

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JANUARY 28, 2010**

Invocation: Pastor Charles Lee, Acts Fellowship 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, January 28, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

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

1. Approve the Minutes of the Austin City Council regular meeting of January 14, 2010 and special called meeting of January 21, 2010.
The minutes from the January 21, 2010 special called meeting were approved and the minutes from the January 14, 2010 regular meeting were postponed to February 4, 2010 on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
2. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with QUALICO CR, L.P. for Sun Chase Subdivision, authorizing an additional \$2,300,000 in City cost participation for wastewater treatment capacity and wastewater service connections for an increase in the overall cost reimbursement from \$6,184,440 to a new overall total cost reimbursement amount not to exceed \$8,484,440; waiving the requirements of Section 25-9-62 of the City Code relating to amount of cost participation; and waiving the requirements of Section 25-9-67 of the City Code relating to cost participation and cost reimbursement payments. Funding is available in the amount of \$2,300,000 in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Ordinance No. 20100128-002 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
3. Authorize the negotiation and execution of a cost participation agreement, related to Service Extension Request No. 2846, with GENCAP PARTNERS, LP, providing terms and conditions for construction of lift station, force main and 15-inch gravity wastewater main and appurtenances, to provide wastewater service to the proposed Lakeline Condominiums Subdivision Sections 2 and 3 located at 2902 1/2 S Lakeline Boulevard with City cost participation for an overall total amount not to exceed \$1,346,291. Funding is available in the amount of \$1,346,291 in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of a cost participation agreement with Gencap Partners, LP was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

4. Authorize the negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with PIONEER AUSTIN DEVELOPMENT, LTD., to increase the amount of City cost reimbursement for the construction of a 16-inch water main and appurtenances in amount not to exceed 25% of the actual construction costs ("hard costs") or \$93,574.38 whichever is less, for a new maximum "hard" construction cost amount not to exceed \$818,574.38. Funding is available in the amount of \$93,574.38 in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of an amendment to the existing cost reimbursement agreement with Pioneer Austin Development, LTD was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
5. Authorize the negotiation and execution of the fee simple acquisition of a 0.184 acre tract out of Lot 1, Block 2, Bergstrom Downs No. 1, locally known as 827 Patton Avenue, from JAMES ANTHONY CRIST for the Airport Noise Mitigation Program, in the amount of \$135,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$15,000, for an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the negotiation and execution of the fee simple acquisition with James Anthony Crist was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
6. Authorize the negotiation and execution of the fee simple acquisition of Lot 2, Block 1, of Bergstrom Downs No. 1, locally known as 820 Patton Avenue, from FIORINDA HUNEYCUTT for the Airport Noise Mitigation Program, in the amount of \$94,000 for the land and improvements and \$20,500 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$124,500. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the negotiation and execution of the fee simple acquisition with Fiorinda Huneycutt was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
7. Authorize the negotiation and execution of the fee simple acquisition of Lot 3, Block 2, of Bergstrom Downs No. 1, locally known as 819 Patton Avenue, from ROGER E. MARSHALL for the Airport Noise Mitigation Program, in the amount of \$123,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$20,000, for an amount not to exceed \$143,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the negotiation and execution of the fee simple acquisition with Roger E. Marshall was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
8. Authorize the negotiation and execution of the fee simple acquisition of approximately 0.192 of an acre of land out of and a part of Lot H, Block 2, of the Unrecorded resubdivision of Lot 1, Block 1, and Lot 1, Block 2, Bergstrom Downs No.1, locally known as 825 Patton Avenue, from NATALIE NEWKIRK for the Airport Noise Mitigation Program, in the amount of \$123,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$15,000, for an amount not to exceed \$138,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the negotiation and execution of the fee simple acquisition with Natalie Newkirk was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

