

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 22, 2009**

Invocation: Lt. Frankie Zuniga, Salvation Army

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, October 22, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:03 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 regular meeting of September 24, 2009, special called meeting of October 14, 2009 and regular meeting of October 15, 2009.
The minutes from the meeting of September 24, 2009 regular meeting, October 14, 2009 special called meeting and October 15, 2009 regular meeting were approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
2. Approve an ordinance modifying the expiration date of Service Extension Request Nos. 2706, 2708 and 2710 for water service for SLF III - ONION CREEK, L.P., owner of Stratford Tracts I, II and III located south of Onion Creek and west of Interstate Highway 35 South and waiving the requirements of Section 25-9-39 of the City Code relating to expiration of service extension request approval. Recommended by the Water and Wastewater Commission.
Ordinance No. 20091022-002 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
3. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with SLF III - ONION CREEK, L.P., related to Service Extension Request Nos. 2707, 2709 and 2711, for construction of 15-inch, 18-inch and 24-inch gravity wastewater mains and appurtenances to serve property south of Onion Creek and west of Interstate Highway 35 South with City cost reimbursement for an overall total amount not to exceed \$2,221,800.00 and waiving the requirements of Section 25-9-39 of the City Code relating to expiration of service extension request approval. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Ordinance No. 20091022-003 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
4. Approve Service Extension Request No. 2865 for wastewater service not to exceed an estimated peak wet weather flow of 16 gallons per minute (gpm) for SHADY HOLLOW MUD, the owner of a property

located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 12010 BRODIE LN. Recommended by the Water and Wastewater Commission.

The motion to approve the service extension request number 2865 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

5. Approve a resolution authorizing application for grant funding from the Capital Area Planning Council of Governments (CAPCOG) under the 2010-2011 Regional Solid Waste Grant Program in the amount of \$41,600 to enhance existing illegal dumping deterrence efforts. \$41,600 from the 2010-2011 Regional Solid Waste Grant Program (CAPCOG).

Resolution No. 20091022-005 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

6. Authorize the acquisition for the South IH-35 Water and Wastewater Infrastructure Improvements Program for 4.323 acres of right-of-way, .256 acre slope easement, .047 acre slope easement, .432 acre slope easement and .340 acre waterline easement from land situated in the Santiago Del Valle Grant, Abstract Number 24, Travis County, Texas, located at Capitol View Drive owned by JORGE CHEN LAU AND WEI HONG FAN in the amount not to exceed \$69,509. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

The motion authorizing the acquisition of easements from Jorge Chen Lau and Wei Hong Fan for the South IH-35 Water and Wastewater Infrastructure Improvements Program was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

7. Approve the acquisition for the Austin Water Utility: Water Reclaim Initiative-Central Phase 3a-Red River to University of Texas of a 1,514 square-foot water line easement out of portions of Lot 14 and Lot 15 in Archway, a subdivision of Outlot 9, Division "D", in the City of Austin, Travis County, Texas, located at East Dean Keeton Street, and a 64,467 square-foot temporary staging and materials storage easement out of Outlot 26, Division "C" in the City of Austin, Travis County, Texas, located at Red River Street, from the University of Texas in an amount not to exceed \$255,471. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

The motion to approve the acquisition of a water line easement and temporary staging and materials storage easement from the University of Texas was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

8. Authorize negotiation and execution of all documents necessary for the fee simple sale of approximately 2.253 acres located on RM 2769 West of RM 620 to the State of Texas for right of way, in the amount of \$411,747. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of all documents necessary for the fee simple sale to the State of Texas was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

9. Authorize execution of a construction contract with TMI COATINGS, INC.,(WBE/FW 71.85%) St. Paul, MN, for the Capital of Texas Reservoir recoating and safety improvements in the amount of \$657,700, plus a contingency of \$65,770 for a total contract amount not to exceed \$723,470. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 7.40% MBE and 16.34% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with TMI Coatings, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

10. Authorize execution of a construction contract with AUSTIN ENGINEERING CO., INC., Austin, TX, for the South IH-35 Water and Wastewater Infrastructure Improvements Program Goodnight Ranch Phase II, 48-inch Water Main project in the amount of \$1,149,073.50 plus \$80,435.15 contingency, for a total contract amount not to exceed \$1,229,508.65. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 3.22% MBE and 2.80% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Austin Engineering Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 11 was pulled for discussion.

