

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY JULY 29, 2010**

**Invocation:** Rabbi Alan Freedman, Temple Beth Shalom

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, July 29, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:17 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 24, 2010 and budget work session meeting of July 28, 2010.  
The minutes from the regular Council meeting of June 24, 2010 and work session meeting of July 28, 2010 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
2. Authorize the City Manager to negotiate and execute an agreement with Northtown Municipal Utility District ("District") related to the provision of wastewater service at a second point of discharge. Recommended by the Water and Wastewater Commission.  
The motion authorizing the City Manager to negotiate and execute an agreement with Northtown Municipal Utility District ("District") was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
3. Approve negotiation and execution of an amendment to the Austin-Bergstrom International Airport rental car service center lease with Budget Rent A Car System, Inc. and authorizing the purchase of Budget's leasehold improvements in the amount of \$312,500. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Recommended by the Austin Airport Advisory Commission.  
The motion authorizing the negotiation and execution of an amendment to the Austin-Bergstrom International Airport rental car service center lease with Budget Rent A Car System, Inc. and authorizing the purchase of Budget's leasehold improvements was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
4. Authorize negotiation and execution of an amendment to the airport retail concession lease agreement with Manny Farahani, d/b/a FaraCafe to grant the concessionaire an option to extend the term for two

additional years, to increase the concession fees, to refurbish and to modify the concession venue, and update other lease terms. Revenue Generating Lease. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the negotiation and execution of an amendment to the airport retail concession lease agreement with Manny Farahani doing business as FaraCafe was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

5. Authorize negotiation and execution of a second reimbursement agreement with a consortium of rent-a-car companies holding Concession Agreements at Austin-Bergstrom International Airport for professional services to perform design, planning and related services for a new rental car facility and parking garage at the Airport in an amount not to exceed \$7,000,000. Funding in the amount of \$7,000,000 is available in the residual account of the surplus fund of the Rental Car Special Facility Revenue Bond Customer Facility Charge (CFC) Trust Account. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the negotiation and execution of a second reimbursement agreement with a consortium of rent-a-car companies holding concession agreements at Austin-Bergstrom International Airport was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

6. Authorize execution of an Interlocal contract with Williamson County for Election Services. Funding is contingent upon approval of appropriations for the Fiscal Year 2010-2011.

**The motion authorizing the execution of an interlocal contract with Williamson County for election services was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

7. 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 Lot16, Block1, Lincoln Gardens, Section1 a subdivision in the City of Austin, Travis County, Texas, in the amount of \$4,794. 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 withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

8. Approve a resolution authorizing the filing of eminent domain proceedings for the South IH-35 Water/Wastewater Infrastructure Improvements Program for 22,161 square feet of subterranean wastewater easement and 21,547 square feet of access easement out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, TX, in the amount of \$53,020. The owner of the needed property interests is TRAVIS MIZPAH, LTD., A LIMITED PARTNERSHIP. The property is located at 11922 South IH-35, Austin, Travis County, TX. Funding in the amount of \$53,020 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

**Resolution No. 20100729-008 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

9. Approve a resolution authorizing the filing of eminent domain proceedings for the South IH-35 Water/Wastewater Infrastructure Improvements Project to acquire a 3,722 square-foot permanent subterranean wastewater easement, out of Lot10, Block K Onion Creek Subdivision Section 5-B, in Austin, Travis County, Texas, in the amount of \$1,578. The owner of the needed property interests is ROBERT H. PARENT AND GARNITA N. PARENT. The property is located at 10212 Pinehurst Drive, Austin, Travis County, Texas 78747. Funding in the amount of \$1,578 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

**Resolution No. 20100729-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

10. 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 a1, 558 square-foot permanent drainage easement out of Lot15, Block 4, Green Valley No.1, according to the map or plat thereof, recorded in Volume 5, Page 27, Plat Records of Travis County, Texas, in the amount of \$2,804. The owner of the needed property interest is MICHELLE ANN PAYAN f/k/a MICHELLE PAYAN GARCIA. The property is located at1111 Lott Ave, Austin, Travis County, Texas. Funding in the amount of \$2,804 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.  
**Resolution No. 20100729-010 was approved on consent on Council Member Spelman'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 Fort Branch WMA Reach 6 & 7 - Truelight Area and Eleanor Drive Area Project to acquire a 2,344 square-foot permanent drainage easement out of Lot14, Block 4, Green Valley No.1, according to the map or plat thereof, recorded in Volume 5, Page 27, Plat Records of Travis County, Texas, in the amount of \$4,219. The owner of the needed property interest is MICHELLE ANN PAYAN f/k/a MICHELLE PAYAN GARCIA. The property is located at1113 Lott Ave, Austin, Travis County, Texas. Funding in the amount \$4,219.00 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.  
**Resolution No. 20100729-011 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
12. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with JOHNSON CONTROLS INC., Austin, TX for the Pump Station Improvements Project in the amount of \$399,848 plus a contingency of \$39,985 for a total amount not to exceed \$439,833. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. Johnson Controls Inc. is an approved vendor/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). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative with Johnson Controls Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
13. Authorize negotiation and execution of a Construction Manager at Risk (CM@R) contract with HENSEL PHELPS CONSTRUCTION CO., Austin, TX, for preconstruction phase services for the New Central Library in an amount not to exceed \$250,000. Funding in the amount of \$250,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Library Department. Best value of twelve proposals 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 7.69% MBE and 3.02% WBE subcontractor participation. Related to Item #39.  
**The authorizing the negotiation and execution of a Construction Manager at Risk (CM@R) contract with Hensel Phelps Construction Co. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
14. Authorize the negotiation and execution of all contracts, closing, relocation and other documents related to the voluntary acquisition and demolition of approximately four (4) alternate properties in the 25-year floodplain of Williamson Creek for a total contract amount not to exceed \$1,671,872; and authorize

additional funding for the original twenty-one (21) properties in the Burrough Cove and Bayton Loop area in an amount not to exceed \$1,600,000. Funding in the amount of \$3,271,872 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department buyout program.

**The motion authorizing the negotiation and execution of all contracts, closing, relocation and other documents related to the voluntary acquisition and demolition of approximately four alternate properties in the 25 year floodplain of Williamson Creek was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

15. Authorize the negotiation and execution of a temporary construction staging area easement and temporary access easement for the Tillery Street Storm Drain Outfall Stabilization Project out of Lots 2 and 3, Block "A", Govalle Plaza Subdivision, a subdivision in City of Austin, Travis County, Texas, located at 2915 and 3013 East Cesar Chavez Street, from 3001 EAST CESAR CHAVEZ, LTD., in the amount not to exceed \$94,163. Funding in the amount of \$94,163 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

**The motion authorizing the negotiation and execution of a temporary construction staging area easement and temporary access easement was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

16. Authorize execution of Change Order #1 to the construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX for Valve Replacement Project A in an amount not to exceed \$101,176.14, for a total contract amount not to exceed \$645,271.14. Funding in the amount of \$101,176.14 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program) with 15.74% MBE and 1.90% WBE subcontractor participation to date including this change order. Recommended by Water and Wastewater Commission.

**The motion authorizing the execution of change order number one to the construction contract with McLean Construction, LTD was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

17. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH 75.79%), Austin, TX for ADA Sidewalk & Ramp Improvements 2010 Group 8 City Wide in the amount of \$1,095,995 plus a \$273,998.75 contingency, for a total contract amount not to exceed \$1,369,993.75. Funding in the amount of \$1,369,993.75 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.03% MBE and 7.93% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

18. Authorize execution of a construction contract with MCLEAN CONSTRUCTION INC., Killeen, TX for the Group 32nd Street Reconstruction and Utility Adjustment Project from Duval Street to Red River Street, an ACCELERATE AUSTIN PROJECT, in the amount of \$1,643,470 plus a \$82,173.50 contingency, for a total contract amount not to exceed \$1,725,643.50. Funding in the amount of \$937,140.62 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$517,515.60 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$270,987.28 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 9.80% MBE and 3.36% WBE

subcontractor participation. The Accelerate Austin Program was recommended by the Water and Wastewater Commission.

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

19. Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION CO., INC., San Antonio, Texas for the Group 3 Northeast Residential Street Reconstruction and Utility Adjustments (Rebid) Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$3,117,029.45 plus a \$155,851.47 contingency, for a total contract amount not to exceed \$3,272,880.92. Funding in the amount of \$2,824,934.12 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$447,946.80 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest compliant bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 10.89% MBE and 3.06% WBE subcontractor participation. The Accelerate Austin Program was recommended by the Water and Wastewater Commission.

