

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JUNE 24, 2010**

Invocation: Rabbi Neil Blumofe, Congregation Agudas Achim

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, June 24, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:06 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 June 10, 2010.  
The minutes from the regular meeting of June 10, 2010 were approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
2. Authorize negotiation and execution of a two-year Interlocal Agreement between the University of Texas and the City of Austin Texas for consulting services regarding chemical usage at the City's water treatment plants for a total of \$128,000. Funding in the amount of \$65,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the second year of the agreement is contingent upon available funding in future budgets. Recommended by the Water and Wastewater Commission.  
The motion authorizing the negotiation and execution of an interlocal agreement between the University of Texas and the City of Austin was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman recused himself.
3. Authorize the City Clerk to negotiate and execute an Interlocal Contract with Travis and Williamson Counties for Election Services. Funding is contingent upon approval of appropriations for the Fiscal Year 2010-2011.  
This item was postponed on consent to July 29, 2010 on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
4. Authorize execution of a contract with JOHN A. WALKER ROOFING CO, INC., Texas City, TX, through the LOCAL GOVERNMENT PURCHASING COOPERATIVE for the installation of a single

seam roof replacement at the Old Bakery & Emporium in an amount not to exceed \$222,105. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. John A. Walker Roofing INC., is an approved contractor through the competitive procurement process authorized by Texas Statute, Local government Code, Chapter 271, Subchapter F. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Although this contract is a Cooperative Purchase and exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation, 0.84% MBE and 1.26% WBE subcontractor participation has been met.

**The motion authorizing the execution of a contract with John A. Walker Roofing Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

5. Authorize execution of a construction contract with FACILITIES REHABILITATION, INC. (MBE/MH – 93.18%), Taylor, TX for an Annual Service Agreement for Wastewater Manhole Rehabilitation Rebid – Indefinite Delivery/ Indefinite Quantity in the amount of \$989,500 for the first year with an option for two, one year extensions. The first year extension option is in an amount of \$1,187,400 and the second year extension option in an amount of \$1,424,880 for a total contract amount not to exceed \$3,601,780. Funding in the amount of \$989,500 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding for the extension options are contingent upon available funding in future budgets. Lowest bid of six (6) bids received. This contract will be awarded in compliance in Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 93.18% MBE Prime contractor and 2.27% MBE and 4.55% WBE subcontractor participation. Recommended by Water and Wastewater Commission.

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

6. Authorize execution of a construction contract with DON KELLY CONSTRUCTION, INC., Bozeman, MT for the South IH-35 Water and Wastewater Infrastructure Improvements Program, Onion Creek Wastewater Tie-In Line – Phase 1 in the amount of \$1,595,614 plus a \$79,780.70 contingency, for a total contract amount not to exceed \$1,675,394.70. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of ten (10) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.96% MBE and 3.93% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Don Kelly Construction, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

7. Authorize execution of Change Order #1 and Change Order #2 to the construction contract with AUSTIN ENGINEERING CO, INC, Austin, TX, for the South IH-35 Water and Wastewater Infrastructure Improvements Program Transmission Main - Segment 4 in the amount of \$73,262.75 for a total contract amount not to exceed \$878,328.38. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.48% MBE and 2.12% WBE subcontractor participation to date including these change orders. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of change order number one and change order number two to the construction contract with Austin Engineering Co., Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

8. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, INC., Pflugerville, TX, for the South IH-35 Water and Wastewater Infrastructure Improvements Program Segment 17/18/19 - Slaughter Lane Extension to Thaxton Road, 48-inch Water Main in the amount of \$2,494,275 plus a \$124,713.75 contingency, for a total contract amount not to exceed \$2,618,988.75. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of seven (7) 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 1.51% MBE and 4.70% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Cash Construction Company, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
9. Authorize execution of a construction contract with J.S. ELECTRIC, INC. (WBE/FW - 33.40%), Buda, TX, for the Disaster Recovery System - Waller Creek Generator Replacement project in the amount of \$380,500 plus a \$19,025 contingency, for a total contract amount not to exceed \$399,525. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lower of two (2) 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 12.2% MBE subcontractor and 33.4% WBE contractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with J.S. Electric, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
10. Authorize execution of Change Order #4 to the construction contract with RANGER EXCAVATING, L.P., Austin, TX, for FM 812 Landfill Final Closure and Erosion Control Improvements project in the amount of \$470,000, for a total contract amount not to exceed \$6,197,483.50. Funding in the amount of \$470,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services 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 6.55% MBE and 6.32% WBE subcontractor participation to date including this change order. Recommended by the Solid Waste Advisory Commission.  
**The motion authorizing the execution of change order number four to the construction contract with Ranger Excavating, L.P. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
11. Approve a resolution authorizing the filing of eminent domain proceedings for the Waller Creek Tunnel Project to acquire a 9,771 square foot drainage easement and a 5,443 square foot temporary workspace easement, out of Lots 2, 3 and 4 and a portion of a 20-foot-wide alley vacated by the City of Austin, Block 37, original City of Austin, Travis County, Texas, in the amount of \$397,554. The owner of the property is LION OUTDOOR, LLC The property is located at 706 and 708 East 4th Street. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.  
**Resolution No. 20100624-011 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
12. Approve a resolution authorizing the filing of eminent domain proceedings for the Fort Branch WMA Reach 6 & 7 – Truelight Area and Eleanor Drive Area Project to acquire a 1,843 square foot permanent drainage easement out of Lot 16, Block 1, Lincoln Gardens, Section 1 a subdivision in the City of Austin, Travis County, Texas, in the amount of \$4,794.00. The owner of the needed property interests is Elton F. Zulauf. The property is located at 1228 Fort Branch Boulevard, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

**This item was postponed on consent to July 29, 2010 on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 13 was pulled for discussion.**

14. Authorize the negotiation and execution of a 120-month lease, to be effective on or about December 1, 2010, for approximately 2,600 square feet of nutritional counseling space for the Women Infants and Children Program of the Health and Human Services Department, located at 6801 South IH-35, Suites 1-I and 1-J, from LX-NORTHBLUFF CENTER L.P., Austin TX, in an amount not to exceed \$891,754. Funding in the amount of \$320,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.

**The motion authorizing the negotiation and execution of a lease with LX-Northbluff Center, L.P. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 15 was pulled for discussion.**

16. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for construction (relocation) of water lines within the State's contract to widen FM 734 (Parmer Lane) at Amherst Drive in the amount of \$148,128.75. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an advance funding agreement with the Texas Department of Transportation (TxDOT) was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

17. Approve an ordinance authorizing the City Manager to execute a Master Development Agreement with CONSTRUCTIVE VENTURES, INC. and TC AUSTIN DEVELOPMENT, INC. for redevelopment of the property currently occupied by the Austin Energy Control Center; adopting building access and area of refuge requirements; and approving a managed growth agreement. Related to Item #18.

**This item was withdrawn on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

18. Approve an ordinance amending the Fiscal Year 2009-2010 Economic Growth and Redevelopment Services Office Capital Budget of Ordinance No. 20090914-003 to appropriate \$1,350,000 to fund improvements with revenues related to the Energy Control Center Master Agreement. Funding in the amount of \$1,350,000 is available in developer contributions in conjunction with the Energy Control Center Master Agreement. Related to Item #17.

**This item was withdrawn on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

19. Authorize negotiation and execution of an Interlocal Agreement with AUSTIN TRAVIS COUNTY INTEGRAL CARE to assist in the Health and Human Services Department's Communities Putting Prevention to Work federal grant initiative to reduce tobacco use and exposure to secondhand tobacco smoke for a one-year term beginning June 1, 2010, in an amount not to exceed \$110,000, with an option to renew for one nine-month renewal term, in an amount not to exceed \$80,000 for a total contract amount not to exceed \$190,000. Funding in the amount of \$110,000 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March 19, 2010 through March 18, 2012. Funding for the renewal option is available through the grant. Recommended by the Public Health and Human Services Committee

**The motion authorizing the negotiation and execution of an interlocal agreement with Austin Travis County Integral Care was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

20. Authorize negotiation and execution of an Interlocal Agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT, to assist the Health and Human Services Department fulfill its Communities Putting Prevention to Work federal grant initiative to reduce tobacco use and exposure to secondhand tobacco smoke, for a one-year term beginning June 1, 2010, in an amount not to exceed \$13,000, with an option to renew for one nine-month renewal term, in an amount not to exceed \$9,200, for a total contract amount not to exceed \$22,200. Funding in the amount of \$13,000 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March 19, 2010 through March 18, 2012. Funding for the renewal option is available in the grant. Recommended by the Public Health and Human Services Committee.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
21. Authorize negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY HEALTHCARE DISTRICT dba CENTRAL HEALTH, to assist the Health and Human Services Department fulfill its Communities Putting Prevention to Work federal grant initiative to reduce tobacco use and exposure to secondhand tobacco smoke, for a one-year term beginning June 1, 2010, in an amount not to exceed \$295,000, with an option to renew for one nine-month renewal term, in an amount not to exceed \$225,000, for a total contract amount not to exceed \$520,000. Funding in the amount of \$295,000 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March 19, 2010 through March 18, 2012. Funding for the renewal option is available through the grant. Recommended by the Public Health and Human Services Committee.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County Healthcare District doing business as Central Health was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
22. Authorize negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY, to assist the Health and Human Services Department fulfill its Communities Putting Prevention to Work federal grant initiative to reduce tobacco use and exposure to secondhand tobacco smoke, for a one-year term beginning June 1, 2010, in an amount not to exceed \$120,000, with an option to renew for one nine-month renewal term, in an amount not to exceed \$80,000, for a total contract amount not to exceed \$200,000. Funding in the amount of \$120,000 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March 19, 2010 through March 18, 2012. Funding for the renewal option is available in the grant. Recommended by the Public Health and Human Services Committee.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
23. Authorize negotiation and execution of an Interlocal Agreement with THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, SCHOOL OF PUBLIC HEALTH AUSTIN REGIONAL CAMPUS, to assist the Health and Human Services Department fulfill its Communities Putting Prevention to Work federal grant initiative to reduce tobacco use and exposure to secondhand tobacco smoke for a one-year term beginning June 1, 2010, in an amount not to exceed \$50,500, with an option to renew for one nine-month renewal term, in an amount not to exceed \$42,080, for a total contract amount not to exceed \$92,580. Funding in the amount of \$50,500 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant

period is March 19, 2010 through March 18, 2012. Funding for the renewal option is available through the grant. Recommended by the Public Health and Human Services Committee.

