

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY SEPTEMBER 23, 2010**

**Invocation:** Rev. Mary Vano, Associate Rector, St. David's Episcopal Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, September 23, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

**CONSENT AGENDA**

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

1. Approve the minutes of the Austin City Council budget work session of August 25, 2010, regular meeting of August 26, 2010 and budget adoption reading of September 13, 2010.  
The minutes from the budget work session of August 25, 2010, regular Council meeting of August 26, 2010 and the budget adoption reading of September 13, 2010 were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
2. Approve Service Extension Request No. 2927 for water service to 3009 Westlake Drive located within the Drinking Water Protection Zone and partially in the City's Limited Purpose Jurisdiction, to serve one single family house with an estimated peak hour flow of 2 gallons per minute. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. Related to Item #3  
The motion to approve service extension request number 2927 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
3. Approve Service Extension Request No. 2928 for wastewater service to 3009 Westlake Drive located within the Drinking Water Protection Zone and partially in the City's Limited Purpose Jurisdiction, to serve one single family house with an Estimated Peak Wet Weather Flow of 3 gallons per minute. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. Related to Item #2  
The motion to approve service extension request number 2928 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
4. Approve Service Extension Request No. 2929 for water service to 3011 Westlake Drive located within the Drinking Water Protection Zone and partially in the City's Limited Purpose Jurisdiction to serve one

single family house with an estimated peak hour flow of 2 gallons per minute. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. Related to Item #5

**The motion to approve service extension request number 2929 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

5. Approve Service Extension Request No. 2930 for wastewater service to 3011 Westlake Drive located within the Drinking Water Protection Zone and partially in the City's Limited Purpose Jurisdiction, to serve one single family house with an Estimated Peak Wet Weather Flow of 2 gallons per minute. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. Related to Item #4

**The motion to approve service extension request number 2930 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

6. Authorize execution of Contract Amendment No. 6 to the Interlocal Cooperation Agreement with Austin Travis County Integral Care (formerly known as Austin/Travis County Mental Health and Mental Retardation Center) to extend the contract for an additional 12-month period to provide treatment services for certain Class B enhanced public intoxication offenders known as Project Recovery for a total contract amount not to exceed \$393,427 for the Fiscal Year 2010-2011. Funding is available in the Fiscal Year 2010-2011 Operating Budget for this program for Community Court.

**The motion authorizing the execution of contract amendment number six was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

7. Authorize execution of a construction contract with PEPPER-LAWSON, L.P., Katy, TX, for the Boggy Creek Lift Station Improvements in the amount of \$2,516,000, plus a \$251,600 contingency, for a total contract amount not to exceed \$2,767,600. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of 7 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.33% MBE and 0.23% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Pepper-Lawson, L.P. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

8. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with L.D. TEBBEN CO. INC., Austin, TX, for removal and installation of the roof at the Austin Recreation Center in the amount of \$528,000, plus a \$26,400 contingency for a total contract amount not to exceed \$554,400. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. L.D.Tebben Co. 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 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation, the firm has committed to 22.73% MBE and 3.03% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract through the Texas Local Government Purchasing Cooperative with L.D. Tebben Co. Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Item 9 was pulled for discussion.**

10. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with JOHN A. WALKER ROOFING INC., Texas City, TX, for the removal and replacement of the roof at the Lamar Senior Activity Center in a contract amount not to exceed \$166,302. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase through the LOCAL PURCHASING COOPORATIVE. John A. Walker Roofing INC., is an approved contractor through the competitive procurement process authorized by Texas Statute, Local government Code, Chapter 271, Subchapter F. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation, the firm has committed 2.41% MBE and 1.29% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract through the Texas Local Government Purchasing Cooperative with John A. Walker Roofing, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
11. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with JOHN A. WALKER ROOFING INC., Texas City, TX, for installation of a new single-seam metal roof at the McBeth Recreation Center for a contract amount not to exceed \$212,900. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase through the LOCAL PURCHASING COOPORATIVE. John A. Walker Roofing 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 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Government Code and no goals were established for this solicitation, the firm has committed 2.30% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract through the Texas Local Government Purchasing Cooperative with John A. Walker Roofing Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
12. Authorize execution of a construction contract with SISK-ROBB, INC., Leander, TX for the ABIA Noise Mitigation Program 2010-2012 project in an amount not to exceed \$798,800. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration Grants. Lowest bid of 3 bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.  
**The motion authorizing the execution of a construction contract with Sisk-Robb, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
13. Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, CO., San Antonio, TX for the West Campus Wastewater/Water Improvements - Area 5 in the amount of \$3,930,771.75 plus a \$393,100.25 contingency, for a total contract amount not to exceed \$4,323,872. Funding in the amount of \$4,323,872 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bidder of 5 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 54.30% MBE and 2.89% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Texas Sterling Construction, Co. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

14. Authorize execution of a construction contract with LEWIS CONTRACTORS, INC., Bertram, TX for the Wildhorse Ranch North Interceptor Extension North of Highway 290 project in the amount of \$2,691,361 plus a \$134,568 contingency, for a total contract amount not to exceed \$2,825,929. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of 8 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 7.59% MBE and 2.35 % WBE subcontractor participation. Recommended by the Water & Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Lewis Contractors, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
15. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX for Ashland Circle Storm Drain Improvements in the amount of \$451,055 plus a \$22,550 contingency, for a total contract amount not to exceed \$473,605. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Program) by meeting the goals with 8.59% MBE and 2.79% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
16. Authorize execution of a construction contract with MAC, INC., AUSTIN, TX for the Mearns Meadow Dam Modernization project in the amount of \$217,887.50 plus a \$10,894.37 contingency, for a total contract amount not to exceed \$228,781.87. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of 7 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 13.83% MBE and 3.56% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with MAC, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
17. Authorize execution of a construction contract with HARVEY-CLEARY BUILDERS, Austin, TX for Waller Creek Tunnel Project, Waller Beach Site Parks and Recreation Department Boat Facility in the amount of \$3,210,500 plus a \$189,500 contingency, for a total contract amount not to exceed \$3,400,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of 6 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 7.78% MBE and 6.72% WBE subcontractor participation. Recommended by Design Commission, Parks Board, Environmental Board, Waller Creek Citizen Advisory Committee, Waterfront Planning, and Planning Commission.  
**The motion authorizing the execution of a construction contract with Harvey-Cleary Builders was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
18. Authorize execution of a construction contract with Peabody General Contractors (WBE/FW 77.83%), Dripping Springs, TX for Wastewater Line Relay and Spot Repair Indefinite Delivery/Indefinite Quantity for a total contract amount not to exceed \$11,492,441.90 over a three year period. Funding in the amount of \$3,645,501 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding for the extension options are contingent upon available funding in future budgets. Lowest bid of

