

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, SEPTEMBER 24, 2009**

Invocation: Rabbi Moshe Trepp, Outreach Austin

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, September 24, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 a.m.

CONSENT AGENDA

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

1. Approve the Minutes of the Austin City Council special called meeting of August 26, 2009, regular meeting of August 27, 2009 and budget meeting of September 14, 2009.
The minutes from the special called meeting of August 26, 2009 and the regular meeting of August 27, 2009 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Approve issuance of a rebate to HELIOVOLT for the installation of energy efficient equipment including new high efficiency cooling towers, chillers, variable frequency drives (VFDs) and lighting and light controls, in an amount not to exceed \$62,125. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
The motion to approve issuance of a rebate to HelioVolt was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
4. Approve the issuance of a Letter of Intent for a rebate to PIONEER ROOFING for the installation of a solar photovoltaic system at 2319 Patterson Industrial, Austin, Texas, 78660, in the amount of \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
The motion to approve the issuance of a letter of intent for a rebate to Pioneer Roofing was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
5. Approve the issuance of a Letter of Intent for a rebate to the TEXAS NATIONAL GUARD ARMORY - BEE CAVES for the installation of a solar photovoltaic system at 408 St. Stephens School Road, Austin,

Texas, 78746, in the amount of \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

The motion to approve the issuance of a letter of intent for a rebate to the Texas National Guard Armory – Bee Caves was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

6. Approve the issuance of a Letter of Intent for a rebate to TRINITY EPISCOPAL SCHOOL for the installation of a solar photovoltaic system at 3901 Bee Caves Road in Austin, Texas, 78746, in the amount of \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

The motion to approve the issuance of a letter of intent for a rebate to Trinity Episcopal School was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

7. Approve a resolution to repeal Resolution No. 20050428-011, and adopt the City of Austin Utility Profile & Water Conservation Plan. This plan is a requirement of the Texas Commission on Environmental Quality (TCEQ). There is no unanticipated fiscal impact. Recommended by Citizen's Water Conservation Implementation Task Force, Resource Management Commission, and Water & Wastewater Commission. **Resolution No. 20090924-007 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**

8. Approve a resolution authorizing extension of the fee schedule for participation under the Balcones Canyonlands Conservation Plan - Shared Vision through September 30, 2010. This action does not require budget allocation or funding. Recommended by the Water and Wastewater Commission. **Resolution No. 20090924-008 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**

9. Approve issuance of a rebate in the amount of \$54,870 to ReGreen, Inc. for the installation of 295 water efficient toilets at the Sienna Ridge Apartments at 1817 E Oltorf St., Austin TX 78741. Funding in the amount of \$54,870 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Water Utility. Recommended by the Citizens Water Conservation Implementation Task Force, Water and Wastewater Commission, and Resource Management Commission.
The motion to approve the issuance of a rebate to ReGreen, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

10. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in the amount of \$3,850,000 related to the purchase of real estate and warehouse space and associated facility repairs and improvements to the warehouse. \$3,850,000 in Certificates of Obligations to be issued in August 2010 or later. Related to Items #18, 58, & 77.
This item was postponed to October 1, 2009 on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

11. Approve a resolution declaring the City's official intent to reimburse itself from Certificates of Obligation in the amount of \$1,350,000 related to the purchase of real estate and associated facility repairs and improvements. \$1,350,000 in Certificates of Obligations to be issued in August 2010 or later. Related to Items #19, 59, & 82.
Resolution No. 20090924-011 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

12. Approve ratification of an Interlocal Agreement and six amendments with Travis County for security and loss prevention services provided to the Combined Transportation, Emergency & Communications Center in Fiscal Years 2003-2008 in an amount not to exceed \$4,515,318, of which the City's share is \$1,128,829.50; and authorize the negotiation and execution of Amendment No. 7 to purchase these same services for Fiscal Year 2009-2010 in an amount not to exceed \$880,000, of which the City's share is \$220,000, for a total agreement amount not to exceed \$5,395,318. Funding in the amount of \$880,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. The City Of Austin's share is \$220,000. The remaining \$660,000 will be reimbursed by the CTECC partners.
The motion to ratify an interlocal agreement and six amendments with Travis County was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
13. Authorize execution of Contract Amendment No. 5 to the Interlocal Cooperation Agreement with Austin/Travis County Mental Health and Mental Retardation Center to extend the contract for an additional 12-month period to provide treatment services for certain Class B enhanced public intoxication offenders known as Project Recovery for a total contract amount not to exceed \$358,580 for the Fiscal Year 2009-2010. Funding is available in the Fiscal Year 2009-2010 Operating Budget for this program for Community Court.
The motion to authorize the execution of contract amendment number 5 to the interlocal cooperation agreement with Austin/Travis County Mental Health and Mental Retardation Center was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
14. Approve an ordinance authorizing the fee simple acquisition of two lots described as 0.248 of an acre of land, more or less and 0.29 of an acre of land, more or less out of the Santiago Del Valle Grant, Abstract No. 24 in Travis County Texas, and locally known as 7901 Posten Lane and 7905 Posten Lane for the CARSON CREEK WATERSHED-INTEGRATED PROJECT IMPLEMENTATION HOEKE LN. BUYOUTS, and waiving certain requirements of Chapter 14-3 of the City Code to allow payment of relocation benefits in accordance with federal regulations, in the amount of \$274,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection Department.
Ordinance No. 20090924-014 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
15. Approve an ordinance authorizing the fee simple acquisition of Lot 2, Block 2, of Bergstrom Downs No. 1, locally known as 821 Patton Ave, from BILLINGSLEY CO., INC. and THEODOROS POLAKIS, for the Airport Noise Mitigation Program, in the amount of \$112,000 for the land and improvements and waiving certain requirements of Chapter 14-3 of the City Code to allow payment of relocation benefits in accordance with federal regulations in the amount of \$22,900, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$144,900. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation.
Ordinance No. 20090924-015 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
16. Authorize the acquisition for the Austin Water Utility: Water Reclaim Initiative - Central Phase 3A - Red River to UT Reclaim Transmission Main of various permanent water line easements and temporary construction easements out of the remaining portion of Lot 1, Block L, Ridgetop Addition, Travis County, Texas, located at 1000, 1006 & 1008 East 50th Street & N of IH-35, Austin, Travis, from TERRELL TIMMERMAN and GERALDINE TIMMERMAN, in the amount not to exceed \$250,000. Funding is available in the Fiscal Year 2008-2009 Capital Improvement Project Budget of the Austin Water Utility.