9. Authorize negotiation and execution of the acquisition for the South Congress Avenue 12" Wastewater Line Project of a temporary staging area and a material storage site easement of 23,625 square-feet of land out of Lot A, resubdivision Morcky and Cameron subdivision number 2, situated in Travis County, Texas, according to the map or plat thereof, recorded in Volume 57, Page 99, of Plat Records of Travis County, Texas located at 906 Banister Lane, from ROBERT E. JENKINS, Rockport, Aransas County, Texas in the amount not to exceed \$73,500. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Water Utility.
The motion authorizing the negotiation and execution of the acquisition with Robert E. Jenkins was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
10. Approve a resolution authorizing the filing of eminent domain proceedings for the Williamson Creek Tributary 2, Spring Meadow-Lark Creek-Williamson Creek Project to acquire a 9,692 squarefoot drainage easement, out of Lot 93, Block K, Second Amended Plat of Williamson Creek Subdivision Section 2, a subdivision in Travis County, Texas, in the amount of \$6,639. The owner of the needed property interests is RAFIK S. MOMIN. The property is located at 5001 Nuckols Crossing Road, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
Resolution No. 20100128-010 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
11. Authorize the fee simple acquisition of Lot 11 Block 3, Green Valley 1, a subdivision, according to the map or plat thereof, recorded in Volume 5, Page 27, of the Plat Records of Travis County, Texas, located at 1103 Eleanor Street from GWENDOLYN COLVIN for the Lower Fort Branch Voluntary Flood and Erosion Buyout, in the amount of \$130,000 for the land and improvements, \$19,900 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$159,900. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
The motion authorizing the fee simple acquisition with Gwendolyn Colvin was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
12. Authorize the fee simple acquisition of Lot 16, Block 2, Lincoln Gardens, Section Two, of Travis County, Texas, located at 1407 Meander Drive from HARVEY JACKSON, DAVID SCROGGINS, CASSANDRA SCROGGINS, CLINTON SCROGGINS, SHARHONDA SCROGGINS, PATRICK SCROGGINS, CHADWICK SCROGGINS, JEWELL HENRY, CONSTANT WELLS, LINDA KERLEY, SONYA RANGEL, ROSETTA MAXWELL AND ELROY MAXWELL for the Lower Fort Branch - Voluntary Flood & Erosion Buyout, in the amount of \$124,000 for the land and improvements, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$134,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
The motion authorizing the fee simple acquisition with Harvey Jackson, David Scroggins, Cassandra Scroggins, Clinton Scroggins, Sharhonda Scroggins, Patrick Scroggins, Chadwick Scroggins, Jewell Henry, Constant Wells, Linda Kerley, Sonya Rangel, Rosetta Maxwell and Elroy Maxwell was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
13. Authorize the use of the Competitive Sealed Proposal project delivery method in accordance with Local Government Code, Chapter 252 and 271 Subchapter H for the Waller Creek Tunnel - Lady Bird Lake Hike and Bike Trail Improvements at Waller Creek.
The motion authorizing the use of the competitive sealed proposal project delivery method was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

14. Authorize the negotiation and execution of all contracts, closing, relocation and other documents related to the voluntary purchase and demolition of 21 properties in the Bayton Loop and Burrough Cove area in the 25 year floodplain of Williamson Creek in the amount of \$2,276,510 plus grant funding in the amount of \$3,829,530, for a total contract amount not to exceed \$6,106,040. Funding in the amount of \$2,276,510 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department for the buyout program. This program will be funded with a combination of City and Hazard Mitigation Grant Program (HMGP) grant funding. The HMGP grant will fund 75% (\$3,829,530) of the project costs for the acquisition and demolition of these properties.
The motion authorizing the negotiation and execution of all contracts, closing, relocation and other documents related to the voluntary purchase and demolition of 21 properties in the Bayton Loop and Burrough Cove area was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
15. Authorize negotiation and execution of an Agreement with MUNIZ CONCRETE & CONTRACTING, INC. (MBE/MH - 82.20%), Austin, TX, for the ADA sidewalk and ramp improvements in North East Austin in an amount not to exceed \$143,169.50. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Best Value to the City of Austin of five (5) Proposals 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 88.20% MBE prime participation and 3.28% WBE subcontractor participation.
The motion authorizing the negotiation and execution of an agreement with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
16. Authorize execution of a construction contract with CENTRAL ROAD & UTILITY, LTD (MBE/MH - 57.00%), Austin, TX, for the Loop 360 Water Improvements - Barclay Drive Pump Station and Ground Storage Tank in the amount of \$3,657,283.01, plus a \$176,614.15 contingency, for a total contract amount not to exceed \$3,833,897.16. 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 57.0% MBE prime participation; 23.33% MBE and 4.81% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Central Road & Utility, LTD was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
17. Authorize execution of change order #4 to the construction contract with MATOUS CONSTRUCTION, LTD., Belton, TX, for the River Plantation Lift Station Replacement in the amount of \$100,000, for a total contract amount not to exceed \$1,060,000. Funding in the amount of \$100,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 24.98% MBE and 1.10% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of change order number four to the construction contract with Matous Construction, LTD was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.
18. Authorize execution of a construction contract with ADVANTAGE USAA, INC., Spring Branch, TX, for the South Austin Regional Wastewater Treatment Plant Roof Replacement Project in the amount of \$290,000 plus a \$20,000 contingency, for a total contract amount not to exceed \$310,000. 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). 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 construction contract with Advantage USAA, Inc. was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