12. Authorize execution of a construction contract with HAEGELIN CONSTRUCTION COMPANY, LTD., Austin, TX, for the Govalle 24-inch and Jimmy Clay 12-inch Force Main Rehabilitation project in an amount not to exceed \$201,801. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of twelve (12) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.40% MBE and 4.78% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Haegelin Construction Company, LTD. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 13 was pulled for discussion.

14. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, TX, for additional preliminary engineering and program management services for the South IH-35 Water and Wastewater Infrastructure Improvements Program in an amount not to exceed \$3,407,736 for a total contract amount not to exceed \$9,998,902. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 31.42% MBE and 8.37% WBE subconsultant participation to date. Reviewed by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with URS Corporation was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Authorize negotiation and execution of a Renewal and Amendment to the Interlocal Agreement for Fire Protection Services between the City of Austin and the City of Sunset Valley under which Austin provides fire protection and emergency service response to the full purpose and extra-territorial jurisdiction of the City of Sunset Valley
The motion authorizing the negotiation and execution of a renewal and amendment to the interlocal agreement between the City of Austin and the City of Sunset Valley was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
17. Approve an ordinance accepting \$27,280 in grant funds from the NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, Washington, D.C., and amending the Fiscal Year 2009-2010 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20090914-

002 to appropriate \$27,280 to participate in a nationwide public health accreditation beta test. Funding is available from the National Association of County and City Health Officials. The grant period is September 1, 2009 through December 31, 2010. No city match is required.

Ordinance No. 20091022-017 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

18. Approve an ordinance accepting \$1,220,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), COMMUNITY PREPAREDNESS SECTION, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$1,220,000 for the purpose of preparing for an influenza pandemic. Funding is available from the Texas Department of State Health Services, Community Preparedness Section. The grant period is from September 15, 2009 through July 31, 2010. No City match is required

Ordinance No. 20091022-018 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

19. Approve an ordinance accepting \$383,734 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$383,734 to provide refugee health screening and add two full-time equivalent grant positions. Funding is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch. The grant period is October 1, 2009 through September 30, 2010. No City match is required.

Ordinance No. 20091022-019 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

20. Approve negotiation and execution of Amendment No. 2 to an agreement with CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC. for Ryan White Part C Early Intervention Services to increase funding by \$21,169, for a total contract amount of \$429,200 for the first 10-month period, with two 12-month renewal options in an amount not to exceed \$489,637 for each renewal term, for a total contact amount not to exceed \$1,408,474. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Part C Early Intervention Services program. The grant period is January 1, 2009 to December 31, 2009.

The motion authorizing the negotiation and execution of amendment number two to an agreement with Central Texas Community Health Centers, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

21. Approve negotiation and execution of Amendment No. 7 to the Interlocal Agreement among the CITY OF AUSTIN, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, Austin, TX, and TRAVIS COUNTY to increase Travis County's funding by \$157,940 for the period January 1, 2009 through December 31, 2009. Funding is available from the Travis County Parenting Recovery grant. These funds are paid directly to Austin Travis County Mental Health Mental Retardation Center by Travis County. City funding is not impacted.

The motion authorizing the negotiation and execution of amendment number seven to the interlocal agreement among the City of Austin, Austin Travis County Mental Health Mental Retardation Center and Travis County was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 22 was pulled for discussion.