The motion authorizing the acquisition for the Austin Water Utility Water Reclaim Initiative – Central Phase 3A from Terrell Timmermann and Geraldine Timmermann was approved on consent on Mayor Pro Tem Martinez’ motion, Council Member Riley’s second on a 7-0 vote.

17. Authorize the fee simple acquisition of Lot 7, Block 1, and Lots 4 and 7, Block 2, Bergstrom Downs No. 1, and Lots B and C, Resubdivision of Lot 1, Block 1, Bergstrom Downs No. 1, locally known as 810, 811, 817, 822, and 824 Patton Avenue from JAMES P. SULLIVAN and PAULA M. SULLIVAN, for the Airport Noise Mitigation Program in the amount of \$537,400 for land and improvements, plus closing costs and moving related expenses in the amount of \$22,500, for an amount not to exceed \$559,900. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation.
The motion authorizing the fee simple acquisition of Lot 7, Block 1, and Lots 4 and 7, Block 2, Bergstrom Downs No. 1, and Lots B and C, Resubdivision of Lot 1, Block 1, Bergstrom Downs No. 1, from James P. Sullivan and Paula M. Sullivan was approved on consent on Mayor Pro Tem Martinez’ motion, Council Member Riley’s second on a 7-0 vote.
18. Authorize the City Manager to negotiate and execute a contract to purchase in fee simple acquisition of real estate and warehouse space, described as 2.358 acres of land out of the J.C. Tannehill League in Travis County, Texas now known as Lot 2, Block A, Springdale Center, a subdivision in Travis County, Texas, from E. R. HOLDINGS, LLC, a Texas Limited Liability Company. Funding is available in the Fiscal Year 2008-2009 of the Capital Budget of the Austin Police Department. Related to Items #10, 58, & 77.
This item was postponed to October 1, 2009 on consent on Mayor Pro Tem Martinez’ motion, Council Member Riley’s second on a 7-0 vote.
19. Authorize the City Manager to negotiate and execute a contract to purchase in fee simple portions of Lots 1, 2, 3, 4, 13 and 14, Block 1 of Crest Haven Addition, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 502, Page 425, of the Deed Records of Travis County, Texas, from CONTRACT CARRIERS, INC., a New Mexico Corporation. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Related to Item #11, 59, & 82.
The motion authorizing the City Manager to negotiate and execute a contract with Contract Carriers, Inc. was approved on consent on Mayor Pro Tem Martinez’ motion, Council Member Riley’s second on a 7-0 vote.
20. Authorize the use of the Competitive Sealed Proposal project delivery method in accordance with Local Government Code, Chapter 271, Subchapter H, for the decommissioning of the Holly Street Power Plant. Recommended by the Electric Utility Commission.
The motion authorizing the use of the competitive sealed proposal project delivery method was approved on consent on Mayor Pro Tem Martinez’ motion, Council Member Riley’s second on a 7-0 vote.
21. Authorize the use of the Design-Build method for contracting for construction, rehabilitation, alteration, or repair of a facility in accordance with Local Government Code, Chapter 271, Subchapter H, Section 271.119, for major improvements to three aquatic facilities (Bartholomew, West Enfield, and Deep Eddy) identified in the 2006 Bond Pool Replacement Program.
The motion authorizing the use of the design-build method for three aquatic facilities (Bartholomew, West Enfield, and Deep Eddy) was approved on consent on Mayor Pro Tem Martinez’ motion, Council Member Riley’s second on a 7-0 vote.
22. Authorize execution of a construction contract with C.L. CARSON, INC., Austin, TX, for The Austin Convention Center Waller Creek Terrace Room Reconfiguration Project in an amount not to exceed \$258,700. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Convention

Center Department. 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) by meeting the goals with 4.46% MBE and 3.61% WBE subcontractor participation.

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

23. Authorize execution of a construction contract with ASD CONSULTANTS, INC. (MBE/MB 67.93%) Austin, TX, for the Austin Fire Department Locker Room Additions, Phase IV in the amount of \$600,889 plus a \$60,088 contingency, for a total contract amount not to exceed \$660,977. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Fire Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.00% MBE and 0.57% WBE subcontractor participation.

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

24. Authorize execution of a construction contract with PRISM DEVELOPMENT, INC. (MBE/MH99.32%), Austin, TX, for the Street and Bridge Alleys Project (FY2009) in the amount of \$191,983 plus a \$9,599.15 contingency, for a total contract amount not to exceed \$201,582.15. Funding in the amount of \$118,784.92 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$82,797.23 is available in the Fiscal Year 2008-2009 Capital Budget Capital Budget of the Austin Water Utility. Lowest compliant bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 0.00% MBE and 0.68% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

25. Authorize execution of Change Order #2 to the construction contract with OSCAR RENDA CONTRACTING, INC., Roanoke, TX, for ACWP - Govalle 1: Newton Street Area Wastewater Improvements in the amount of \$406,300, for a total contract amount not to exceed \$4,786,525.20. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program) with 12.84% MBE and 7.08% 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 2 to the construction contract with Oscar Renda Contracting, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

26. Authorize execution of a construction contract with TEXAS SOLAR POWER COMPANY, Austin, TX, for the Glen Bell Solar Panel Installation Project in the amount of \$585,287.83. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission, the Resource Management Commission, and the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Texas Solar Power Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

27. Authorize execution of a construction contract with RODRIGUEZ BARR, INC. dba THE BARR COMPANY, (WBE/FH, 55.57%), Austin, TX, for the McBeth Recreation Center Improvements Project in the amount of \$502,800 plus a \$25,140 contingency, for a total contract amount not to exceed \$527,940. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 4.14% MBE and 3.09% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with Rodriguez Barr, Inc. doing business as the Barr Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

28. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC., (MBE/MH 91.00%), Lago Vista, TX, for the Oak Lawn Neighborhood Storm Drain Improvements in the amount of \$1,339,868.20 plus a \$66,993.41 contingency, for a total contract amount not to exceed \$1,406,861.61. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection Department. Lowest bid of eleven (11) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 1.53% MBE and 7.47% WBE subcontractor participation.