5 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.98% MBE subcontractor participation and 77.83% WBE prime and 2.39% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Peabody General Contractors was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

19. Authorize the negotiation and execution of a 60- month lease with two five-year renewal options with the ELEVEN EAST CORPORATION, for office space located at 1050 East 11th Street, Suite 300 for occupancy by the Human Resource Department, Equal Employment/Fair Housing Office, in an amount not to exceed \$379,853.10. Funding in the amount of \$64,507.50 is available in the Fiscal Year 2009-2010 Operating Budget of the Human Resource Department. The remaining 48 months of the initial term and the two five-year renewal options are contingent upon available future budgets.

**The motion authorizing the negotiation and execution of a lease with the Eleven East Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

20. Authorize negotiation and execution of a professional services agreement with PIERCE GOODWIN ALEXANDER & LINVILLE, Austin, TX for expert advisory consultant services for the Austin-Bergstrom International Airport (ABIA) Parking Garage and Rental Car Facility in an amount not to exceed \$1,600,000. Funding is available in the residual account of the surplus fund of the Rental Car Special Facility Revenue Bond Customer Facility Charge (CFC) Trust Account. Most qualified firm out of 7 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 16.00% MBE and 16.00% WBE subconsultant participation. Recommended by the Airport Advisory Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with Pierce Goodwin Alexander & Linville was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

21. Authorize negotiation and execution of a professional services agreement with the following five firms: ESPEY CONSULTANTS, INC., Austin, TX; RAYMOND CHAN AND ASSOCIATES, INC.,(MBE/MA) Austin, TX; BROWN AND GAY ENGINEERS, INC., Austin, TX; CAS CONSULTING AND SERVICES, INC.,(MBE/MA) Austin, TX; and AECOM TECHNICAL SERVICES, INC., Austin, TX for the Watershed Flood Hazard Mitigation Engineering Services Rotation List (2011-2014), for a period of three years or until financial authorization is expended, maximum amount not to exceed \$7,500,000 divided among the five firms. Partial funding is available in the Fiscal Year 2009-2010 Capital Budget and/or Operating Budgets of the Watershed Protection Department. Funding for the remaining contract term is contingent upon available funding in future fiscal years. The 5 most qualified firms out of 28 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) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.

**The motion authorizing the negotiation and execution of a professional services agreement with Espey Consultants, Inc.; Raymond Chan and Associates, Inc. (MBE/MA); Brown and Gay Engineers, Inc.; CAS Consulting and Services, Inc. (MBE/MA) and AECOM Technical Services, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

22. Approve a resolution approving issuance by Northtown Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2010, in a principal amount not to exceed \$5,895,000; approving a

substantial draft of the District's Bond Resolution and Preliminary Official Statement. The City is not responsible for payment of District bond debt service until dissolution of the District. Once the dissolution of the District takes place, the avoided debt service associated with the refunding would also benefit the City of Austin. There is no anticipated fiscal impact. A fiscal note is not required.

**Resolution No. 20100923-022 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

23. Approve an ordinance authorizing the issuance of City of Austin, Texas Public Improvement Refunding Bonds, Series 2010, in an amount not to exceed \$150,000,000 and authorizing and approving related documents. \$1,768,107 estimated debt service requirement and \$400 annual paying agent/registrar fee was included in the 2010-2011 Budget of the General Obligation Debt Service Fund.  
**Ordinance No. 20100923-023 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
24. Approve an ordinance amending the Fiscal Year 2010-2011 Fire Department's fee schedule of Ordinance No. 20100913-004 by establishing a new fee of \$125 for inspecting the storage, handling, transportation and use of liquefied petroleum gas by Mobile Food Vendors Recommended by the Public Health and Human Services Committee  
**Ordinance No. 20100923-024 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
- , Authorize negotiation and execution of an Interlocal Agreement with the Texas Comptroller of Public Accounts, State Energy Conservation Office, under which the Comptroller will reimburse the City of Austin up to \$100,000 of the purchase price for twenty (20) hybrid vehicles, and the City's Financial and Administrative Services Department-Fleet Services Division will provide monthly reports to the Comptroller, for a term beginning upon execution of the Interlocal Agreement and ending on May 31, 2011. Funding in the amount up to \$100,000 is available from the Comptroller of Public Accounts, State Energy Conservation Office. Related to Item #26.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Texas Comptroller of Public Accounts, State Energy Conservation Office, was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
26. Approve an ordinance authorizing the acceptance of grant funds from the Texas Comptroller of Public Accounts, State Energy Conservation Office, and amending the Fiscal Year 2009-2010 Financial and Administrative Services Department-Fleet Services Division Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$100,000. Funding in a maximum amount of \$100,000 is available from the Comptroller of Public Accounts, State Energy Conservation Office. The grant period is from date of contract execution through May 31, 2011. Related to Item #25.  
**Ordinance No. 20100923-026 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
27. Approve designation of Michael Frederick Kelley, M.D., as an alternate health authority for the Austin/Travis County Health and Human Services Department, effective October 1, 2010.  
**The motion to approve the designation of Michael Frederick Kelley, M.D. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

Items 28 and 29 were pulled for discussion.

30. Authorize negotiation and execution of a 12-month contract with FRONT STEPS, INC., Austin, TX, for the provision of homeless social services at the Austin Resource Center for the Homeless (ARCH) in an amount not to exceed \$2,333,783 for the period October 1, 2010 through September 30, 2011, with one 12-month renewal option in an amount not to exceed \$2,333,783, for a total contract amount not to

exceed \$4,667,566. Funding in the amount of \$1,933,494 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department; funding in the amount of \$261,689 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department Emergency Shelter Grant (ESG) Special Revenue Fund; and funding in the amount of \$138,600 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Special Revenue Fund, Texas Homeless Housing and Services Program (HHSP) Grant. Funding for the balance of the contracts is contingent on available funding in future budgets. Recommended by the Public Health and Human Services Subcommittee.