23. Approve an ordinance to annex the Ferguson Lane - Brown Lane Annexation Area for full purposes (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) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20091022-023 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

24. Approve an ordinance to annex the Northwest Hills Ranch Annexation Area for full purposes (approximately 20 acres in northern Travis County east of D K Ranch Road generally located 275 feet south of the intersection of D K Ranch Road and Texas Plume Road) and to waive animal enclosure distance requirements in City Code Section 3-2-14 for ten years in the annexed area. Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will provide the services.

Ordinance No. 20091022-024 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

25. Approve an ordinance to annex the Shaw Lane Quarry Annexation Area for full purposes (approximately 184 acres in eastern Travis County approximately 2,225 feet south of the intersection of McKinney Falls Parkway and Shaw Lane). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20091022-025 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

26. Approve an ordinance to annex the Reserve at Westhill Annexation Area for full purposes (approximately 7 acres in northern Travis County at the northwest corner of the intersection of Yaupon Drive and Texas Plume Road). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20091022-026 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

27. Approve an ordinance adopting the 5200 McKinney Falls Parkway Annexation and Development Agreement, concerning annexation and development of approximately 69 acres in eastern Travis County generally located 3,545 feet southwest of the intersection of McKinney Falls Parkway and Shaw Lane.

Ordinance No. 20091022-027 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 28 was pulled for discussion.

29. Approve an ordinance accepting \$200,000 in grant funds from the Bureau of Justice Assistance, Fiscal Year 2009 Law Enforcement Task Forces, Human Trafficking Victims Continuation Program; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No 20090914-002 to appropriate \$200,000 for the Austin/Travis County Human Trafficking Task Force. Funding is available from the BJA Fiscal Year 2009 Law Enforcement Task Forces for Human Trafficking Victims Continuation Program. An in-kind match of \$92,748 is included in the Fiscal Year 2009-2010 operating budget of the Austin Police Department. The supplement amends grant 2005-VT-BX-0017 and extends the grant period to September 30, 2010.

Ordinance No. 20091022-029 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 30 was pulled for discussion.

31. Authorize execution of Amendment No. 1 to an Interlocal Agreement between the City of Austin and Williamson County for the improvement of Pond Springs Road between its intersections with US 183, in an amount not to exceed \$200,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of amendment number one to an interlocal agreement between the City of Austin and Williamson County was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
32. Approve an ordinance amending ordinance no. 20090806-016 related to a community facilities agreement with Austin BC, LP, to construct improvements to 44th Street in order to waive applicable site plan review and inspection fees.
Ordinance No. 20091022-032 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 33 was pulled for discussion.

34. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with SIDDONS FIRE APPARATUS, INC., Houston, TX, for the purchase of five pumper fire trucks, one combination aerial/pumper fire truck (quint), and one brush fire truck in an amount not to exceed \$3,128,000. Funding is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Siddons Fire Apparatus, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
35. Authorize award and execution of a 12-month Professional Services contract with SUMA/ORCHARD SOCIAL MARKETING, INC., Austin, TX for services related to social marketing and media services in an estimated amount not to exceed \$250,000, with four 12-month extension options in an estimated amount not to exceed \$250,000 per extension option, for a total estimated contract amount not to exceed \$1,250,000. Funding in the amount of \$125,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Health & Human Services Department Special Revenue Fund through a federal grant for Public Health Emergency Response. Additional funding sources would be provided by additional grants and would not be allocated until a need to expend funds was provided. Funding for the remaining extension options is contingent upon available funding in future budgets. Professional Services. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a professional services contract with Suma/Orchard Social Marketing, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
36. Authorize the award and execution of a contract with TRIVAN TRUCK BODY TEXAS, LLC, Waco, TX for the purchase of two self-contained mobile shower trailers in an amount not to exceed \$144,305. Funding is available in the Fiscal Year 2007 Metro Medical Response System grant from the Department of Homeland Security. Lowest bid meeting specification 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.