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

29. Authorize negotiation and execution of Amendment No. 1 to the professional services agreement with ELLERBE BECKET INC., Minneapolis, MN, for consulting services for Austin Energy's relocated Energy Control Center in the amount of \$4,206,767, which includes an increase of the original authorization in the amount of \$1,500,000, for a total contract amount not to exceed \$5,000,000. Funding in the amount of \$1,500,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Energy. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.50% MBE and 14.20% WBE subconsultant participation to date. Recommended by the Electric Utility Commission.

The motion authorizing the negotiation and execution of amendment number one to the professional services agreement with Ellerbe Becket Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

30. Authorize negotiation and execution of an amendment to the professional services agreement with WALLACE, ROBERTS, & TODD, LLC, Philadelphia, PA, for professional planning services for the new Comprehensive Plan for the City of Austin in the amount of \$1,190,000, for a total contract amount not to exceed \$1,340,000. Funding in the amount of \$1,190,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Planning and Development Review Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.80% MBE and 14.20% WBE subconsultant participation to date.

This item was postponed to October 15, 2009 on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

Items 31 and 32 were pulled for discussion.

33. Approve an ordinance authorizing the City Manager to negotiate and execute an amendment to the economic development agreement with NBC Universal Inc. for the Friday Night Lights television program to extend the agreement for two additional seasons and amend the performance criteria.
This item was postponed to October 15, 2009 on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
34. Approve a resolution implementing a formal cost-benefit analysis into the City's evaluation process for review of future economic incentive agreement proposals and a process timeline for taking action on firm-based economic incentive proposals.
This item was postponed to October 1, 2009 consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
35. Authorize the negotiation and execution of a Second Amendment to the 2nd Street Retail Disposition and Development Agreement with AMLI Austin Retail, L.P. (AMLI), related to the ground floor retail spaces under the Blocks 2 and 4 subleases.
The motion authorizing the negotiation and execution of a second amendment to the 2nd Street Retail Disposition and Development Agreement with AMLI Austin Retail, L.P. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
36. Authorize execution of an Interlocal Cooperation Agreement between the City and Travis County to provide ground emergency medical services in areas of Travis County outside the City's corporate limits and support services to Travis County's STAR Flight program for a 12-month term beginning on October 1, 2008, in exchange for payment of \$11,035,274 by Travis County. Funding from Travis County in the amount of \$11,035,274 is available in the Fiscal Year 2008-2009 Operating Budget of the Emergency Medical Services Department, as amended.
The motion authorizing the execution of an interlocal cooperation agreement between the City and Travis County was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
37. Approve an ordinance establishing classifications and positions in the classified service of the Fire Department, eliminating and creating positions in certain ranks, establishing pay rates, repealing Ordinance No. 20090914-006 relating to Fire Department classifications and positions and declaring an emergency. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department.
Ordinance No. 20090924-037 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
38. Authorize negotiation and execution of a 12-month contract with FRONT STEPS, INC., Austin, TX, for the provision of homeless social services at the Austin Resource Center for the Homeless (ARCH) in an amount not to exceed \$2,193,580 effective October 1, 2009 through September 30, 2010. Funding in the amount of \$1,933,494 is included in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department and funding in the amount of \$260,086 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Emergency Shelter Grant (ESG) Special Revenue Fund for a total funding amount of \$2,193,580. Recommended by the Health and Human Services Subcommittee.
The motion authorizing the negotiation and execution of a contract with Front Steps, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

39. Authorize negotiation and execution of three contracts effective October 1, 2009 to provide employment-related services and assistance from the Texas Department of Housing and Community Affairs, Community Service Block Grant Recovery Act Fund with the following providers: CARITAS OF AUSTIN in an amount not to exceed \$453,872; AUSTIN FAMILIES, INC. (DBA FAMILYCONNECTIONS) in an amount not to exceed \$225,000; and WORKSOURCE -GREATER AUSTIN AREA WORKFORCE BOARD (DBA WORKFORCE SOLUTIONS-CAPITAL AREA WORKFORCE BOARD) in an amount not to exceed \$500,000. Funding in the amount of \$1,178,872 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Community Services Block Grant Recovery Act Fund. The contract period is October 1, 2009 through September 30, 2010. The grant period is August 1, 2009 to September 30, 2010. Recommended by the Health and Human Services Subcommittee.
- The motion authorizing the negotiation and execution of three contracts from the Texas Department of Housing and Community Affairs Community Service Block Grant Recovery Act Fund with the following providers: Caritas of Austin; Austin Families, Inc. doing business as FamilyConnections; and WorkSource Greater Austin Area Workforce Board doing business as Workforce Solutions-Capital Area Workforce Board was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**
40. Approve an ordinance authorizing acceptance of \$3,062,820 in grant funds from the U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP), and amending the Fiscal Year 2008-2009 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$3,062,820 homelessness prevention and rapid re-housing services. Funding is available from the U.S. Department of Housing and Urban Development (HUD), Homelessness Prevention and Rapid Re-Housing Program-ARRA Funds. The grant period is July 15, 2009 through July 15, 2012. No City match is required. Recommended by the Public Health and Human Services Subcommittee.
- Ordinance No. 20090924-040 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**
41. Authorize negotiation and execution of four contracts effective September 30, 2009 for the provision of homelessness prevention and rapid re-housing services under the U.S. Department of Housing and Urban Development, Homelessness Prevention and Rapid Re-Housing Program (HPRP) with the following providers: CARITAS OF AUSTIN in an amount not to exceed \$480,000 for HPRP Outreach/Intake Specialists; YOUTH AND FAMILY ALLIANCE (DBA LIFEWORKS) in an amount not to exceed \$1,967,840 as the HPRP fiscal agent; AUSTIN TENANT'S COUNCIL in an amount not to exceed \$120,000 for tenant mediation and legal services; and CARITAS OF AUSTIN in an amount not to exceed \$240,000 for Housing Locators/Inspectors. Funding in the amount of \$2,807,840 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund Homelessness Prevention and Rapid Re-Housing Program (HPRP). The grant period is July 15, 2009 through July 15, 2012. Recommended by the Public Health and Human Services Subcommittee.
- The motion authorizing the negotiation and execution of four contracts with the following providers: Caritas of Austin; Youth and Family Alliance doing business as LifeWorks; Austin Tenant's Council; and Caritas of Austin was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**
42. Authorize negotiation and execution of a renewal and amendment of the Interlocal Cooperation Agreement between the City and Travis County for public health services to provide public health services to Travis County for a 12-month term beginning on October 1, 2009, in exchange for payment of \$2,888,537 by Travis County. Funding from Travis County in the amount of \$2,888,537 was included in the Fiscal Year 2009-2010 Budget of the Health and Human Services Department General Fund. The