19. Authorize execution of Change Order #4 to the construction contract with BENITEZ CONSTRUCTION, INC. (MBE/MH - 43.38%), Manor, TX, for Pemberton Heights Water Improvements Phase II in the amount of \$29,666.50 for a total contract amount not to exceed \$610,042. Funding in the amount of \$29,666.50 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 49.99% MBE and 3.08% WBE subcontractor participation to date.

The motion authorizing the execution of change order number four to the construction with Benitez Construction, Inc. was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

20. Authorize execution of a construction contract with VCC, LLC, Irving, TX, for a new Animal Services Center at 7201 Levander Loop in the amount of \$11,635,000 plus a \$450,000 contingency, for a total contract amount not to exceed \$12,085,000. Funding in the amount of \$9,270,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Health and Human Services Department; Funding in the amount of \$2,625,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Financial Administration Services Department; Funding in the amount of \$190,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid of ten (10) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of good faith efforts with 4.01% MBE subcontractor participation and by meeting the goal with 2.96% WBE subcontractor participation. Recommended by the Resource Management Commission.

This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

21. Authorize execution of a construction contract with SMITH CONTRACTING, INC, Austin, TX, for the Williamson Creek - Brodie Lane Water Quality Pond Maintenance/Retrofit in the amount of \$289,997 plus a \$14,499.85 contingency, for a total contract amount not to exceed \$304,496.85. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Watershed Protection Department. 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) by meeting the goals with 7.91% MBE and 3.44% WBE subcontractor participation.

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

22. Authorize negotiation and execution of an amendment to the professional services agreement with THE CONSULTING ENGINEERS GROUP, INC., San Antonio, TX, for engineering services for Palmer Events Center - Parking Garage Repairs in an amount not to exceed \$53,600. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Convention Center 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). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

23. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, Austin, TX, for engineering services for the decommissioning and deconstruction of the Thomas C. Green Water Treatment Plant and related facilities in the amount of \$525,000, for a total contract amount not to exceed \$3,425,000. Funding in the amount of \$525,000 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 17.78% MBE and 14.98% WBE subconsultant participation to date. Recommended 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 Shade's motion, Council Member Spelman's second on a 7-0 vote.

24. Authorize negotiation and execution of an amendment to the contract with Austin DMO, Inc. (dba Downtown Austin Alliance), Austin, Texas, for the management of the Downtown Public Improvement District, to increase the 2009-2010 contract in an amount not to exceed \$721,414, to a total amount not to exceed \$3,283,893. Funding is available in the Fiscal Year 2009-2010 Amended Operating Budget of the Economic Growth and Redevelopment Services Office Special Revenue Fund.

The motion authorizing the negotiation and execution of an amendment to the contract with Austin DMO, Inc. doing business as Downtown Austin Alliance was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

25. Approve an ordinance amending the Fiscal Year 2009-2010 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to adopt a budget for the Austin Downtown Public Improvement District, with a beginning balance of \$821,414, revenue of \$2,611,305, and requirements of \$3,332,719. Funding is available through a beginning balance of \$821,414, \$2,460,368 in 2010 assessments (at an approximate 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 and Wastewater Utility Fund). Related to Item #26.