**The motion authorizing the negotiation and execution of a contract with Front Steps, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

31. Approve negotiation and execution of two seven-month contract extensions under Ryan White Part A Minority AIDS Initiative (MAI) Grant Program. The first extension is with AIDS SERVICES OF AUSTIN, INC., for non-medical case management services, in an amount not to exceed \$51,686, for a total contract amount not to exceed \$317,498; and the second extension is with THE WRIGHT HOUSE WELLNESS CENTER, INC., for non-medical case management and outreach services, in an amount not to exceed \$61,893, for a total contract amount not to exceed \$405,647. Both extensions have effective dates of August 1, 2010. Funding in the amount of \$113,579 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part A HIV Emergency Relief Project Grant. The grant period is March 1, 2010 through February 28, 2011. This contract period is from August 1, 2010 through February 28, 2011. The Austin Area Comprehensive HIV Planning Council approved grant fiscal year 2010 service category allocations.

**The motion to approve the negotiation and execution of two contract extensions under Ryan White Part A Minority AIDS Initiative grant program with AIDS Services of Austin, Inc. and The Wright House Wellness Center, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

32. Authorize negotiation and execution of a Renewal to and Amendment of the Interlocal Agreement between the City and Travis County under which City provides certain public health services to Travis County, in exchange for payment of \$3,063,988, for a 12-month period beginning October 1, 2010. Funding from Travis County in the amount of \$3,063,988 was included in the Fiscal Year 2010-2011 Budget of the Health and Human Services Department General Fund. The 2010 Renewal Term of the agreement is for the period October 1, 2010 through September 30, 2011. To be reviewed by the Public Health and Human Services Subcommittee, September 21, 2010. Recommended by the Public Health and Human Services Subcommittee.

**The motion authorizing the negotiation and execution of a renewal to and amendment of the interlocal agreement between the City and Travis County was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

33. Authorize execution of an Interlocal Cooperation Agreement with TRAVIS COUNTY and The UNIVERSITY OF TEXAS AT AUSTIN, School of Social Work Center, for human immunodeficiency virus prevention services and public health education and information, for a ten-month term beginning on September 1, 2010, in an amount not to exceed \$10,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department.

**The motion authorizing the execution of an interlocal cooperation agreement with Travis County and The University of Texas at Austin, School of Social Work Center was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 5-0 vote. Council Members Morrison and Spelman recused themselves.**

34. Authorize negotiation and execution of an amendment to an outside counsel contract with Renea Hicks, for legal services related to City of Austin v. Harry M. Whittington, et al.; Case No. 10-0316 in the

Supreme Court of Texas, in an amount of \$40,000, for a total contract amount not to exceed \$122,000 (concerns the City's condemnation of Block 38 in downtown Austin). Funding in the amount of \$20,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Convention Center, and funding in the amount of \$20,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy.

**The motion authorizing the negotiation and execution of an amendment to an outside counsel contract with Renea Hicks was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

35. Authorize the negotiation and execution of a one-year service agreement with the Austin Housing Finance Corporation to manage and operate affordable housing programs for the City during Fiscal Year 2010-2011 funded by proceeds from the City's General Obligation Housing Bonds (G.O. Bonds) in an amount not to exceed \$6,495,000. Funding is available in the Capital Budget of the Neighborhood Housing and Community Development Office.

**The motion authorizing the negotiation and execution of a service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

36. Authorize the negotiation and execution of a one-year service agreement with the Austin Housing Finance Corporation to manage and operate affordable housing programs for the City during Fiscal Year 2010-2011 funded by the City's U.S. Department of Housing and Urban Development funds and local housing funds in an amount not to exceed \$7,849,957. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Neighborhood Housing and Community Development Office. Grant funding is contingent on the release of Fiscal Year 2011 federal funds from the U.S. Department of Housing and Urban Development (HUD).

**The motion authorizing the negotiation and execution of a service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Item 37 was pulled for discussion.**

38. Approve an ordinance amending the Fiscal Year 2009-2010 Planning and Development Review Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$55,000 for the East Riverside Corridor Regulating Plan. Funding is available in Fiscal Year 2009-2010 Operating Budget of the Planning and Development Review Department.

**Ordinance No. 20100923-038 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Items 39 and 40 were pulled to be heard after related items.**

41. Authorize award and execution of a contract with DIGITAL INSPECTIONS, Corvallis, OR, for the upgrade of the Cascade software from Sybase to Oracle in an amount not to exceed \$100,275. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. 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 contract with Digital Inspections was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

42. Authorize award and execution of various supply and service contracts during the Fiscal Year 2010-2011 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) cooperative purchasing program Austin, TX, for the purchase of computer hardware products, including maintenance,



training, information technology services, and telecommunication products and services in an estimated amount not to exceed \$9,488,628. Funding in the amount of \$8,377,700 is included in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding in the amount of \$1,110,920 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. 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). However, the Small & Minority Business Resources (SMBR) Department will assist in the identification of subcontracting opportunities on a case by case basis. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

43. Authorize award and execution of various supply and service contracts during the Fiscal Year 2010-2011 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program, Austin, TX, for the purchase of computer software products including maintenance, training, and information technology services for Austin Energy in an estimated amount not to exceed \$11,777,698. Funding in the amount of \$4,220,000 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding in the amount of \$7,557,698 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. 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). However, the Small & Minority Business Resources (SMBR) Department will assist in the identification of subcontracting opportunities on a case by case basis. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

44. Authorize award and execution of a contract with HYDRATIGHT LIMITED, Antigo, WI, for the purchase of turbine engine maintenance tools for use at Decker Creek Power Station in an amount not to exceed \$164,248. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. 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 contract with Hydratight Limited was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

