

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, NOVEMBER 19, 2009**

Invocation: Rev. D. P. Cassidy, Redeemer Presbyterian Church

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, November 19, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 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 November 4, 2009 and regular meeting of November 5, 2009.
The minutes from the November 4, 2009 special called meeting and November 5, 2009 regular meeting were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Items 2 and 3 were pulled for discussion.

4. Approve negotiation and execution of an agreement with the Harvest Foundation, a 501(c)(3) nonprofit corporation, in an amount not to exceed \$75,000, and an Interlocal Agreement among the City of Austin, Travis County and the Austin Independent School District (AISD), in an amount not to exceed \$25,000, to hold a series of African American Men and Boys Conferences during the 2009-2010 school year at selected AISD middle and high schools. Funding in the amount of \$100,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy.
The motion authorizing the negotiation and execution of an agreement with the Harvest Foundation and an interlocal agreement among the City of Austin, Travis County and the Austin Independent School District (AISD) was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 5 was pulled for discussion.

6. Approve a resolution appointing two new individuals to the stakeholders' group of the Executive Management Committee of the Austin-LCRA Water Partnership in accordance with the Supplemental Water Supply Agreement between City of Austin and LCRA. There is no unanticipated fiscal impact. A fiscal note is not required.

Resolution No. 20091119-006 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

7. Approve Service Extension Request No. 2876 for water service not to exceed an estimated peak hour flow of 3 gallons per minute for JOHN L. ROBUCK, the owner of a property containing one Single Family Residence located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 9610 FM 1826 RD. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by the Water and Wastewater Commission.
The motion to approve service extension request number 2876 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
8. Approve a resolution authorizing acceptance of grants from the Federal Aviation Administration, the Transportation Security Administration, and other agencies of the United States Government in an amount not to exceed \$30,000,000, to the City of Austin, Department of Aviation, as already budgeted for Austin-Bergstrom International Airport for Fiscal Year 2009-2010. Grant reimbursement will apply to projects in the Fiscal Year 2009-2010 Capital and/or Operating Budgets of the Aviation Department. Grant funds will be placed in the Airport Capital Fund, the ABIA Improvement Funds and/or the ABIA Operating Fund. Recommended by the Austin Airport Advisory Commission.
Resolution No. 200901119-008 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
9. Authorize negotiation and execution of a Fixed Base Operator Lease and Development Agreement with Advanced Services, Inc. d/b/a Jet Black Flight Service, Austin, Texas for a tract of approximately 23 acres of land at Austin-Bergstrom International Airport for a term of thirty years from the date of beneficial occupancy. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of a fixed based operator lease and development agreement with Advanced Services, Inc. doing business as Jet Black Flight Service was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
10. Authorize negotiation and execution of a lease with Clean Energy, a California Corporation, of approximately 16,800 square feet of land at Austin-Bergstrom International Airport for a compressed natural gas motor vehicle fueling station, for an initial term of ten years, with the option to renew for up to two additional terms of five years each. Revenue Generating Lease. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of a lease with Clean Energy was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
11. Approve the acquisition for the Pleasant Valley from St. Elmo to Button Bend Project of 5,740 square feet of additional right of way, 46,623 square feet of permanent easements and 24,427 square feet of a temporary working space easement out of Lot 1, Block H, Pleasant Valley Courtyards subdivision plus 11.826 acres, 8.421 acres and .702 acres out of the Santiago Del Valle Grant Survey, City of Austin, Travis County, Texas, located at 4509 E. St. Elmo Road, from PLEASANT VALLEY COURTYARDS HOUSING, L.P., in the amount not to exceed \$56,392. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.
The motion to approve the acquisition of the right of way, permanent easements, and a temporary working space easement from Pleasant Valley Courtyards Housing, L.P. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

12. Authorize the acquisition of 147,170 square feet of right of way out of 26.538 acres out of the Theodore Bissel Survey, No. 18, Abstract 3, Travis County, Texas, located on Davis Lane for the West Gate Boulevard from Cameron Loop to Cohoba Drive project from the AUSTIN INDEPENDENT SCHOOL DISTRICT in an amount not to exceed \$169,246. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.
The motion authorizing the acquisition of right of way from the Austin Independent School District was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
13. Authorize the acquisition of a 9,760 square foot permanent storm sewer easement and a 12,292 square foot temporary work space easement out of Outlot No. 25, Division O, in Travis County, Texas, located on East 2nd Street, for the Town Lake East 4th Street Storm Drain Program from HOUSING AUTHORITY OF THE CITY OF AUSTIN, TEXAS, in an amount not to exceed \$262,586. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
The motion authorizing the acquisition of a permanent storm sewer easement and a temporary work space easement from Housing Authority of the City of Austin, Texas was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
14. Authorize negotiation and execution of a Design-Build Agreement with WHITE CONSTRUCTION COMPANY, Austin, TX, for the new Municipal Court and Austin Police Department Northeast Area Command Substation with funding for Preliminary Phase and Design Phase Services in an amount not to exceed \$2,000,000. Funding in the amount of \$1,400,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Municipal Court. Funding in the amount of \$600,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Police Department. Best Value to the City of Austin of eighteen (18) qualification statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 36.90% MBE and 18.50% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a design-build agreement with White Construction Company was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Authorize execution of a construction contract with JC EVANS CONSTRUCTION CO, LP, Leander, Texas, for the West Gate Extension Project in the amount of \$4,027,352.58 plus a \$201,367.62 contingency, for a total contract amount not to exceed \$4,228,720.20. Funding in the amount of \$57,193.49 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$4,171,526.71 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Lowest bid of eight (8) 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 2.69% MBE and 10.58% WBE subcontractor participation. Recommended by the Urban Transportation Commission and the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with JC Evans Construction Co, LP was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 17 was pulled for discussion.