**The motion authorizing the negotiation and execution of an interlocal agreement with The University of Texas Health Science Center At Houston, School of Public Health Austin Regional Campus was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman recused himself.**

24. Authorize negotiation and execution of Agreement for Social Services with YOUTH AND FAMILY ALLIANCE d/b/a LIFEWORKS, Austin, TX, to provide child care voucher services in an amount not to exceed \$106,554 for the initial term, July 1-September 30, 2010, with four 12-month renewal options in an amount not to exceed \$308,272 per renewal term, for a total contract amount not to exceed \$1,389,642. Funding in the amount of \$89,760 is available in the Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Services Office through the Community Development Block Grant (CDBG), and \$16,794 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Certification. The initial period of the contract is July 1 through September 30, 2010. Funding for the renewal options is contingent upon available funding in future budgets.

**The motion authorizing the negotiation and execution of agreement for social services with Youth and Family Alliance doing business as Lifeworks was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

25. Authorize negotiation and execution of Amendment No. 2 to the social service contract with CARITAS OF AUSTIN to reallocate the existing Community Services Block Grant Direct Financial Assistance services and increase funding from other contractors not scheduled to expend entire grant award, up to \$294,038 for a total contract amount not to exceed \$776,320 for the period October 1, 2009 through September 30, 2010. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Community Services Block Grant.

**The motion authorizing the negotiation and execution of amendment number two to the social service contract with Caritas of Austin was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

26. Authorize negotiation and execution of an agreement with SETON FAMILY OF HOSPITALS, Austin, TX, to assist the Health and Human Services Department fulfill its Communities Putting Prevention to Work federal grant initiative to reduce tobacco use and exposure to secondhand tobacco smoke, for a one-year term beginning July 1, 2010, in an amount not to exceed \$300,000, with an option to renew for one eight-month renewal term, in an amount not to exceed \$250,000, for a total contract amount not to exceed \$550,000. Funding in the amount of \$300,000 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March 19, 2010 through March 18, 2012. Funding for the renewal option is available in the grant. Recommended by the Public Health and Human Services Committee.

**The motion authorizing the negotiation and execution of an agreement with Seton Family of Hospitals was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

27. Approve an ordinance accepting \$1,975 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance 20090914-002 to appropriate \$1,975 for the Ryan White Part A HIV Emergency Relief Project Grant program. Funding in the amount of \$1,975 is available from the U. S. Department of Health and Human Services Health Resources and Services Administration. The grant period is March 1, 2010 to February 28, 2011. No City match is required. Approved the Fiscal Year 2009-2010 Operating Budget. September 14, 2009. Related to #28.

**Ordinance No. 20100624-027** was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

28. Approve execution of amendments to four contracts to increase funding for HIV core medical and support services under the Ryan White HIV/AIDS Program Part A grant program: AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$41,431 for a total 12-month renewal amount not to exceed \$963,574 for March 1, 2010 through February 28, 2011, and a revised total two-year contract amount not to exceed \$1,885,716; PROJECT TRANSITIONS, INC. in an amount not to exceed \$3,397 for a total 12-month renewal amount not to exceed \$70,000 for March 1, 2010 through February 28, 2011, and a revised total two-year contract amount not to exceed \$170,000; WATERLOO COUNSELING CENTER, INC. in an amount not to exceed \$32,442 for a total 12-month renewal amount not to exceed \$102,211 for March 1, 2010 through February 28, 2011, and a revised total two-year contract amount not to exceed \$171,980; THE WRIGHT HOUSE WELLNESS CENTER, INC. in an amount not to exceed \$7,301 for a total 12-month renewal amount not to exceed \$136,066 for March 1, 2010 through February 28, 2011, and a revised total two-year contract amount not to exceed \$264,831. Funding in the amount of \$84,571 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part A HIV Emergency Relief Project Grant. The grant period is March 1, 2010 through February 28, 2011. Related to #27.

The motion authorizing the execution of amendments to four contracts to increase funding for HIV core medical and support services with AIDS Services of Austin, Inc., Project Transitions, Inc., Waterloo Counseling Center, Inc. and The Wright House Wellness Center, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 29 was pulled for discussion.

30. Approve an ordinance authorizing the City Manager to negotiate and execute refinancing of the balance owed on the Section 108 Loan (B-94-MC-48-0500) for the Millennium Youth Center as part of the United States Department of Housing and Urban Development's July 2010 public offering. \$639,208 for the August 2010 debt service requirement and \$17,075 estimated closing cost is included in the fiscal year 2009-2010 budget of the Neighborhood Housing and Community Development Office, Community Development Block Grant Fund.

**Ordinance No. 20100624-030** was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

31. Approve an ordinance accepting \$50,000 in grant funding from the National Recreation and Parks Association and amending the Fiscal Year 2009-2010 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20090915-002 to appropriate \$50,000 for the Summer Food Program. Funding the amount of \$50,000 is available from the National Recreation and Parks Association. The grant period is June 1, 2010 through May 31, 2011. No City match is required. The General Fund will not be required to contribute to this grant.

**Ordinance No. 20100624-031** was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

32. Authorize negotiation and execution of an Interlocal Agreement with the University of Texas School of Architecture to develop a web based historic resources survey, in the amount of \$25,000. Funding in the amount of \$25,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Planning and Development Review Department.

The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas School of Architecture was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman recused himself.

33. Approve an ordinance to amend Ordinance No. 040401-Z-2 to correct the boundaries of the Crestview/Wooten Neighborhood Plan Combining District.  
**Ordinance No. 20100624-033 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
34. Approve an ordinance to amend Ordinance No. 20080807-074 to correct the map designating land use in NPA-2008-0001.02 (Dawson Neighborhood Plan).  
**Ordinance No. 20100624-034 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
35. Approve an ordinance to amend Ordinance No. 040401-32A to correct the description of the boundaries of the Wooten Neighborhood Plan Combining District.  
**Ordinance No. 20100624-035 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 36 was pulled for discussion.**

37. Authorize application for \$457,140 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, for the Justice Assistance Grant Program (JAG). The City of Austin will receive \$342,855 and Travis County will receive \$114,285. The City will use its JAG funds to pay for equipment for e-citation implementation. Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, for the Justice Assistance Grant Program, for the grant period October 1, 2010 to September 30, 2013. A cash match is not required. Related to Item #38.  
**The motion authorizing the application for \$457,140 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
38. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to accept and administer the 2010 Justice Assistance Grant Program (JAG) on behalf of the City of Austin and the Travis County Sheriffs Office. Funding in the amount of \$457,140 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program. Related to Item #37.  
**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 Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
39. Authorize award and execution of a contract with AUSTIN TRUCK AND EQUIPMENT LTD., dba FREIGHTLINER OF AUSTIN, Austin, TX for the purchase of seven truck-mounted aerial devices in an amount not to exceed \$1,503,554. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission  
**The motion authorizing the award and execution of a contract with Austin Truck and Equipment LTD., doing business as Freightliner of Austin was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
40. Authorize award and execution of a contract with INSTRUMENT TRANSFORMER EQUIPMENT CORPORATION, Charlotte, NC for the purchase of 24 potential transformers for Austin Energy in an amount not to exceed \$167,928. Funding is contingent upon approval of the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business



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

**The motion authorizing the award and execution of a contract with Instrument Transformer Equipment Corporation was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

41. Authorize award, negotiation, and execution of a professional services contract with NAVIGANT CONSULTING, INC., Austin, TX, for consulting services for performing a financial and programmatic review of Austin Energy in an amount not to exceed \$281,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. This professional services contract is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Recommended by the Electric Utility Commission

**The motion authorizing the award, negotiation and execution of a professional services contract with Navigant Consulting, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

42. Authorize award, negotiation, and execution of a contract with TEXAS ENGINEERING EXTENSION SERVICE, College Station, TX for the development of a National Incident Management Systems (NIMS) Incident Command System (ICS) 300 and 400 training course in an amount not to exceed \$53,178. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. 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. Recommended by the Electric Utility Commission.

**The motion authorizing the award, negotiation and execution of a contract with Texas Engineering Extension Service was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

43. Authorize award and execution of a 12-month requirements service contract with TEXAS CRANE SERVICES, San Antonio, TX for the rental and operation of hydraulic and lattice boom cranes in an estimated amount not to exceed \$116,915, with three 12-month extension options in an estimated amount not to exceed \$116,915, per extension option, for a total estimated contract amount not to exceed \$467,660. Funding in the amount of \$29,229 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Energy. Funding for the remaining nine 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 Electrical Utility Commission.

**The motion authorizing the award and execution of a requirements service contract with Texas Crane Services was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

44. Approve the award, negotiation, and execution of a 60-month revenue concession agreement with INTER-SPACE SERVICES, INC. dba CLEAR CHANNEL AIRPORTS, Allentown, PA, for advertising services at Austin-Bergstrom International Airport. This contract is projected to generate \$550,000 in revenue to the City in Fiscal Year 2011. Revenue over the life of the initial 60-month term of the contract is estimated to be \$2,750,000. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with 49 CFR Part 23 of the Federal Regulations (Airport Concession

Disadvantaged Owned Business Enterprises Program) by meeting the goal with 6.61% ACDBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the award, negotiation and execution of a revenue concession agreement with Inter-Space Services, Inc. doing business as Clear Channel Airports was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

45. Authorize award and execution of a 36-month requirements supply contract with GEXPRO, Austin, TX for programmable logic controllers the Aviation Department in an estimated amount not to exceed \$162,000, with two 12-month extension options in an estimated amount not to exceed \$54,000 per extension option, for a total estimated contract amount not to exceed \$270,000. Funding in the amount of \$13,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Funding for the remaining 33 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.
- The motion authorizing the award and execution of a requirements supply contract with Gexpro was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
46. Approve ratification of payments made to Austin Independent School District (AISD) for operating and maintenance services provided by AISD under an Interlocal Agreement for construction and use of the J.J. Pickle Elementary School/St. John's Community Center campus, in the amount of \$714,339.16, and authorize negotiation and execution of an amendment to the agreement for a term of one year, effective on July 1, 2010, to reimburse AISD for certain operating and maintenance services provided from September 1, 2006 through August 31, 2009, in the amount of \$330,111.54, and to reimburse AISD for the same types of services provided from September 1, 2009 through August 31, 2010, in an amount not to exceed \$200,000, with an option to renew for one 12-month term in an amount not to exceed \$200,000. Funding in the amount of \$714,339.16 for payments associated with the ratification was available in Fiscal Year 2002-2003 through Fiscal Year 2008-2009 and is available in the Fiscal Year 2009-2010 Operating Budgets of the Austin Police Department, Health & Human Services Department, Library Department, and Parks and Recreation Department. Funding in the amount \$530,111.54 for the contract amendment is available in the Fiscal Year 2009-2010 Operating Budgets of the Austin Police Department, Health & Human Services Department, Library Department, and Parks and Recreation Department. Funding for the extension option is contingent upon available funding in future budgets. This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is 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 contract.
- The motion to ratify payments made to Austin Independent School District (AISD) was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
47. Authorize negotiation and execution of an Interlocal Agreement with the County Information Resources Agency, an interlocal government agency, to allow the City of Austin to become a member of the County Information Resources Agency. There is no cost to become a member of this agency. This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).
- The motion authorizing the negotiation and execution of an interlocal agreement with the County Information Resources Agency was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