Ordinance No. 20100128-025 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

26. Approve an ordinance amending the Fiscal Year 2009-2010 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance 20090914-002 to appropriate funds to adopt a budget for the East Sixth Street Public Improvement District with a beginning balance of \$104,716, revenue of \$110,934, and requirements of \$106,934. Funding is available through \$63,486 in 2010 assessments (at an approximate 90% collection rate), \$3,803 in interest accrued in the PID account and late payments, \$145 in collected assessments from 2009, and a \$43,500 contribution from the City of Austin. Related to Item #25.

Ordinance No. 20100128-026 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

27. Approve an ordinance amending the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget of Ordinance No. 20090914-003 to transfer \$588,000 to the Health and Human Services Department Capital Budget; and amending the Fiscal Year 2009-2010 Health and Human Services Department Capital Budget of Ordinance No. 20090914-003 to appropriate the \$588,000 transfer from the Capital Improvement Program (CIP) Contingency Program for infrastructure improvements. Funding is available in the Fiscal Year 2009-2010 Financial and Administrative Services

Department Capital Budget - Capital Improvements Program Contingency. Not Recommended by the Public Health and Human Services Committee.

This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

28. Approve negotiation and execution of five 19-month contracts beginning February 1, 2010, for the provision of homeless services and permanent supportive housing; YOUTH AND FAMILY ALLIANCE (dba LifeWorks) in a total amount not to exceed \$408,330; FOUNDATION COMMUNITIES, INCORPORATED in a total amount not to exceed \$449,698; VINCARE SERVICES OF AUSTIN FOUNDATION in a total amount not to exceed \$400,000; CARITAS OF AUSTIN in a total amount not to exceed \$312,470; and TRAVIS COUNTY DOMESTIC VIOLENCE AND SEXUAL ASSAULT SURVIVAL CENTER (dba SafePlace) in a total amount not to exceed \$100,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Special Revenue Fund, Homeless Housing and Services Program grant. The grant period is December 1, 2009 through August 31, 2011. Recommended by the Public Health and Human Services Committee.
- The motion authorizing negotiation and execution of contracts with: Youth and Family Alliance doing business as LifeWorks; Foundation Communities, Incorporated; Vincare Services of Austin Foundation; Caritas of Austin; and Travis County Domestic Violence and Sexual Assault Survival Center doing business as SafePlace was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**

Item 29 was pulled for discussion.

30. Approve an ordinance repealing Resolution No. 861211-9 and amending City Code Chapter 8-1 relating to use of athletic fields for youth recreation. Approved by the Parks and Recreation Board.
- This item was postponed to February 4, 2010 on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
31. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG), and the related membership fee, in an amount not to exceed \$73,618. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Planning and Development Review Department.
- Resolution No. 20100128-031 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
32. Approve a resolution initiating Code amendments to implement the objectives of the Downtown Austin Plan Density Bonus Report. Reviewed by Community Development Commission, Downtown Commission, Design Commission, and Planning Commission.
- This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
33. Approve a resolution authorizing the issuance by Travis County Municipal Utility District No. 10, formerly known as Point Venture II MUD ("District"), of Unlimited Tax and Revenue Bonds, Series 2010, in an amount not to exceed \$3,570,000, and approve a substantial draft of the District's Bond Resolution and the Preliminary Official Statement. No fiscal impact. 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. 20100128-033 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
34. Authorize award, negotiation, and execution of a 12-month requirements service contract with GCR & ASSOCIATES, INC., New Orleans, LA, for software maintenance and support, including training

services, in an estimated amount not to exceed \$64,100, with four 12-month extension options in estimated amounts not to exceed \$56,500 for the first extension option, \$56,500 for the second extension option, \$59,300 for the third extension option, and \$62,310 for the fourth extension option, for a total estimated contract amount not to exceed \$298,710. Funding in the amount of \$64,100 is available in the Fiscal Year 2009-2010 Operating Budget of the Department of Aviation. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Airport Advisory Commission.