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

20. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, L.L.C., Leander, Texas for Spicewood Springs Pump Station Electrical Improvements in the amount of \$3,221,000 plus a \$161,050 contingency, for a total contract amount not to exceed \$3,382,050. Funding in the amount of \$3,382,050 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five 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 53.17% MBE and 0.29% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Excel Construction Services, L.L.C. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

21. Authorize ratification of a construction contract entered into under the health and safety exception to bidding with SISK-ROBB, INC., Leander, TX for 2006 Canterbury Street Foundation Stabilization in an amount not to exceed \$61,500. Funding is available in the Fiscal Year 2010 Operating Budget of the Code Compliance Department. Lowest bid of 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). Due to the emergency nature of this procurement it is exempt from the MBE/WBE ordinance and therefore no goals were established.

**The motion to ratify a construction contract entered into under the health and safety exception to bidding with Sisk-Robb, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

22. Authorize negotiation and execution of a professional services agreement with the following two firms: TERRACON CONSULTANTS, INC., Austin, TX and JENKINS ENVIRONMENTAL CONSULTING, LLC, Austin, TX for the Asbestos and Lead Based Paint Consultant Services Rotation List 2010-2013, for a period of three years or until financial authorization is expended, in an amount not to exceed \$900,000 divided among the two firms. Funding in the amount of \$900,000 is available in the Fiscal Year 2009-2010 Capital Budgets of the various departments for which services are needed. The two most qualified firms out of four firms evaluated through the City's qualification-based selection process. 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 5.05% MBE and 4.20% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with Terracon Consultants, Inc. and Jenkins Environmental Consulting, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 23 was pulled for discussion.

24. Authorize negotiation and execution of a professional services agreement with the following fifteen firms: I T GONZALES ENGINEERS (MBE/MH), Austin, TX; LANDMARK SURVEYING, L.P. (WBE/FW), Austin, TX; MCGRAY & MCGRAY LAND SURVEYING, INC. (WBE/FW), Austin, TX; HALFF ASSOCIATES, INC., Austin, TX; ZAMORA (ZWA) L.L.C. (MBE/MH), Austin, TX; AECOM TECHNICAL SERVICES, INC., Austin, TX; MACIAS & ASSOCIATES, L.P. (WBE/FH), Austin, TX; BURY + PARTNERS, INC., Austin, TX; SURVEYING AND MAPPING (SAM), INC., Austin, TX; THE WALLACE GROUP, INC., Austin, TX; HEJL, LEE & ASSOCIATES, INC. (MBE/MA), Austin, TX; JACOBS ENGINEERING GROUP, INC., Austin, TX; MWM DESIGN GROUP, INC. (WBE/FH), Austin, TX; POST, BUCKLEY, SCHUH & JERNIGAN (PBS&J), INC., Austin, TX; and LNV, INC. (MBE/MH), Austin, TX for professional surveying services for the Surveying Services Rotation List (2010-2012), for an estimated period of two years or until available funding is expended, each agreement in an amount not to exceed \$200,000 per firm, with a total authorization amount not to exceed \$3,000,000. Funding in the amount of \$3,000,000 is available in the Fiscal Year 2009-2010 Capital Budget and/or Operating Budget of various sponsor departments. The fifteen (15) most qualified firms out of thirty-two (32) firms evaluated through the City's qualification-based selection process. 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 7.90% MBE and 7.90% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with I T Gonzales Engineers, Landmark Surveying, L.P., McGray & McGray Land Surveying, Inc., Halff Associates, Inc., Zamora (ZWA), L.L.C., AECOM Technical Services, Inc., Macias & Associates, L.P., Bury + Partners, Inc., Surveying and Mapping (SAM), Inc., The Wallace Group, Inc., Hejl, Lee & Associates, Inc., Jacobs Engineering Group, Inc, MWM Design Group, Inc., Post, Buckley, Schuh & Jernigan (PBS&J), Inc., and LNV, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

25. Authorize negotiation and execution of Supplemental Amendment #2 to the Professional Services Agreement with LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, Texas for engineering services for the East Bouldin Euclid-Wilson Storm Drain Improvements project in the amount of \$281,675 for a total contract amount not to exceed \$1,180,852. Funding in the amount of \$281,675 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 17.04% MBE and 18.54% WBE subconsultant participation to date.

The motion authorizing the negotiation and execution of supplemental amendment number two to the professional services agreement with Lockwood, Andrews & Newnam, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

26. Authorize the negotiation and execution of a 60-month lease for 4,095 square feet of office space for the Contract and Land Management Department, located at 105 W. Riverside Drive, Suites 205, 215, 210 and 212 from BYWELL I, in an amount not to exceed \$373,464. Funding in the amount of \$5,835.38 is available in the Fiscal Year 2009-2010 Operating Budget of the Contract and Land Management Department. Funding for the remaining contract period is contingent upon available funding in future budgets.

**The motion authorizing the negotiation and execution of a lease from Bywell I was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

27. Authorize negotiation and execution of a Design-Build Agreement with FLINTCO, INC., Austin, TX for Preliminary and Design Phase Services for the Asian American Resource Center in an amount not to exceed \$350,000. Funding in the amount of \$350,000 is available in the Fiscal Year 2009 - 2010 Amended Capital Improvements Budget of the Financial and Administrative Services Department. Best Value to the City of Austin of twelve Statements of Qualifications 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 15.80% WBE subcontractor participation. Recommended by the Asian American Resource Center Advisory Board. Related to Items #30 & 31.

**The motion authorizing the negotiation and execution of a design build agreement with Flintco, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 28 was pulled for discussion.**

29. Approve the 2010 General Obligation Bond Sale Schedule (\$105,928,000 in Public Improvement Bonds, \$22,300,000 in Certificates of Obligation, and \$16,450,000 in Contractual Obligations). \$105,928,000 in Public Improvement Bonds, \$22,300,000 in Certificates of Obligation, and \$16,450,000 in Contractual Obligations.

**The motion to approve the 2010 general obligation bond sale schedule was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

30. Approve an ordinance amending the Fiscal Year 2009-2010 Financial and Administrative Services Capital Budget of Ordinance No. 200909014-03 to increase appropriations by \$350,000 for the Asian American Resource Center. Funding in the amount of \$350,000 is available from a reimbursement resolution. Related to Items #27 & 31.

**Ordinance No. 20100729-030 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

31. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2006 Proposition 4 General Obligation bonds to be issued for expenditures in the amount of \$350,000 related to the Asian American Resource Center. \$350,000 in General Obligation Public Improvement Bonds to be issued in August 2011 or later. Related to Items #27 & 30.

**Resolution No. 20100729-031 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

32. Authorize execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to purchase human immunodeficiency virus medications for eligible clients under the City's Ryan White Part A HIV Emergency Relief Project grant, for a one-year term effective March 1, 2010, in an amount not to exceed \$200,000. Funding 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 program. The grant period is March 1, 2010 to February 28, 2011.

**The motion authorizing the execution of an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

33. Approve an ordinance accepting \$45,462 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 No. 20090914-

002 to appropriate \$45,462 for the Ryan White Part C HIV Early Intervention Services Grant Program. Funding in the amount of \$45,462 is available from the Department of Health and Human Services Health Resources and Services Administration. The grant period is from January 1, 2010 through December 31, 2010. No City match is required. Related to Item #35.

**Ordinance No. 20100729-033 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

34. Approve an ordinance authorizing acceptance of \$200,000 in grant funds from the TEXAS DEPARTMENT OF TRANSPORTATION, TRAFFIC OPERATIONS DIVISION, Austin, Texas, and amending the Fiscal Year 2009-2010 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$200,000 for the continuation and expansion of the Safe Routes to School Program, and to add one full-time equivalent position. Funding is available from the Texas Department of Transportation, Traffic Operations Division, Austin, Texas. The grant period is August 1, 2010 through July 31, 2011. A City match of \$14,459 is required.

**Ordinance No. 20100729-034 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

35. Authorize negotiation and execution of an amendment to a contract with AIDS SERVICES OF AUSTIN for the provision of oral health services under the Ryan White Part C HIV Early Intervention Grant Program, for a term of one year beginning on January 1, 2010, to increase the not to exceed amount by \$41,979, for an annual contract amount not to exceed \$200,156, with one remaining 12-month renewal option in an amount not to exceed \$158,177, for a total contract amount not to exceed \$841,554. Funding in the amount of \$41,979 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part C Early Intervention Services Grant Program. The contract period is July 1, 2010 to December 31, 2010. The grant period is January 1, 2010 to December 31, 2010. Related to Item # 33.