48. Authorize negotiation and execution of an Interlocal Agreement with the County Information Resources Agency, an interlocal government agency, to allow the City of Austin to participate in the CountyConnect Cooperative Purchasing Program. Procurements under this Interlocal Agreement will not be made unless funds are available in appropriate departmental budgets. Purchases over the City Manager's authorization (currently \$52,000) will be submitted for City Council approval. This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).  
**The motion authorizing the negotiation and execution of an interlocal agreement with the County Information Resources Agency was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
49. Authorize award, negotiation, and execution of a 12-month contract through the County Information Resources Agency CountyConnect Cooperative Purchasing Program with METATOMIX, INC., Dedham, MA, for the purchase of criminal justice software and maintenance in an amount not to exceed \$126,521.72, with two 12-month extension options in an amount not to exceed \$19,299.92 per extension option, for a total contract amount not to exceed \$165,121.56. Funding in the amount of \$126,521.72 is available in the Homeland Security and Emergency Management Special Revenue Fund, Urban Area Security Initiative Grant. Funding for the extension options is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Urban Area Working Group approved acceptance of this grant. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).  
**The motion authorizing the award, negotiation and execution of a contract through the County Information Resources Agency CountyConnect Cooperative Purchasing Program with Metatomix, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
50. Authorize award, negotiation, and execution of a contract through the County Information Resources Agency CountyConnect Cooperative Purchasing Program with SIERRA SYSTEMS, INC., Austin, TX, for services related to the implementation of criminal justice software in an estimated amount not to exceed \$234,612. Funding is available in the Homeland Security and Emergency Management Special Revenue Fund, Urban Area Security Initiative Grant. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Urban Area Working Group approved acceptance of this grant. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).  
**The motion authorizing the award, negotiation and execution of a contract through the County Information Resources Agency CountyConnect Cooperative Purchasing Program with Sierra Systems, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
51. Authorize award, negotiation, and execution of a 12-month requirements service contract with i2, INC., McLean, VA, for software, implementation services, and software support in an estimated amount not to exceed \$717,994, with four 12-month extension options in an estimated amount not to exceed \$56,646 per extension option, for a total estimated contract amount not to exceed \$944,578. Funding in the amount of \$717,994 is available in the Homeland Security and Emergency Management Special Revenue Fund, Urban Area Security Initiative Grant. Funding for the extension options is contingent upon available

funding in future budgets. Single 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. Urban Area Working Group approved acceptance of this grant. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).

**The motion authorizing the award, negotiation and execution of a requirements service contract with i2, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

52. Authorize award, negotiation, and execution of a 12-month requirements service contract through the United States General Services Administration Cooperative Purchasing Program with i2, INC., McLean, VA, for the purchase of software, software maintenance, and training in an estimated amount not to exceed \$77,784, with four 12-month extension options in an estimated amount not to exceed \$9,237 per extension option, for a total estimated contract amount not to exceed \$114,732. Funding in the amount of \$77,784 is available in the Homeland Security and Emergency Management Special Revenue Fund, Urban Area Security Initiative Grant. Funding for the extension options is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Urban Area Working Group approved acceptance of this grant. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).

**The motion authorizing the award, negotiation and execution of a requirements service contract through the United States General Services Administration Cooperative Purchasing Program with i2, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

53. Authorize award, negotiation, and execution of a contract through the Texas Multiple Awards Schedule (TXMAS) cooperative purchasing program with ROCKFORD BUSINESS INTERIORS, Austin, TX, for the purchase and installation of modular systems furniture in an amount not to exceed \$88,158.10. Funding is available in the Homeland Security and Emergency Management Special Revenue Fund, Urban Area Security Initiative Grant. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Urban Area Working Group approved acceptance of this grant. Related to the Fusion Project – Austin Regional Intelligence Center (ARIC).

**The motion authorizing the award, negotiation and execution of a contract through the Texas Multiple Awards Schedule (TXMAS) cooperative purchasing program with Rockford Business Interiors was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

54. Authorize award and execution of a 36-month requirements service contract with GMSL CONSULTING LLC DBA CENTEX SHRED, Austin, TX for document shredding services in an estimated amount not to exceed \$210,000, with three 12-month extension options in an estimated amounts not to exceed \$90,000 for first extension option, \$100,000 for second extension option, and \$110,000 for the third extension option, for a total estimated contract amount not to exceed \$510,000. Funding in the amount \$15,000 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the remaining 33 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 GMSL Consulting LLC doing business as Centex Shred was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

55. Authorize award and execution of a contract with AIR CLEANING TECHNOLOGIES, INC, Broken Arrow, OK for the purchase and installation of diesel exhaust emission systems for the Austin Fire Department in an amount not to exceed \$764,100. Funding in the amount of \$611,360 is available in the Fiscal Year 2009 Federal Emergency Management Agency Assistance to Firefighters grant. An in-kind match of \$152,740 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire 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 Air Cleaning Technologies, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

56. Authorize award, negotiation, and execution of an 24-month requirements service contract with INDUSTRIAL ORGANIZATIONAL SOLUTIONS, INC, Westchester, IL to provide Civil Service promotional examination services in an estimated amount not to exceed \$98,000, with two 24-month extension options in an estimated amount not to exceed \$98,000 per extension option, for a total estimated contract amount not to exceed \$294,000. Funding in the amount of \$33,140 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of eight 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 Industrial Organizational Solutions, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

57. Authorize award and execution of a 14-month requirements service contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GOVDEALS, INC., Montgomery, AL for auction services in an estimated amount not to exceed \$200,000. Funding in the amount of \$30,600 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding in the amount of \$10,625 is available in the Fiscal Year 2009-2010 Federal Department of Treasury Asset Forfeiture Fund for the Austin Police Department. Funding in the amount of \$1,275 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Materials Management. Funding for the remaining eleven months of the original contract period is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract.

**The motion authorizing the award and execution of a requirements service contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GovDeals, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

58. Authorize award and execution of a contract with GRANDE TRUCK CENTER, San Antonio, TX for the purchase of one thermoplastic striping machine in an amount not to exceed \$468,586. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority

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

**The motion authorizing the award and execution of a contract with Grande Truck Center was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

59. Authorize award and execution of a contract with HELLER MOTORS LLP, dba MERCEDES BENZ OF BOERNE, Boerne, TX for the purchase of three Dodge SPRINTER cargo vans in an amount not to exceed \$133,620. Funding is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a contract with Heller Motors LLP doing business as Mercedes Benz of Boerne was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
60. Authorize award and execution of a 36-month requirements supply contract with MIDWAY AUTO SUPPLY, INC., Dallas, TX to provide automotive filters in an estimated amount not to exceed \$910,000, with three 12-month extension options in estimated amounts not to exceed \$432,000 for the first extension option, \$518,400 for the second extension option, and \$622,080 for the third extension option, for a total estimated contract amount not to exceed \$2,482,480. Funding in the amount of \$62,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 33 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of ten bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract with Midway Auto Supply, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
61. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with WHEELED COACH INDUSTRIES, Winter Park, FL, for the purchase of one ambulance in an amount not to exceed \$161,746.67. Funding is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. **The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Wheeled Coach Industries was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
62. Authorize award and execution of a 36-month requirements supply contract with MCKESSON MEDICAL-SURGICAL INC., Richmond, VA to provide medical supplies in an estimated amount not to exceed \$782,600, with three 12-month extension options in estimated amounts not to exceed \$371,520 for the first extension option, \$445,824 for the second extension option, and \$534,989 for the third extension option, for a total estimated contract amount not to exceed \$2,134,933. Funding in the amount of \$33,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding in the amount of \$2,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-

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

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

63. Authorize award and execution of a 36-month requirements supply contract with TOMLINSON'S FEED & PETS, INC., Austin, TX to provide pet food and supplies in an estimated amount not to exceed \$528,200, with three 12-month extension options in estimated amounts not to exceed \$260,640 for the first extension option, \$312,768 for the second extension option, and \$375,322 for the third extension option, for a total estimated contract amount not to exceed \$1,476,930. Funding in the amount of \$10,833 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the remaining 35 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Tomlinson's Feed & Pets, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

64. Authorize award, negotiation, and execution of a 36-month requirements service contract with DAVIS VISION, INC., Plainview, NY, for vision insurance coverage services in an estimated amount not to exceed \$2,111,000, with two 12-month extension options in amounts not to exceed \$925,000 for the first extension option, and \$1,063,000 for the second extension option, for a total estimated contract amount not to exceed \$4,099,000. Funding in the amount of \$527,750 is included in the Fiscal Year 2010-2011 Proposed Operating Budget of the Employee Benefits Fund of the Human Resources Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Vision plan premiums will be paid entirely by employees and retirees. Best evaluated proposal of ten 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 Davis Vision, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

65. Authorize award and execution of a 12-month professional services contract with DIGITAL SANDBOX, INC., McLean, VA for services related to the development of a risk and capabilities management program for the Office of Homeland Security and Emergency Management in an estimated amount not to exceed \$108,792, with one 12-month extension option in an estimated amount not to exceed \$149,000, for a total estimated contract amount not to exceed \$257,792. Funding in the amount of \$27,198 is available in the Fiscal Year 2009-2010 Urban Area Security Initiative Grant Program. This professional services contract is exempt from the MBE/WBE Ordinance. This exemption is 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 contract.

**The motion authorizing the award and execution of a professional services contract with Digital Sandbox, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

66. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with NIECE EQUIPMENT, LP, Del Valle, TX, for the purchase and mounting

services for one fuel tank truck-body in an amount not to exceed \$69,700. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract.

**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Niece Equipment, LP was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

67. Authorize award and execution of an 18-month requirements service contract with AUSTIN ARBORIST COMPANY DBA AUSTIN TREE EXPERTS, Austin, TX., for a tree preventative maintenance program as part of the Waller Creek Tunnel Project in an estimated amount not to exceed \$233,802. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. 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.

**The motion authorizing the award and execution of a requirements service contract with Austin Arborist Company doing business as Tree Experts was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

68. Approve an ordinance amending Section 12-4-64(D) of the City Code to reposition the existing 20 miles per hour school zone on Texas Oaks Drive and add a portion of Slaughter Lane to the list of streets having a maximum speed limit of 30 miles per hour during certain times in a school zone for students attending Casey Elementary School; and providing for emergency passage. Funding in the amount of \$27,421.68 is available in the Fiscal Year 2009-2010 Operating Budget of the Child Safety Fund in the Public Works Department for installation of necessary signs and flashers.