45. Authorize award and execution of a 12-month requirements service contract with OPENLINK INC, Houston, TX, for the purchase of software maintenance and services in an estimated amount not to exceed \$136,230, with four 12-month extension options in estimated amounts not to exceed \$143,041 for the first extension option, \$150,193 for the second extension option, \$157,703 for the third extension option, and \$165,588 for the fourth extension option, for a total estimated contract amount not to exceed \$752,755. Funding in the amount of \$136,230 is included in the Fiscal Year 2009-2010 Operating 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 Openlink Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

46. Authorize award and execution of a contract with PUFFER-SWEIVEN, Stafford, TX, for the purchase of a hardware and software upgrade for the Delta V software at Decker Creek Power Station, in an amount not to exceed \$144,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. 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 contract with Puffer-Sweiven was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
47. Authorize award and execution of a 12-month requirements service contract with SCHNEIDER ELECTRIC USA, INC., dba SQUARE D COMPANY, Alameda, CA, for the purchase of Energy Profiler Online (EPO) application hosting services in an amount not to exceed \$120,600, with four 12-month extension options in estimated amounts not to exceed \$125,424 for the first extension option, \$132,950 for the second extension option, \$140,927 for the third extension option, and \$149,383 for the fourth extension option, for a total estimated contract amount not to exceed \$669,284. Funding in the amount of \$120,600 is available in the Fiscal Year 2010-2011 Operating 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 2-9C 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 Schneider Electric USA, Inc. doing business as Square D Company was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
48. Authorize award and execution of a 24-month requirements supply contract with TECHLINE, INC., Austin, TX, for pre-cast concrete manholes for Austin Energy in an estimated amount not to exceed \$392,636, with three 12-month extension options in an estimated amount not to exceed \$196,318 per extension option, for a total estimated contract amount not to exceed \$981,590. Funding is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining 12 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. Approved by the Electric Utility Commission. 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, Council Member Cole's second on a 7-0 vote.**
49. Authorize award and execution of two 12-month requirements service contracts for the collection and disposal of industrial non-hazardous and hazardous waste with VEOLIA ES TECHNICAL SOLUTIONS, LLC, Phoenix, AZ, in an estimated amount not to exceed \$146,905, with three 12-month extension options in an estimated amount not to exceed \$146,905 per extension option, for a total estimated contract amount not to exceed \$587,620; and CLEAN HARBORS ENVIRONMENTAL SERVICES, San Antonio, TX, in an estimated amount not to exceed \$48,845, with three 12-month extension options in an estimated amount not to exceed \$48,845 per extension option, for a total estimated contract amount not to exceed \$195,380. Funding is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Lowest responsive bids of four 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 Electric Utility Commission.

**The motion authorizing the award and execution of two requirements service contracts with Veolia ES Technical Solutions, LLC and Clean Harbors Environmental Services was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

50. Authorize award and execution of a 36-month requirements service contract with B&P PROCESS EQUIPMENT, Saginaw, MI, for the repair of water treatment centrifuges for the Austin Water Utility in an estimated amount not to exceed \$361,950, with three 12-month extension options in an estimated amount not to exceed \$120,650 per extension option, for a total estimated contract amount not to exceed \$723,900. Funding in the amount of \$120,650 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining 24 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 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements service contract with B&P Process Equipment was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

51. Authorize award and execution of a contract with HILL COUNTRY FENCE, INC., Spicewood, TX, for the purchase and installation of fencing for three sites within the Balcones Canyonlands Preserve for the Austin Water Utility in an amount not to exceed \$263,012. Funding is available in the Fiscal Year 2009-2010 Wildland Conservation Fund of the Austin Water Utility. Lowest bid of seven 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 Water and Wastewater Commission.

**The motion authorizing the award and execution of a contract with Hill Country Fence, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

52. Authorize award and execution of a 36-month requirements service contract with PRO MED MEDICAL CARE CENTER, Austin, TX for medical assessment and monitoring program for the Austin Water Utility in an estimated amount not to exceed \$89,151, with three 12-month extension options in an estimated amount not to exceed \$29,717 per extension option, for a total estimated contract amount not to exceed \$178,302. Funding in the amount of \$29,717 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funds in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements service contract with Pro Med Medical Care Center was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

53. Authorize award and execution of a 36-month requirements supply contract with TECHLINE PIPE, LP, Austin, TX for the supply of water meter lids and boxes for the Austin Water Utility in an estimated amount not to exceed \$849,043, with three 12-month extension options in an estimated amount not to exceed \$283,015 per extension option, for a total estimated contract amount not to exceed \$1,698,088.

Funding in the amount of \$283,015 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements supply contract with Techline Pipe, LP was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

54. Authorize award and execution of a contract with TEREX UTILITIES, San Antonio, TX for the purchase and installation of six mobile cranes on existing truck-mounted service bodies for the Austin Water Utility in an estimated amount not to exceed \$56,880. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. 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. Recommended by the Water and Wastewater Commission. **The motion authorizing the award and execution of a contract with Terex Utilities was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Item 55 was pulled for discussion.**

56. Authorize award and execution of a 36-month requirements supply contract with EO INTEGRATED SYSTEMS, INC., San Antonio, TX for security system parts for the Aviation Department in an estimated amount not to exceed \$195,000, with two-12 month extension options in estimated amounts not to exceed \$65,000 per extension option, for a total estimated contract amount not to exceed \$325,000. Funding in the amount of \$65,000 is available the Fiscal Year 2010-2011 Operating Budget of the Aviation Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive 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. **The motion authorizing the award and execution of a requirements supply contract with EO Integrated Systems, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
57. Authorize award and execution of Amendment No. 1 to a contract with TRANSNORM, INC, Arlington, TX, for the supply of parts and accessories for the Austin-Bergstrom International Airport (ABIA) conveyor belt system, to increase the remaining two 12-month periods of the base contract in an estimated amount not to exceed \$12,500 per year, and increase the remaining three 12-month extension options in an estimated amount not to exceed \$12,500 per extension option, for a revised total estimated contract amount not to exceed \$362,500. Funding in the amount of \$12,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission. **The motion authorizing the award and execution of amendment number one to a contract with Transnorm, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