The motion authorizing the award and execution of a contract with TriVan Truck Body Texas, LLC was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

37. Adopt a resolution approving issuance by Northwest Austin Municipal Utility District No. 1 of Unlimited Tax Refunding Bonds, Series 2009, in a principal amount not to exceed \$2,780,000; and approving a draft of the District's Bond Order and Preliminary Official Statement in substantially the form provided by the District. The City is not responsible for payment of District bond debt service until dissolution of the District. Once the dissolution of the District takes place, the avoided debt service associated with the refunding would also benefit the City of Austin.
Resolution No. 20091022-037 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
38. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Board

Nominated By:

Austin-Travis County EMS Advisory Board
Dr. Patrick Crocker

Mayor Leffingwell

Community Development Commission
Gilberto Rivera
(representative – Rosewood-Zaragosa/Blackland neighborhood)

Council Member Riley

Mexican American Cultural Center Advisory Board
Robert Mezquiti

Council Member Riley

Waterfront Planning Advisory Board
Dean Almy

Council Member Shade

Items 39 and 40 were pulled for discussion.

41. Approve a resolution directing the city manager to process a code amendment to prohibit the relocation of billboards within 500 feet of a legal residential use and to bring the proposed ordinance to City Council on or before December 10, 2009. (Council Member Chris Riley Council Member Laura Morrison Council Member Randi Shade)
Resolution No. 20091022-041 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 42 was pulled for discussion.

43. Approve a resolution directing the City Manager to communicate and work with the State Health and Human Services Commission as model standards for local regulation of certain establishments housing elderly or disabled persons are developed pursuant to H.B. No. 216 of the 81st Texas Legislature, and recommend to council a potential permitting program to regulate such establishments, including a potential interlocal program with Travis County. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez Council Member Randi Shade)
Resolution No. 20091022-043 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Item 44 was pulled for discussion.

45. Approve a resolution appointing a new City Auditor and establishing compensation. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Randi Shade)
Resolution No. 20091022-045 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
46. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the Bras Across the Bridge event sponsored by Clear Channel Radio and KASE 101 which is to be held Sunday, October 25, 2009, on the Congress Avenue Bridge. (Council Member Laura Morrison Council Member Sheryl Cole Council Member Randi Shade)
The motion approving the waiver of certain fees and requirements for the Bras Across the Bridge event sponsored by Clear Channel Radio and KASE 101 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
47. Set a public hearing to consider the use of approximately 40,000 square feet (0.92 acre) for a temporary staging area and material storage site for construction of storm drain improvements for the Shoal Creek - Rosedale Stormwater & Water Quality Improvements, Phase IIA & IIB Project through dedicated parkland known as the Ramsey Park. (Suggested date and time: November 19, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.
The public hearing was set for November 19, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.
48. Set a public hearing to consider the use of approximately 1,915 square feet (0.04 acre) permanent drainage easement, approximately 10,505 square feet (0.24 acre) temporary access and temporary workspace, to construct, use, maintain, repair, and replace a storm drain line and appurtenances for construction of a portion of the Lady Bird Lake/East 4th Street Drainage Improvements (CIP ID 5789.028) through dedicated parkland known as Town Lake - Holly Shores Park at 2615 Canterbury. (Suggested date and time: November 19, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommend by the Parks and Recreation Board.
The public hearing was set for November 19, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Items 49 and 50 were briefings set for 10:30 a.m.

Item 51 was an Executive Session item.

Items 52 through 57 were zoning items set for 2:00 p.m.

Items 58 through 60 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

11. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (TXMAS) with K-CONN BUILDING SYSTEMS, North Charleston, SC, for Chestnut House Building in the amount of \$463,059 plus a \$46,305.90 contingency, for a total contract amount not to exceed \$509,364.90. Funding is available in the Fiscal Year 2008-2009 Capital

Budget of the Parks and Recreation 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 execution of a construction contract through the Texas Local Government Purchasing Cooperative (TXMAS) with K-Conn Building Systems was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

15. 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 2009-2010 Capital Budget of the Planning and Development Review Department. This contract was 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.
A motion was made by Council Member Morrison and seconded by Council Member Riley to authorize the negotiation and execution of an amendment to the professional services agreement with Wallace, Roberts, & Todd, LLC. Direction was given to staff to review items and assure the Task Force's involvement, as outlined by Council previously, was included in the scope of work. If so, staff was authorized to approve without returning to Council. If staff was not able to negotiate successfully, it would come back to Council. The non-technical edits provided by Council Member Riley were to be included in the changes.