**Ordinance No. 20100624-068 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

69. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Jacaranda Drive and Tallow Tree Drive to the table of streets having a maximum speed limit of 20 miles per hour during certain times, for students attending Josephine Houston Elementary School; and provide emergency passage. \$500.00 for the installation of signs is available in the Fiscal Year 2009-2010 Child Safety Fund of the Department of Public Works.

**Ordinance No. 20100624-069 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

70. Approve a resolution authorizing negotiation and execution of an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to activate an American Recovery and Reinvestment Act (ARRA) project for the installation of approximately 200 uninterruptible power supply (UPS) systems at intersections throughout the City of Austin; and approve an ordinance accepting \$611,419 in grant funds and amending the Fiscal Year 2009-2010 Austin Transportation Department Special Revenue Fund of Ordinance No. 20090914-002 and the Fiscal Year 2009-2010 Austin Transportation Department Capital Budget of Ordinance No. 20090914-003 to transfer and appropriate grant funds. The total grant amount not to exceed \$611,419 will be provided by the Texas Department of Transportation. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department to provide the \$30,571 administrative costs as required by the Texas Department of Transportation.

**Resolution No. 20100624-070A and Ordinance No. 20100624-070B was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**



71. Authorize negotiation and execution of a professional services agreement with Public Financial Management (PFM), Austin, for a financial plan and analysis of financing options for an Urban Rail System in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Transportation Department.  
**The motion authorizing the negotiation and execution of a professional services agreement with Public Financial Management (PFM) was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
72. Approve issuance of a closure permit under City Code Section 14-8-3(B)(3) for the Keep Austin Weird-5K event sponsored by Bounce Marketing Events, which is to be held on June 26, 2010.  
**This item was withdrawn on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
73. Authorize and direct publication of an Official Notice of Intention to Issue \$22,300,000 City of Austin, Texas, Certificates of Obligation, Series 2010. There is no unanticipated fiscal impact. A fiscal note is not required.  
**The motion authorizing and directing publication of an official notice of intention was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
74. Authorize negotiation and execution of a one year Interlocal Agreement beginning on September 1, 2010 between the City of Austin and THE LOWER COLORADO RIVER AUTHORITY, Austin, Texas, for water pollutant analyses services with five 12-month extensions for \$270,000 for the first year and \$270,000 per extension for a total amount not to exceed \$1,620,000. Funding in the amount of \$22,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the remaining 9 months of the original contract period and extension options is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and The Lower Colorado River Authority was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
75. Authorize negotiation and execution of a one-year Interlocal Agreement between the City of Austin and the University of Texas at Austin, Lady Bird Johnson Wildflower Center ("Wildflower Center") for services to study the hydrologic response of green (vegetated) roofs to Austin rainfall events, in the amount not to exceed \$10,000. Funding in the amount of \$10,000 is available in the Capital Improvement Project (CIP) budget entitled "Participation With Developers" managed by the Watershed Protection Department.  
**The motion authorizing the negotiation and execution of an agreement between the City of Austin and the University of Texas was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman recused himself.**
76. 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 nominations were approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Board****Commission for Women**

Amy Welborn

**Urban Renewal Board**

Andrew Bucknall

**Nominated By:**

Council Member Riley

Mayor Leffingwell

Intergovernmental BodiesAustin-Travis County EMS Advisory Board

Mark Clayton

Mayor Leffingwell

77. Approve a resolution directing the City Manager to review all City policies, programs and procedures for servicing and supporting locally-owned businesses and to deliver a report and make policy recommendations within 120 days to City Council to enhance the City's efforts to facilitate the growth of locally-owned businesses. (Mayor Lee Leffingwell Council Member William Spelman Council Member Randi Shade)  
**Resolution No. 20100624-077 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
78. Approve a resolution directing the City Clerk to prepare for a November 2012 election to submit to the voters a proposed amendment to Article V, Section 6 of the City Charter relating to the position of city attorney. (Mayor Lee Leffingwell Council Member Sheryl Cole and Mayor Pro Tem Martinez)  
**Resolution No. 20100624-078 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Direction was given to staff to afford each Council office the opportunity to meet with the Law Department about a charter election including what can be included on the ballot and what processes are available to identify the items.**
79. Approve a resolution directing the City Manager to determine the cost to Austin taxpayers of processing plastic bags in the waste stream. (Mayor Lee Leffingwell Council Member Chris Riley Mayor Pro Tem Mike Martinez)  
**Resolution No. 20100624-079 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
80. Approve a resolution amending Resolution No. 021003-40 to include the H.E.B. Austin Symphony July 4th Concert and Fireworks event as an annual City co-sponsored event; and waiving certain fees and requirements, and authorizing the payment of certain costs for this year's event which is to be held on Sunday, July 4, 2010 at Auditorium Shores. (Mayor Lee Leffingwell Council Member Sheryl Cole)  
**Resolution No. 20100624-080 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 81 was pulled for discussion.**

82. Approve a resolution directing the City Manager to implement Green Steps policy for the City of Austin. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison and Council Member Randi Shade)  
**Resolution No. 20100624-082 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 83 was pulled for discussion.**

84. Approve a resolution directing the City Manager to establish a stakeholder group to develop a workforce development program that could incorporate classroom learning and on-the-job training in Austin's small businesses, and apply for appropriate grants to implement a pilot program. (Council Member Chris Riley Council Member William Spelman Mayor Pro Tem Mike Martinez)  
**Resolution No. 20100624-084 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Items 85 through 87 were pulled for discussion.**

88. Approve a resolution directing the City Manager to provide a description of needs and a financial analysis of a possible November 2012 comprehensive bond package. (Council Member Sheryl Cole Mayor Lee Leffingwell Council Member Laura Morrison)  
**Resolution No. 20100624-088 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
89. Authorize the payment of certain costs for the South River City Citizens 4th of July Parade and Picnic which is to be held on July 4, 2010, beginning at St. Edwards University and Eastside Drive and ending at Little Stacy Park. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)  
**The motion authorizing the payment of certain costs for the South River City Citizens Fourth of July Parade and Picnic was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
90. Approve the waiver of certain pool entry fees for the Summer Day Camp sponsored by the Young Women's Christian Association (YWCA) which is to be held July 14 and 28, 2010 at Garrison Pool located at 6001 Manchaca Rd. (Council Member Randi Shade Council Member Sheryl Cole Council Member Chris Riley)  
**The motion to approve the waiver of certain pool entry fees for the Summer Day Camp was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
91. Set a public hearing to consider a resolution regarding a request by Mr. Gatti's Pizza, located at 3720 Far West Blvd, for a waiver from Section 4-9-4(A) of the Austin City Code that requires a minimum 300' distance between a business that sells alcoholic beverages and a school. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
92. Set a public hearing to consider an appeal by Michael McHone on a decision by the Building and Fire Board of Appeals regarding the issuance of a building permit for 1915A David Street. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
93. Set a public hearing to consider an appeal by Michael McHone of a decision by the Building and Fire Board of Appeals related to a Stop Work Order for 1915B David Street. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
94. Set a public hearing to consider an appeal by Nuria Zaragoza on a decision by the Building and Fire Board of Appeals related to 1915A David Street. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for July 29, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

95. Set a public hearing for authorization of a Public Improvement District (PID) for the Indian Hills Area (approximately 240 acres in Travis County west of SH 130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road). (Suggested date and time: August 5, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 5, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
96. Set a public hearing for authorization of a Public Improvement District (PID) for the Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane). (Suggested date and time: August 5, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 5, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
97. Set a public hearing to consider an appeal by the Zilker Neighborhood Association regarding the decision to approve an Outdoor Music Venue permit for Opa's, located at 2050 South Lamar Blvd. (Suggested date and time, August 5, 2010 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 5, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
98. Set a public hearing to consider an appeal by Albert Stowell regarding the decision to renew an Outdoor Music Venue permit for The Allan House, located at 1104 San Antonio Street. (Suggested date and time: August 5, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 5, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
99. Set a public hearing to consider a resolution authorizing the City Manager to negotiate and execute a Lease and Parkland Improvement Agreement Between The City of Austin and the Austin Independent School District for the construction and operation of a parking lot in Kennemer Swimming Pool Lot, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. To be reviewed by the Parks and Recreation Board on June 22, 2010.  
**The public hearing was set on consent for July 29 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
100. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner, Ms. Lydia Aguero, for an existing development that converted a garage into conditioned area at the existing single-family residence at 212 Heartwood Drive, which is in the 25-year and the 100-year floodplains of Williamson Creek. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.  
**The public hearing was set on consent for July 29 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
101. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owners, Mr. Michael Kurko and Mrs. Mariana Kurko, for an existing development that converted a garage into conditioned area at the existing single-family residence at 324 Heartwood Drive, which is in the 25-year

and the 100-year floodplains of Williamson Creek. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.

**The public hearing was set on consent for July 29 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

102. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner, Ms. Delores Alvarado, for an existing development that converted a garage into conditioned area at the existing single-family residence at 405 Thistlewood Drive, which is partially in the 100-year floodplain of Williamson Creek. (Suggested date and time: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.

**The public hearing was set on consent for July 29 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Items 103 through 105 were briefing items set for 10:30 a.m.

Item 106 was an Executive Session item.

Items 107 through 141 were zoning items set for 2:00 p.m.

Items 142 through 152 were public hearing items set for 4:00 p.m.

#### **BRIEFINGS**

103. 2010 Proposed Transportation Bond Package - Initial Draft Recommendation  
**The presentation was made by Rob Spillar, Director of Transportation.**
104. Downtown Bicycle Boulevard Plan  
**The presentation was made by Howard Lazarus, Acting Assistant City Manager, Annick Beaudet, Project Manager for Public Works; and Angelo Angelou, Principal Executive Officer Angelou Economics.**

#### **CITIZEN COMMUNICATION: GENERAL**

Dale Flatt – Code enforcement. Work without a permit program. Fairview neighborhood

Karen Banks – Pure casting

Sutton Giese – PODER: Pure casting

Susana Almanza - Relocate pure casting –protect the health of the children

Nicole Barrera – Relocate pure casting –protect children's health

Anthony Gilbert – Relocate pure casting

Adrieana Montez - Relocate pure casting –protect children's health

Christino Herrera - Relocate pure casting –protect the health of the children

Eddie Perez – Improve youth and community services in East Austin

Ronnie Reefersseed – Peace and freedom and fluoride

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:34 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.

106. Discuss legal issues related to Nathaniel Sanders, Sr., et al. v. Leonardo Quintana and the City of Austin, No. A09-CA-00426 SS, In the United States District Court for the Western District of Texas, Austin Division (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:03 p.m.