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

35. Authorize award and execution of a 12-month requirements service contract with LOCHARD CORPORATION, Sacramento, CA for software maintenance support for the aircraft noise and flight track monitoring system in an estimated amount not to exceed \$58,459. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

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

36. Authorize award and execution of a contract with FLIR COMMERCIAL VISION SYSTEMS INC., Goleta, CA, for the purchase of a thermal imaging/daylight camera system for the Austin Police Department helicopter in an amount not to exceed \$248,297. Funding is available in the Fiscal Year 2009-2010 Federal Department of Treasury Asset Forfeiture Fund for the Austin Police Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a contract with FLIR Commercial Vision Systems Inc. was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

37. Authorize award and execution of nine 24-month requirements supply contracts for medical supplies and medications with the following vendors: HENRY SCHEIN MATRIX MEDICAL, Irmo, SC, in an estimated amount not to exceed \$403,695, with two 12-month extension options in an estimated amount not to exceed \$201,848 per extension option, for a total estimated contract amount not to exceed \$807,391; MCKESSON MEDICAL SURGICAL, INC., Richmond, VA, in an estimated amount not to exceed \$359,966, with two 12-month extension options in an estimated amount not to exceed \$179,983 per extension option, for a total estimated contract amount not to exceed \$719,932; TW MEDICAL, Lago Vista, TX, in an estimated amount not to exceed \$176,750, with two 12-month extension options in an estimated amount not to exceed \$88,375 per extension option, for a total estimated contract amount not to exceed \$353,500; SOUTHERN SAFETY SALES, Austin, TX, in an estimated amount not to exceed \$123,321, with two 12-month extension options in an estimated amount not to exceed \$61,661 per extension option, for a total estimated contract amount not to exceed \$246,643; MIDWEST MEDICAL SUPPLY CO., Earth City, MO, in an estimated amount not to exceed \$79,522, with two 12-month extension options in an estimated amount not to exceed \$39,761 per extension option, for a total estimated contract amount not to exceed \$159,044; BOUND TREE MEDICAL, LLC, Dublin, OH, in an estimated amount not to exceed \$71,012, with two 12-month extension options in an estimated amount

not to exceed \$35,506 per extension option, for a total estimated contract amount not to exceed \$142,024; QUADMED, INC., Jacksonville, FL, in an estimated amount not to exceed \$40,616, with two 12-month extension options in an estimated amount not to exceed \$20,308 per extension option, for a total estimated contract amount not to exceed \$81,232; NATIONAL ENVIRONMENTAL, Marietta, GA, in an estimated amount not to exceed \$30,772, with two 12-month extension options in an estimated amount not to exceed \$15,386 per extension option, for a total estimated contract amount not to exceed \$61,544; and PMI PROGRESSIVE MEDICAL INTERNATIONAL, Vista, CA, in an estimated amount not to exceed \$23,053, with two 12-month extension options in an estimated amount not to exceed \$11,526 per extension option, for a total estimated contract amount not to exceed \$46,105. Funding in the amount of \$436,236 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of eleven 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 requirements supply contracts with: Henry Schein Matrix Medical; McKesson Medical Surgical, Inc.; TW Medical; Southern Safety Sales; Midwest Medical Supply Co.; Bound Tree Medical, LLC; Quadmed, Inc.; National Environmental; and PMI Progressive Medical International was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

38. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with WEBUILDFUN, INC., alias MIRACLE RECREATION EQUIPMENT CO., Allen, TX, for the purchase and installation of playground equipment for Dittmar Recreation Center in an amount not to exceed \$144,018.90. Funding 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 2-9D 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; 2.70% MBE subcontractor participation has been met.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Webuildfun, Inc. alias Miracle Recreation Equipment Co. was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

39. Authorize award and execution of a 36-month requirements service contract with SCS Field Services, Austin, TX for leachate and methane gas collection and control system operation maintenance for the Solid Waste Services Department in an estimated amount not to exceed \$315,000, with three 12-month extension options in an estimated amount not to exceed \$105,000 per extension option, for a total estimated contract amount not to exceed \$630,000. Funding in the amount of \$70,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid 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 Solid Waste Advisory Commission.