18. Authorize execution of change order #6 to the construction contract with SOLIS CONSTRUCTORS, INC. (MBE/MH - 39.98 %), Austin, TX, for the Mexican American Cultural Center, Phase 1A in the amount of \$56,600 for a total contract amount not to exceed \$2,764,000. Funding in the amount of \$56,600 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance of Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 51.07% MBE and 4.84% WBE participation to date including this change order.
The motion authorizing the execution of change order number six to the construction contract with Solis Constructors, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
19. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD, Killeen, TX, for the Blunn Creek - Long Bow Storm Drain Improvements in the amount of \$2,832,224 plus a \$283,222.40 contingency, for a total contract amount not to exceed \$3,115,446.40. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of nine (9) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.06% MBE and 4.10% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with McLean Construction, Ltd was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
20. Authorize execution of a construction contract with WESTAR CONSTRUCTION, INC., Georgetown, TX, for the Northern Walnut Creek Trail in the amount of \$3,044,285.49 plus a \$152,214.27 contingency, for a total contract amount not to exceed \$3,196,499.76. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Lowest bid of ten (10) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code with 32.02% DBE subcontractor participation.
The motion authorizing the execution of a construction contract with Westar Construction, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
21. Authorize execution of a construction contract with RESTEK, INC., Manchaca, TX, for the ABIA Parking Garage Repairs in the amount of \$948,884 plus a \$94,888.40 contingency, for a total contract amount not to exceed \$1,043,772.40. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Lowest bid of eight (8) 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 6.00% MBE and 0.10% WBE subcontractor participation. Recommended by the Airport Advisory Commission.
The motion authorizing the execution of a construction contract with Restek, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
22. Authorize negotiation and execution of an amendment to the professional services agreement with CASABELLA ARCHITECTS, (MBE/MH - 55.01%), Austin, TX, for architectural services for Phase 1A of the Mexican American Cultural Center in the amount of \$123,000, for a total contract amount not to exceed \$2,581,225.40. Funding in the amount of \$123,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation 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 72.53% MBE and 7.21% WBE participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Casabella Architects was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

23. Authorize negotiation and execution of a professional services agreement with the following two firms: REYNOLDS, SMITH & HILLS, INC., Austin, TX and SUNLAND GROUP, INC. (WBE/FW), Austin, TX, for the Austin Bergstrom International Airport (ABIA) Architectural and Engineering Services Rotation List (2009-2012) for various airport design and construction projects for an estimated period of three years or until financial authorization is expended, each agreement in an amount not to exceed \$1,500,000 per firm, with the total amount for the two agreements not to exceed \$3,000,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Best two qualification statements of sixteen (16) received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Reynolds, Smith & Hills, Inc. and Sunland Group, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

24. Authorize execution of a supplemental agreement to the professional services agreement with WESTON SOLUTIONS, INC., Austin, TX, for additional engineering design and bid phase services for the Holly Street Power Plant Decommissioning Project, in an amount not to exceed \$142,844.81, for a total authorization not to exceed \$2,751,849.40. Funding in the amount of \$142,844.81 is available in the Fiscal Year 2009-2010 Capital Budget of 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 11.24% MBE and 8.7% WBE subcontractor participation to date. To be reviewed by the Electric Utility Commission on November 16, 2009. Recommended by the Electric Utility Commission.

The motion authorizing the execution of a supplemental agreement to the professional services agreement with Weston Solutions, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

25. Authorize negotiation and execution of a professional services agreement with ASTRIX TECHNOLOGY GROUP, Edison, NJ, for engineering services for the Laboratory Information Management System Replacement Project in an amount not to exceed \$350,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Best qualification statement of two (2) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subconsultant opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Astrix Technology Group was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

26. Authorize negotiation and execution of an amendment to the professional services agreement with the following seven firms: CAMP, DRESSER & MCKEE, INC. (CDM), Austin, TX; CHIANG, PATEL & YERBY, INC., (MBE/MA), Austin, TX; KALLURI GROUP, INC., (MBE/MA) HOUSTON, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; CH2M HILL, INC., Austin, TX; KENNEDY/JENKS CONSULTANTS, INC., Austin, TX and MWH AMERICAS, INC., Austin, TX, to provide engineering services for the Water and Wastewater System Facility Engineering Rotation List, for the years 2008

through 2011 or until available funding authorization is expended, in the amount of \$3,500,000 in additional authorization, for a total not to exceed amount of \$16,500,000 for this rotation list. This additional authorization will be used to provide risk management, cost and schedule monitoring services for the Water Treatment Plant 4 (WTP4) project. Funding is available in the Fiscal Year 2009-2010 Capital and/or Operating and Maintenance Budgets 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 16.50% MBE and 14.20% 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 the following firms: Camp Dresser & McKee, Inc. (DM); Chiang, Patel & Yerby, Inc.; Kalluri Group, Inc.; Alan Plummer Associates, Inc.; CH2M Hill, Inc.; Kennedy/Jenks Consultants, Inc.; and MWH Americas, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 27 was pulled for discussion.