### **DISCUSSION ITEMS**

13. Approve an ordinance vacating a portion of the public access of the 20 foot wide alley on Block 18, of the Original City of Austin, Travis County, Texas, according to the Map or Plat thereof, on record at the General Land Office of the State of Texas, adjoining Lots 1-4, and a portion of Lot 5, and Lots 10, 11, and 12 to FINLEY COMPANY and a portion of Lot 8 and all of Lot 9 to LACK & HURLEY, INC. Recommended by the Urban Transportation Commission and the Planning Commission.

There was a motion made by Council Member Riley and seconded by Council Member Cole to approve the Planning Commission recommendation.

The substitute motion made by Council Member Shade and seconded by Council Member Morrison to approve Ordinance No. 20100624-013 per the staff's recommendation passed on a vote of 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez, Council Members Morrison, Shade and Spelman. Those voting nay were: Council members Cole and Riley.

15. Authorize negotiation and execution of a Design-Build Agreement with CHASCO CONSTRUCTORS, LTD. L.L.P., Round Rock, TX, for Design Phase Services in an amount not to exceed \$1,000,000. The project consists of design, demolition, renovation and construction of Bartholomew Municipal Pool, West Enfield Neighborhood Pool, and Deep Eddy Municipal Pool. Funding in the amount of \$1,000,000 is available in the Fiscal Year 2009-2010 Amended Capital Budget of the Parks and Recreation Department. Best Value to the City of Austin of ten (10) Request for Qualifications offers 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 33.00% MBE and 37.00% WBE subcontractor participation.

The motion authorizing the negotiation and execution of a design-build agreement with Chasco Constructors, LTD. L.L.P. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

81. Approve a resolution directing the City Manager to negotiate with both Texas Disposal Systems, Inc. and Balcones Resources, Inc. for a short-term and long-term agreement for recycling services. Related to Item #29. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Randi Shade)

There was a motion made by Council Member Shade and seconded by Mayor Pro Tem Martinez to approve the resolution.

The substitute motion to reissue the request for proposal with the following additional parameters and to extend the contract with Greenstar failed on Council Member Cole's motion, Council Member Spelman's second on a 2-5 vote. Those voting aye were: Council Members Cole and Spelman. Those voting nay were Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Morrison, Riley and Shade.

The additional parameters were:

- 1) environmental stewardship; and in conjunction with our community values, require the vendor to provide their public health records and their public safety records; and
- 2) that the contract provides a long term positive cash flow for the City.

Resolution No. 20100624-081, with the following friendly amendment, was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 5-2 vote. Those voting aye were Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Morrison, Riley and Shade. Those voting nay were: Council Members Cole and Spelman. The friendly amendment from Council Member Riley was with respect to the short term options. Staff was directed to negotiate with Greenstar and the other entities identified and come back to Council with conditions if those negotiations lead to a more favorable outcome. This was accepted by the maker of the motion and by Mayor Pro Tem Martinez, who made the second.

29. Authorize negotiation and execution of a professional services agreement with Greenberg Traurig, LLP in an amount not to exceed \$62,500 for legal services in connection with the negotiation and execution of a contract for the provision of recycling services. Funding in the amount of \$62,500 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Related to Items #81 and 86.

The motion authorizing the negotiation and execution of a professional services agreement with Greenberg Traurig, LLP was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

86. Approve a resolution directing the City Manager to negotiate with Balcones Resources, Inc. to provide the City long-term recycling services and to negotiate with Mid-America Recycling, L.L.C., dba Greenstar, for extension to the current recycling and processing contract to continue recycling services until a long-term contract is in place. Related to Item # 29. (Council Member William Spelman Council Member Sheryl Cole)

This item was withdrawn without objection.

36. Approve an ordinance authorizing execution of a Managed Growth Agreement with CRB-Aviara L.P., to extend the expiration date for completion of a project known as Aviara Heights and Residences, located at 7308 Old Bee Caves Road, to January 22, 2020.

There was a motion made by Council Member Spelman to deny the execution of a managed growth agreement with CRB Aviara L.P. Council Member Morrison seconded the motion for purpose of discussion but later withdrew her second. The motion died for lack of a second.

Ordinance No. 20100624-036 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-1 vote. Council Member Spelman voted nay.

83. Approve a resolution directing the City Manager to work with the Central Texas Federal Congressional delegation to assess the likelihood of obtaining FAA approval to release City airport land for use by the Mobile Loaves and Fishes' Habitat on Wheels program, including the financial impact; to evaluate other City owned property that is available and appropriate for use by the Mobile Loaves and Fishes Habitat on Wheels program; and to report back to Council within sixty days. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Randi Shade)

**Resolution No. 20100624-083 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.**

85. Approve a resolution endorsing the CreateAustin Cultural Master Plan and directing the City Manager to implement certain recommendations from the CreateAustin Community Master Plan. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez and Mayor Lee Leffingwell)  
**Resolution No. 20100624-085 was approved on Council Member Morrison's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**
87. Approve a resolution directing the City Manager to develop an ordinance requiring rest breaks and the provision of drinking water for workers at construction sites within the City. (Council Member William Spelman Mayor Pro Tem Mike Martinez Council Member Chris Riley)  
**Resolution No. 20100624-087 was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

#### **BRIEFINGS CONTINUED**

105. Recommended Urban Rail System Plan  
**The presentation was made by Rob Spillar, Director of Transportation.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTIONS**

148. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to create a new residential use, Conservation Single-Family Residential. Recommended by Planning Commission.  
**This item was postponed to July 29, 2010 without objection.**
150. Conduct a public hearing and consider an ordinance amending Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards) to include the area bounded by Ben White Boulevard on the north, Interstate Highway 35 on the east, William Cannon Drive on the south, and Manchaca Road on the west. Recommended by Planning Commission.  
**This item was postponed to August 5, 2010 without objection.**

#### **ZONING CONSENT ITEMS (HEARINGS CLOSED)**

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

107. C14-2008-0224 - 13642 Research Boulevard - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13642 Research Boulevard (Lake Creek Watershed) from single family standard lot (SF-2) and unzoned (UNZ) district zoning to general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved May 27, 2010. Vote: 6-0. Applicant: Cathyville, Ltd. (William Pohl). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.  
**Ordinance No. 20100624-107 for general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**



108. C14-2009-0097 - 11505 Anderson Mill Road Rezone - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11505 Anderson Road (Bull Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. First Reading approved on February 11, 2010. Vote: 6-0; Cole off the dais. Applicant/Owner: Marvin and Elizabeth Henry. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20100624-108 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
109. C814-2008-0136 - North Austin Medical Center Planned Unit Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12221 North Mo-Pac Expressway Northbound and 2311-2511 Park Bend Drive (Walnut Creek Watershed) from general office (GO) district zoning, community commercial (GR) district zoning, limited office (LO) district zoning, and community commercial-conditional overlay (GR-CO) combined district zoning to planned unit development (PUD) district zoning with conditions. First reading approved on April 22, 2010. Vote: 7-0. Applicant: St. David's Healthcare Partnership, L.P. LLP (Malcolm Belisle). Agent: Clark, Thomas & Winters, PC (John M. Joseph). City Staff: Joi Harden, 974-2122.  
**Ordinance No. 20100624-109 for planned unit development (PUD) district zoning with conditions, was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

#### ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

116. NP-2010-0026.01 - North Lamar Combined Neighborhood Plan - Tract 32 - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan land use recommendations as they apply to the property known as 320 East Rundberg Lane within the North Lamar Combined Neighborhood Plan, generally bounded by Braker Lane to the north, IH-35 to the east, US Highway 183 to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch Watersheds). Staff Recommendation: To approve Townhouse & Condominium Residence-Neighborhood Plan (SF-6-NP) district zoning on the back portion of the tract and Neighborhood Commercial-Vertical Mixed Use Building-Conditional Overlay-Neighborhood Plan (LR-V-CO-NP) district zoning on the front portion of the tract. Planning Commission Recommendation: To approve Townhouse & Condominium Residence-Neighborhood Plan (SF-6-NP) district zoning for the entirety of Tract 32. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695, Jacob Browning, 974-7657, Greg Dutton, 974-3509.  
**This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**
117. C14-2010-0048.01 - North Lamar Neighborhood Planning Area Rezonings: Tract 32 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 East Rundberg Lane within the North Lamar Neighborhood Planning Area, generally bounded by Braker Lane to the north, IH-35 to the east, Rundberg to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: "Parking Placement and Impervious Cover Restrictions," "Garage Placement" and "Front Porch Setback". The following infill options will be applied to Tracts 27, 28 and 32 only: "Residential Infill" and "Urban Home". The proposed zoning change also implements the land use recommendations of the North Lamar Combined Neighborhood Plan, NP-2010-0026, on 36 tracts of land (189.1 acres). The City Council may

approve a zoning change on Tract 32 from Community Commercial-Mixed Use-Conditional Overlay (GR-MU-CO), Community Commercial (GR), Limited Office (LO), Multi-Family Residence -Low Density (MF-2), and Multi-Family-Medium Density Residence (MF-3) District zoning to any of the following: Single-Family Residence – Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence – Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Industrial Park (IP); Limited Industrial Services (LI); and Public (P). A Conditional Overlay (CO), Vertical Mixed Use Building (V), Mixed Use Combining District Overlay (MU), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To approve zonings and re-zonings that implement the land use recommendations of the North Lamar Neighborhood Plan. Planning Commission Recommendation: To approved zonings and rezonings that implement the land use recommendations of the North Lamar Neighborhood Plan with conditions. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695; Jacob Browning, 974-7657; Greg Dutton, 974-3509 and Sherri Sirwaitis, 974-3057.

**This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

120. C14-98-0150(RCT) - HW Tosca Restrictive Covenant Termination - Conduct a public hearing to delete a public restrictive covenant on property locally known as East Wells Branch Parkway (Harris Branch Watershed). Staff Recommendation: To approve the restrictive covenant termination. Zoning and Platting Commission Recommendation: To approve the restrictive covenant termination. Applicant: HW Tosca Investments LP (Shannon Martinez). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

121. C14-2009-0159 - 2807 Del Curto Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 Del Curto Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To be reconsidered on June, 22, 2010. Applicant: Ace Bartlett and Polly Family Living Trust (Tim Bartlett). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.

**The public hearing was closed and Ordinance No. 20100624-121 for townhouse and condominium-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

124. C14-2010-0035 - 1800 Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 1800 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use (DMU) district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Coore & Crenshaw (Scott Sayers) Agent: Coore & Crenshaw (Scott Sayers) City Staff: Clark Patterson, 974-7691.

**The public hearing was closed and the first reading of the ordinance for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved with additional conditional**

and prohibited uses on consent on Council Member Morrison's motion, Spelman's second on a 7-0 vote.

Allowed conditional use: exterminating services.