**The motion authorizing the negotiation and execution of an amendment to a contract with AIDS Services of Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

36. Authorize negotiation and execution of four contract amendments to increase funding for the delivery of human immunodeficiency virus/acquired immune deficiency syndrome related services with: AIDS SERVICES OF AUSTIN, Austin, TX, for the provision of non-medical case management in an amount not to exceed \$23,661 for an annual contract amount not to exceed \$257,266, for a total contract amount not to exceed \$490,871; AUSTIN/TRAVIS COUNTY MHMR, for the provision of mental health case management in an amount not to exceed \$8,145 for an annual contract amount not to exceed \$61,818, for a total contract amount not to exceed \$115,491; PROJECT TRANSITIONS, INC. for the provision of residential hospice and supportive care in an amount not to exceed \$37,204 for an annual contract amount not to exceed \$125,053, for a total contract amount not to exceed \$212,902; and THE WRIGHT WELLNESS CENTER, for the provision of evidence based prevention, education and outreach services in an amount not to exceed \$7,500 for an annual contract amount not to exceed \$130,262, for a total contract amount not to exceed \$253,024. Funding in the amount of \$76,510 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department (HHSD) The contract period is July 1, 2010 to February 28, 2011. Funding for any extension options is contingent on available funding in future budgets.

**The motion authorizing the negotiation and execution of four contract amendments with AIDS Services of Austin, Austin/Travis County MHMR, Project Transitions, Inc, and The Wright Wellness Center was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

37. Authorize negotiation and execution of an agreement with ACTIVE LIFE, INC., Austin, TX, to assist the Health and Human Services Department in fulfilling its Communities Putting Prevention to Work federal



grant initiative to reduce tobacco use prevalence and exposure to secondhand tobacco smoke for a one-year term beginning August1, 2010, in an amount not to exceed \$134,444, with an option to renew for one seven-month renewal term, in an amount not to exceed \$76,377 for a total contract amount not to exceed \$210,821. Funding in the amount of \$134,444 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March19, 2010 through March18, 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 Active Life, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

38. Authorize negotiation and execution of an Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro), Austin, TX to assist the Health and Human Services Department fulfill its Communities Putting Prevention to Work federal grant initiative in reducing tobacco use prevalence and exposure to secondhand tobacco smoke for a one-year term beginning August1, 2010, in an amount not to exceed \$200,000 with an option to renew for one seven-month renewal term, in an amount not to exceed \$100,000 for a total contract amount not to exceed \$300,000. Funding in the amount of \$200,000 is available in the Fiscal Year 2009-2010 Operating Budget Special Revenue Fund for the Health and Human Services Department. The grant period is March19, 2010 through March18, 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 Capital Metropolitan Transportation Authority (Capital Metro) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

39. Authorize negotiation and execution of a professional services agreement with Andrews Kurth, LLP, for legal services in connection with the construction manager at risk contract for the New Central Library in an amount not to exceed \$80,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Library Department. Related to Item #13.

**The motion authorizing the negotiation and execution of a professional services agreement with Andrews Kurth, LLP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

40. Authorize negotiation and execution of an amendment to a professional service agreement with Taylor, Olson, Adkins, Sralla and Elam, L.L.P., and Freilich and Popowitz, L.L.P. for legal services regarding Lions Municipal Golf Course and the University of Texas land known as the Brackenridge Tract, 400 acres of land generally located north of Lake Austin Boulevard and west of Exposition Drive, for an additional amount not to exceed \$100,000 for each firm for a total contract amount of \$152,000 for each firm. Funding in the amount of \$200,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Service Office.

**The motion authorizing the negotiation and execution of an amendment to a professional service agreement with Taylor, Olson, Adkins, Sralla and Elam, L.L.P. and Freilich and Popowitz, L.L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Council Member Spelman recused himself.**

41. Approve a resolution authorizing the City Manager to negotiate and execute an Interlocal Agreement with Travis County and the Austin Independent School District (AISD) to implement the recommendations of the Joint Subcommittee of the City, Travis County and AISD, regarding developing policies supportive of families and children, and neighborhoods and schools in an amount not to exceed \$40,000 over the next three years. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Humans Services Department. Funding for subsequent years is subject to future budget approvals.

Resolution No. 20100729-041 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 42 was pulled to be heard after the related AHFC meeting.

43. Approve an ordinance accepting \$100,000 in grant funds from Fund for Cities of Service, Inc., and amending the Fiscal Year 2009-2010 Office of Homeland Security and Emergency Management, Management Services Operating Budget Special Revenue Fund of Ordinance 20090914-002 to appropriate \$100,000 for the Cities of Service program and to add one full-time equivalent position. Funding in the amount of \$100,000 is available in grant funds from Fund for Cities of Service, Inc. Ordinance No. 20100729-043 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

44. Authorize negotiation and execution of an Interlocal Agreement with the University of Texas School of Nursing (UT) under which UT student nurses will offer free health information presentations to the public at certain Parks and Recreation Department facilities, for a one year term beginning on September 1, 2010, with options to renew for up to four additional 12-month terms. The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas School of Nursing (UT) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Council Member Spelman recused himself.

Item 45 was pulled for discussion.

46. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide access to the Crash Reporting and Analysis for Safer Highways (CRASH) System and search components for use by the City of Austin Police Department. This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 47 was pulled for discussion.

48. Authorize award and execution of a contract through the Texas Procurement and Support Services Cooperative Purchasing Program, Texas Multiple Award Schedule (TXMAS) with AMERICAN MATERIAL HANDLING, INC., Lilburn, GA, for the purchase of a forklift with rough-terrain capability for Austin Energy in an amount not to exceed \$83,476. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. This Cooperative Contract is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. Recommended by the Electric Utility Commission. The motion authorizing the award and execution of a contract through the Texas Procurement and Support Services Cooperative Purchasing Program, Texas Multiple Award Schedule (TXMAS) with American Material Handling, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
49. Authorize award and execution of a requirements service contract with GE ENERGY MANAGEMENT SERVICES, Denver, CO, for the purchase and implementation of an Automated Meter Infrastructure software module for Austin Energy's existing PowerOn Outage Management System in an estimated amount not to exceed \$266,000, with five 12-month extension options for maintenance and support services in estimated amounts not to exceed \$9,000 for the first extension option, \$10,600 for the second extension option, \$12,532 for the third extension option, \$14,788 for the fourth extension option, and \$17,449 for the fifth extension option, for a total estimated contract amount not to exceed \$330,369.

Funding in the amount of \$266,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in accordance 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 and execution of a requirements service contract with GE Energy Management Services was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

50. Authorize award and execution of a requirements service contract with GE ENERGY MANAGEMENT SERVICES, Denver, CO, for the purchase of software license upgrades in an estimated amount not to exceed \$559,220, with five 12-month extension options for maintenance and support services in estimated amounts not to exceed \$422,005 for the first extension option, \$443,105 for the second extension option, \$465,260 for the third extension option, \$488,523 for the fourth extension option, and \$512,949 for the fifth extension option, for a total estimated contract amount not to exceed \$2,891,062. Funding in the amount of \$559,220 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. 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. Recommended by the Electric Utility Commission.