28. Approve an ordinance setting the assessment rate and proposed 2010 assessment roll for the Austin Downtown Public Improvement District (PID). The 2010 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,460,368 at a 96% collection rate. Related to Items #30 & 79.
Ordinance No. 20091119-028 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
29. Approve an ordinance setting the assessment rate and proposed 2010 assessment roll for the E. 6th Street Public Improvement District (PID). The 2010 assessment rate of \$0.15/\$100 valuation is estimated to produce \$63,486 at a 90% collection rate. Related to Items #31, 32, & 80.
Ordinance No. 20091119-029 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
30. Approve a resolution adopting the Austin Downtown Public Improvement District (PID) Service Plan and Budget for 2010-2011. The Downtown Austin Alliance submitted a 2010-2011 budget for the PID in the amount of \$2,611,305. This amount includes \$2,460,368 in 2010 assessments (at a 96% collection rate), - \$35,803 in collections from 2009; \$36,740 interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Related to Items #28 & 79.
Resolution No. 20091119-030 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
31. Approve a resolution adopting the E. 6th Street Public Improvement District (PID) Service Plan and Budget for 2010. Sixth Street Austin submitted a 2010 budget for the PID in the amount of \$136,934. This budget will be funded from a total projected revenue of \$140,934. This amount includes \$63,486 in 2010 assessments (at a 90% collection rate), \$145 in collections from 2009; \$3,803 interest accrued in the PID Account and late payments; a \$43,500 annual contribution from the City of Austin; and \$30,000 in donations, sponsorships and events to be raised by Sixth Street Austin. Appropriation of the \$106,934 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 10, 2009. \$4,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll. Related to Items #29, 32, & 80.
Resolution No. 20091119-031 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

32. Authorize negotiation and execution of an amendment to the contract with Pecan Street Owners Association, Austin Texas (dba Sixth Street Austin) for management of the E. 6th Street Public Improvement District (PID) Service Plan, to extend the term of the contract for an additional five years, in an amount not to exceed \$120,000 per year. Sixth Street Austin will be funded by the E. 6th Street PID Assessments (not to exceed \$0.25 per \$100 evaluation), interest accrued in the PID account, City of Austin annual contribution (not to exceed \$43,500 annually), contributions, donations and specials events. Sixth Street Austin Service Plans and Budgets and the PID Assessment Roll are subject to Council approval on an annual basis. Related to Items #29, 31, & 80.
The motion authorizing the negotiation and execution of an amendment to the contract with Pecan Street Owners Association doing business as Sixth Street Austin was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
33. Approve an ordinance adopting the final project plan and financing plan for the Seaholm Redevelopment Project Tax Increment Financing Reinvestment Zone No. 18.
Ordinance No. 20091119-033 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
34. Authorize negotiation and execution of an amendment to the legal services agreement with Clarence A. West, for legal representation, advice, and counsel concerning matters relating to telecommunications, cable, and right of way management, for an increase of \$10,000, with a total contract amount not to exceed \$53,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Financial and Administrative Services.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Clarence A. West was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
35. Authorize the negotiation and execution of a professional service agreement with Andrews Kurth, L.L.P., Austin, TX, for a total contract amount not to exceed \$100,000, for legal counsel related to the City's Minority-Owned and Women-Owned Business Enterprise Program (MBE/WBE). Funding is available in the Fiscal Year 2008-2009 and Fiscal Year 2009-2010 Operating Budget of the Small and Minority Business Resources Department.
The motion authorizing the negotiation and execution of a professional service agreement with Andrews Kurth, L.L.P. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
36. Approve an ordinance accepting \$5,000 in grant funds from the National Parks and Recreation Association; and amending the Fiscal Year 2009-2010 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$5,000 for the Take Me Fishing Program. Grant funding is available from the National Parks and Recreation Association and the Recreational Boating and Fishing Foundation: Take Me Fishing Grant Program. The grant period is October 1, 2009 through April 30, 2010. No City match is required.
Ordinance No. 20091119-036 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
37. Approve an ordinance amending Ordinance No. 20090827-074 to correct the legal description for the property locally known as 8802 Research Boulevard (C14-2009-0044).
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

38. 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. To be reviewed by Planning Commission on December 8, 2009.
This item was postponed to December 17, 2009 on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
39. Approve a resolution authorizing the issuance by Senna Hills Municipal Utility District ("District") of Unlimited Tax and Revenue Bonds, Series 2010, in an amount not to exceed \$1,600,000, and approving a substantial draft of the District's Bond Order and the Preliminary Official Statement. No fiscal impact to the City. The City has no responsibility for payment on District bonds unless the District is annexed by the City. Recommended by Water and Wastewater Commission.
Resolution No. 20091119-039 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 40 was pulled for discussion.

41. Approve a resolution consenting to the creation of the Pearson Place Road District to be located to the northeast of the Parmer Lane-Highway 45 intersection in the City's extraterritorial jurisdiction in Williamson County.
Resolution No. 20091119-041 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
42. Approve a resolution authorizing an application to the Texas Department of Transportation for TxDOT Transportation Enhancement Program funds in an amount not to exceed \$9,500,000.
Resolution No. 20091119-042 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
43. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the construction of certain roadways and drainage improvements to a portion of Frate Barker Road between Brodie Lane and Manchaca Road.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
44. Authorize award and execution of a 24-month requirements supply contract with CUSTOM CRETE, Austin, TX for ready-mix concrete in an estimated amount not to exceed \$860,942, with three 12-month extension options in an estimated amount not to exceed \$430,471 per extension option, for a total estimated contract amount not to exceed \$2,152,355. Funding in the amount of \$358,726 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a requirements supply contract with Custom Crete was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
45. Approve ratification of a contract with IVES CORPORATION, King of Prussia, PA for the purchase of parts to repair a main steam bypass valve on Sand Hill Energy Center's gas and steam turbine in an

amount not to exceed \$53,950.70. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Critical Business Need. 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. To be reviewed by the Electric Utility Commission on November 16, 2009. Recommended by the Electric Utility Commission.