2010 Renewal Term of the agreement is for the period October 1, 2009 through September 30, 2010. Recommended by the Public Health and Human Services Subcommittee.

The motion authorizing the negotiation and execution of a renewal and amendment of the interlocal cooperation agreement between the City and Travis County was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

43. Approve an ordinance accepting \$50,000 in grant funds from the Texas State Library and Archives Commission, and amending the Fiscal Year 2008-2009 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate the funds to add one full-time equivalent (FTE) position. Funding in the amount of \$50,000 is available from the Texas State Library and Archives Commission. The grant period is September 1, 2009 through August 31, 2010.
Ordinance No. 20090924-043 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
44. Approve an ordinance repealing and replacing City Code Chapter 12-5 Articles 3 and 4 relating to the administrative adjudication of parking violations, the impoundment or immobilization of motor vehicles for unpaid parking citations, and fines, costs and fees. Recommended by the Judicial Committee.
Ordinance No. 20090924-044 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
45. Authorize acceptance of a transfer from the Urban Renewal Agency of the City of Austin of the fee simple title to two lots and a structure in the 900 block of East 11th Street to the City at no cost, for future use as the African American Cultural and Heritage Facility; and authorize the City Manager to negotiate and execute lease agreements with Pro Arts Collective and the African-American Capital City Chamber of Commerce.
The motion authorizing the acceptance of a transfer from the Urban Renewal Agency of the City of Austin of the fee simple title to two lots and a structure in the 900 block of East 11th Street to the City and authorizing the City Manager to negotiate and execute lease agreements with Pro Arts Collective and the African-American Capital City Chamber of Commerce was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
46. Authorize negotiation and execution of a 12-month contract with Austin Tenants' Council (ATC), in an amount not to exceed \$288,729, with a one 12-month extension option in an amount not to exceed \$288,729, for a combined contract amount not to exceed \$577,458, for community education and protection under tenant protection laws. Funding is available in the Fiscal Year 2009-2010 Grant Budget of the Neighborhood Housing and Community Development Office. Per HUD requirements, this action is subject to applicable environmental review prior to the release of funds. Funding for the extension option is contingent upon available funds in future budgets.
The motion authorizing the negotiation and execution of a contract with Austin Tenants' Council (ATC) was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
47. Authorize negotiation and execution of a 12-month contract with Business Investment Growth, in an amount not to exceed \$200,000, with a one 12-month extension option in an amount not to exceed \$200,000, for a combined contract amount not to exceed \$400,000, to provide training and technical assistance services to Certified Micro Enterprises under the Small Business Development Program. Funding is available in the Fiscal Year 2009-2010 Grant Budget of the Neighborhood Housing and Community Development Office. Per HUD requirements, this action is subject to applicable environmental review prior to the release of funds. Funding for the extension option is contingent upon available funds in future budgets.

The motion authorizing the negotiation and execution of a contract with Business Investment Growth was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

Item 48 was pulled for discussion.

49. Authorize negotiation and execution of a 12-month contract with PeopleFund, in an amount not to exceed \$150,000, with a one 12-month extension option in an amount not to exceed \$150,000, for a combined contract amount not to exceed \$300,000, to support job creation and the expansion of small businesses by providing loan services through PeopleFund's Small Business Development Program. Funding is available in the Fiscal Year 2009-2010 Grant Budget of the Neighborhood Housing and Community Development Office. Per HUD requirements, this action is subject to applicable environmental review prior to the release of funds. Funding for the extension option is contingent upon available funds in future budgets.

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

50. Authorize negotiation and execution of a one-year service agreement with the Austin Housing Finance Corporation to manage and operate various housing programs for the City during Fiscal Year 2009-2010 funded by proceeds from the City's General Obligation housing bonds in an amount not to exceed \$15.8 million. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Neighborhood Housing and Community Development Office.

The motion authorizing the negotiation and execution of a service agreement with the Austin Housing Finance Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

51. Authorize negotiation and execution of a one-year service agreement with the Austin Housing Finance Corporation to manage and operate various housing programs for the City during Fiscal Year 2009-2010 funded by the City's federal Housing and Urban Development funds and local housing funds in an amount not to exceed \$10,480,628. Funding is available in the Fiscal Year 2009-2010 Neighborhood Housing and Community Development Grant Fund, Operating Fund, Housing Trust Fund and University Neighborhood Overlay Fund.

The motion authorizing the negotiation and execution of a service agreement with the Austin Housing Finance Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

52. Approve a resolution authorizing negotiation and execution of a Fiscal and Personnel Management Agreement and a Staff Management Agreement with the Capital Area Metropolitan Planning Organization (CAMPO) Policy Advisory Committee to continue the City's administrative support services to CAMPO through September 30, 2014.

Resolution No. 20090924-052 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

53. Approve a resolution initiating Code amendments to implement the recommendations of the Downtown Austin Plan Density Bonus Report. Reviewed by Community Development Commission, Downtown Commission, Design Commission and Planning Commission.