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

51. Authorize award and execution of a contract with HOLMAN BOILER WORKS, INC., San Antonio, TX, for the purchase of a used steam boiler for use at the Mueller Energy Center in an amount not to exceed \$330,500. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a contract with Holman Boiler Works, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

52. Authorize award, negotiation, and execution of a 24-month requirements supply contract with IVES EQUIPMENT CORP., King of Prussia, PA for valve replacement parts for Sand Hill Energy Center in an estimated amount not to exceed \$350,000, with two 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$750,000. Funding in the amount of \$29,167 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Single Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award, negotiation and execution of a requirements supply contract with Ives Equipment Corp. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

53. Authorize award and execution of a 12-month supply contract with SCHWEITZER ENGINEERING LABORATORIES, INC., Pullman, WA, for the purchase of replacement relays for switchgear and relay panels for Austin Energy in an estimated amount not to exceed \$1,802,140, with four 12-month extension options in an estimated amount not to exceed \$1,802,140 per extension option, for a total estimated contract amount not to exceed \$9,010,700. Funding in the amount of \$300,357 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 10 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-D 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 supply contract with Schweitzer Engineering Laboratories, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
54. Authorize award and execution of a 12-month requirements supply contract with TECHLINE, INC., Austin, TX, for shoebox style street light fixtures and poles in an estimated amount not to exceed \$224,045, with four 12-month extension options in an estimated amount not to exceed \$224,045 per extension option, for a total estimated contract amount not to exceed \$1,120,225. Funding in the amount of \$37,341 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Energy. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid 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 requirements supply contract with Techline, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
55. Authorize award and execution of a 12-month requirements supply contract with UNISYS CORPORATION, Austin, TX, for the purchase of a Remittance Processing Transport hardware, software, and implementation for Austin Energy in an estimated amount not to exceed \$530,000, with seven 12-month extension options for maintenance, support, and supplies in estimated amounts not to exceed \$54,000 for the first extension option, \$56,700 for the second extension option, \$60,535 for the third extension option, \$62,512 for the fourth extension option, \$65,638 for the fifth extension option, \$68,920 for the sixth extension option, and \$72,366 for the seventh extension for a total estimated contract amount not exceed \$970,671. Funding in the amount of \$530,000 is contingent upon approval of the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- The motion authorizing the award and execution of a requirements supply contract with Unisys Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
56. Authorize award and execution of a requirements service contract with PIATRA INC., Austin, TX for door replacement services at the South Austin Regional Wastewater Treatment Plant in an estimated amount not to exceed \$73,130. Funding in the amount of \$73,130 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned

Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.

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

57. Authorize award and execution of a 36-month requirements service contract with SENTRY SECURITY AND INVESTIGATIONS LP, (MBE) Austin, TX for the purchase of unarmed security guard and patrol services for the Austin Water Utility in an estimated amount not to exceed \$812,376, with three 12-month extension options in an estimated amount not to exceed \$270,792 per extension option, for a total estimated contract amount not to exceed \$1,624,752. Funding in the amount of \$45,132 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of fourteen bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.

**The motion authorizing the award and execution of a requirements service contract with Sentry Security and Investigations LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 58 was pulled to be heard after the related Executive Session item.**

59. Authorize award and execution of a 12-month requirements service contract with CEN-TEX CERTIFIED DEVELOPMENT CORPORATION, DBA BCL OF TEXAS, Austin TX, to provide business development technical assistance to small business owners in an estimated amount not to exceed \$265,000, with two additional 12-month extension options in an estimated amount not to exceed \$265,000 per extension option, for a total estimated contract amount not to exceed \$795,000. Funding in the amount of \$22,083 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining 11 months of the original contract period and the extension options are contingent upon available funding in future budgets. Best evaluated proposal of seven 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 and execution of a requirements service contract with Cen-Tex Certified Development Corporation, doing business as BCL of Texas was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

60. Authorize award, negotiation, and execution of a 36-month requirements service contract with CHASE PAYMENTECH SOLUTIONS, LLC, Dallas, TX, for Visa and MasterCard credit card processing services in an estimated amount not to exceed \$1,876,996, with two 24-month extension options in estimated amounts not to exceed \$1,697,351 for the first extension option, and \$1,897,370 for the second extension option, for a total estimated contract amount not to exceed \$5,471,717. Funding in the amount of \$493,206 is contingent upon approval of the Fiscal Year 2010-2011 Operating Budget. Funding for the remaining extension options is contingent upon available funding in future budgets. Best evaluated proposal of seven 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 and negotiation and execution of a requirements service contract with Chase Paymentech Solutions, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

61. Authorize award and execution of a 12-month requirements supply contract with STAR AIR, INC., Round Rock, TX to provide replacement air filters in an estimated amount not to exceed \$75,000, with five 12-month extension options in estimated amounts not to exceed \$90,000 for the first extension option, \$108,000 for the second extension option, \$129,600 for the third extension option, \$155,520 for the fourth extension option, and \$186,624 for the fifth extension option, for a total estimated contract amount not to exceed \$744,744. Funding in the amount of \$12,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with Star Air, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
62. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with DELL MARKETING LP, Round Rock, TX, for Dell Automated Deployment software engineering services in an estimated amount not to exceed \$132,750. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. This Cooperative 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, negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Dell Marketing LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
63. Authorize negotiation and execution of a 12-month contract with INFORMA SYSTEMS, INC., Boerne, TX, for a vendor-hosted learning management system in an amount not to exceed \$82,422, with three 12-month extension options in amounts not to exceed \$14,200 for the first extension option, \$14,626 for the second extension option, and \$15,064 for the third extension option, for a total contract amount not to exceed \$126,312. Funding in the amount of \$82,422 is available in the Fiscal Year 2009-2010 Austin Police Department, Department of Treasury Forfeiture Funds. 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.  
**The motion authorizing the negotiation and execution of a contract with Informa Systems, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
64. Authorize award and execution of a 12-month requirements service contract with L-3 COMMUNICATIONS MOBILE-VISION, INC., Boonton, NJ for repair services and parts for in-car audio/video systems in an estimated amount not to exceed \$95,000, with five 12-month extension options in an estimated amount not to exceed \$95,000 per extension option, for a total estimated contract amount not to exceed \$570,000. Funding in the amount of \$15,833 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communication and Technology Management, Wireless Division. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and

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

**The motion authorizing the award and execution of a requirements service contract with L-3 Communications Mobile-Vision, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

65. Authorize award, negotiation, and execution of Amendment No. 2 to a contract with ZONAR SYSTEMS, INC., Seattle, Washington for licensing and maintenance for an electronic vehicle inspection report system, to increase the current term of the contract in an estimated amount not to exceed \$28,164.99, to increase the remaining extension option in an estimated amount not to exceed \$8,665.56, and to add a third extension option in an estimated amount not to exceed \$13,561.56, for a total estimated contract amount not to exceed \$65,178.03. Funding in the amount of \$36,830.55 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the extension options is contingent upon available funding in future budgets. Contract Amendment. This contract was 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 amendment number two to a contract with Zonar Systems, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

66. Authorize award and execution of a 36-month requirements service contract with CLEVELAND MACK SALES INC., dba PERFORMANCE TRUCK, Buda, TX to provide parts and repair services for Allison truck transmissions in an estimated amount not to exceed \$946,400, with three 12-month extension options in estimated amounts not to exceed \$449,280 for the first extension option, \$539,136 for the second extension option, and \$646,963 for the third extension option, for a total estimated contract amount not to exceed \$2,581,779. Funding in the amount of \$43,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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 meeting specifications 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 Cleveland Mack Sales Inc., doing business as Performance Truck was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

67. Authorize award and execution of a 36-month requirements service contract with AUSTIN TRUCK AND EQUIPMENT, INC. LTD, dba FREIGHTLINER OF AUSTIN, Austin, TX for repair services and replacement parts for vehicles and equipment with Detroit Diesel and Mercedes engines in an estimated amount not to exceed \$910,000, with three 12-month extension options in estimated amounts not to exceed \$632,000 for the first extension option, \$758,000 for the second extension option, and \$910,000 for the third extension option, for a total estimated contract amount not to exceed \$3,210,000. Funding in the amount of \$41,667 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 34 months of the original contract period and extension options is contingent upon funding in future budgets. Lowest bid meeting specifications 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 Truck and Equipment, Inc LTD doing business as Freightliner of Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

68. Authorize award and execution of a 36-month requirements service contract with INLAND TRUCK PARTS AND SERVICE, Austin, TX for parts and repair services for vehicle driveline components in an estimated amount not to exceed \$509,600, with three 12-month extension options in estimated amounts not to exceed \$241,920 for the first extension option, \$290,304 for the second extension option, and \$348,365 for the third extension option, for a total estimated contract amount not to exceed \$1,390,189. Funding in the amount of \$23,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of the 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 Inland Truck Parts and Service was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
69. Authorize award and execution of a 36-month requirements supply contract with METRO FIRE APPARATUS SPECIALISTS, INC., Houston, TX to provide captive repair parts for Quality manufactured fire hose beds and components in an estimated amount not to exceed \$109,200, with three 12-month extension options in estimated amounts not to exceed \$51,840 for the first extension option, \$62,208 for the second extension option, and \$74,650 for the third extension option, for a total estimated contract amount not to exceed \$297,898. Funding in the amount of \$5,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 34 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 2-9D 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 Metro Fire Apparatus Specialists, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
70. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with POSTON EQUIPMENT SALES, Pearland, TX for the purchase of two brush chippers in an amount not to exceed \$52,669.37. Funding in the amount of \$35,537.57 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Funding in the amount of \$17,131.80 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. **The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with Poston Equipment Sales was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
71. Authorize award and execution of a contract through U.S. Communities Government Purchasing Alliance with KNOLL, INC. and their local authorized distributor Shelton-Keller Group, Austin, TX for the purchase and installation of free standing conventional furniture and systems furniture at the Public Safety Training Facility in an amount not to exceed \$120,796.16. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Financial and Administrative Services Department. This Cooperative Contract is exempt from the MBE/WBE Ordinance. This exemption is 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 contract.