**Prohibited uses:**

- auto rentals
- auto repair
- automotive sales
- automotive washing
- bail bond services
- pawn shop services
- service station
- vehicle storage
- limited warehouse and distribution
- maintenance service facilities.
- Cocktail lounge use

**Conditions:**

- Limiting height on property to 60 foot
- Rear and interior side yard set backs of five feet

127. C814-2009-0139 Bull Creek PUD – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4909, 4923 & 4925 FM 2222 (Bull Creek and Lake Austin Watersheds) from lake austin residence (LA), single family residence standard lot (SF-2) and townhome and condominium residence (SF-6) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on July 6, 2010. Applicant: Booth Family Living Trust. Agent: Armbrust & Brown, L.L.P. (David Armbrust) City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to July 29, 2010 at the staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

128. C14-2010-0068 – Ferguson Lane – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1834 Ferguson Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services–conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant limited industrial services–conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services–conditional overlay (LI-CO) combined district zoning. Applicant: Ferguson Lane Business Park, L.P. (Carl Self). Agent: McLean & Howard, LLP (William McLean). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and Ordinance No. 20100624-128 for limited industrial services–conditional overlay (LI-CO) combined district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

129. C14-2010-0057 – East Braker Duplex – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1120 East Braker Lane (Walnut Creek Watershed) from development reserve (DR) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning with conditions. Applicant/Agent: Mau and Khanh Tran. City Staff: Joi Harden, 974-2122.

The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

130. C14-2009-0093 – 2203 and 2205 Western Trails – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2203 and 2205 Western Trails Boulevard (Williamson Creek Watershed) from single family residence standard lot (SF-2) 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 deny neighborhood office-mixed use (NO-MU) combining district zoning. Owner/Applicant: Karl A. Burkett; Richard H. Einck, Jr. City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to July 29, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

131. C14-2010-0044 – Western Trails Boulevard Zoning Change – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301, 2303 and 2305 Western Trails Boulevard (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Owner/Applicant: Kristine Alpert, Wilfred W. Kellas, Jr.; Joe M. and Janet D. Sullivan. Agent: (Karl A. Burkett). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to July 29, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

133. NPA-2010-0020.01 - 117 Sandra Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050818-Z001, the South Congress Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single-family to mixed-use for the properties located at 117 Sandra Street. (Blunn Creek Watershed). Staff Recommendation: To grant mixed-use land use designation. Planning Commission Recommendation: To grant mixed-use land use designation. Applicant/ Agent: Michael McHone. Maureen Meredith, 974-2695.

The public hearing was closed and Ordinance No. 20100624-133 to change the land use designation on the future land use map (FLUM) to mixed-use land use was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

134. C14-2010-0018 – 117 Sandra Street – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 117 Sandra Street (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning with conditions. Owner/Applicant: Rueben Kogut. Agent: Mike McHone Real Estate (Mike McHone). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20100624-134 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

135. C14-2010-0050 – 2705 East Highway 71 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2705 East State Highway 71 (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services (CS-CO) combining district zoning with conditions. Owner/Applicant: Gustavo Aldama; Oscar Aldama. Agent: Brent Hammond. City Staff: Wendy Rhoades, 974-7719.
- The public hearing was closed and Ordinance No. 20100624-135 for general commercial services (CS-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

### ZONING DISCUSSION ITEMS

110. NP-2010-0026 - North Lamar Combined Neighborhood Plan - Approve second/third readings of an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the North Lamar Combined Neighborhood Plan, generally bounded by Braker Lane to the north, IH-35 to the east, US Highway 183 to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch Watersheds). First Reading approved on May 27, 2010. Vote: 6-0; Spelman off the dais. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695, Jacob Browning, 974-7657, Greg Dutton, 974-3509.
- Ordinance No. 20100624-110 for the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B(see Item #112), was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
111. C14-2010-0048 – North Lamar Neighborhood Planning Area Rezonings - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the North Lamar Neighborhood Planning Area, generally bounded by Braker Lane to the north, IH-35 to the east, Rundberg to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: “Parking Placement and Impervious Cover Restrictions,” “Garage Placement” and “Front Porch Setback”. The following infill options will be applied to Tracts 27, 28 and 32 only: “Residential Infill” and “Urban Home”. The proposed zoning change also implements the land use recommendations of the North Lamar Combined Neighborhood Plan, NP-2010-0026, on 36 tracts of land (189.1 acres). The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Single-Family Residence – Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence – Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Industrial Park (IP); Limited Industrial Services (LI); and Public (P). A Conditional Overlay (CO), Vertical Mixed Use Building (V), Mixed Use Combining District Overlay (MU), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. First Reading approved on May 27, 2010. Vote: 6-0; Spelman off the dais. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695; Jacob Browning, 974-7657; Greg Dutton, 974-3509 and Sherri Sirwaitis, 974-3057.
- Ordinance No. 20100624-111 for the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

112. C14-2010-0049 – Georgian Acres Neighborhood Planning Area Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Georgian Acres Neighborhood Planning Area, generally bounded by Rundberg Lane to the north, IH-35 to the east, US Highway 183 to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed Georgian Acres NPCD, the following design tools will be applied area-wide: “Parking Placement and Impervious Cover Restrictions,” “Garage Placement” and “Front Porch Setback”. The proposed zoning change also implements the land use recommendations of the North Lamar Combined Neighborhood Plan, NP-2010-0026, on 37 tracts of land (211.5 acres). The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Single-Family Residence – Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence – Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Industrial Park (IP); Limited Industrial Services (LI); and Public (P). A Conditional Overlay (CO), Vertical Mixed Use Building (V), Mixed Use Combining District Overlay (MU), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. First Reading approved on May 27, 2010. Vote: 6-0; Spelman off the dais. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695; Jacob Browning, 974-7657; Greg Dutton, 974-3509 and Sherri Sirwaitis, 974-3057.

**Ordinance No. 20100624-112 for Georgian Acres Neighborhood Plan Combining District (NP), except for tracts 134 and 135B (as shown below), and including the following motions was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.,**

The motion to amend the ordinance per staff’s recommendation to change the future land use for Tract 134 to office and include limited office-conditional overlay-neighborhood plan (LO-CO-NP) zoning with the following conditions and conditional uses was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote. The conditions were to restrict building height to 18 feet. The conditional uses are: medical offices less than 5,000 square feet and medical offices greater than 5,000 square feet.

The motion to amend the ordinance to change the land use designation for Tract 135B on the future land use map (FLUM) to commercial and include general community commercial-conditional overlay-neighborhood plan (GR-CO-NP) zoning with hotel/motel as a conditional use was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

113. C20-2010-003 - Approve second/third readings of an ordinance amending Chapter 25-2 (Subchapter E) of the City of Austin Land Development Code to reclassify North Lamar Boulevard, from West Anderson Lane/US Highway 183 to West Braker Lane, from a Future Core Transit Corridor to a Core Transit Corridor. Recommended by the Planning Commission.

**Ordinance No. 20100624-113 amending Chapter 25-2 (Subchapter E) of the City of Austin Land Development Code to reclassify North Lamar Boulevard, from West Anderson Lane/US Highway 183 to West Braker Lane, from a Future Core Transit Corridor to a Core Transit Corridor was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.**

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

LIVE MUSIC

Austin Classical Guitar Society

PROCLAMATIONS

Certificate of Congratulations -- Ray Windsor, Watershed Protection for Floodplain Manager of the Year Award -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Maplewood Elementary/Patterson Park 50 Year Reunion -- to be presented by Council Member Sheryl Cole and to be accepted by Reunion representatives

Certificates of Congratulations -- YWCA Women of the Year Award Winners -- to be presented by Council Member Sheryl Cole and to be accepted by the honorees

Proclamation -- 52nd Annual Zilker Summer Musical Season --to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Laura Powell

**Mayor Leffingwell called the Council Meeting back to order at 6:39 p.m.**

ZONING DISCUSSION ITEMS CONTINUED

118. C14-2009-0078 - Limerick - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Applicant: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed to August 5, 2010 per the applicant's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 4-0 vote. Council Members Cole, Shade and Spelman were off the dais.**
136. C14H-2009-0066 – Spires-Seekatz House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence – historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence–historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence–historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence–historic landmark (SF-3-H) combining district zoning. Applicants: Hunter and Pamela Barrier, owners. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and the first and second reading of the ordinance for family residence–historic landmark (SF-3-H) combining district zoning was approved on Council Member Morrison's motion, Council Member Shade's second on a 5-0 vote. Council Members Cole and Spelman were off the dais. Staff was directed to bring back for third reading on August 5, 2010.**
137. C14H-2009-0067 – Ernest and Irma Wilde House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1412 W. 9th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence–historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence–historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence–historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission

Recommendation: To grant family residence– historic landmark–neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Jeffrey and Mary Crawford, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first and second reading of the ordinance for family residence–historic landmark–neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Morrison’s motion, Council Member Shade’s second on a 5-0 vote. Council Members Cole and Spelman were off the dais. Staff was directed to bring back for third reading on August 5, 2010.

138. C14H-2010-0001 – John House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1924 Newning Avenue (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence–historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence–historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence–historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence–historic landmark–neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Ian Reddy, owner. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first and second reading of the ordinance for family residence–historic landmark–neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Morrison’s motion, Council Member Shade’s second on a 5-0 vote. Council Members Cole and Spelman were off the dais. Staff was directed to bring back for third reading on August 5, 2010.

139. C14H-2010-0002 – Culberson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2504 Bridle Path (Johnson Creek Watershed) from family residence (SF-3) district zoning to family residence–historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence–historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence–historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence–historic landmark (SF-3-H) combining district zoning. Applicants: Gerald Torres and Frances Nash, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first and second reading of the ordinance for family residence–historic landmark (SF-3-H) combining district zoning was approved on Council Member Morrison’s motion, Council Member Shade’s second on a 5-0 vote. Council Members Cole and Spelman were off the dais. Staff was directed to bring back for third reading on August 19, 2010.

140. C14H-2010-0004 – Wupperman House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 506 Texas Avenue (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff Recommendation: To grant family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission Recommendation: To grant family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicants: Steven Dietz and Allison Gregory, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first and second reading of the ordinance for family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved on Council Member Morrison’s motion, Council Member Shade’s



second on a 5-0 vote. Council Members Cole and Spelman were off the dais. Staff was directed to bring back for third reading on August 19, 2010.