58. Authorize award and execution of a 36-month requirements supply contract with ANIXTER, INC., Lewisville, TX for automotive wire and cabling products in an estimated amount not to exceed \$86,815, with three 12-month extension options in estimated amounts not to exceed \$38,025 for the first extension option, \$43,729 for second extension option, and \$50,290 for the third extension option, for a total estimated contract amount not to exceed \$218,859. Funding in the amount of \$25,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Communication and Technology Management Division. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract with Anixter, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
59. Authorize award, negotiation, and execution of a 12-month contract with CCH INCORPORATED, Chicago, IL, for the purchase of an audit management software system in an amount not to exceed \$105,375, with four 12-month extension options for maintenance and support in amounts not to exceed \$16,600 for the first extension option, \$17,430 for the second extension option, \$18,300 for the third extension option, and \$19,220 for the fourth extension option, for a total contract amount not to exceed \$176,925. Funding in the amount of \$75,375 is available in the Fiscal Year 2009-2010 Capital Budget of Communications and Technology Management. Funding in the amount of \$30,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Office of the City Auditor. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals 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, negotiation and execution of a contract with CCH Incorporated was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
60. Authorize award, negotiation, and execution of a 60-month requirements service contract through the State of Texas Department of Information Resources cooperative purchasing program with DELL MARKETING LP, Round Rock, TX for a Microsoft Enterprise License Agreement and Software Assurance for the Austin Public Library in an estimated amount not to exceed \$288,888. Funding in the amount of \$57,778 is available in the Fiscal Year 2010-2011 Capital Budget of Communications and Technology Management. Funding for the remaining 48 months of the original contract period is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Related to Item #66. **The motion authorizing the award, negotiation and execution of a requirements service 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, Council Member Cole's second on a 7-0 vote.**
61. Authorize award and execution of various supply and service contracts during the Fiscal Year 2010-2011 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program, Austin, TX, for the purchase of computer, telephone, and network hardware and related maintenance services in an estimated amount not to exceed \$20,560,109. Funding in the amount of \$10,823,084 is included in the Fiscal Year 2010-2011 Operating Budgets of various departments. Funding in the amount of \$3,906,305 is included in the Fiscal Year 2010-2011 Capital Budgets of various

departments. Funding in the amount of \$1,198,906 is included in the Grants Budgets of various departments. Funding in the amount of \$161,814 is included in the Municipal Court Technology Fund. \$4,470,000 will be funded with debt issued by contractual obligations. 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). However, SMBR will assist in the identification of subcontracting opportunities on a case by case basis. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

62. Authorize award, negotiation, and execution of a 12-month contract through the State of Texas Department of Information Resources cooperative purchasing program with ORION COMMUNICATIONS, INC, Dallas, TX, for a master work schedule system, installation, and maintenance in an amount not to exceed \$241,450.43, with two 12-month extension options in an amount not to exceed \$44,523.62 per extension option, for a total contract amount not to exceed \$330,497.67. Funding in the amount of \$241,450.43 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. 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, there are no goals 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 Orion Communications, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

63. Authorize award and execution of various supply and service contracts during the Fiscal Year 2010-2011 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program, Austin, TX, for the purchase of computer software and services in an estimated amount not to exceed \$17,493,649. Funding in the amount of \$7,640,080 is included in the Fiscal Year 2010-2011 Capital Budgets of various departments. Funding in the amount of \$7,734,239 is included in the Fiscal Year 2010-2011 Operating Budgets of various departments. Funding in the amount of \$847,350 is included in the Fiscal Year 2010-2011 Grant Budgets. Funding in the amount of \$511,980 is included in the 2010-2011 Municipal Court Technology Fund. Funding in the amount of \$760,000 will be funded with debt issued by contractual obligations. 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). However, SMBR will assist in the identification of subcontracting opportunities on a case by case basis. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of various supply and service contract through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

64. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with INSIGHT PUBLIC SECTOR, Tempe, AZ, for hardware and related maintenance and support to replace the core networking equipment and local area network at One Texas Center in an amount not to exceed \$321,324.63. Funding in the amount of \$321,324.63 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communication 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 Insight Public Sector was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

65. Authorize award, negotiation, and execution of a 12-month contract with OPEN TEXT INC., Lincolnshire, IL, for maintenance and support services for the City's enterprise document imaging and document management system in an amount not to exceed \$102,258.74. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. 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, negotiation and execution of a contract with Open Text Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

66. Authorize award, negotiation, and execution of a 60-month requirements service contract through the State of Texas Department of Information Resources (DIR) cooperative purchasing program with SUMMUS INDUSTRIES, INC., (MBE/MB) Sugar Land, TX, for a Microsoft Enterprise License Agreement and Software Assurance in an estimated amount not to exceed \$14,538,229. Funding in the amount of \$1,227,966 is available in the Fiscal Year 2010-2011 Capital Budget of Communication and Technology Management. Funding in the amount of \$1,143,424 is available in the 2010-2011 Operating Budgets of Austin Energy, Austin Bergstrom International Airport, Austin Water Utility and Austin Convention Center. Funding for the remaining 48 months of the contract is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Recommended by the Airport Advisory Commission, Water and Wastewater Commission. Reviewed by the Electric Utility Commission

**The motion authorizing the award, negotiation and execution of a requirements service contract through the State of Texas Department of Information Resource with Summus Industries, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

67. Authorize award, negotiation, and execution of Amendment No. 8 to an Interlocal Agreement with the Travis County Sheriff's Office for security and loss prevention services provided to the Combined Transportation, Emergency, & Communications Center to extend services for Fiscal Year 2010-2011 in an amount not to exceed \$924,477 and to add four 12-month extension options in amounts not to exceed \$970,701 for the first extension option, \$1,019,236 for the second extension option, \$1,070,198 for the third extension option, and \$1,123,707 for the fourth extension option, for a total revised contract amount not to exceed \$10,503,637. Funding in the amount of \$924,477 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. The City of Austin share is \$231,120. The remaining \$693,357 will be reimbursed by the CTECC partners. This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award, negotiation and execution of amendment number eight to an interlocal agreement with the Travis County Sheriff's Office was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