A substitute motion was made by Council Member Shade and seconded by Council Member Cole to authorize negotiation and execution of an amendment to the professional services agreement with Wallace, Roberts, & Todd, LLC. This motion passed on a vote of 6-1. Council Member Morrison voted nay. If additional amendments to the negotiated contract are needed, those will be considered at the November 5, 2009 meeting. A friendly amendment was made by Council Member Cole to have the grammatical, non-technical and non-impact changes provided by Council Member Riley added if they do not have a fiscal impact and do not delay the project. This was accepted by the maker of the motion.

22. Approve a settlement regarding Charles Wilks and Eunice Wilks v. The City of Austin; No. D-1-GN-08-002518; In the District Court of Travis County, Texas, 201st Judicial District (concerns a serious injury collision involving an APD vehicle).
The motion to approve a settlement in the amount of \$210,000 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.
28. Approve ordinance amending section 12-1-1 and creating section 12-1-34 of the City Code to prohibit the use of wireless communication devices for electronic messaging while operating a motor vehicle, and creating an offense.
There was a main motion made by Mayor Pro Tem Martinez and seconded by Mayor Leffingwell to approve the ordinance.

A substitute motion was made by Council Member Morrison and seconded by Council Member Spelman to postpone this item to November 5, 2009 with direction to staff to afford the Emerging Technology Committee the opportunity to discuss, hear from the public and make recommendations. This motion failed on a vote of 5-2. Those voting aye were: Council Members Morrison and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole, Riley, and Shade.

The main motion to approve Ordinance No. 20091022-028 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote. There was a friendly amendment made by Mayor Pro Tem Martinez to defer the effective date of the ordinance to January 1, 2010. Direction was given to staff to conduct an educational program in the interim.

BRIEFING

49. Presentation on the Strategic Mobility Plan

The presentation was made by Robert Spillar, Director of Austin Transportation Department; Mike Trimble, Officer for Contract and Land Management Department; Fehr & Peers representatives: Matt Henry, Don Samdahl, Heidi Ross, Jed Buie, and Lynda Rife; and Kurt Schulte of Kimley – Horn.

CITIZEN COMMUNICATION: GENERAL

Linda Greene - Why buy fluoride waste?

Ryan Rittenhouse - Austin Energy and the future of the city's energy mix

Olie Pope -Veterans Day parade

David Colbert - Repeal the sitting ordinance He was not present when his name was called.

John Monbelly - Sleeping tickets, sitting tickets and jobs He was not present when his name was called.

Ronnie Gjemre (Reeferseed) - Peace and freedom

Rae Nadler-Olenick - Water fluoridation

Paul Robbins - City issues

Gus Peña - City issues

Stoney Williams deferred his time to Michael Klineman, Kelley Camunez and Richard Troxell - Texas fireworks Dia de los muertos celebration October 31st presented by Planet K and sponsoring charities House the Homeless, Capital Area Food Bank and Mobile Loaves & Fishes

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.

51. Discuss acquisition of an interest in real property for park purposes to be funded by November 2006 bonds. (Real Property- Section 551.072)
This item was withdrawn.

BRIEFINGS CONTINUED

50. Briefing on Waller Creek Master Plan

The presentation was made by Joe Pantalione, Deputy Director of Watershed Protection and Development Review; Jim Robertson, Planning and Development Review Department; and Boris Dramov of Roma Design Group.