**The motion authorizing the award and execution of a contract through U.S. Communities Government Purchasing Alliance with Knoll, Inc. and their local authorized distributor Shelton-Keller Group was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

72. Authorize award and execution of a 36-month requirements service contract with POWELL OFFSET SERVICE, INC., Austin, TX, for flat sheet printing services in an estimated amount not to exceed \$765,000, with three 12-month extension options in an estimated amount not to exceed \$255,000 per extension option, for a total estimated contract amount not to exceed \$1,530,000. Funding in the amount of \$42,500 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by Water and Wastewater Commission.

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

73. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with METRO FIRE APPARATUS SPECIALISTS, INC., Houston, TX for the purchase of structural rescue equipment for the Austin Fire Department in an amount not to exceed \$74,096. Funding is available in the Fiscal Year 2008-2009 Homeland Security Grant Program. This cooperative contract is exempt from the MBE/WBE Ordinance. This exemption is 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 contract.

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

74. Authorize award and execution of a 12-month requirements supply contract with AMERICAN EUROCOPTER CORPORATION, Grand Prairie, TX for various repair parts for the Austin Police Department's EC120 helicopter in an estimated amount not to exceed \$282,457, with two 12-month extension options in an estimated amount not to exceed \$282,457 per extension option, for a total estimated contract amount not to exceed \$847,371. Funding in the amount of \$47,076 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with American Eurocopter Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

75. Authorize award and execution of a 12-month requirements service contract with LANGUAGE LINE SERVICES, Monterey, CA for language interpretation services for the Austin Police Department in an estimated amount not to exceed \$64,412, with two 12-month extension options in an estimated amount not

to exceed \$64,412 per extension option, for a total estimated contract amount not to exceed \$193,236. Funding in the amount of \$10,735 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Funding for the remaining 10 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 Language Line Services was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 76 was pulled for discussion.**

77. Authorize award and execution of a 12-month requirements service contract with FUGRO CONSULTANTS, INC., Austin, Texas, for pavement data collection services in an estimated amount not to exceed \$215,964, with two 12-month extension options in estimated amounts not to exceed \$120,560 for the first extension option, and \$123,540 for the second extension option, for a total estimated contract amount not to exceed \$460,064. Funding in the amount of \$35,994 is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Funding for the remaining 10 months of the initial contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

78. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Meridian Park Boulevard and Espina Drive to the table of streets having a maximum speed limit of 20 miles per hour, during certain times, for students attending Baldwin Elementary School; and to provide emergency passage. \$15,000 for the installation of signs and flashers is available in the 2009-2010 Child Safety Fund of the Department of Public Works.

**Ordinance No. 20100729-078 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

79. Approve an ordinance amending Section 12-4-64 (D) of the City Code to add portions of Davis Lane to the table of streets having a maximum speed limit of 35 and 40 miles per hour. Funding in the amount of \$900 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Transportation Department for the installation of necessary signs.

**Ordinance No. 20100729-079 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

80. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 40 miles per hour on Metro Center Drive. Funding in the amount of \$150 dollars is available in the Fiscal Year 2009-2010 Operating Budget of the Transportation Department for installation of necessary signs.

**Ordinance No. 20100729-080 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

81. Approve an ordinance amending Chapter 14-9 of the City Code, to include language related to view obstructions at intersections. Reviewed by the Urban Transportation Commission.

**Ordinance No. 20100729-081 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

82. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Manvel Education Facilities Corporation's loan to Capitol Area Council, Inc. Boys Scouts of America in an amount not to exceed \$6,000,000 to finance the cost of an approximate 36,625 square foot two story community facility located at 12500 North IH 35, Austin, TX.

**Resolution No. 20100729-082 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

83. Authorize negotiation and execution of a 12-month State Use Agreement with TIBH Industries, Inc. (formerly known as TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED) for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,800,000. Funding in the amount of \$1,800,000 is included in the Fiscal Year 2010-2011 proposed Operating Budget of the Watershed Protection Department.

**The motion authorizing the negotiation and execution of a state use agreement with TIBH Industries, Inc. formerly known as Texas Industries for the Blind and Handicapped was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

84. 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 and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

#### Nominations

##### Board/Nominee

##### Nominated by

##### Board of Adjustment

Bryan King  
Michael von Ohlen

Council Member Cole  
Council Member Riley

##### Building and Standards Commission

Tim Hill

Council Member Riley

##### Planning Commission

Alfonso Hernandez  
Saundra Kirk

Mayor Pro Tem Martinez  
Council Member Cole

##### Solid Waste Advisory Commission

Rahm McDaniel

Council Member Shade

##### Urban Renewal Board

Andrew Bucknall

Mayor Leffingwell

#### Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Dewayne Lofton's service on the Human Rights Commission. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Allen Weeks' service on the Comprehensive Plan Citizens Advisory Task Force. The waiver includes absences through today's date.

85. Approve an ordinance naming the property commonly known as the Bull Creek Site, generally located at the northern terminus of Riverplace Boulevard, as the Sam Hamilton Memorial Reserve. (Mayor Lee Leffingwell Council Member Chris Riley Council Member Randi Shade)  
**Ordinance No. 20100729-085 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
86. Approve an ordinance amending Section 2-1-42 of the City Code relating to term limits for officers of City Boards and Commissions and making conforming changes to the Template for Standard City Board Bylaws. (Mayor Lee Leffingwell Council Member Randi Shade Council Member Chris Riley)  
**Ordinance No. 20100729-086 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
87. Approve an ordinance amending section 3-1-26 of the City Code (Disposition of an Unclaimed Impounded Animal) to change the timeframe for retrieval of animals from three days to three business days to allow pet owners more opportunity to reclaim lost animals. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez)  
**Ordinance No. 20100729-087 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
88. Approve a resolution to support the proposal by Austin Travis County Integral Care (ATCIC) to change the membership categories of ATCIC's community board of trustees and to authorize the elimination of one of the City's four appointments to the community board of trustees, such change to be effective on a future date to be agreed upon by City and ATCIC. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez and Randi Shade)  
**Resolution No. 20100729-088 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
89. Approve a resolution to change the designation of special use tract #4 in the Balcones Canyonlands Conservation Plan Appendix B Section II, commonly known as the Bull Creek Site, and dedicate the surface of the property as permanent preserve land. (Mayor Lee Leffingwell Council Member Chris Riley Council Member Randi Shade)  
**Resolution No. 20100729-089 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
90. Approve a resolution directing the City Manager to develop an ordinance to ban the retail sale of dogs and cats in Austin pet stores. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member William Spelman)  
**Resolution No. 20100729-090 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
91. Approve a resolution confirming that the City Council recognizes and endorses U.S. Department of Transportation bicycle and pedestrian policies and encourages interdepartmental cooperation in ongoing processes related to the goals reflected in these policies. (Council Member Chris Riley Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)  
**Resolution No. 20100729-091 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

92. Approve a resolution directing the City Manager to relocate the memorabilia of the Old L. C. Anderson High School currently located in the Doris Miller Auditorium to the George Washington Carver Museum. (Council Member Sheryl Cole Council Member Chris Riley Council Member Randi Shade)  
**Resolution No. 20100729-092 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
93. Approve the waiver of certain fees and requirements for Sundays in the Park sponsored by Clifford Giles that will be held July 25, August 1 and August 8, and August 15, 2010 at Givens Park. (Council Member Laura Morrison Mayor Lee Leffingwell Council Member Chris Riley)  
**The motion to approve the waiver of certain fees and requirements for Sundays in the Park was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
94. Set a public hearing to consider an ordinance amending the City Code to limit the number of owner-initiated and Historic Landmark Commission-initiated applications per month. (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 Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
95. Set a public hearing on an appeal by Sabino and Lori Renteria of the Planning Commission's decision to approve a conditional use site plan, for a project located at 1711 E. Cesar Chavez, known as the Push Up Foundation. (Suggested date and time: August 19, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 19, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
96. Set a public hearing to consider the use of approximately 1.562 acres (68,068 square feet) permanent water line and approximately 3.236 acres (140,978 square feet) temporary working space, access and temporary staging and materials storage site uses, to construct, use, maintain, repair, and replace a water line for construction of a portion of the Montopolis Reclaimed Water Transmission Main Project through dedicated parkland known as Roy G. Guerrero Colorado River Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: August 26, 2010, 4:00 p.m. at Austin City Hall, W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by Parks and Recreation Board.  
**The public hearing was set on consent for August 26, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
97. Set a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2010-2011 Proposed Budget. (Suggested date and time: August 26, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 26, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
98. Set a Public Hearing to receive public input on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2010-2011 Proposed Budget. (Suggested date and time August 26, 2010, 4:00 pm at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set on consent for August 26, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

99. Set a public hearing to receive public comment on proposed fee changes and the addition of a transmission service adjustment rider in the electric rate schedule of Austin Energy as part of the Fiscal Year 2010-2011 Proposed Budget. (Suggested date and time: August 26, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for August 26, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 100 was a briefing item set for 10:30 a.m.