68. Authorize award, negotiation, and execution of a 12-month contract with ZOLL DATA SYSTEMS, INC., Broomfield, CO, for maintenance of the RescueNet TabletPCR system for Austin Travis County Emergency Medical Services in an amount not to exceed \$72,300, with five 12-month extension options in amounts not to exceed \$75,915 for the first extension option, \$79,710.75 for the second extension, \$83,696.87 for the third extension option, \$87,881.10 for the fourth extension option, and \$92,275.16 for the fifth extension option, for a total contract amount not to exceed \$491,778.88. Funding in the amount of \$72,300 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency Medical Services Department. Funding for the extension options is contingent upon available funding in future budgets. Sole source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation and execution of a contract with Zoll Data Systems, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

69. Authorize award and execution of a 24-month requirements service contract with A-1 DIGITAL PRINTING, LLC., Austin, TX for blueline printing services in an estimated amount not to exceed \$489,782, with three 12-month extension options in an estimated amount not to exceed \$244,891 per extension option, for a total estimated contract amount not to exceed \$1,224,455. Funding in the amount of \$244,891 is available in the Fiscal Year 2010-2011 Operating Budgets of various City departments. Funding for the remaining 12 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid 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 A-1Digital Printing, LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

70. Authorize award, negotiation, and execution of Amendment No. 1 to a requirements service contract with AMERICANEXPRESS, CO. New York, NY for credit card acceptance services by extending the current contract period for a 36-month period in an estimated amount not to exceed \$175,089, with two 36-month extension options in estimated amounts not to exceed \$202,250 for the first extension option and \$221,005 for the second extension option, for a total estimated contract amount not to exceed \$598,344. Funding in the amount of \$58,363 is available in the Fiscal Year 2010-2011 Operating Budgets of various departments. Funding for the remaining 24 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. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award, negotiation and execution of amendment number one to a requirements service contract with American Express, Co. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

71. Authorize award and execution of a 36-month requirements service contract with AUSTIN MAC HAIK FORD LINCOLN MERCURY LTD., dba MAC HAIK FORD LINCOLN MERCURY, Georgetown, TX to provide repair services for Ford light-duty vehicles in an estimated amount not to exceed \$728,000, with three 12-month extension options in estimated amounts not to exceed \$345,600 for the first



extension option, \$414,720 for the second extension option, and \$497,664 for the third extension option, for a total estimated contract amount not to exceed \$1,985,984. Funding in the amount of \$200,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value 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 Mac Haik Ford Lincoln Mercury LTD doing business as Mac Haik Ford Lincoln Mercury was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

72. Authorize award and execution of a 24-month Interlocal Agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), BUREAU OF VITAL STATISTICS, Austin, TX, for remote certification of vital records in an estimated amount not to exceed \$100,000, with four 24-month extension options in an estimated amount not to exceed \$120,000 per extension option, for a total estimated contract amount not to exceed \$580,000. Funding in the amount of \$50,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department. Funding for the remaining 12 months of the original contract period and extension options is contingent upon available funding in future budgets. Interlocal Agreement. This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award and execution of an interlocal agreement with the Texas Department of State Health Services, Bureau of Vital Statistics, was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

73. Authorize award and execution of an 18-month contract with HUSTON-TILLOTSON UNIVERSITY, Austin, TX for tobacco prevention and control services in an estimated amount not to exceed \$135,520. Funding is available in the Fiscal Year 2009 Special Revenue Fund through the Centers for Disease Control (CDC), American Recovery and Reinvestment Act (ARRA), Tobacco Prevention and Control Grant. The grant period is March 19, 2010 to March 18, 2012. The contract period is from October 1, 2010 through March 18, 2012. 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 contract with Huston-Tillotson University was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

74. Authorize award and execution of a contract with ICF MACRO, Calverton, MD to conduct survey assessments of tobacco use by Travis County high school students in an estimated amount not to exceed \$129,000. Funding in the amount \$129,000 is available in the Fiscal Year 2009-2010 Special Revenue Fund through the Centers for Disease Control, American Recovery and Reinvestment Act, Tobacco Prevention and Control Grant. 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 award and execution of a contract with ICF Macro was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

75. Authorize award, negotiation, and execution of a 12-month Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro), Austin, TX to allow City

employees to use Capital Metro's transportation services in an estimated amount not to exceed \$150,000, with four 12-month extension options in an estimated amount not to exceed \$150,000 for each extension option, for a total estimated contract amount not to exceed \$750,000. Funding in the amount of \$150,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Employee Benefits Fund of the Human Resources Department. Funding for the extension options is contingent upon available funding in future budgets. This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D 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, negotiation and execution of an interlocal agreement with Capital Metropolitan Transportation Authority (Capital Metro) was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

76. Authorize award, negotiation, and execution of a 12-month service contract with WORTHAM INSURANCE & RISK MANAGEMENT, Houston, TX, to provide all-risk property and boiler & machinery insurance and loss prevention services for City Property in an amount not to exceed \$2,096,894, with five 12-month extension options in amounts not to exceed \$2,516,273, \$3,019,527, \$3,623,433, \$4,348,119, and \$5,217,743 respectively, for a total estimated contract amount not to exceed \$20,821,989. Funding in the amount of \$2,096,894 is available in the Fiscal Year 2010-2011 Operating Budgets of the various City departments. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation and execution of a service contract with Wortham Insurance & Risk Management was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

77. Authorize award and execution of a 36-month requirements supply contract with CAPITAL PRINTING CO., Austin, TX for calendars and educational activity kits for the Office of Homeland Security and Emergency Management division in an estimated amount not to exceed \$103,155, with three 12-month extension options in estimated amount not to exceed \$34,385 per extension option, for a total estimated contract amount not to exceed \$206,310. Funding in the amount of \$34,385 is available in the Fiscal Year 2010-2011 Operating Budget of the Office of Homeland Security and Emergency Management in the Management Services Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of seven 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 Capital Printing Co. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

78. Authorize award, negotiation, and execution of a 24-month contract with SIRSIDYNIX, Provo, UT, for maintenance and support of library automation software for collection management in an amount not to exceed \$163,657.99, with three 12-month extension options in amounts not to exceed \$89,931.38 for the first extension option, \$95,776.89 for the second extension option, and \$102,002.41 for the third extension option, for a total contract amount not to exceed \$451,368.67. Funding in the amount of \$79,215.38 is available in the Fiscal Year 2010-2011 Operating Budget of the Library Department. Funding for the remaining 12 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, negotiation and execution of a contract with SirsiDynix was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