This item was postponed to November 5, 2009 on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

54. Approve a resolution approving the Public Participation Plan for the new Comprehensive Plan for the City of Austin and its extraterritorial jurisdiction. To be reviewed by Planning Commission on September 22, 2009. Recommended by Planning Commission.
Resolution No. 20090924-054 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
55. Authorize negotiation and execution of Amendment No. 3 to the Interlocal Agreement for Booking and Related Services between Travis County and the City of Austin in the amount of \$5,520,923 for Fiscal Year 2009-2010. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.
The motion authorizing the negotiation and execution of amendment number 3 between Travis County and the City of Austin was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
56. Authorize an execution of Amendment No. 1 to the Interlocal Agreement between the City of Austin and Travis County, in the amount of \$6,800 per month, for continued reimbursement funding of a sixth Fulltime Forensic Chemist position that performs drug analysis at the Austin Police Department Forensic Science Division Laboratory and for Forensic Chemist overtime for cases worked on behalf of Travis County. Funding for the sixth forensic chemist will be provided by Travis County on a reimbursement basis at the rate of \$5,800 per month; compensation for partial months will be prorated. Overtime will be billed only as used and not to exceed \$1,000 per month.
The motion authorizing an execution of amendment number one to the interlocal agreement between the City of Austin and Travis County was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
57. Approve an ordinance authorizing the acceptance of additional grant funds in the amount of \$87,239 from the Downtown Austin Alliance; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate an additional \$87,239 in funding for a total grant amount of \$516,239 for the Downtown Ranger Program, and add four full-time equivalent positions for a total of thirteen (13) authorized full-time equivalent grant positions for the Downtown Ranger Program. Funding is available from the Downtown Austin Alliance from May 1, 2009 through April 30, 2010.
Ordinance No. 20090924-057 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
58. Approve an ordinance amending the Fiscal Year 2008-2009 Police Department Capital Budget of Ordinance No. 20080908-03 to appropriate \$3,850,000 to purchase real estate, improvements, and warehouse space for an evidence storage facility and make facility repairs. Funding is available from a reimbursement resolution. Related to Items #10, 18, & 77.
This item was postponed to October 1, 2009 on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
59. Approve an ordinance amending the Fiscal Year 2008-2009 Public Works Department Capital Budget of Ordinance No. 20080908-003 to appropriate \$1,350,000 to purchase real estate and facility improvements. Funding is available from a reimbursement resolution. Related to Items #11, 19, & 82.
Ordinance No. 20090924-059 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
60. Authorize award and execution of a 36-month requirements supply contract with CENVEO, INC., Dallas, TX for printed, recycled-content window envelopes in an estimated amount not to exceed \$420,486, with three 12-month extension options in an estimated amount not to exceed \$140,162 per extension option,

for a total estimated contract amount not to exceed \$840,972. Funding in the amount of \$140,162 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9D 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 Cenveo, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

61. Authorize award and execution of a 12-month requirements contract with SUN-NET CONSULTING, San Jose, CA for the purchase of an Electric Reliability Council of Texas (ERCOT) compatible transmission outage scheduler (TOA) software application for Austin Energy in an estimated amount not to exceed \$228,500, with three 12-month extension options for maintenance in an estimated amount not to exceed \$17,000 per year, for a total estimated contract amount not to exceed \$279,500. Funding in the amount of \$6,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$222,500 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining months of the original contract 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 Electric Utility Commission.

The motion authorizing the award and execution of a requirements contract with Sun-Net Consulting was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

62. Authorize award and execution of a contract with ALLAN VORDA & ASSOCIATES, Sugar Land, TX for the purchase of one walk-in freezer and one cooler for the Austin Police Department in an amount not to exceed \$105,000. Funding is available in the Fiscal Year 2008-2009 One-Time Critical Capital Budget of the Austin Police Department. 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.

The motion authorizing the award and execution of a contract with Allan Vorda & Associates was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

63. Authorize award, negotiation, and execution of a 12-month requirements supply contract through the State of Texas, Department of Information Resources (DIR) with DELL, INC., Round Rock, Texas, for the purchase of power management software (NightWatchman) and related maintenance and services, in an estimated amount not to exceed \$172,300, with two 12-month extension options in an estimated amount not to exceed \$33,840 per extension option, for a total estimated contract amount not to exceed \$239,980. Funding in the amount of \$121,800 is available in the Fiscal Year 2008-2009 Operating Budgets of Austin Energy, Austin Water Utility and Austin Convention Center Energy Conservation Programs. Funding in the amount of \$32,500 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding in the amount of \$18,000 is contingent upon approval of Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding for the 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 solicitation. Recommended by the Electric Utility Commission and Resource Management Commission.

The motion authorizing the award, negotiation and execution of a requirements supply contract through the State of Texas, Department of Information Resources (DIR) with Dell, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 6-0. Council Member Shade abstained.

64. Authorize award, negotiation, and execution of a requirements service contract through the State of Texas Department of Information Resources (DIR) with EMA, INC., St. Paul, MN, for the implementation of Maximo software, including technical and training services, as the Enterprise Work Order and Asset Management (EAM) System for the Watershed Protection Department and Transportation Department in an estimated amount not to exceed \$1,396,725. Funding in the amount of \$672,550 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection Department. Funding in the amount of \$724,175 is available in the Fiscal Year 2008-2009 Capital Budget of the Transportation Department. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this contract. However, the contractor has agreed to subcontract with the following companies: TSGL, Inc. (WBE) - \$112,140; Rhyon Technologies (MBE) - \$100,800; Digital Mapping Services LLP (MBE) - \$44,800.

The motion authorizing the award, negotiation and execution of a requirements service contract through the State of Texas Department of Information Resources (DIR) with EMA, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

65. Authorize award and execution of a contract with FD MANUFACTURING dba FD TRAINING INTERNATIONAL, INC., Granbury, TX, for the purchase of a Fire Engineer Training Simulator in an amount not to exceed \$58,600. Funding is available in the Fiscal Year 2008-2009 Vehicle Acquisition Fund. 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 FD Manufacturing doing business as FD Training International, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

66. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with SCHWARZE INDUSTRIES, INC., Huntsville, AL for the purchase of three street sweepers in an amount not to exceed \$627,824 and WIRTGEN AMERICA, INC., Antioch, TN for the purchase of one self-propelled paver in an amount not to exceed \$150,669. Funding in the amount of \$315,293 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$463,200 is available in the Fiscal Year 2008-2009 Capital Budget of the Solid Waste Services Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with Schwarze Industries, Inc. and Wirtgen America, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

Items 67 and 68 were pulled for discussion.