The motion to ratify a contract with Ives Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

46. Authorize award and execution of a 24-month Interlocal Agreement with THE UNIVERSITY OF TEXAS, Austin, TX on behalf of Clean Energy Incubator, a program of the Austin Technology Incubator for mutual assistance in the clean energy field in an estimated amount not to exceed \$710,000. Funding in the amount of \$325,417 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 13 months of the original contract period is contingent upon available funding in future budgets. 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 an Interlocal Agreement; 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.

The motion authorizing the award and execution of an interlocal agreement with The University of Texas was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 6-0-1 vote. Council Member Spelman recused himself.

47. Authorize award and execution of a 36-month requirements service contract with MOVE SOLUTIONS, LTD, Austin, TX to provide moving services in an estimated amount not to exceed \$750,000, with three 12-month extension options in an estimated amount not to exceed \$250,000 per option, for a total estimated contract amount not to exceed \$1,500,000. Funding in the amount of \$187,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of five 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 Move Solutions, Ltd was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 48 was pulled for discussion.

49. Authorize execution of a 36-month requirements service contract with N-LINE TRAFFIC MAINTENANCE (WBE/FW), Austin TX, for the rental of temporary traffic control devices and roadway pavement marking services in an estimated amount not to exceed \$2,380,041, with three 12-month extension options in an estimated amount not to exceed \$793,347 per extension option, for a total estimated contract amount not to exceed \$4,760,082. Funding in the amount of \$62,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding in the amount of \$358,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding in the amount of \$66,667 is available in the Fiscal Year 2009-2010 Operating Budget of the Street & Bridge Division of Public Works Department. Funding in the amount of \$62,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Transportation Department. Funding in the amount of \$50,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding in the amount of \$29,167 is available in the Fiscal Year 2009-2010 Operating Budget of the

Parks & Recreation Department. Funding in the amount of \$31,956 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a requirements service contract with N-Line Traffic Maintenance was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

50. Authorize award and execution of a 36-month requirements service contract with TIBH INDUSTRIES, INC., Austin, TX to provide landscape maintenance services at various City facilities in an estimated amount not to exceed \$600,000, with three 12-month extension options in estimated amounts not to exceed \$300,000 for the first extension option, \$350,000 for the second extension option, and \$400,000 for the third extension option, for a total estimated contract amount not to exceed \$1,650,000. Funding in the amount of \$137,500 is available in the Fiscal Year 2009-2010 Operating Budget of various City Departments. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a General Exemption under Chapter 252 of the Texas Local Government Code, and no goals were established for this contract.

The motion authorizing the award and execution of a requirements service contract with TIBH Industries, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

51. Authorize award and execution of a 12-month requirements service contract with PHYSIO-CONTROL, INC., Redmond, WA for maintenance and repair services for cardiac monitor/defibrillators for the Emergency Medical Services Department in an estimated amount not to exceed \$175,000, with two-12 month extension options in an estimated amount not to exceed \$175,000 per extension option, for a total estimated contract amount not to exceed \$525,000. Funding in the amount of \$160,417 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency Medical Services Department. Funding for the remaining month of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C 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 Physio-Control, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

52. Authorize award, negotiation, and execution of a 12-month requirements service contract with Morris and McDaniel, Inc., Alexandria, VA for Civil Service Promotional Examination Services in an estimated amount not to exceed \$152,500, with five 12-month extension options in an estimated amount not to exceed \$152,500 per extension option, for an total estimated contract amount not to exceed \$915,000. Funding in the amount of \$152,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business

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

The motion authorizing the award, negotiation and execution of a requirements service contract with Morris and McDaniel, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

53. Authorize award and execution of a 36-month requirements service contract with DHL ANALYTICAL, INC., Round Rock, TX for pollutant analyses services in an estimated amount not to exceed \$240,000, with three 12-month extension options in an estimated amount not to exceed \$80,000 per extension option, for a total estimated contract amount not to exceed \$480,000. Funding in the amount of \$73,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C 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 DHL Analytical, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

54. Approve a resolution granting Texas Gas Service's application to recover its gas facility relocation costs by applying a surcharge to customers in a new rate schedule.

Resolution No. 20091119-054 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

55. Approve an ordinance amending the Fiscal Year 2009-2010 Transportation Department Capital Budget of Ordinance No. 200909014-03 to appropriate \$13,000,000 for the construction of direct connectors for Northbound Loop 1 to Eastbound US 290 and Westbound US 290 to Southbound Loop 1. Funding in the amount of \$13,000,000 is available from a reimbursement resolution. Related to Items # 56 & 57.

Ordinance No. 20091119-055 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

56. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in the amount of \$13,000,000 related to the construction of direct connectors for Northbound Loop 1 to Eastbound US 290 and Westbound US 290 to Southbound Loop 1. \$13,000,000 in Certificates of Obligation to be issued in August 2010 or later. Related to Items #55 & 57.

Resolution No. 20091119-056 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

57. Authorize the City Manager to negotiate and execute an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the construction of direct connectors for Northbound Loop 1 to Eastbound US 290 and Westbound US 290 to Southbound Loop 1. Funding in the amount of \$13,000,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Transportation Department. Reviewed by the Urban Transportation Commission on May 12, 2009. Related to Items #55 & 56.