The motion authorizing the award and execution of a requirements service contract with SCS Field Services was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

40. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Manvel Education Facilities Corporation's loan to Southwest Austin Catholic School dba St. Gabriel's

Catholic School in an amount not to exceed \$7,100,000 to refinance the cost of facilities located at 2500 Wimberly Lane, Austin.

Resolution No. 20100128-040 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

41. 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 Shade's motion, Council Member Spelman's second on a 7-0 vote.

Board

Nominated By:

Austin Airport Advisory Commission

Scott Madole

Council Member Riley

Building and Fire Code Board of Appeals

Michael Thorn-Leeson

Council Member Riley

Building and Standards Commission

Daniel Gonzalez

Mayor Pro Tem Martinez

Commission on Immigrant Affairs

Sunny Ogunro

Council Member Morrison

Waller Creek Citizen Advisory Committee

Rodney Ahart (recommended by the Environmental Board)

Lynn Osgood

Council

Council

Intergovernmental Bodies

Housing Authority of the City of Austin

Charles "Chuck" Bailey

Carl Richie, Jr.

Mayor Leffingwell

Mayor Leffingwell

Lone Star Rail District Board of Directors

Approve a resolution appointing Council Member Cole to the Lone Star Rail District Board of Directors (formerly Austin-San Antonio Inter-Municipal Commuter Rail District) for a two-year term.

Resolution No. 20100128-041 was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

Item 42 was pulled for discussion.

Item 43 was a public hearing item set for 10:30 a.m.

Items 44 and 45 were briefing items set for 10:30 a.m.

Items 46 through 53 were zoning items set for 2:00 p.m.

Items 54 through 57 were public hearing items set for 4:00 p.m.

Item 58 was an addendum item

DISCUSSION ITEMS

29. Approve a settlement related to Northwest Austin Municipal Utility District No. 1, et al. v. City of Austin, et al.; No. GN203,378, 53rd District Court, Travis County, Texas; and Ban, et al v. City of Austin, et al.; No. D-1--GN-09-000047, 345th District Court, Travis County, Texas.

The motion to approve a settlement related to Northwest Austin Municipal Utility District No. 1 et al. v. City of Austin et al. and Ban, et al v. City of Austin, et al. was approved with the following terms on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

The terms of the settlement agreement were:

- The City will pass an ordinance on February 4, 2010 to immediately dissolve and abolish the Northwest Austin Municipal Utility District Number 1, pursuant to Texas Local Government Code, 43.074.
- Upon dissolution the City will obtain the District's assets and liabilities.
- If the ordinance is passed and the settlement agreement is approved the City will be in compliance with the adverse decision of the Third Court of Appeals in this case.
- By April 30, 2010, the City will reimburse property owners in the District 100% of property taxes that were paid to the District for tax year 2009 by the property owners.
- Austin Water rate payers in the District will no longer receive credit on their water utility bills.
- From this point forward, all Austin water rate payers in the District will pay their full water utility bills to the Austin Water Utility. Council will be asked to pass an ordinance memorializing this change on February 4, 2010.
- The City will pay \$900,000 in attorney's fees, costs and expenses associated with these two lawsuits.
- All parties will mutually release one another from any additional claims that were or could have been asserted in these two lawsuits.

42. Approve a resolution directing the City Manager to negotiate a co-sponsorship agreement with the West Austin Youth Association for youth sports and recreational programming. (Council Member Randi Shade Mayor Lee Leffingwell Council Member Sheryl Cole)

Resolution No. 20100128-042 was approved with the following friendly amendment on Council Member Shade's motion, Council Member Riley's second on a 7-0 vote. The friendly amendment from Council Member Morrison was to add to the resolution "BE IT FURTHER RESOLVED: That the City Manager is hereby directed to research additional opportunities for public-private partnerships that would increase youth recreational and sports activities with additional organizations and to report on the progress of such opportunities to City Council not later than 60 days after the passage of this resolution". The amendment was accepted by the maker of the motion and by Council Member Riley who made the second.