69. Approve a resolution authorizing the use of City Hall by AIDS Services of Austin for a visual light display to go "red" for the week of October 11th through October 18th, making the City of Austin an official participant in Austin Red Week. (Council Member Laura Morrison Council Member Chris Riley Mayor Lee Leffingwell)
Resolution No. 20090924-069 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

Item 70 was pulled for discussion.

71. Approve a resolution directing the City Manager to commission an independent program assessment and analysis of the Millennium Youth Entertainment Complex and develop a long term strategic plan for the facility with a community stakeholder process. (Council Member Sheryl Cole Council Member William Spelman Council Member Randi Shade)
Resolution No. 20090924-071 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
72. Approve a resolution directing the City Manager to develop a neighborhood matching fund program to provide City support for neighborhood improvement projects. (Council Member Sheryl Cole Council Member William Spelman and Mayor Lee Leffingwell)
Resolution No. 20090924-072 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
73. Approve the waiver of certain fees for the Marathon Kids 2009-2010 Kick Off Celebration to be held on Saturday, October 3, 2009 at The University of Texas' Mike Myers Stadium. (Mayor Lee Leffingwell Council Member Sheryl Cole)
The motion to approve the waiver of certain fees for the Marathon Kids 2009-2010 Kick Off Celebration was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
74. Set a public hearing on appeals by Champion Assets, Ltd. and the 2222 Coalition of Neighborhood Associations of the Zoning and Platting Commission's decision to approve a site plan extension for a site located at 6015 N. Capital of Texas Highway, a project known as Champion Commercial Development. (Suggested date and time: October 22, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for October 22, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
75. Set a public hearing to consider an ordinance amending Chapter 25-5 to require approval of non-City water and wastewater utilities during site plan approval.(Suggested date and time: October 22, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact. Recommended by the Planning Commission. To be reviewed by the Water and Wastewater Commission on October 14, 2009.
The public hearing was set for October 22, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

Item 76 was a briefing item set for 10:30 a.m.

Items 77 through 82 were Executive Session items.

Items 83 through 97 were zoning items set for 4:00 p.m.

Items 98 through 105 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

2. Authorize negotiation and execution of a 36-month funding agreement between the City of Austin and the CLEAN AIR Force of Central Texas to provide funding and extend the City's involvement in clean air programs, in the amount of \$90,000 for 12 months with two 12-month renewal options, for a total agreement amount not to exceed \$270,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining months of the contract period is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission and Resource Management Commission. Recommended by the Environmental Board
The motion authorizing the negotiation and execution of a funding agreement between the City of Austin and the Clean Air Force of Central Texas was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
48. Approve a resolution authorizing the negotiation and execution of a contract between the City of Austin and the Texas Department of Housing and Community Affairs, in an amount not exceed \$2,542,618, to help mitigate the impact of the foreclosure crisis in Austin neighborhoods through the Neighborhood Stabilization Program funded by the Housing and Economic Recovery Act 2009. Funding in the amount of \$2,542,618 will be provided through the Texas Department of Housing and Community Affairs. The Neighborhood Stabilization Program is a reimbursement program that will require repayment.
Resolution No. 20090924-048 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
68. Approve a resolution to reallocate the existing Fiscal Year 2008-2009 funding plan for the Holly Good Neighbor Program. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)
Resolution No. 20090924-068 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

BRIEFING

76. Austin Technology Incubator Presentation on Fiscal Year 2009 accomplishments and highlights
The presentation was made by Rodney Gonzales, Acting Director of Economic Growth and Redevelopment Services, and Isaac Barchas, Director of Austin Technology Incubator.

DISCUSSION ITEMS CONTINUED

31. Authorize the negotiation and execution of a 12-month Interlocal Agreement with the University of Texas at Austin through its Austin Technology Incubator-Bioscience program in an amount not to exceed \$125,000, with two 12-month renewal options in an amount not to exceed \$125,000 per renewal option, for a total contract amount not to exceed \$375,000 for business consulting services to Austin high technology startups. Funding in the amount of \$125,000 in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Service Office. Funding for the extension options is contingent upon available funding in future budgets.
Items 31 and 32 were acted upon in a combined motion. See item 32 below.

32. Authorize the negotiation and execution of a 12-month Interlocal Agreement with the University of Texas at Austin, through its Austin Technology Incubator-Wireless program, in an amount not to exceed \$200,000, with two 12-month extensions options in an amount not to exceed \$200,000 per renewal option, for a total contract amount not to exceed \$200,000 for business consulting services to Austin high technology startups. Funding in the amount of \$200,000 available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Service Office. Funding for the extension options is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of an interlocal agreement with the (31) University of Texas at Austin through its Austin Technology Incubator-Bioscience program and (32) interlocal agreement with the University of Texas at Austin through its Austin Technology Incubator-Wireless program were approved on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

67. 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 with a friendly amendment on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote. A friendly amendment was made by Council Member Cole to add the names as listed below to the Comprehensive Plan Citizens Advisory Task Force. This was accepted by Council Member Morrison who seconded the motion.

Board

Nominated By:

African American Resource Advisory Commission

Reverend Daryl Horton

LeKisha McKinley

waiving the residency requirement (Section 2-1-21, City Code)

Council Member Shade

Council Member Riley

Austin Airport Advisory Commission

Rip Torn

Council Member Cole

Austin Mayor's Committee for People with Disabilities

George Luc

Council Member Riley

Austin-Travis County MHMR Board of Trustees

Dr. Exalton Delco

Martha Martinez

Mayor Leffingwell

Mayor Leffingwell

Board of Adjustment

Melissa Hawthorne (alternate)

Leanne Heldenfels

Mayor Leffingwell

Council Member Shade

Building and Fire Code Board of Appeals

Steven King

Mayor Leffingwell

Commission for Women

Kim Skotak

Council Member Shade

Community Development Commission

Dorcas Seals (representative – Colony Park Neighborhood)

Mayor Pro Tem Martinez

Downtown Commission

Bryan Ruiz Cady

Stan Haas

Dustin Lanier (representative - Urban Transportation Commission)

Mayor Leffingwell

Mayor Leffingwell

Council Member Cole

Electric Board

Randy Pomikahl

waiving the residency requirement (Section 2-1-21, City Code)