DISCUSSION ITEMS CONTINUED

44. Approve a resolution directing the City Manager to prepare an ordinance amending Section 2-1-102 of the City Code (Animal Advisory Commission) to expand the Animal Advisory Commission's role and responsibilities. (Council Member William Spelman Council Member Chris Riley Council Member Randi Shade)

Resolution No. 20091022-044 as amended and available on the dais was approved on Council Member Spelman's motion, Council Member Shade's second on a 6-0 vote. Council Member Riley was off the dais.

A motion to reconsider item 44 to allow Council Member Riley to vote on this item was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Resolution No. 20091022-044 as amended and available on the dais was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

40. Approve a resolution directing the City Manager to implement recycling at City sponsored events. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Laura Morrison)

Resolution No. 20091022-040 was approved with the following friendly amendment on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote. The friendly amendment was to delete resolution number 20080410-49 from the second "WHEREAS". This was accepted by Council Member Morrison who seconded the motion.

39. Approve a resolution directing the City Manager to study the possible implementation of a program under Chapter 376 of the Local Government Code to provide for the financing of private energy efficiency and renewable energy measures through the issuance of municipal bonds to be repaid by voluntary property assessments on the improved properties. (Mayor Lee Leffingwell Council Member Randi Shade Mayor Pro Tem Mike Martinez)

Resolution No. 20091022-039 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

42. Approve a resolution directing the City Manager to bar Austin Police Department officers from conducting phlebotomies, and directing preparation of a range of alternative blood specimen collection methods, and report back to Council on or before December 17, 2009. (Council Member William Spelman Mayor Lee Leffingwell Council Member Laura Morrison)

Resolution No. 20091022-042 was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

33. Authorize award and execution of a 36-month requirements service contract with GILA CORPORATION dba MUNICIPAL SERVICES BUREAU, Austin, TX to collect delinquent accounts receivable for the Emergency Medical Services Department in an estimated amount not to exceed \$1,085,313, with three 12-month extension options in an estimated amount not to exceed \$361,771 per extension option, for a total estimated contract amount not to exceed \$2,170,626. Funding in the amount of \$361,771 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of nine bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned

Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Gila Corporation doing business as Municipal Services Bureau was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

30. Approve ordinance adding a new section 12-1-35 (Vulnerable Road Users) to the City Code relating to restrictions on operating a motor vehicle near vulnerable road users, and creating an offense. Ordinance No. 20091022-030 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

ZONING CONSENT ITEMS

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

52. 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.
The public hearing was closed and Ordinance No. 20091022-052 to change the land use designation on the future land use map (FLUM) to mixed use on the western portion of the tract was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
53. 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. A valid petition has been filed in opposition to this rezoning request.
The public hearing was closed and the first reading of the ordinance for general commercial services-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-CO-NCCD-NP) combining district zoning on the western portion of the tract was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The rezoning of the eastern portion of the tract was withdrawn by the applicant.

55. C14-2009-0091 - Third & San Jacinto Quarter Block - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 213, 215 and 219 E. 3rd Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Applicant: Hywhite, L.L. C. (Mark Frankiewicz). Agent: Armbrust & Brown, L.L.P (Lynn Ann Carley). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. **20091022-055** for central business district-central urban redevelopment (CBD-CURE) combining district zoning was approved with an amendment on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The amendment was as follows.

Part 3 should read: "...unless a Traffic Impact Analysis or (TIA) is reviewed and approved by the Director of Planning and Development Review Department prior to site plan approval."

56. C14-2009-0093 - 2205 A and B Western Trails Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 A and B Western Trails Boulevard (Williamson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office (NO) district zoning. Staff Recommendation: To deny neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 20, 2009. Applicant and Agent: Karl A. Burkett. City Staff: Wendy Rhoades, 974-7719.

This item was postponed indefinitely on consent on Council Member Morrison's 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 DISCUSSION ITEM

54. 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 deny public (P) district zoning. Applicant: Austin Energy (Dorothy Kester). Agent: Stanley Consultants, Inc. (Charles Steinman). City Staff: Joi Harden, 974-2122.