The motion authorizing the City Manager to negotiate and execute an interlocal agreement with the Texas Department of Transportation (TxDOT) was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

58. Authorize negotiation and execution of Amendment No. 6 to an Interlocal Agreement with the University of North Texas (UNT) for a three-year continuation of the native vegetation restoration project conducted

in Lake Austin and Lady Bird Lake for prevention of nuisance hydrilla growth in an estimated amount not to exceed \$105,000 for a revised estimated contract amount not to exceed \$495,000. Funding in the amount of \$105,000 is available in the CIP Budget of the Watershed Protection Department.

The motion authorizing the negotiation and execution of amendment number six to an interlocal agreement with the University of North Texas (UNT) was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

59. 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 Cole's second on a 7-0 vote.

Board

Nominated By:

Austin Music Commission

Margaret Moser

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

Council Member Morrison

Marcia Zwilling

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

Mayor Leffingwell

Downtown Commission

Daniel Leary (representative - Historic Landmark Commission)

Mayor Leffingwell

Impact Fee Advisory Committee

Charlotte Gilpin

Council Member Shade

Sustainable Food Policy Board

Allison Beadle

Arthur D'Andrea

Council Member Riley

Council Member Spelman

60. Approve a resolution directing the City Manager to implement new procedures to electronically post draft Council agendas and back up information early, beginning with the January 14, 2010 meeting. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Randi Shade)

Resolution No. 20091119-060 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

61. Approve a resolution recognizing the City's success in partnering with other governmental entities to obtain American Recovery and Reinvestment Act of 2009 funding for central Texas. (Mayor Lee Leffingwell Council Member Randi Shade Council Member Laura Morrison)

Resolution No. 20091119-061 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

62. Approve a resolution directing the City Manager to solicit applications for a non-elected board member to be appointed to the Capitol Metropolitan Transportation Authority; and convening an ad hoc subcommittee of the Council to recommend finalists for the position. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Chris Riley)

Resolution No. 20091119-062 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 63 was pulled for discussion.

64. Approve a resolution directing the City Manager to initiate code amendments related to Alternative Water Management. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Chris Riley)
Resolution No. 20091119-064 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
65. Approve a resolution supporting sustainable urban agriculture and community gardening and directing the City Manager to take certain actions in support of urban farms and qualified community gardens. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Chris Riley)
Resolution No. 20091119-065 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
66. Approve a resolution amending Resolution 20090806-036 to extend the Citizens' Water Conservation Implementation Task Force deadline for presenting the final policy document to City Council from January 1, 2010 to April 1, 2010. (Council Member Chris Riley Mayor Lee Leffingwell Council Member Laura Morrison)
Resolution No. 20091119-066 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
67. Approve a resolution joining with the members of the Texas Legislature in support of the Bill of Rights Plaza project. (Council Member Laura Morrison Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
Resolution No. 20091119-067 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 68 was pulled for discussion.

69. Approve a resolution supporting federal legislation preserving funding for public, educational, and government channels. (Council Member Laura Morrison Council Member Randi Shade)
Resolution No. 20091119-069 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
70. Approve a resolution directing the City Manager to work with the community to create a Ciclovía type of event (motor-vehicle free event that connects runners, skaters and cyclists) for May 2010, with the potential for future events, to improve public health and encourage cycling. (Council Member Sheryl Cole Council Member Chris Riley)
Resolution No. 20091119-070 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
71. Approve the waiver of certain fees and costs under City Code Chapter 14-8 for the City co-sponsored 2009 Veteran's Day Parade with Travis County Veterans Service Office, which was held on November 11, 2009, on Congress Avenue. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Laura Morrison)
The motion approving the waiver of certain fees and costs for the 2009 Veteran's Day Parade co-sponsored by the City and Travis County Veterans Service Office was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
72. Approve the waiver of certain fees and requirements under Chapter 14-8 of the City Code for the 2009 Children Giving to Children Parade sponsored by Chuy's Restaurant which will be held on Saturday, November 28, 2009, taking place along Congress Avenue. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Sheryl Cole)

The motion approving the waiver of certain fees and requirements for the 2009 Children Giving to Children Parade sponsored by Chuy's Restaurant was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

73. Approve the waiver of certain park rental fees and certain notification and signature requirements under City Code Chapter 14-8 for the 2009 Turkey Trot sponsored by Thundercloud Subs which is to be held on Thursday, November 26, 2009 at Waterloo Park. (Council Member Randi Shade Council Member Sheryl Cole Mayor Pro Tem Mike Martinez)

The motion approving the waiver of certain park rental fees and certain notification and signature requirements for the 2009 Turkey Trot sponsored by Thundercloud Subs was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

74. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 5K and 1K Walk and Run sponsored by St. James Missionary Baptist Church which is to be held on Saturday, March 27, 2010 in East Austin. (Council Member Sheryl Cole Council Member Laura Morrison Mayor Pro Tem Mike Martinez)

The motion approving the waiver of certain fees and requirements for the 5K and 1K Walk and Run sponsored by St. James Missionary Baptist Church was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

75. Approve the reimbursement of certain park rental fees for the "Step Out: Walk to Fight Diabetes 5K" sponsored by the American Diabetes Association which was held on Saturday, November 14, 2009 at Fiesta Gardens. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Randi Shade)

The motion to approve the reimbursement of certain park rental fees for the "Step Out Walk to Fight Diabetes 5K" sponsored by the American Diabetes Association on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

76. Set a public hearing to consider an ordinance amending Chapter 25-8, Subchapter B, Article 1, of the City Code relating to tree protection. (Suggested date and time: December 17, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing, originally posted to be set for December 17, 2009 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX, was changed by a friendly amendment from Council Member Shade to February 4, 2010 and was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

77. Set a public hearing on an appeal by Huston-Tillotson University and Blackshear-Prospect Hill Neighborhood Association of the Building and Fire Code Board of Appeals' decision to deny an appeal on the issuance of a certificate of occupancy, electric and building permits, and site plan exemption for the project located at 1900 E. 7th St. (EZ Pawn). (Suggested date and time: December 17, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX).