141. C14H-2010-0005 – Jacob and Bertha Schmidt House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 712 Sparks Avenue (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence– historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff Recommendation: To grant family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission Recommendation: To grant family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicants: Robert P. and Edythe Schmidt Michel, owners. City Staff: Steve Sadowsky, 974-6454.
- The public hearing was closed and the first and second reading of the ordinance for family residence–historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved on Council Member Morrison’s motion, Council Member Shade’s second on a 5-0 vote. Council Members Cole and Spelman were off the dais. Staff was directed to bring back for third reading on August 19, 2010.
119. C14-2010-0017 - Great Hills Country Club - 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 5914 Lost Horizon Drive (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Great Hills Golf Club of Austin, Inc. (Larry Harper). Agent: Randall Jones & Associates Engineering, Inc. (R. Brent Jones). City Staff: Sherri Sirwaitis, 974-3057. 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 community-commercial-conditional overlay (GR-CO) combining district zoning with the following conditional uses and condition was approved on Council Member Spelman’s motion, Mayor Pro Tem Martinez’ second on a 5-2 vote. Those voting aye were Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole, Shade and Spelman. Those voting nay were: Council Member Morrison and Riley.
- The allowed conditional uses were:
- community recreation private
  - indoor entertainment
  - outdoor sports and recreation
  - restaurant limited
  - restaurant general
  - permit all other LO uses on the property
- The condition was:
- 25 foot setback for any additional impervious cover.
114. C14-2009-0102(PART) – Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 3 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area,

bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 3 from the overlay district. First reading to exclude Tract 3 from the VMU overlay district approved on March 11, 2010. Vote: 5-1, Martinez-Nay, Shade-Abstain. Second reading to exclude Tract 3 from the VMU overlay district approved on June 10, 2010. Vote 4-3, Martinez, Riley, Shade-Nay. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657. A valid petition has been filed by the property owner in opposition to exclusion from the VMU overlay district.

**The public hearing was closed and Ordinance No. 20100624-114 for vertical mixed use building (V) designation with all VMU-related standards applied to Tract 3 was approved on Council Member Riley's motion, council Member Cole's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Martinez and Council Members Cole, Riley, Shade and Spelman. Those voting nay were: Mayor Leffingwell and Council Member Morrison.**

115. NPA-2009-0012.03(PART) - Upper Boggy Creek Vertical Mixed Use Neighborhood Plan Amendment, Tract 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-92, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from office to mixed use/office on Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Planning Commission Recommendation: To change the Future Land Use Map from office to mixed use/office on Tract 3. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.

**The public hearing was closed and Ordinance No. 20100624-115 to change the land use designation on the future land use map (FLUM) to mixed use/office on Tract 3 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-1 vote. Council Member Morrison voted nay.**

122. NPA-2010-0022.01 - 1307 Newning Avenue, Newning Avenue Townhomes - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single-family to higher-density single family for the properties located at 1307 Newning Avenue. (Blunn Creek Watershed). Staff Recommendation: To grant higher-density single family land use designation. Planning Commission Recommendation: To deny higher-density single family land use designation. Applicant: Brenda Reese. Agent: Brenda Reese. City Staff: Maureen Meredith, 974-2695.

**There was a motion made by Council Member Shade and seconded by Mayor Pro Tem Martinez to close the public hearing and approve the ordinance per the staff's recommendation on first reading.**

**The substitute motion to close the public hearing and deny the change to the land use designation on the future land use map (FLUM) was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.**

123. C14-2010-0039 - Newning Avenue Townhomes- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1307 Newning

Avenue (Blunn Creek Watershed) from family residence-neighborhood combining conservation district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to urban family residence-neighborhood combining conservation district-neighborhood plan (SF-5-NCCD-NP) combining district zoning. Staff Recommendation: To grant urban family residence-neighborhood combining conservation district-conditional overlay-neighborhood plan (SF-5-NCCD-CO-NP) combining district zoning. Planning Commission Recommendation: To deny urban family residence-neighborhood combining conservation district-neighborhood plan (SF-5-NCCD-NP) combining district zoning. Applicant: Brenda Reese. Agent: Brenda Reese. City Staff: Stephen Rye 974-7604.

The public hearing was closed and the first reading of the ordinance per staff's recommendation for urban family residence-neighborhood combining conservation district-conditional overlay-neighborhood plan (SF-5-NCCD-CO-NP) combining district zoning was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 5-1 motion. Council Member Morrison voted nay. Council Member Cole was off the dais.

125. C14-2010-0053 - 2nd & Congress - East – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 106 East 2nd Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district–central urban redevelopment district (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district–central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant CBD-CURE with conditions. Applicant: Finley Company (Tim Finley). Agent: Graves, Dougherty, Hearon & Moody, P. C. (Micheal Whellan) City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20100624-125 per the staff's recommendation as follows was approved with one amendment on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Staff recommendation was to rezone to CBD-Cure – Central Business District-Central Urban Redevelopment District. The CURE overlay would allow a floor to area ratio of 16-1 for a structure with a hotel/motel use with more than 700 rooms and to modify Section 25-6-592(C)(2) of the Austin City Code to allow for loading and unloading within the alley located between East Third Street and East Second Street adjacent to the property. The applicant has also agreed to enter into a Public Restrictive Covenant with the City of Austin as follows.

The restrictive covenant includes: That the project complies with the City of Austin Great Streets Master Plan Streetscape Standards for any new development on the property. That the applicant submit a Limited Traffic Impact Analysis to the Transportation Review Section of Planning and Development Review Department for any proposed project on the property. That the applicant agree to submit a vehicle access study to Transportation Review staff at least 60 days prior to submitting a formal site plan application. Applicant agrees that all service vehicles (including delivery trucks, trash collection, etc.) will access the site only from Third Street.

Council Member Morrison's amendment to Part II, 1 should read, "Development of the property may not exceed a floor-to-area ratio (F.A.R.) of 16.0 to 1.0, unless the developer elects to participate in the development bonus program under Section 25-2-586 of the City Code. Development of the property under Section 25-2-586 may not exceed a F.A.R. of 25.0 to 1.0 and the floor-area-ratio limitation for the development shall be 16.0 to 1.0 for the purpose of calculations made under Section 25-2-586."

126. C14-2010-0054 - 2nd & Congress - West – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 209 Congress Avenue (Town Lake Watershed) from central business district (CBD) district zoning to central business district–central urban redevelopment district (CBD-CURE) combining district zoning. Staff Recommendation: To

grant central business district–central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant CBD-CURE with conditions. Applicant: Finley Company (Tim Finley). Agent: Graves, Dougherty, Hearon & Moody, P. C. (Michael Whellan) City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20100624-126 per staff's recommendation as follows was approved with one amendment on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

Staff recommendation to rezone to CBD-CURE-Central Business District-Central Urban Redevelopment District. The CURE overlay would allow a floor to area ratio of 16-1 for a structure with a hotel/motel use with more than 700 rooms, and to modify Section 25-2-643 of the City Code. This modification would allow a building setback of forty feet (40') from the property line adjacent to Congress Avenue for structures whose minimum height is thirty feet (30') from ground level and whose maximum height may not exceed ninety feet (90') and to modify Section 25-6-592(C)(2) of the Austin City Code to allow for loading and unloading within the alley located between East Third Street and East Second Street adjacent to the property. The applicant has also agreed to enter into a Public Restrictive Covenant with the City of Austin as follows.

The restrictive covenant includes: That the project complies with the City of Austin Great Streets Master Plan Streetscape Standards for any new development on the property. That the applicant submit a Limited Traffic Impact Analysis to the Transportation Review Section of Planning and Development Review Department for any proposed project on the property. That the applicant agree to submit a vehicle access management study to Transportation Review staff at least 60 days prior to submitting a formal site plan application. Applicant agrees that all service vehicles (including delivery trucks, trash collection, etc.) will access the site only from Third Street.

Council Member Morrison's amendment to Part II, 1 should read, "Development of the property may not exceed a floor-to-area ratio (F.A.R.) of 16.0 to 1.0, unless the developer elects to participate in the development bonus program under Section 25-2-586 of the City Code. Development of the property under Section 25-2-586 may not exceed a F.A.R. of 25.0 to 1.0 and the floor-area-ratio limitation for the development shall be 16.0 to 1.0 for the purpose of calculations made under Section 25-2-586."

132. C14-2010-0070 – Shaw Lane Overall Development Plan – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 5006 Shaw Lane (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: City of Austin, Austin Water Utility (Christopher R. Wolter). Agent: Alan Plummer Associates, Inc. (Pablo Rubio). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20100624-132 for public (P) district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 5-2 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.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

142. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 7 of City Code Chapter 25-12 to adopt the 2009 International Fire Code and local amendments. Recommended by the Building and Fire Code Board of Appeals and Environmental Board.

The public hearing was closed and Ordinance No. 20100624-142, with an effective date of October 1, 2010, was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

143. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2009 International Building Code and local amendments; and amending Article 13 of City Code Chapter 25-12 related to permit application and expiration requirements. Recommended by the Building and Fire Code Board of Appeals.

The public hearing was closed and Ordinance No. 20100624-143, with an effective date of October 1, 2010, was approved with the following amendment on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Council Member Morrison's friendly amendment was to replace Part 2 of the ordinance with the following wording, this was accepted by the maker of the motion and Mayor Pro Tem Martinez, who seconded the motion.

"PART 2. City Code Chapter 25-12, Article 13 (*Administration of Technical Codes*) is amended to add new Sections 25-12-266, 25-12-267, 25-12-268, 25-12-269, and 25-12-270 to read as follows:

**25-12-266 TIME LIMITATION OF APPLICATION.**

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 180 days. The extension shall be requested in writing before the application expires and justifiable cause demonstrated.

**25-12-267 EXPIRATION.**

Except as provided in Section 25-12-268 (*Extension*) and Section 25-12-269 (*Reactivation*), a permit expires on the 181<sup>st</sup> day:

1. after the date that the permit is issued, if the project has received no inspections as required under this code; or
2. after the date of the last scheduled inspection if that inspection is scheduled before the 181<sup>st</sup> day and once performed, shows progress towards completion of the project.

**25-12-268 EXTENSION**

Upon written request submitted prior to the expiration date, the building official may grant a one-time extension for a period not to exceed 180 days. Except as provided in Section 25-12-269 (*Reactivation*), a permit expires on the 181<sup>st</sup> day after the extension is granted if the project has received no inspections as required under this code.

**25-12-269 REACTIVATION.**

(A) The building official may reactivate a permit for a project that has received no inspections for a period of more than 180-days in accordance with the following requirements:

(1) An application to reactivate a permit must be submitted on a form provided by the building official, along with a reactivation fee established by separate ordinance, no later than 180-days after the expiration date provided for under Section 25-12-267 (*Expiration*) or Subsection (B) of this section.

(2) The application must include evidence demonstrating that substantial work required to complete the project was commenced in the 180-day period prior to the expiration date provided for under Section 25-12-267 (*Expiration*). The evidence, which must be in a form approved by the building official, may include receipts or invoices for work performed on the project, photographs of work performed on the project, or other evidence acceptable to the building official.