79. Authorize award and execution of a 12-month requirements supply contract with ATLANTIC AVIATION SERVICES, Austin, TX for the purchase of Jet A fuel for the Austin Police Department in an estimated amount not to exceed \$200,000, with two 12-month extension options in estimated amounts not to exceed \$225,000 for the first extension option, and \$250,000 for the second extension option, for a total estimated contract amount not to exceed \$675,000. Funding in the amount of \$200,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Police Department. Funding for the extension options is contingent upon available funding in future budgets. Single Source. This contract will be awarded in compliance with Chapter 2-9D 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 Atlantic Aviation Services was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

80. Authorize award and execution of a contract with STOPTECH, LTD., Harrison, OH for the purchase of 334 STOP STICK tire deflation devices for the Austin Police Department in an amount not to exceed \$121,290.85. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. 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.

**The motion authorizing the award and execution of a contract with Stoptech, Ltd. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

81. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI), Redlands, CA, for services related to development of a suite of software applications that will make up the Floodplain Information System (FIS) in an amount not to exceed \$199,871. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award, negotiation and execution through the State of Texas Department of Information Resources cooperative purchasing program with Environmental Systems Research Institute, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

82. Authorize award, negotiation, and execution of Amendment No. 1 to a requirements service contract with ROPER ASSOCIATES LLC, Fair Oaks, CA, for programming and support of flood early warning control equipment, training, and services to add five 12-month extension options in estimated amounts not to exceed \$39,520 for the first extension option, \$41,101 for the second extension option, \$42,745 for the third extension option, \$44,455 for the fourth extension option, and \$46,233 for the fifth extension option, for a revised total estimated contract amount not to exceed \$252,054. Funding in the amount of \$39,520 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the

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

The motion authorizing the award, negotiation and execution of amendment number one to a requirements service contract with Roper Associates LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

83. Approve an ordinance authorizing execution of Amendment No. 1 to the Advance Funding Agreement between the City and the Texas Department of Transportation for the installation of approximately 500 uninterruptible power supply systems at various intersections throughout the City of Austin, to be funded with American Recovery and Reinvestment Act funds; amending the Fiscal Year 2009-2010 Austin Transportation Department Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$821,581 in ARRA funds; and amending the Fiscal Year 2009-2010 Austin Transportation Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$821,581 from the Austin Transportation Department Special Revenue Fund for these power supplies at various locations throughout Austin. The total grant amount not to exceed \$1,433,000 will be provided by the Texas Department of Transportation. The General Fund will not be required to contribute to this grant.  
Ordinance No. 20100923-083 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 84 was pulled for discussion.

85. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

Waller Creek Citizen Advisory Committee

Rodney Ahart

Council

Jim Schissler (recommended by Environmental Board)

Council

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Lisa McClain's service on the Animal Advisory 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 Cameron Graber's service on the Asian American Resource Center Advisory Board. The waiver includes absences through today's date.

Item 86 was pulled for discussion.

87. Approve a resolution directing the City Manager to develop a recommended eco-friendly program that provides year-round pharmaceutical take back services across Austin. (Council Member Laura Morrison Council Member Sheryl Cole Council Member Chris Riley)  
Resolution No. 20100923-087 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 88 was pulled to be heard after the related Executive Session item.

89. Approve a resolution amending Resolution 20070412-015 to increase the number of Waller Creek Citizen Advisory Committee members. (Council Member Sheryl Cole Council Member Chris Riley Council Member Randi Shade)  
**Resolution No. 20100923-089 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
90. Approve a resolution directing the city manager to explore a public-private partnership for the development, management, and operation of the Waller Creek District including Waterloo and Palm Park with the Waller Creek Conservancy and bring back to Council a recommendation for the structure of this partnership, potential roles and responsibilities, and an implementation schedule within 90 days. (Council Member Sheryl Cole Council Member Chris Riley Council Member Randi Shade)  
**Resolution No. 20100923-090 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
91. Approve the reimbursement of certain fees under City Code Chapter 14-8 for the National Alliance on Mental Illness (NAMI) Austin Walk event which is to be held on Saturday, October 2, 2010 beginning and ending at Auditorium Shores. (Mayor Lee Leffingwell Council Member Chris Riley Council Member Sheryl Cole)  
**The motion to approve the reimbursement of certain fees for the National Alliance on Mental Illness Austin Walk event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
92. Approve the reimbursement of certain fees for the Ellen Fullman & The Long String Instrument event sponsored by Austin New Music Co-op which was held March 13-14, 2010 at the Seaholm Power Plant. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez Council Member Chris Riley)  
**The motion to approve the reimbursement of certain fees for the Ellen Fullman & The Long String Instrument event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
93. Approve the waiver of certain fees and requirements for the National Pit Bull Awareness Day Parade and Festival sponsored by Love-A-Bull which is to be held Sunday, November 7, 2010 with a parade up Congress Avenue ending with a festival at Republic Square Park. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Chris Riley)  
**The motion to approve the waiver of certain fees and requirements for the National Pit Bull Awareness Day Parade and Festival was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
94. Approve the waiver of the right of an individual or neighborhood association to object to a street closure under City Code Chapter 14-8 for the IBM Uptown Classic which is to be held on Sunday, October 17, 2010. (Council Member Sheryl Cole Council Member Randi Shade Council Member Laura Morrison)  
**The motion to approve the waiver of the right of an individual or neighborhood association to object to a street closure for the IBM Uptown Classic was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
95. Set a Public Hearing to consider an ordinance regarding a proposal from Atmos Energy Corporation to increase customer gas rates and approving an agreement setting terms of rate review for the next two years. (Suggested date and time: September 30, 2010, 4:00 p.m. at George Washington Carver Museum & Cultural Center, 1165 Angelina Street, Austin, TX).  
**The public hearing was set on consent for September 30, 2010 at 4:00 p.m., George Washington Carver Museum and Cultural Center at 1165 Angelina Street, Austin, TX on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

Items 96 and 97 were briefing items set for 10:30 a.m.