Items 101 through 104 were Executive Session items.

Item 105 was action on an Executive Session item.

Items 106 through 128 were zoning items set for 2:00 p.m.

Items 129 through 152 were public hearing items set for 4:00 p.m.

Item 153 was an addendum item.

### **DISCUSSION ITEMS**

Items 23 and 28 were acted on in a combined motion.

23. Authorize negotiation and execution of a professional services agreement with the following three firms FUGRO CONSULTANTS INC, Austin, TX; KLEINFELDER CENTRAL, INC, Austin, TX; and HOLT ENGINEERING, INC (WBE/FW - 64.20%), Austin, TX; for Engineering Services to provide all required construction material testing, specialty testing, construction phase geotechnical engineering and forensic engineering associated with the Water Treatment Plant No. 4 (WTP4) construction project, an amount not to exceed \$4,000,000, to be divided among the three firms. Funding in the amount of \$4,000,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. The three (3) most qualified firms out of nine (9) firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Recommended by the Water and Wastewater Commission. The motion authorizing the negotiation and execution of a professional services agreement with Fugro Consultants Inc., Kleinfelder Central, Inc. and Holt Engineering, Inc was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.
28. Authorize the negotiation and execution of all documents necessary for electric facility relocation and construction cost reimbursement agreement with PEDERNALES ELECTRIC COOPERATIVE, INC., Johnson City, TX for the relocation of electric distribution and transmission lines and easements in conjunction with the construction of Water Treatment Plant No. 4 (WTP4), for actual construction costs in an amount not to exceed \$1,500,000. Funding in the amount of \$1,500,000 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 all documents necessary for electric facility relocation and construction cost reimbursement agreement with Pedernales Electric Cooperative, Inc. was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

45. Authorize execution of a development agreement in an amount not to exceed \$8,600,000 and a 20-year operations agreement with Young Men's Christian Association d/b/a YMCA of Austin, a non-profit corporation, for a recreation center for public use located at 1000 West Rundberg Lane, Austin, Texas; and authorize the use of the Construction Manager at Risk construction delivery method as permitted by Subchapter H of Chapter 271 of the Texas Local Government Code. Funding in the amount of \$1,794,987 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Funding for future appropriation, not to exceed \$8.6 million which includes the requested \$1,794,987, is contingent upon approval in future budgets and will come from funds approved in Proposition 3 of the 2006 Bond Program. Recommended by the Parks and Recreation Board.

The motion authorizing the execution of a development agreement in an amount not to exceed \$8,600,000 and an operations agreement with Young Men's Christian Association doing business as YMCA of Austin was approved with the following amendment on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The amendment was to add to the makeup of the Design Committee language that there will be an ex-officio member from the Northwest Austin Civic Association serving on the committee.

76. Authorize award and execution of a contract with NORTHROP GRUMMAN, REMOTEC, INC., Clinton, TN for the purchase of two robotic vehicles and ancillary components for the Austin Police Department in an amount not to exceed \$256,953. Funding is available in the Fiscal Year 2008-2009 Special Revenue Fund of the Management Services Department, Office of Homeland Security and Emergency Management through the 2008 State Homeland Security Program funded by the U.S. Department of Homeland Security Homeland Security Grant Program. 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 Northrop Grumman, Remotec, Inc. was approved Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

47. Approve an ordinance amending Title 4 of the City Code to add a new Chapter 4-5 requiring employee rest breaks at construction sites; creating an offense and imposing a penalty; and declaring an emergency. Ordinance No. 20100729-047 was approved with the following amendment and friendly amendment on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

The amendment from Council Member Riley was to change Part I of the ordinance as follows:

Section 4-5-1 (6) should read, "ESTABLISHMENT means a single physical location to which employees report each day."

Section 4-5-2 (B) should read, "An employee is not entitled to rest breaks under Subsection (A) of this section on any day that the employee works less than 3.5 hours or spends more than half of his or her time engaged in non-strenuous labor in a climate-controlled environment."

Section 4-5-3 (A) should read: "A sign describing the requirements of Section 4-5-2 (*Rest Break Required*) in English and Spanish shall be posted by the employer in each establishment subject to Section 4-5-2 in a conspicuous place or places where notices to employees are customarily posted."

The friendly amendment from Council Member Morrison was to direct staff to report back to Council in six months on the implementation of their ordinance. The amendment was accepted by the maker of the motion and by Mayor Pro Tem Martinez, who made the second

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:34 a.m.

**EXECUTIVE SESSION**

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

101. Discuss legal issues related to proposed ballot language for the November 2, 2010 election (Private Consultation with Attorney - Section 551.071).

The Mayor announced that Council would discuss item number 153 on the regular agenda during Executive Session.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:04 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Daniel Llanes - Gratitude for arts funding in Austin  
Sylvia Mendoza - City issues

Rae Nadler-Olenick - Water fluoridation

Gary Thomas - Child identify theft

Linda Greene - Help fluoride free Austin save more than a million dollars a year

Norman Kieke - Americans with Disabilities Act - 20 years down the road

Krystina Kagan - The circus is coming to our town. She was not present when her name was called.

Babs Warren - Water fluoridation

John Bush - City problems

Robert L. Thomas - Labor and industrial relations at Rosewood Parks and Recreation Center

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:38 p.m.

**EXECUTIVE SESSION CONTINUED**

102. 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). Related to Item #105.



103. Discuss legal issues related to City of Austin v. Harry M. Whittington, et al, Cause No D-1-GV-07-00942, in the 353rd Judicial District, Travis County, Texas (Private Consultation with Attorney - Section 551.071).
104. Discuss legal issues regarding Lions Municipal Golf Course and the University of Texas land known as the Brackenridge Tract (Private Consultation with Attorney - Section 551.071).  
**Council Member Spelman recused himself.**

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:36 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

58. Authorize award and execution of a 36-month requirements supply contract with MITCHELL TIME & PARKING, Austin, TX for products and services related to the upgrade of existing parking equipment and software for the Austin Convention Center Department in an estimated amount not to exceed \$325,000, with one 36-month extension option in an estimated amount not to exceed \$150,000, for a total estimated contract amount not to exceed \$475,000. Funding in the amount of \$175,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Convention Center Department. Funding for the remaining 24 months of the original contract period and the extension option is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with Mitchell Time & Parking was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

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

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

106. C14-2008-0155 - Home Dental Office for John C. Besperka, D.D.S. - Approve second/third readings of an ordinance amending 25-2 of the Austin City Code by rezoning property locally known as 13985 FM 2769 Road (Lake Travis Watershed) from development reserve (DR) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First Reading approved on August 6, 2009. Vote: 7-0. Applicant: John C. Besperka. City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20100729-106 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
107. C14-2010-0039 - Newning Avenue Townhomes - Approve second/third readings of 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 plan (SF-3-NP) combining district zoning to urban family residence-conditional overlay-neighborhood plan (SF-5-CO-NP) combining district zoning. First reading approved on June 24, 2010. Vote: 5-1 (Morrison voted Nay; Cole off the dais). Applicant: Shamrock Builders (Brenda Reese). Agent: Brenda Reese. City Staff: Stephen Rye, 974-7604. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed on consent to August 5, 2010 at the Council's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
108. C14-2010-0057 - East Braker Duplex - Approve second/third readings of 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. First reading approved on June 24, 2010. Vote: 7-0. Applicant/Agent: Mau and Khanh Tran. City Staff: Joi Harden, 974-2122.