The public hearing was set for December 17, 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 Cole's second on a 7-0 vote.

78. Set a public hearing on an appeal by SP Meadows South, Ltd. of the Zoning and Platting Commission's decision to approve a site plan extension for a site located at 9900 S. IH-35 Svc. Road, SB, a project known as Southpark Meadows Shopping Center. (Suggested date and time: December 17, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for December 17, 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 Cole's second on a 7-0 vote. Mayor Leffingwell announced at the time of the public hearing on the appeal on December 17, 2009 Council anticipates the appeal being withdrawn and replaced with a Managed Growth Agreement.

79. Set a public hearing on the Austin Downtown Public Improvement District (PID) 2010 assessments. (Suggested date and time: December 10, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Items #28 & 30.

The public hearing was set for December 10, 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 Cole's second on a 7-0 vote.

80. Set a public hearing on the E. 6th Street Public Improvement District (PID) 2010 assessments. (Suggested date and time: December 10, 2009, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Items #29, 31, & 32.

The public hearing was set for December 10, 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 Cole's second on a 7-0 vote.

Item 81 was a briefing item set for 10:30 a.m.

Items 82 and 83 were Executive Session items.

Items 84 through 96 were zoning items set for 2:00 p.m.

Items 97 through 99 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

2. Approve an ordinance authorizing acceptance of \$2,900,000 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as the administering agency, and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$2,900,000 for weatherization of homes for low-income, elderly, and disabled customers within Austin Energy's service area. Funding is available from the Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of October 1, 2009 to August 31, 2011. No match is required. Recommended by the Electric Utility Commission and the Resource Management Commission. Related to Item #3.

Items 2 and 3 were acted upon in a combined motion. See item 3 below.

3. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin/Austin Energy and Travis County to implement a home weatherization program for low-income, elderly, and disabled residents, as provided for and funded by the American Recovery and Reinvestment Act (ARRA) of 2009. Funding for is available from the Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of October 1, 2009 to August 31, 2011. No match is required. Recommended by the Electric Utility Commission and the Resource Management Commission. Related to Item #2.

The joint motion to:

- approve Ordinance No. 20091119-002 (2) and
- authorize the negotiation and execution of an interlocal agreement between the City of Austin/Austin Energy and Travis County (3)

was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

BRIEFING

81. Water Conservation Programs Update

The presentation was made by Rudy Garza, Assistant City Manager, and Greg Meszaros, Director of Austin Water Utility. Direction was given to staff to:

- look not only at new properties but old properties that are under a home owners association (HOA) structure where the association pays for the water;
- look into certain complexes whose billing systems for the residents does not provide an incentive for the residents to conserve water;
- work with public relation professionals to develop a communication plan that will reach more people;
- review all recommendations from the Water Conservation Task Force, the Resource Management Commission or any other source both in terms of potential savings and the costs associated with implementing the recommendations and report back to Council;
- make these cost estimates available to the Citizen Water Conservation Implementation Task Force; and
- focus on areas of preventive measures such as a mechanism that shuts toilet water off until a repair can be made when a gallon and a half of water has been running constantly.

DISCUSSION ITEMS CONTINUED

27. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE, INC., Austin, TX, for engineering services for the Austin-Bergstrom International Airport Stormwater Drainage Master Plan Update in the amount of \$200,000, for a total contract amount not to exceed \$500,000. Funding in the amount of \$200,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation 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 16.50% MBE and 15.72% WBE subconsultant participation to date. Recommended by the Airport Advisory Commission.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Camp Dresser & McKee, Inc. was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to incorporate the latest storm water management proposals for commercial sites into the Airport Stormwater Drainage Master Plan as possible.

40. Approve an ordinance establishing classifications and positions in the classified service of the Austin Police Department eliminating and creating certain positions; and repealing Ordinance No. 20090914-007 relating to Police Department classifications and positions. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.
- Ordinance No. 20091119-040 was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

48. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 58 police patrol sedans in an amount not to exceed \$1,473,866.93. 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 Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.
- The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, Ltd was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

CITIZEN COMMUNICATION: GENERAL

Richard Viktorin - Billing errors-waste water, Austin water and waste water utility

Jimmy Castro - ACC-Administrative assistant program

Gavino Fernandez - El Concilio Mexican-American neighborhood association supports push up foundation quest for a conditional use permit to operate a carwash

Carolannerose Kennedy - THANKSGIVING PREYER

Brad Beam - Animal Welfare. Council directed staff to report back to Council on the status of volunteer activities at the Animal Shelter.

Michael Campbell - Gargole computers "Guarding your treasures" remote computer services. He was not present when his name was called.

Ronald Torrey - The refuse haulers ordinance

Dan McAtee - Solar rebate agenda item 22 of 10.15.09

Dusty Harshman - Austin Energy solar incentives

Jeff Carrol - Music program manager position

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:36 p.m.

EXECUTIVE SESSION

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

82. Discuss real estate development options related to the sale or lease of Green Water Treatment Plant and Austin Energy Control Center sites (Real Estate - Section 551.072)

Item 83 was discussed later in Executive Session.

Executive Session ended at 1:28 p.m. and Mayor Leffingwell recessed the Council Meeting so Council Members could attend the funeral of former Mayor Butler.