58. Approve an ordinance establishing a stakeholder review process for the Downtown Austin Plan Density Bonus Report; and waiving the requirements of City Code Section 2-1-42(C) regarding appointment of committee members by a board or commission. (Council Member William Spelman Council Member Laura Morrison)

Ordinance No. 20100128-058 was approved with the following friendly amendment on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. The friendly amendment from Mayor Leffingwell was to remove the deadline dates from the ordinance so it reads,

"Part 3. The Executive Committee shall consider the input of the stakeholder working group and provide:

- A. An interim report to the Comprehensive Plan and Transportation Committee of the City Council; and
- B. A recommendation on the proposed Density Bonus Program to the Planning Commission.

Part 4, The Planning Commission shall provide its recommendations on the proposed Density Bonus Program to City Council.”

In addition, direction was given to staff to complete Part 3 A of the ordinance by March 1, 2010; Part 3 B by May 18, 2010; and Part 4 by June 8, 2010. Requests for extensions must be brought back to the City Council. The friendly amendment was accepted by the maker of the motion and by Council Member Morrison who made the second.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

43. Conduct a public hearing and consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with HANGER ORTHOPEDIC GROUP, INC.
The public hearing was closed and Ordinance No. 20100128-043 was approved on Council Member Shade’s motion, Mayor Pro Tem Martinez’ second on a 7-0 vote.

BRIEFINGS

44. Briefing on Austin Energy's Generation Resource and Carbon Reduction Plan
The presentation was made by Roger Duncan, General Manager of Austin Energy.

CITIZEN COMMUNICATION: GENERAL

Walter Olenick - Water fluoridation

Freddie Childress - African American quality of life

Hazel Ruth Reveile - ABIA noise abatement study. She was not present when her name was called.

Richard Troxell - Homelessness in Austin

Paul Robbins - City issues

Daniel N. White - Professionalism in City staff

Brenda Washington - Concerns citizens have for East Austin. She was not present when her name was called.

Randolph George Mueller - Budget assistance in the aviation department. The chief of staff positions within the Police department corruption

Leonard Davila - In regards to Hispanic entertainment during SXSW.

Anthony Walker - Community concerns

Mayor Leffingwell recessed the Council Meeting at 12:52 p.m.

Mayor Leffingwell called the Council Meeting back to order at 2:02 p.m.

ZONING CONSENT ITEMS

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

46. C14-2009-0092 - Carson Ridge Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6503 Carson Ridge (Country Club East and 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. First Reading approved on November 19, 2009. Vote: 7-0. Owner/Applicant: Peter Barlin. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Joi Harden, 974-2122.
Ordinance No. 20100128-046 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Shade was off the dais.
47. NPA-2009-0005.01- Carson Ridge Development- Approve second/third readings of 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) on property locally known as 6503 Carson Ridge (Country Club East Watershed) from commercial land use to mixed use land use. First reading approved on November 19, 2009. Vote: 7-0. Owner/Applicant: Peter Barlin. Agent: Shaw Hamilton. City Staff: Maureen Meredith, 974-2695.
Ordinance No. 20100128-047 to change the land use designation on the future land use map (FLUM) to mixed use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Shade 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.

48. C14-72-015(RCA) - 1517 E. Anderson Lane Restrictive Covenant Amendment - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 1517 East Anderson Lane (Buttermilk Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To deny the restrictive covenant amendment. Applicant/Owner: ZIF Holdings, Inc. (Iniyat Fidai). Agent: DCI Permitting and Land Consulting (David Cancialosi). City Staff: Joi Harden, 974-2122
This item was postponed on consent to February 25, 2010 at staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
49. C14-2008-0123 - Bennett Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 7309 South IH 35 Service Road Northbound (South Boggy Creek; Onion Creek Watersheds) from interim-rural residence (I-RR) district zoning and community commercial (GR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. South Austin I-35 Associates c/o Bennett Realty Group (Timothy T. Bennett). Big Red Dog Engineering/Consulting (Will Schnier). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and the first reading of the ordinance for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