(B) A permit that is reactivated in accordance with this section expires on the 181<sup>st</sup> day after the date that the permit is reactivated if the project has received no inspections as required under this code.

(C) No more than one reactivation may be approved for a one- and two-family residential structure, unless the project complies with all codes and ordinances in effect on the date that the application for reactivation is submitted.

#### **25-12-270 REVIEW FEE FOR EXPIRED PERMITS.**

An applicant for a permit under this chapter must pay an expired permit review fee, established by separate ordinance, if the applicant has obtained one or more expired permits that have not been either reactivated in accordance with the requirements of Section 25-12-269 (*Reactivation*) or withdrawn by the property owner, in writing, on a form provided by the building official.

144. Conduct a public hearing and consider second/third readings of an ordinance amending City Code Sections 25-12-241 and 25-12-243 relating to permitting and energy efficiency requirements of the 2006 International Residential Code. Recommended by the Building and Fire Code Board of Appeals.  
The public hearing was closed and Ordinance No. 20100624-144, with an effective date of October 1, 2010, was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
145. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2009 Uniform Mechanical Code and local amendments. Recommended by the Mechanical, Plumbing and Solar Board.  
The public hearing was closed and Ordinance No. 20100624-145, with an effective date of October 1, 2010, was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
146. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2009 Uniform Plumbing Code and local amendments. Recommended by the Mechanical, Plumbing and Solar Board.  
The public hearing was closed and Ordinance No. 20100624-146, with an effective date of October 1, 2010, was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
147. Conduct a public hearing and consider second/third readings of an ordinance amending City Code Sections 25-12-111 and 25-12-113 relating to permitting requirements of the 2008 National Electrical Code. Recommended by Electrical Board.  
The public hearing was closed and Ordinance No. 20100624-147, with an effective date of October 1, 2010, was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
149. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code related to residential remodeling of non-complying structures and non-conforming uses. Recommended by Planning Commission.  
The public hearing was closed and Ordinance No. 20100624-149, with the following amendment, was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez's second on a 7-0 vote. Council Member Morrison's amendment was:

Part 3 is replaced with the following wording and the remaining parts of the ordinance renumbered accordingly.

PART 3. Subsection (E) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read as follows:

**(E)** A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:

(1) the modified portion of the building:

- (a) does not extend further into the required yard setback than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;
- (b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and
- (c) complies with the height requirements of this title; and

(2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

151. Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Waller Creek District Master Plan. The planning area includes properties bounded approximately by Interstate 35 to the east, Red River St. to the west, Lady Bird Lake to the south and 12th St. to the north. Reviewed by, Urban Transportation Commission, Environmental Board, Waller Creek Citizen Advisory Committee, Design Commission, and Parks Board. Recommended by the Downtown Commission, Waterfront Planning and Advisory Board, and Planning Commission.

The public hearing was closed and Ordinance No. 20100624-151 was approved per staff's recommendation as follows on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote, with the following amendments to the Master Plan and directions to the City Manager.

- Amend the Master Plan as follows:

- change the language on Page 3 by replacing the second paragraph with the following language, "Waterloo Park will be improved as part of the Tunnel Project and become the northern terminus of the creek corridor. The City-owned land to the west and south of Symphony Square, which is leased to the Austin Symphony, could over the long term (and subject to the lease terms and the needs of the Symphony) be reconfigured as parkland to create a more positive relationship to the creek corridor. This could be achieved if redevelopment on surrounding sites were to create convenient shared parking for the Symphony, thereby freeing up the existing surface parking lots to be re-purposed as parkland. Along the creek, the Master Plan calls for the trail to cross at the Eleventh and Red River Street intersections at grade. In addition, due to the low clearances and highly constrained conditions of the pathways under these bridges, it is proposed that the pathways beneath these two bridges either be closed to public pedestrian and bike circulation, or be significantly upgraded with improved lighting, maintenance and heightened security patrols. If closed to the public, the undercrossing beneath the Eleventh Street Bridge could still be retained for use by Symphony Square and its amphitheater, which will continue to function as a performance space and destination."
- change the language on Page 9 by adding the following to the end of the first paragraph, "First, parks and public space within the Waller Creek Corridor should be redeveloped and designed to meet the needs and interests of families with children and users of all ages."

- change the language on Page 10 by replacing the first paragraph with the following language, “The Austin Symphony Orchestra holds a fifty-year lease at Symphony Square and has contributed greatly to improving this segment of the Waller Creek corridor. Not much is needed to improve Symphony Square beyond the elimination and/or enhanced maintenance and management of the below grade connections. However, the surface parking lots currently used by the Austin Symphony Orchestra – across Red River Street to the west of Symphony Square and across 11<sup>th</sup> Street to the south of Symphony Square – do offer the promise of improvement. Located right next to the creek, these surface parking lots are not the best long-term use of creekside space. Subject to the needs of and the lease with the Symphony, the transformation of these parking lots could be achieved over the long-term if redevelopment on surrounding sites were to create convenient shared parking for the Symphony, thereby freeing up the existing surface parking lots to be re-purposed as parkland, which could be re-graded to create a series of stepped green terraces. These improvements would not only relate the parkland more directly to the creekside environment but would also enhance the potential for passive recreational opportunities, such as picnicking, sitting, or just enjoying the riparian setting.”
- change the language on Page 15 by adding the following language as the second sentence of the last paragraph, “In recognition of the City’s commitment to becoming the most family friendly city in the country, opportunities for creating housing designed for families with children should be pursued.”
- change the language on Page 16 by revising the fifth paragraph to read as follows, “In its initiatives and policies related to the “Creative Community”, the Downtown Plan calls for the Waller Creek District to be the key Downtown district identified with the creative community. The district is envisioned as a place for artists of all kinds to practice (studios, performance spaces, etc.), a place where creative support industries may be found, and even a place where artists and individuals involved in creative industries can live affordably. The nationally-renowned, cutting-edge live music scene on Red River plays a major role in incubating and developing young Austin artists and creates substantial economic opportunities for the City, local businesses, and local artists. The Red River live music district should be protected and strategies developed for retaining these venues, while the city simultaneously works to develop new music 'ecosystems' or 'colonies' in Austin. Relocation strategies and incentives for displaced venues should be included as well. Since a clear solution has yet to be determined, individuals should be assigned to investigate and develop the most viable options available to support a long term strategy and work in tandem with Waller Creek project leaders to make sure that they happen. As the implementation of this plan begins to take place, stakeholders from within the Red River district and music community should be included in ongoing dialogue and implementation of these strategies to help ensure accountability. Waller Creek is not only Austin’s opportunity to create a highly unique creek corridor and trail system, but incentivizing it as “home” to Austin’s creative community will help to give this emerging district an authentic Austin flavor, and it will make a strong statement to both residents and visitors about the importance of the creative community in our city.”
- change the language on Page 16 by adding the following language after the fifth paragraph, “Various elements of the draft Downtown Austin Plan (DAP) contain recommendations that may bolster the interests of the live music community in and around Downtown, including: “Strategies and Policies to Sustain and Enhance Austin’s Creative Culture”, “Downtown Density Bonus Program”, “Downtown Affordable Housing Strategy”, “Downtown Parks and Open Space Master Plan”, and the “Downtown Core/Waterfront District Plan”. The Waller Creek District Master



Plan endorses and supports these recommendations. If and when these recommendations are adopted by City Council, they should guide the implementation of the Waller Creek Master Plan. In addition, as the Waller Creek Master Plan moves into implementation city staff should work with stakeholders, including the Austin Music Commission, to refine, enhance, and implement these strategies and consider additional avenues to maintain the ecosystem of music-related businesses on Red River.”

- change the language on Page 45 by adding the following paragraph after the paragraph on Heritage trees, “Affordable Housing: The issue of Downtown affordable housing has been discussed in the Downtown Austin Plan Affordable Housing Strategy and Density Bonus Program. With respect to the Waller Creek District this Master Plan recommends there should be no net loss of affordable housing within the Waller Creek District.”
- change the language on Page 47 by replacing the last paragraph with the following language, “MIXED USE STREETS are those streets where a mixture of pedestrian-friendly uses is desired and where one or more of the above "Pedestrian Activity Streets" uses and/or one or more of the following commercial, civic or residential uses shall occupy at least 60 percent of the developed parcel frontage, unless otherwise specified in the sub-district standards below:
  - Residential
  - Consumer Repair Services
  - Financial Services
  - Administrative Offices
  - Indoor Entertainment
  - Indoor Sports and Recreation
  - Liquor Sales
  - Pet Services
  - Club or Lodge
  - College/University
  - Day Care
  - Education
  - Religious Assembly
  - Other uses as determined by the Land Use Commission”
- change the language on Page 62 by replacing the second paragraph with the following language, “The surface parking lot and the historic Orsey-Doyle House located at the southeast corner of 11<sup>th</sup> and Red River Streets are currently used by the Symphony League. With regard to the surface parking lot, the Master Plan identifies a long-range goal for this area to be re-purposed as more useable parkland with a terraced lawn stepping down to the creek beneath the existing tree canopy. This revitalized parkland could be used for all kinds of small events, both in conjunction with the Austin Symphony and other organizations. This transformation would need to be accomplished with the cooperation of the Symphony League and subject to the availability of suitable off-site shared parking.”
- add a summary of board and commission actions as an appendix to the Master Plan.
- Direct the City Manager to:
  - implement the code amendments and criteria as recommended in the Development Standards of the Master Plan.
  - develop a financing plan for the project, including the initial step of design and engineering of the physical improvements recommended by the plan.
  - develop a plan for on-going operations and maintenance for Waller Creek including:
    1. Increased programming of events along Waller Creek;

2. Continue to enhance and improve maintenance and policing along Waller Creek;
3. Continue to improve the quality of stormwater run-off into the creek.
  - explore ways to achieve no net loss of affordable housing within the planning area.
  - pursue strategies identified in the Downtown Austin Plan regarding live music and creative culture.
  - determine the appropriate entity(ies) (private organizations or public/private partnerships that could be created) for funding, management, and maintenance programs in the corridor and the District.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

152. Conduct a public hearing to receive citizen comments on the City's Draft Annual Action Plan for Fiscal Year 2010-2011, as required by the required by the U.S. Department of Housing and Urban Development (HUD), and the Community Development 2010-2011 Program as required by the Texas Local Government Code Chapter 373. March 10, 2010 - Community Development Commission (CDC) conducted a public hearing, Draft Annual Action Plan and the Community Development Program; June 14, 2010 – The CDC conducted a public hearing on the Draft Annual Action Plan and the Community Development Program.  
The public hearing was closed on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 10:49 p.m. without objection.

The minutes for the regular meeting of June 24, 2010 were approved on this the 29th day of July 2010 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.