Council Member Riley

Ethics Review Commission

James Sassin

Council Member Spelman

Public Safety Commission

Kim Rossmo

Council Member Spelman

Residential Design and Compatibility Commission

Lucy Katz

Mayor Pro Tem Martinez

Resource Management Commission

Richard Amato

Council Member Riley

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

Celia Israel

waiving the residency requirement (Section 2-1-21, City Code)

Council Member Riley

Urban Renewal Agency

Ben Sifuentes

Mayor Leffingwell

Waterfront Planning Advisory Board

Brooke Bailey

Roy Mann

Mayor Pro Tem Martinez

Council Member Riley

Task Force NominationsCitizens Water Conservation Implementation Task Force

Spencer Carlton

Robert Ledbetter

Gayle Rosenthal

Scott L. Shippey

Dan Wilcox

Council

Council

Council

Council

Council

Comprehensive Plan Citizens Advisory Task Force

Roger L. Cauvin

Scooter Cheatham

G. Kent Collins

Margaret Cooper - chair

Rob D'Amico

Wilhelmina R. Delco

Greg M. Esparza

Frances A. Ferguson

Council

Council

Council

Council

Council

Council

Council

Council

Ora E. Houston	Council
John H. Langmore	Council
Roberto O. Martinez	Council
Frances A. McIntyre	Council
Jennifer McPhail	Council
Rebecca L. Melancon	Council
Juan P. Padilla	Council
Lori Cervenak Renteria	Council
Regina L. Rogoff	Council
Cookie G. Ruiz	Council
Frederick R. Steiner	Council
Evan K. Taniguchi	Council
Donna C. Tiemann	Council
Candace L. Wade	Council
Allen W. Weeks	Council
Jerry Winetroub	Council
Mark A. Yzanga	Council

Council Member Cole's Additions

Perla Cavazos,
 Maria Hernandez,
 Jonathan Ogren,
 Lawrence Gross, Jr.

70. Approve a resolution directing the City Manager to develop a plan to increase the frequency and number of spay/neuter surgery services and present the plan to Council by November 5, 2009, including any necessary budget amendments. (Council Member William Spelman Council Member Laura Morrison and Council Member Chris Riley)

Resolution No. 20090924-070 was approved with the following amendments on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. The amendment from Council Member Spelman was to add an additional whereas to the resolution to read as follows, "WHEREAS, Spaying and neutering pets reduces the number of stray animals in the future, reduces costs at the Town Lake Animal Center, and reduces the need for future use of euthanasia in roughly a one-to-one ratio."

A friendly amendment was made by Mayor Pro Tem Martinez to amend item 2 of the resolution. By inserting the language "as well as live outcomes" so it reads as follows:

2. "thereby increase the number of spay and neuter surgeries by 2,000 surgeries per year, as well as live outcomes consistent with..." This was accepted by the maker of the motion and Council Member Morrison who seconded the motion.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:44 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.

Items 77 and 78 were discussed later in Executive Session.

- 79. 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).
- 80. Discuss legal issues relating to an appeal of the renewal of an Outdoor Music Venue Permit for ATX Sports Bar. (Private Consultation with Attorney - Section 551.071). Related to Item #105.
This item was withdrawn.

Item 81 was discussed later in Executive Session.

- 82. Consider the acquisition of approximately 2.4 acres in northeast Austin for a street and bridge facility. (Real Property - Section 551.072). Related to Items # 11, 19, & 59.
This item was withdrawn.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:07 p.m.

CITIZEN COMMUNICATION: GENERAL

Danny Camacho - Public cemetery oversight Deferred his time to Dale Flatt.

Dale Flatt - Public cemetery operations need for more oversight and performance measures for pard and contractor

Ronnie Gjemre (reeferseed) - Peace and freedom

Rae Nadler-Olenick - Water fluoridation

Walter Olenick - Water fluoridation

Gus Peña - City issues and discuss budget

Paul Robbins - City issues

Jimmy Castro - Travis County health district budget

Linda Greene - Why spend millions on fluoride waste

CarolAnneRose Kennedy - Let's all stop paying federal income tax

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:50 p.m.

EXECUTIVE SESSION CONTINUED

- 77. Consider the acquisition of approximately 2.5 acres in northeast Austin for warehouse space.(Real Property - Section 551.072). Related to Items #10, 18, & 58.

78. Discuss legal issues and possible settlement of claims arising out of the design and construction of the parking garage at Austin-Bergstrom International Airport. (Private Consultation with Attorney - Section 551.071).
81. Discuss legal issues related to Cause No. D-1-GN-08-001402; Marvin Clayborne and Stephan Center v. City of Austin; in the 98th Judicial District County of Travis, County Texas. (Private Consultation with Attorney - Section 551.071).

Executive Session ended at 1:38 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:34 p.m.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:34 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:39 p.m.

Mayor Leffingwell recessed the Council Meeting at 3:39 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:00 p.m.

ZONING CONSENT ITEMS

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

83. NPA-2008-0015.03 - Precinct 1 New Office Building - Approve second/third readings of an ordinance amending Ordinance No.021107-Z11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from mixed use designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). First reading approved on August 6, 2009. Vote: 7-0. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.
Ordinance No. 20090924-083 to change the land use designation on the future land use map to civic use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
84. C14-2008-0174 - Precinct 1 New Office Building - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. First reading approved on August 6, 2009. Vote: 7-0. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.
Ordinance No. 20090924-084 for public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING CONSENT ITEMS

