lamar Boulevard on the east; Justin Lane on the south; and Burnet Road on the west (Shoal Creek, Waller Creek Watersheds). Planning Commission Recommendation: To be reviewed on August 25, 2009. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Montes, 974-2629.

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.

80. C14-2009-0065 - Crestview 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 Crestview Neighborhood Planning Area, bounded by Anderson Lane on the north; North Lamar Boulevard on the east; Justin Lane on the south; and Burnet Road on the west (Shoal Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. Planning Commission Recommendation: To be reviewed on August 25, 2009. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Montes, 974-2629.

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.

81. C14-2009-0041 - Central East Austin 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 Central East Austin Neighborhood Planning Area, bounded by Martin Luther King, Jr. Boulevard on the north; Northwestern Avenue, Rosewood Avenue and Chicon Street on the east; the alley between East 6th Street and East 7th Street, and East 7th Street on the south; and IH-35 on the west (East Boggy Creek, 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 be reviewed on August 25 2009. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

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.

82. C14-2009-0032 - South Congress 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 1511 South Congress Avenue (East Bouldin Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to general commercial services- neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning, and general office- neighborhood conservation combining district-neighborhood plan (GO-NCCD-NP) combining district zoning. Staff Recommendation: To grant general commercial services- neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning, and general office- neighborhood conservation combining district-conditional overlay-neighborhood plan (GO-CO-NCCD-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on August 25, 2009. Applicant: Congress Avenue Baptist Church (Jim Gotcher). Agent: Dubois, Bryant & Campbell (Henry Gilmore). City Staff: Stephen Rye, 974-7604.
- 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.**

83. C814-2008-0087 - South Shore District PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 S. Lakeshore, 1801 S. Lakeshore, 1414 Arena Drive, 1333 Arena Drive, 1200 Tinnin Ford and 1201 Town Creek (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, and community commercial-neighborhood plan (GR-NP) combining district zoning to planned unit development (PUD) district zoning and planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Applicant: Grayco Town Lake Investments 2007, L.P. Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to September 24, 2009 at Council's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. The postponement request was made with the condition neither the neighborhood nor applicant would request an additional postponement.

ZONING DISCUSSION ITEMS

77. 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.

The motion to deny the zoning request was approved on Council Member Spelman's motion, Council Member Morrison's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell and Council Members Morrison, Riley, and Spelman. Those voting nay were: Mayor Pro Tem Martinez and Council Members Cole and Shade.

78. C14-2009-0055 - Brentwood 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 Brentwood Neighborhood Planning Area, bounded by Justin Lane on the north; North Lamar Boulevard on the east; 45th Street on the south; and Burnet Road on the west (Shoal Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude a tract from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. The public hearing was closed and Ordinance No. 20090827-078, with the following conditions, was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais. The conditions were: Tract 17 was excluded from the VMU Overlay District. Tracts 1-3, 11, 13-16, and 18-21 were approved for vertical mixed use (V) zoning with dimensional standards, parking reduction and additional uses in office districts. Tracts 4-10 were approved for vertical mixed use (V) zoning with dimensional standards and additional uses in office districts. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

PUBLIC HEARINGS AND POSSIBLE ACTION

89. Conduct a Public Hearing to receive public comment on the City of Austin Fiscal Year 2009-2010 Proposed Budget.
The public hearing was closed on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
84. Conduct a Public Hearing and consider an ordinance adopting a Strategic Partnership Agreement (SPA) between the City of Austin and River Place Municipal Utility District (approximately 1,040 acres located on River Place Boulevard and Big View Drive approximately one mile south of FM 2222 in Travis County); concurrently annex for limited purposes approximately 985 acres and for full purposes approximately 1,022 acres on December 31, 2017; and establish interim zoning designations for the annexed area. The City will incur no unanticipated costs from entering into the Strategic Partnership Agreement. The expected net present value of the cumulative 25 year cash flows associated with the SPA approximates \$13 million.
The public hearing was closed and Ordinance No. 20090827-084 was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
87. Conduct a Public Hearing and receive public comment on the proposed fee increases and a rate structure change for vertical construction for the drainage fee of the Watershed Protection Department as part of the Fiscal Year 2009-2010 proposed budget. Recommended by the Environmental Board. Related to #52
The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

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 Spelman's second on a 7-0 vote.

88. Conduct a Public Hearing to receive public comment on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2009-2010 Proposed Budget.
The public hearing was closed on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

DISCUSSION ITEM CONTINUED

32. Approve second/third readings of an ordinance to amend Chapters 25-2 and 25-10 of the City Code to authorize home occupation signs on Core Transit Corridors and Future Core Transit Corridors.
Ordinance No. 20090827-032 was approved with the following amendments on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The following amendment was from Council Member Morrison.

Subsection (A)(1) of new Section 25-10-156 (Home Occupations Signs) is amended to read:

"(1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor."

Subsection (A)(2) of new Section 25-10-156 (Home Occupations Signs) is amended to read:

"(a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or

(b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure."

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

86. Conduct 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. Recommended by the Water and Wastewater Commission.
The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 10:30 p.m. without objection.

The minutes for the regular meeting of August 27, 2009 were approved on this the 24th day of September 2009 on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.