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 3:40 p.m.

ZONING ITEM

84. C14-2009-0032 - Congress Avenue Baptist Church - Approve second/third readings of 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. First reading approved on October 22, 2009. Vote: 7-0. Applicant: Congress Avenue Baptist Church (Jim Gotcher). Agent: Dubois, Bryant & Campbell (Henry Gilmore). City Staff: Stephen Rye, 974-7604.

Ordinance No. 20091119-084 for general commercial services-conditional overlay-neighborhood plan conservation district-neighborhood plan (CS-CO-NCCD-NP) combining district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman'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.

86. 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 on consent to December 17, 2009 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

87. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) with conditions. First reading approved on July 23, 2009. Vote: 4-3 (Mayor Leffingwell, Morrison and Riley voted Nay). Second reading approved on November 5, 2009. Vote: 4-3 (Mayor Leffingwell, Morrison and Riley voted nay). Applicant: Leslie M. Moore. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to December 10, 2009 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

88. C14-2009-0077 Balcones Place Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5011 Balcones Drive (Taylor Slough North Watershed) from general commercial services (CS) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Oakmont House LTD. (James David). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.
The public hearing was held open and the first reading of the ordinance for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
89. C14-2009-0111 - Brodie Park Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8919 Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Applicant: CMC Brodie, Ltd. (Ken Carr). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20091119-089 for community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
90. C14-2009-0098 - Apogee Workshop - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9704 Swansons Ranch Road (Slaughter Creek Watershed) from single-family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use (NO-MU) combining district zoning. Applicant and Agent: Jessica and Christopher Cortez. City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to December 17, 2009 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
91. NPA-2009-0016.02 - Justine's - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace 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 for the property located at 4710 East 5th Street (Colorado River Watershed). Staff Recommendation: To approve mixed use land use designation. Planning Commission Recommendation: To approve mixed use land use designation. Applicant and Agent: Drake Builders, Inc. (Justine Gilcrease). City Staff: Maureen Meredith, 974-2695.
The public hearing was closed and Ordinance No. 20091119-091 to change the land use designation on the future land use map (FLUM) to mixed use was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

92. C14-2009-0083 - Justine's - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4710 E. 5th Street (Colorado River Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant and Agent: Drake Builders (Justine Gilcrease). City Staff: Joi Harden, 974-2122.
The public hearing was closed and Ordinance No. 20091119-092 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
93. NPA-2009-0005.01 - Carson Ridge Development - Conduct a public hearing and approve an ordinance amending Ordinance No.20010927-05, the Montopolis 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 for the property located at 6503 Carson Ridge (Country Club East Watershed). Staff Recommendation: To approve mixed use land use designation. Planning Commission Recommendation: To approve mixed use land use designation. Applicant: Peter Barlin. Agent: Shaw Hamilton. City Staff: Maureen Meredith, 974-2695.
The public hearing was closed and the first reading of the ordinance to change the land use designation on the future land use map (FLUM) to mixed use was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
94. C14-2009-0092 - Carson Ridge Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6503 Carson Ridge (Country Club East, Carson Creek Watersheds) from general commercial services-neighborhood plan (CS-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Peter Barlin. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff Joi Harden, 974-2122.
The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
95. C14-2008-0220 - Double Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10200 - 10614 South IH-35 Service Road Southbound (Slaughter and Onion Creek Watersheds) from interim rural-residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on December 1, 2009. Applicant: Sterling/Babcock & Brown Double Creek LP (Drew M. Ireland). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to January 14, 2010 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 3:52 p.m.

EXECUTIVE SESSION CONTINUED

83. Discuss legal issues in Cause No. D-1-GN-06-001319; PPT Development, L.P. v. City of Austin, in the 53rd Judicial District Court of Travis County, Texas. (Private Consultation with Attorney - Section 551.071)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:24 p.m.

DISCUSSION ITEMS CONTINUED

5. Approve an ordinance amending the Fiscal Year 2009-2010 Austin Water Utility Operating Budget of Ordinance No. 20090914-002 decreasing the Austin Water Utility Operating Fund Ending Balance by \$4,000,000 to fund an increase of \$500,000 for Water Conservation expenditures including the addition of three full-time equivalent positions; and transfer \$3,500,000 to the Conservation Rebates and Incentives Fund; and amending the Conservation Rebates and Incentive Fund of Ordinance No. 20090914-002 to accept the transfer in and to appropriate \$3,500,000 for Water Conservation Rebates. Funding in the amount of \$4,000,000 is available from the ending balance of the Austin Water Utility Fiscal Year 2009-2010 Operating Fund. Recommended by the Water and Wastewater Commission. To be reviewed by the Citizens Water Conservation Implementation Task Force on November 16, 2009 and the Resource Management Commission on November 17, 2009. Reviewed by the RMC and Citizens Water Conservation Implementation Task Force.

Ordinance No. 20091119-005 with the following amendment was approved on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote. The amendment was to use \$3 million for the rebate program now and the remaining portion of the requested amount be placed in a reserve fund until an outreach plan is approved by Council.

A friendly amendment was made by Council Member Morrison to hold back \$1 million of the \$3 million rebate until the program was evaluated to determine its success. The friendly amendment was later withdrawn by Council Member Morrison.