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

85. C14-2008-0242 - Mueller Austin Energy Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 East 51st Street (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on October 13, 2009. Applicant: Austin Energy (Dorothy Kester). Agent: Stanley Consultants, Inc. (Charles Steinman). City Staff: Joi Harden, 974-2122.
This item was postponed on consent to October 22, 2009 at the staff's request on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
87. C14H-2009-0017 - Murray-Hatfield House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 408 W. 32nd Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on October 27, 2009. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
This item was postponed on consent to November 5, 2009 at the staff's request on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
88. NPA-2009-0014.01 - Carson Creek - Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast 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 industrial to commercial for the property located at 6511 E. Ben White Blvd. Eastbound (Carson Creek Watershed). Staff Recommendation: To approve commercial land use designation. Planning Commission Recommendation: To approve commercial land use designation. Owner: DJK Inc., John Bushman. Applicant and Agent: Real Estate Consulting, James Leverett. City Staff: Maureen Meredith, 974-2695.
The public hearing was closed and Ordinance No. 20090924-088 to change the land use designation on the future land use map to commercial was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
89. C14-2009-0072 - Carson Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6511 East Ben White Blvd. Eastbound (Carson Creek Watershed) from limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Applicant: DJK, Inc. (John Bushman). Agent: Real Estate Consulting (Jim Leverett). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20090924-089 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
92. 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 grant vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use (VMU) overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

The public hearing was closed and Ordinance No. 20090924-092 for vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use (VMU) overlay district was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

93. 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 deny commercial land use designation. Applicant: Tanvir Siddiqui. City Staff: Maureen Meredith, 974-2695.

This item was withdrawn on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

94. 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 deny general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Applicant and Agent: Tanvir Siddiqui. City Staff: Stephen Rye, 974-7604.

This item was withdrawn on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

95. NPA-2009-0022.01 – Congress Avenue Baptist Church – Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 civic to mixed use on the western portion of the tract for the property located at 1511 South Congress Avenue. (East Bouldin Creek Watershed). Staff Recommendation: To approve mixed use land use designation on the western portion of the tract. Planning Commission Recommendation: To approve mixed use on the western portion of the tract. Applicant: Congress Avenue Baptist Church (Jim Gotcher). Agent: Dubois, Bryant, & Campbell (Henry Gilmore). City Staff: Maureen Meredith, 974-2695.

This item was postponed to October 22, 2009 at the applicant's request on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

96. C14-2009-0032 – Congress Avenue 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 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. Applicant: Congress Avenue Baptist Church (Jim Gotcher). Agent: Dubois, Bryant & Campbell (Henry Gilmore). City Staff: Stephen Rye, 974-7604.
This item was postponed to October 22, 2009 at the applicant's request on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

86. 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.

A motion was made by Council Member Shade and seconded by Council Member Cole to close the public hearing and approve the ordinance on all three readings.

A friendly amendment was made by Mayor Leffingwell to approve the item on first reading. The friendly amendment was not accepted by the maker of the motion.

There was a motion by Council Member Shade that was seconded by Council Member Cole to close the public hearing and approve the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning on all three readings. Because this motion passed on a 4-3 vote, per the City Code, the ordinance could only pass on first reading. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

90. 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 change the future land use map from commercial to mixed use on selected tracts within the Crestview Neighborhood Planning Area. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Montes, 974-2629.

Items 90 and 91 were acted upon in a combined motion. See item 91 below.

91. 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 grant vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use (VMU) overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Montes, 974-2629.

The public hearings were closed and Ordinance No. 20090924-090 to change the land use designation on the future land use map to mixed use on tracts 3, 5, 6, 7 and 10 and Ordinance No. 20090924-091 with the following conditions were approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The conditions were: Tracts 2, 4, 8, and 11 were excluded from the VMU Overlay District. Tracts 1, 3, 5-7, 9, 10, 12, 13, and 100 were approved for vertical mixed use (V) zoning with no vertical mixed use bonus standards. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

Mayor Leffingwell recessed the Council Meeting at 5:40 p.m.

LIVE MUSIC

Electric Touch

PROCLAMATION

Proclamation -- Arts & Humanities Month, The Time to "Get Your Art On!" -- to be presented by Mayor Lee Leffingwell and to be accepted by Vincent Kitch and Latifah Taormina

Proclamation -- Childhood Cancer Awareness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Lisa and Thomas Molina and Dr. Linda Shaffer

Proclamation -- NamiWalks for the Mind of America Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Cathy Weaver

Proclamation -- River City Youth Foundation's 25th Anniversary -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Mona Gonzalez

Proclamation -- Fall Prevention Awareness Week -- to be presented by Council Member Chris Riley and to be accepted by Walter Timberlake

Mayor Leffingwell called the Council Meeting back to order at 6:44 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

103. Conduct a public hearing and consider an ordinance amending Chapter 25-1 of the City Code relating to neighborhood plan amendments.
This item was withdrawn without objection.
104. Conduct a public hearing and consider an ordinance amending Chapter 25-1 of the City Code to establish public notice and hearing requirements for processing a proposed development agreement for a project by a governmental entity. Recommended by Planning Commission.
This item was withdrawn without objection.
105. 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. Related to Item #80.
This item was withdrawn without objection.
98. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2009-2010.
The public hearing was closed without objection.
99. Conduct a public hearing for the full purpose annexation of the 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).
The public hearing was closed on Council Member Riley's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.
101. Conduct a public hearing for the full purpose annexation of the Shaw Lane Quarry Annexation Area (approximately 197 acres in eastern Travis County approximately 2,225 feet south of the intersection of McKinney Falls Parkway and Shaw Lane).
The public hearing was closed on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

ZONING DISCUSSION ITEM CONTINUED

97. 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.
The public hearing was held open and the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions and accepting the PUD land use plan submitted by the applicant to staff on September 23, 2009 was approved with the following friendly amendment on Council Member Cole's motion, Council Member Shade's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Martinez and Council Members Cole, Riley, Shade and Spelman. Those voting nay were: Mayor Leffingwell and Council Member Morrison. Direction was given to staff to work with the applicant prior to second

reading to analyze and present a menu of affordable housing options for Council to consider on second reading.

A friendly amendment was made by Council Member Riley to reduce the maximum height of area six on the PUD use plan from 120 feet to 90 feet. This was accepted by the maker of the motion and Council Member Shade who seconded the motion.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

100. Conduct a public hearing for the full purpose annexation of the 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).
The public hearing was closed on Council Member Morrison's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.
102. Conduct a public hearing for the full purpose annexation of 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). August 20, 2009 - Council set a public hearing for September 24, 2009 and October 1, 2009.
The public hearing was closed on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

Mayor Leffingwell adjourned the meeting at 9:40 p.m. without objection.

The minutes for the regular meeting of September 24, 2009 were approved on this the 22nd day of October 2009 on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.