**Ordinance No. 20100729-108 for townhouse and condominium residence (SF-6) district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

109. C14-2010-0035 -1800 Nueces - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Nueces (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use - conditional overlay (DMU-CO) district zoning. First reading approved on June 24, 2010. Vote 7-0. Applicant and Agent: Coore & Crenshaw (Scott Sayers). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to August 26, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

111. C14-2009-0135 - HW Tosca - Approve second/third readings of an ordinance amending 25-2 of the Austin City Code by zoning and rezoning property locally known as 100 East Wells Branch Parkway (Harris Branch Watershed) from community commercial (GR) district zoning and multi-family residence-low density (MF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First Reading approved on May 27, 2010. Vote: 6-0 (Spelman-off the dais.) Applicant: HW Tosca Investments LP (Shannon Martinez). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20100729-111 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole'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.

112. C14-98-0150(RCT) - HW Tosca Restrictive Covenant Termination - Conduct a public hearing to terminate a public restrictive covenant on property locally known as 100 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.

**The public hearing was closed and the termination of the public restrictive covenant was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

113. C14-2010-0043 - Gift Shop - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2305 West Parmer Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Staff Recommendation: To approve neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant: Hyon Suk Yi and Meyoung Yi. Agent: David Atherton. City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was closed and Ordinance No. 20100729-113 for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

114. C14-2010-0058 - 2209 W. Parmer Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2209 West Parmer Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Quang Huynh (Lisa Van). Agent: John Horton & Associates (John Horton). City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was closed and Ordinance No. 20100729-114 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
115. C14-2010-0073 - Pub 620 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12809 North FM 620 Road (Lake Creek Watershed) from community commercial-mixed use (GR-MU) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Holt Planners (David B. Holt, Jr.). Agent: Menfi A Management LP (Ben Menfi). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to August 5, 2010 at the owner's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
118. C14-2010-0076 - The Shops at Onion Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11215 South IH 35 Service Road Northbound (Onion Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1, community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2, and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1, and community commercial-conditional overlay (GR-CO) combining district zoning for Tracts 2 and 3. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1, and community commercial-conditional overlay (GR-CO) combining district zoning for Tracts 2 and 3. Owner/Applicant: WSP Development #10, Ltd. (James Herman). Agent: StoneCrest Investments. (Blake Herman). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was closed and Ordinance No. 20100729-118 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1, and community commercial-conditional overlay (GR-CO) combining district zoning for Tracts 2 and 3 was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
119. C14-2010-0069 - 904 San Antonio Street Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 904 San Antonio Street (Shoal Creek Watershed) from multi-family residence moderate-high density (MF-4) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use (DMU) district zoning. Applicant: John C. Horton, III. Agent: Thrower Design (Ron Thrower). City Staff: Clark Patterson, 974-7691.  
**This item was postponed on consent to August 19, 2010 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

120. 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, Lake Austin Watersheds) from lake austin residence (LA) district zoning, single-family residence standard lot (SF-2) district zoning 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 grant planned unit development (PUD) district zoning. Applicant: Booth Family Living Trust. Agent: Armbrust & Brown, L.L.P. (David Armbrust). City Staff: Clark Patterson, 974-7691.  
**The public hearing was closed and Ordinance No. 20100729-120 for planned unit development (PUD) district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
121. C14-2010-0075 - Del Curto Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3000 Del Curto Road (West Bouldin Creek Watershed) from family residence-conditional overlay (SF-3-CO) combining district zoning to public-conditional overlay (P-CO) combining district zoning. Staff Recommendation: To grant public-conditional overlay (P-CO) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay (P-CO) combining district zoning. Applicant and Agent: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.  
**The public hearing was closed and Ordinance No. 20100729-121 for public-conditional overlay (P-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
122. C14-2010-0081 -1010 East Cesar Chavez Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1010 East Cesar Chavez Street (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Applicant: 1010 Cesar Chavez, LLC., (Cody Symington). Agent: Thrower Design (Ron Thrower). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20100729-122 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
123. C14-2010-0083 - Copperfield Greenbelt - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1425 East Yager Lane (Walnut Creek Watershed) from development reserve (DR) 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. Applicant: City of Austin, Parks and Recreation Department (Greg Montes). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20100729-123 for public (P) district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
124. 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 mixed use, commercial, and recreation & open space. Planning Commission Recommendation: To approve high density single family. 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.

**The public hearing was closed and the first reading of the ordinance for high density single family was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

125. C14-2010-0048.01 - North Lamar Neighborhood Plan Combining District (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 E. Rundberg Lane from family residence (SF-3) district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, community commercial (GR) district zoning, and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to public-neighborhood plan (P-NP) combining district zoning, community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, commercial services-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. 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.

**The public hearing was closed and the first reading of the ordinance for Tract 32 for public-neighborhood plan (P-NP) combining district zoning, community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, commercial services-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

126. NP-2010-0027 - Central West Austin Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central West Austin Combined Neighborhood Plan. The combined planning area is bounded to the north by 35th Street and 38th Street, to the south by Lady Bird Lake (west of MoPac) and 24th Street (east of MoPac), to the east by Lamar Boulevard, and to the west by Lady Bird Lake. Planning Commission Recommendation: To approve the land use recommendations in the Central West Austin Combined Neighborhood Plan. City Staff: Paul DiGiuseppe, 974-2865.

**This item was postponed on consent to August 19, 2010 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

127. C14-2010-0051 - Windsor Road Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Windsor Road Neighborhood Planning Area, generally bounded by West 35th Street and West 38th Street to the north, North Lamar Boulevard to the east, Windsor Road to the south and MoPac Expressway to the west (Johnson Creek, Shoal Creek Watersheds). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Central West Austin Combined Neighborhood Plan, NP-2010-0027, on 2 tracts of land (1.775 acres). Under the proposed Windsor Road NPCD, the following design tools are proposed to be applied area-wide: "parking placement and impervious cover restrictions" and "garage placement". Another design tool that could be approved by City Council is the "front porch setback" design tool. The following special use option is proposed to be applied area-wide: "small-lot amnesty". Other special use options that could be approved by City Council

on a neighborhood-wide basis include: "cottage", "urban home", "secondary apartment", and "corner store". Other special use options that could be approved by City Council on a parcel-specific basis include "residential infill", "neighborhood urban center", and "neighborhood mixed-use building". There is also a proposal to create more restrictions on front and side yard parking, and mobile food vending. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multifamily residence limited density (MF-1) district zoning; multifamily residence low density (MF-2) district zoning; multifamily residence medium density (MF-3) district zoning; multifamily residence moderate-high density (MF-4) district zoning; multifamily residence high density (MF-5) district zoning; multifamily residence highest density (MF-6) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; community recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and public (P) district zoning. A conditional overlay (CO), historic landmark combining district (H), historic area combining district (HD), mixed use combining district overlay (MU), vertical mixed use building (V), or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To approve rezonings that implement the land use recommendations of the Windsor Road Neighborhood Plan. Planning Commission Recommendation: To approve rezonings that implement the land use recommendations of the Windsor Road Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865. A valid petition has been filed on Tract1 in opposition to the request.

**This item was postponed on consent to August 19, 2010 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

128. C14-2010-0052 - West Austin Neighborhood Group Planning Area Rezoning - 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 the West Austin Neighborhood Group Neighborhood Planning Area, generally bounded by West 35th Street to the north, MoPac Expressway to the east, Lady Bird Lake to the south and Lake Austin to the west (Johnson Creek, Lake Austin, Lady Bird Lake, Taylor Slough South, Taylor Slough North Watersheds). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Central West Austin Combined Neighborhood Plan, NP-2010-0027, on 14 tracts of land (18.37 acres). Under the proposed West Austin Neighborhood Group NPCD, the following design tools are proposed to be applied area-wide: "parking placement and impervious cover restrictions" and "garage placement". Another option that could be approved by City Council is the "front porch setback" design tool. The following special use option is proposed to be applied area-wide: "small-lot amnesty". Other special use options that could be approved by City Council on a neighborhood-wide basis include: "cottage", "urban home", "secondary apartment", and "corner store". Other special use options that could be approved by City Council on a parcel-specific basis include "residential infill", "neighborhood urban center", and "neighborhood mixed-use building". There is also a proposal to create more restrictions on front and side yard parking, and mobile food vending. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multifamily residence limited density (MF-1) district zoning; multifamily residence low density (MF-2) district zoning; multifamily residence medium density (MF-3) district zoning; multifamily residence moderate-high density (MF-4) district zoning; multifamily residence high density (MF-5) district zoning; multifamily residence highest density (MF-6) district

zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; community recreation (CR) district zoning, neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and public (P) district zoning. A conditional overlay (CO), historic landmark combining district (H), historic area combining district (HD), mixed use combining district overlay (MU), vertical mixed use building (V), or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To approve rezonings that implement the land use recommendations of the West Austin Neighborhood Group Neighborhood Plan. Planning Commission Recommendation: To approve rezonings that implement the land use recommendations of the West Austin Neighborhood Group Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865.