This item was postponed to November 19, 2009 at the neighborhood's request on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

57. C814-2008-0087 - South Shore District PUD- Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 and 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-neighborhood plan (PUD-NP) combining district zoning with conditions. First reading approved on September 24, 2009. Vote: 5-2 (Mayor Leffingwell and Morrison voted Nay). Applicant: Grayco Town Lake Investments 2007, LP. Agent: Drenner & Golden Stuart Wolff, LLP (Michelle Rogerson). City Staff: Stephen Rye, 974-7604.

The public hearing was closed and the second 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 with a maximum height of area six on the PUD use plan being reduced from 120 feet to 90 feet was approved with the following recommendations on Council Member Cole's motion, Council Member Spelman'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. The recommendations were as follows: 1) devote no more than one-third of the commercial space to cocktail lounges; 2) accept staff's recommendation regarding affordable housing and give the applicant credit for the displacement cost as well as the APD substation for a total value of \$3.76 million. Direction was given to staff to bring the final back on November 5, 2009.

A friendly amendment was made by Mayor Pro Tem Martinez to keep the onsite affordable housing option open. This was accepted by the maker of the motion and Council Member Spelman who seconded the motion.

Mayor Leffingwell recessed the Council Meeting at 4:06 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:16 p.m.

Mayor Leffingwell recessed the Council Meeting at 5:34 p.m.

LIVE MUSIC

Julius Young

PROCLAMATIONS

Proclamation -- Municipal Court Week -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Judge Evelyn McKee

Proclamation -- Christmas in October -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Alan Graham and Allison Scharf

Proclamation -- Pancreatic Cancer Awareness Month -- to be presented by Council Member Randi Shade and to be accepted by Greg Petrosewicz

Proclamation -- Habitat for Humanity's Pride Build -- to be presented by Council Member Randi Shade and to be accepted by Betty Naylor

Proclamation -- Pit Bull Awareness Weekend -- to be presented by Council Member William Spelman and to be accepted by Meghan Turner, Lydia Zaidman and Leala Ward

Proclamation -- Oktoberfest and German-Texan Heritage Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Jean Warneke

Distinguished Service Award -- Dorothy Richter -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Mayor Leffingwell called the Council Meeting back to order at 6:25 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

58. Conduct a public hearing and adopt an ordinance amending Chapter 25-5 (Site Plans) to add new section 25-5-5 to require approval of non-City water and wastewater utilities during site plan approval. Recommended by the Planning Commission and the Water and Wastewater Commission.
Items 58 and 59 were acted upon in a combined motion. See item 59 below.
59. Conduct 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.
The joint motion to:
- postpone item 58 indefinitely and withdraw from the agenda (58) and
 - postpone item 59 to November 5, 2009 at the staff's request (59)
- was approved on Council Member Shade's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.
60. Conduct a public hearing and consider an amendment to the Land Development Agreement between the City and the Round Rock Independent School District to limit building coverage for development of Westwood High School, located at 12400 Mellow Meadow Drive, to 50% of the gross site area. Recommended by Zoning and Platting Commission.
The public hearing was closed and the amendment to the land development agreement between the City and the Round Rock Independent School District was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

DISCUSSION ITEMS CONTINUED

13. Authorize execution of a construction contract with RANGER EXCAVATING, LP, Austin, TX, for the Water Treatment Plant 4 (WTP4) Raw Water Pump Station Excavation and Stormwater Facilities in the amount of \$3,142,550 plus a \$157,127.50 contingency, for a total contract amount not to exceed \$3,299,677.50. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. 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 18.56% MBE and 2.62% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Ranger Excavating, LP was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 4-3 vote. 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.

Mayor Leffingwell adjourned the meeting at 7:20 p.m. without objection.

The minutes for the regular meeting of October 22, 2009 were approved on this the 5th day of November 2009 on Council Member Riley's motion, Council Member Cole's second on a 7-0 vote.