50. 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 (Dorthy Kester). Agent: Stanley Consultants, Inc. (Charles Steinman). City Staff: Joi Harden, 974-2122.
This item was postponed on consent to March 25, 2010 at Austin Energy's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
51. C14-2009-0106 - Rosewood Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Rosewood Neighborhood Planning Area, bounded by Manor Road on the north; Airport Boulevard on the east; Northwestern Avenue and Webberville Road on the south; and Northwestern Avenue to Rosewood Avenue to Chicon Street to East 12th Street, north along the Austin and Northwestern Railroad to Martin Luther King, Jr. Boulevard to Stafford Street to Rogers Avenue to Walnut Avenue on the west (Boggy Creek, Tannehill Branch, Town Lake Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude a tract from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.
This item was postponed on consent to March 25, 2010 at staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
52. C14-2009-0110 - American Adventure - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13505 North F.M. 620 Road (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Hamid Zarafshani / American Adventure RV Rentals, LLC. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to February 25, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
53. C14H-2009-0054 - 83 Rainey Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 83 Rainey Street (Lady Bird Lake Watershed) from central business district (CBD) district zoning to central business district-historic landmark (CBD-H) combining district zoning. Staff recommendation: To deny central business district-historic landmark (CBD-H) combining district zoning. Historic Landmark Commission recommendation: To grant central business district - historic landmark (CBD-H) combining district zoning. Planning Commission recommendation: To grant central business district-historic landmark (CBD-H) combining district zoning. Applicant: Historic Landmark Commission. Owner: Robert Icenhauer-Ramirez, Nueces Street Capital, LLC. City Staff: Susan Villarreal, 974-3524.
The public hearing was closed and the motion to deny historic zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote after a presentation from Steve Sadowsky, City Historic Preservation officer, and a recommendation from

staff based on an agreement that will preserve the original home but allow for the removal of the additions and the front porch.

BRIEFING CONTINUED

45. Briefing on Lower Shoal Creek Redevelopment
The presentation was made by Bert Lumbreras, Assistant City Manager, and Fred Evins, Redevelopment Project Manager for Economic Growth and Redevelopment Services.

Mayor Leffingwell recessed the Council Meeting at 2:43 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:04 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

54. Conduct a public hearing for the limited purpose annexation of the Moore's Crossing - Linda Vista Area (approximately 34 acres in southern Travis County east of FM 973 at the southeast corner of the intersection of FM 973 and Burleson Road and east of the intersection of FM 973 and Linda Vista Drive). The public hearing was closed on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 5-0 vote. Council Members Morrison and Shade were off the dais.
55. Conduct a public hearing for the limited purpose annexation of the Greenshores Lake Austin and Excess Capacity Area (approximately 161 acres in Travis County north and west of the intersection of Oak Shores and Pearce Road; west of Robbins Road; south of Smoky Ridge; and east of Ski Shores Terrace). The public hearing was closed on Council Member Spelman's motion, Council Member Cole's second on a 5-0 vote. Council Members Morrison and Shade were off the dais.
56. Conduct a public hearing for the full purpose annexation of the Harris Branch Outparcel (approximately 2 acres in eastern Travis County west of Cameron Road approximately one tenth of a mile south of the intersection of Parmer Lane and Cameron Road). The public hearing was closed on Council Member Spelman's motion, Council Member Riley's second on a 5-0 vote. Council Members Morrison and Shade were off the dais.
57. Conduct a public hearing and consider an ordinance adopting the local standards of care for the Parks and Recreation Department's children's recreation program for 2010. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by the Parks and Recreation Board. The public hearing was closed and Ordinance No. 20100128-057 was approved on Council Member Spelman's motion, Council Member Riley's second on a 5-0 vote. Council Members Morrison and Shade were off the dais.

Mayor Leffingwell recessed the Council Meeting at 4:11 p.m.

LIVE MUSIC

Graham Wilkinson

PROCLAMATIONS

Distinguished Service Award - Karen Tucker -- to be presented by Mayor Leffingwell and to be accepted by honoree

Proclamation -- Poverty Awareness Month -- To be presented by Mayor Leffingwell and to be accepted by Katie Navine

Mayor Leffingwell adjourned the meeting at 6:10 p.m. without objection.

The minutes for the regular meeting of January 28, 2010 were approved on this the 4th day of February 2010 on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.