**This item was postponed on consent to August 19, 2010 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

129. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Craig Davis of SDP Properties, LLC, for an existing development that converted an attached garage into a habitable area at the single-family residence at 207 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
130. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Rojelio Moreno for an existing development that converted an attached garage into a habitable area at the single-family residence at 301 Thistlewood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
131. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Ben Hartman and Mrs. Alice Hartman for an existing development that converted an attached garage into a habitable area at the single-family residence at 316 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
132. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Robert Abeita for an existing development that converted an attached garage into a habitable area at the single-family residence at 317 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

133. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Charles Haren and Mrs. Casta Calderon-Haren for an existing development that converted an attached garage into a habitable area at the single-family residence at 332 Heartwood Drive. This structure is in the 100-year floodplain of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
134. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. George Mullins for an existing development that converted an attached garage into a habitable area at the single-family residence at 334 Heartwood Drive. This structure is in the 100-year floodplain of Williamson Creek and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
135. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. John Anguiano and Mrs. Lupe Anguiano for an existing development that converted an attached garage into a habitable area at the single-family residence at 401 Heartwood Drive. This structure is in the 100-year floodplain of Williamson Creek and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
136. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Ms. Lydia Aguero for an existing development that converted an attached garage into a habitable area at the single-family residence at 212 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
137. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Scott Harpst and Ms. Patricia Kirksey for an existing development that converted an attached garage into a habitable area at the single-family residence at 300 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.  
**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
138. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Ms. Jennifer Pierre Louis for an existing development that converted an attached garage into a habitable area at the single-family residence at 302 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.



**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

139. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Ms. Susie Osio for an existing development that converted an attached garage into a habitable area at the single-family residence at 318 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.

**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

140. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owners, Mr. Michael Kurko and Mrs. Mariana Kurko, for an existing development that converted an attached garage into a habitable area at the single-family residence at 324 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek, and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.

**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

141. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Alfredo Hernandez for an existing development that converted an attached garage into a habitable area at the single-family residence at 326 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.

**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

142. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. George Mullins for an existing development that converted an attached garage into a habitable area at the single-family residence at 400 Heartwood Drive. This structure is in the 100-year floodplain of Williamson Creek and the applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.

**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

143. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Ms. Delores Alvarado for an existing development that converted an attached garage into a habitable area at the single-family residence at 405 Thistlewood Drive. The property is partially in the 100-year floodplain of Williamson Creek. The applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement. There is no unanticipated fiscal impact.

**This item was postponed to August 19, 2010 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

150. 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 August 19, 2010 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

145. Conduct a public hearing and 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.  
This item was withdrawn without objection.
146. Conduct a public hearing and 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.  
This item was withdrawn without objection.
147. Conduct a public hearing and consider an appeal by Nuria Zaragoza on a decision by the Building and Fire Board of Appeals related to 1915A David Street.  
This item was withdrawn without objection.

Mayor Leffingwell recessed the Council Meeting at 5:32 p.m.

### MUSIC

Danny Malone

### PROCLAMATIONS

Mayor's Committee for People with Disabilities Access Awards -- to be presented by the Mayor's Committee and Mayor Lee Leffingwell and to be accepted by the 2010 honorees

Proclamation -- Sam Hamilton Memorial Reserve -- to be presented by Mayor Lee Leffingwell and to be accepted by a US Fish and Wildlife representative

Proclamation -- Meet the Lender Workshop -- to be presented by Mayor Lee Leffingwell and to be accepted by Vicki Valdez

Mayor Leffingwell called the meeting back to order at 6:22 p.m.

### ACTION ON EXECUTIVE SESSION

105. Approve a settlement 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. Related to Item #102.

There was a motion made by Council Member Spelman and seconded by Council Member Morrison to settle the above referenced lawsuit, by the City paying \$750,000 to Nathaniel Sanders, Sr, et al.

The substitute motion to settle the above referenced lawsuit, by the City paying \$500,000 to Nathaniel Sanders, Sr, et al failed on Council Member Riley's motion, Council Member Shade's second on a vote of 2-5. Those voting aye were: Council Members Riley and Shade. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Cole, Morrison and Spelman.

The main motion to settle the above referenced lawsuit by the City paying \$750,000 to Nathaniel Sanders, Sr., et al failed on Council Member Spelman's motion, Council Member Morrison's second on a vote of 3-4. Those voting aye were: Council Members Cole, Morrison and Spelman.

Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Members Riley and Shade.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 7:36 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 7:41 p.m.

#### DISCUSSION ITEMS CONTINUED

42. Approve a resolution adopting the City's Action Plan for Fiscal Year 2010-2011, related to the allocation of the U.S. Department of Housing and Urban Development (HUD) grant funds, and the Community Development 2010-2011 Program as required by Texas Local Government Code Chapter 373, including proposed funding allocations for Fiscal Year 2010-2011. March 10, 2010 - The Community Development Commission conducted a public hearing on the Draft Annual Action Plan and the Community Development Program. June 14, 2010 - The Community Development Commission conducted a public hearing on the Draft Annual Action Plan and the Community Development Program. June 22, 2010 - Reviewed by the Community Development Commission.  
Resolution No. 20100729-042 was approved on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Shade was off the dais.

#### BRIEFINGS

100. City Manager's Recommended November 2010 Bond Proposal and Transportation Bond Citizen Task Force Recommendation  
The presentation was made by Greg Canally, Deputy Chief Financial Officer.
153. Bond Election Financial Analysis briefing  
The presentation was made by Rob Spiller, Transportation Director.

#### PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

144. Conduct a public hearing and 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. All costs associated with construction, as well as any parkland restoration will be paid by the requester. Reviewed by the Parks and Recreation Board.  
The public hearing was closed and Resolution No. 20100729-144 was approved on Council Member Shade's motion, Council Member Riley's second on a 6-0 vote. Council Member Morrison was off the dais.

#### ZONING DISCUSSION ITEMS

110. C14-2009-0168 - Uncle Bob's 2222 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10307 FM 2222 (Bull Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. On March 25, 2010, City Council approved first reading of warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning with conditions. Vote: 6-0, Martinez-off the dais. Applicant: Sovran Acquisition L.P. (Robert McGregor). Agent: Stanley Consultants (Andrew Dodson). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

The second reading of the ordinance for warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote.

116. 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 family residence(SF-3) 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.

The public hearing was closed and the first reading of the ordinance for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning was approved with the following amendment on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais. The amendment was to require pervious pavers per the City of Austin's Environmental Criteria Manual, Section 1.6.7E to provide the additional parking needed for this zoning.

117. 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 family residence (SF-3) 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.

The public hearing was closed and the first reading of the ordinance for neighborhood office-mixed use (NO-MU) combining district zoning with the following amendment was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais. The amendment was to require pervious pavers per the City of Austin's Environmental Criteria Manual, Section 1.6.7E to provide the additional parking needed for this zoning.

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

148. Conduct a public hearing for the limited purpose annexation of the Indian Hills Area (approximately 234 acres in Travis County west of SH130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road).

The public hearing was closed on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 5-0 vote. Council Members Cole and Shade were off the dais.

149. Conduct a public hearing for the limited purpose annexation of 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).

The public hearing was closed on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 5-0 vote. Council Members Cole and Shade were off the dais.

151. Conduct a public hearing and consider a resolution regarding a request by Great Gatti's Pizza Inc., located at 3720 Far West Blvd, Suite 101, 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.

The public hearing was closed and Resolution No. 20100729-151 was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 5-0 vote. Council Members Cole and Shade were off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.

152. Conduct a public hearing and consider an appeal by Mity Myhir Clay of a decision by the Building and Fire Code Board of Appeals to deny standing and decline to review staff's issuance of a building permit for 4605 Avenue B.

The motion to grant standing to the applicant 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.

The public hearing was closed and the motion to uphold the appeal and reverse the permit was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez voted nay. Council Member Cole was off the dais.

Mayor Leffingwell adjourned the meeting at 10:09 p.m. without objection.

The minutes for the regular meeting of July 29, 2010 were approved on this the 5th day of August 2010 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.