15. Authorize execution of a construction contract with SAK/QUEST JOINT VENTURE, O'Fallon, MO, for the Downtown Wastewater Tunnel project in the amount of \$31,969,696.96 plus a \$3,196,970 contingency, for a total contract amount not to exceed \$35,166,666.96. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.92% MBE and 5.44% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. **This item was postponed to December 10, 2009 per the Law Department's recommendation on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.**
17. Authorize execution of a construction contract with FT WOODS CONSTRUCTION SERVICES INC, Georgetown, TX, for the Water Treatment Plant 4 (WTP4) Plant Stormwater Facilities in the amount of \$2,974,750 plus a \$446,212.50 contingency, for a total contract amount not to exceed \$3,420,962.50. Funding in the amount of \$3,420,962.50 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of nine (9) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 17.07% MBE and 9.50% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Ft Woods Construction Services Inc. was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, and Mayor Pro Tem Martinez and Council Members Cole, Shade, and Spelman. Those voting nay were: Council Members Morrison and Riley.

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

LIVE MUSIC

Georgia Napolitano

PROCLAMATIONS

Presentation to the City -- Bike Friendly Business Silver Designation -- to be presented by Preston Tyree, League of American Bicyclists and to be accepted by Mayor Lee Leffingwell

Certificates of Appreciation -- HealthPLUS Liaisons and PE Captains -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- Rotary Club of Austin's 3rd Annual "Service Austin" Project Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Tim Von Dohlen and Jeff Blackwelder

Proclamation -- COPD Awareness Month -- to be presented by Council Member Laura Morrison and to be accepted by Kitty Collins, Sharon Barlow and Megan Cernak

Proclamation -- The Great Austin Tree Roundup -- to be presented by Council Member Laura Morrison and to be accepted by Shannon Halley and Damon Waitt

Proclamation -- Austin Unchained Days -- to be presented by Council Member Sheryl Cole and to be accepted by Dean Lofton

Proclamation -- Hunger & Homelessness Awareness Week -- to be presented by Council Member Randi Shade and to be accepted by Richard Troxell

Proclamation -- Universal Children's Day -- to be presented by Council Member Randi Shade and to be accepted by Scott Ganske and Anderson Mill Elementary School 5th Graders

Mayor Leffingwell called the Council Meeting back to order at 6:35 p.m.

DISCUSSION ITEMS CONTINUED

68. Approve a resolution adopting policy goals for urban parks, and directing the City Manager to develop a plan to implement the goals including creating an urban park stakeholder working group. (Council Member Laura Morrison Council Member Chris Riley Mayor Pro Tem Mike Martinez)
Resolution No. 20091119-068 was approved with the following friendly amendment on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council member Cole was off the dais. The friendly amendment from Council Member Spelman was to add a paragraph after the third "BE IT FURTHER RESOLVED" in the resolution to read as follows, "BE IT FURTHER RESOLVED: That the City Manager is directed to ensure that development of the parks plan is

coordinated with development of the comprehensive plan, and that the needs assessment and goals of the parks plan are integrated into the comprehensive plan.” The amendment was accepted by the maker of the motion and by Council Member Morrison, who made the second.

ZONING DISCUSSION ITEMS CONTINUED

85. C14H-2008-0027 - Texas Blind, Deaf, and Orphan School - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201 Levander Loop (Colorado River Watershed) from public-neighborhood Plan (P-NP) combining district zoning to public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. First reading approved on December 18, 2008. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
- The motion to deny historic zoning was approved on Mayor Pro Tem Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

63. Approve a resolution supporting a conceptual plan for the Health and Human Services Department campus located at 7201 Levander Loop. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Laura Morrison)
- Resolution No. 20091119-063 was approved on Mayor Pro Tem Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

96. C14H-2009-0016 - Guadalupe Hotel, Travis House, YWCA - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 405 West 18th Street (Shoal Creek Watershed) from downtown mixed use (DMU) combining district zoning to downtown mixed use-historic landmark (DMU-H) combining district zoning. Staff Recommendation: To grant downtown mixed use-historic landmark (DMU-H) combining district zoning. Historic Landmark Commission Recommendation: To grant downtown mixed use-historic landmark (DMU-H) combining district zoning. Planning Commission Action: Forward to Council without a recommendation. Applicant and Agent: City of Austin. City Staff: Susan Villarreal, 974-3524. A valid petition has been filed in opposition to this rezoning request.
- There was a motion by Council Member Riley that was seconded by Council Member Morrison to close the public hearing and to approve the first reading of the ordinance to grant the downtown mixed use-historic landmark (DMU-H) combining district zoning.

The substitute motion to deny the historic zoning was approved on Council Member Cole's motion, Council Member Spelman's second on a 5 to 2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole, Shade and Spelman. Those voting nay were Council Members Morrison and Riley. Staff was directed to pursue the restrictive covenant to ensure the owners did not create a surface parking lot at this location and that the commemorative marker is constructed.

PUBLIC HEARINGS AND POSSIBLE ACTION

97. Conduct a public hearing and consider a resolution authorizing 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, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

The public hearing was closed and Resolution No. 20091119-097 was approved on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

98. Conduct a public hearing and consider a resolution authorizing the use of approximately 136 square feet (0.003 acre) permanent drainage easement, approximately 5,611 square feet (0.129 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 in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

The public hearing was closed and Resolution No. 20091119-098 was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

99. Conduct a public hearing and consider an ordinance for floodplain variances requested by Highland Ventures I, Ltd. and McDonald Signet Limited, to develop a commercial bank building with surface parking at 8225 Highway 71 West, which is in the 100-year floodplain of Williamson Creek. Restrictive Covenant per zoning case C14-85-288.33

The public hearing was closed and Ordinance No. 20091119-099 was approved with an extension of the termination date to two years for the variance on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 8:32 p.m. without objection.

The minutes for the regular meeting of November 19, 2009 were approved on this the 10th day of December 2009 on Council Member Riley's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.