Items 98 through 101 were Executive Session items.

Items 102 through 122 were zoning items set for 2:00 p.m.

Items 123 through 136 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

84. Approve a resolution authorizing the execution of an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for the design and construction of two new signs identifying the bridge in the vicinity of Martin Luther King, Jr. Boulevard and IH-35 as the "JJ Seabrook Bridge". Funding in the amount of \$1,200 is included in the Fiscal Year 2009-2010 Operating Budget of the Transportation Department.

**Resolution No. 20100923-084 was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

9. Authorize execution of a construction contract with QUEST CIVIL CONSTRUCTORS, Phoenix, AZ, for the Barton Springs Pool Flood Debris Removal project in the amount of \$442,244 plus a \$22,112.20 contingency for a total amount not to exceed \$464,356.20. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Lowest bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 17.10% MBE and 2.37% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Quest Civil Constructors was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Items 28 and 29 were acted on in a combined motion.**

28. Approve an ordinance amending Chapter 10-3, Article 4 of the City Code relating to mobile food establishments; creating violations and providing penalties. Revenues in the amount of \$289,200 and expenditures in the amount of \$260,253 were included in the Fiscal Year 2010-2011 Approved Budget. Recommended by the Public Health and Human Services Committee. Related to Item #29.

**Ordinance No. 20100923-028 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to include the definition for a commissary or central preparation facility in the final language in either the application and/or the guidelines.**

29. Approve an ordinance amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget of Ordinance No. 20100913-002 to increase appropriations by \$260,253, increasing revenue by the same amount, and adding three full-time equivalent positions; and amending the Fiscal Year 2010-2011 Health and Human Services Department Fee Schedule of Ordinance No. 20100913-004 to establish a new mobile food vendor application fee. Funding in the amount \$260,253 will be generated through the implementation of the new mobile food vending fee. Recommended by the Public Health and Human Services Committee. Related to Item #28.

**Ordinance No. 20100923-029 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

37. Approve renaming Zilker Neighborhood Park, 3.95 acres of parkland located at 2016 Bluebonnet Lane, to Bluebonnet Park. Recommended by the Parks and Recreation Board.

This item was postponed to September 30, 2010 to allow Council more time to review this matter on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

55. Authorize award and execution of Amendment No. 1 to a requirements service contract with AUSTIN INDEPENDENT BUSINESS ALLIANCE (AIBA), Austin TX, to exercise a 12-month extension option for the establishment and marketing of Independent Business Investment Zone (IBIZ) Districts in an estimated amount not to exceed \$64,000, and to include two additional 12-month extension options in an estimated amount not to exceed \$64,000 per extension option contingent upon the approval of this contract in future budgets, for a revised total estimated contract amount not to exceed \$256,000. Funding in the amount of \$64,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. 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 amendment number one to a requirements service contract with Austin Independent Business Alliance was approved on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

#### **BRIEFINGS**

96. Finalists Presentation on Airport Boulevard Form-Based Code Initiative
- The presentation was made by Rosie Truelove, Division Manager of Contract and Land Management Department; George Adams, Assistant Director of Planning and Development Review Department; and representatives from the three finalists as follows Gateway Planning: Scott Polikov; Design Workshop: Kurt Culbertson, Todd Larue, Jose Martinez and Dan Parolek; and McCann Adams Studio: Jim Adams.

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

Sharon Blythe - Water Treatment Plant #4 transmission main

Sylvia Mendoza - City issues. She was not present when her name was called.

Mark Williamson - City construction contract. He was not present when his name was called.

John Biggar - The airport. He was not present when his name was called.

Tom Smitty Smith - Austin Energy is losing its clean energy edge to San Antonio

Marcelo Tafoya - I support increase of \$50,000 grants for Holly mitigation home repair program. Our seniors deserve better, after 30 years of inhaling toxic emissions put out by the Holly Power Plant. He was not present when his name was called.

Gavino Fernandez - Don't mess with Holly Mitigation home repair funds. Our barrio deserve better, for the 30 years it inhaled toxic emissions put out by the Holly Power Plant

Lela Castro - I support \$50,000 grant increase for Holly neighborhood homeowners home repair without a lien. Our seniors deserve better for putting up with Holly Power Plant for over 30 years, inhaling toxic emissions

Ramon Maldonado - I support \$50,000 home repair grant for Holly neighborhood homeowners without a lien. Our senior citizens suffered for 30 years because of the Holly Power Plant operation. A responsible corporate would not retract it's commitment to the barrio of mitigation

Nuria Zaragoza - Occupancy

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:26 p.m.

### EXECUTIVE SESSION

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

The Mayor announced that Council would discuss item number 88 on the regular agenda during Executive Session.

98. Discuss the lease or purchase of a site in Austin, Texas, for stables and associated facilities for the Austin Police Department (Real Property - Section 551.072).
99. Discuss legal issues related to proposed settlement with Austin Filter Systems, Inc., in connection with the Green Water Treatment Plant Decommissioning and Deconstruction Project (Private Consultation with Attorney - Section 551.071).
100. Discuss legal issues related to the Time Warner Cable franchise (Private Consultation With Attorney - Section 551.071).
101. Discuss legal issues related to the Restated Acquisition, Development and Loan Agreement (tri-party agreement) between the City of Austin, Urban Renewal Agency of the City of Austin and Austin Revitalization Authority (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:59 p.m.

### DISCUSSION ITEMS CONTINUED

39. Approve an ordinance amending the Fiscal Year 2009-2010 Planning and Development Review Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$478,000 for the Airport Boulevard Form-Based Code (FBC) Initiative. Funding is available from the Fiscal Year 2009-2010 Operating Budget of the Planning and Development Review Department.  
**Ordinance No. 20100923-039 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
86. Approve a resolution directing the City Manager not to approve any site plan or building permit for municipal buildings that includes elements approved via Alternative Equivalent Compliance under Section 1.5 of City Code Chapter 25-2, Subchapter E (Design Standards and Mixed Use) until after the Design Commission reviews the proposed project in accordance with Resolution No. 20071129-046. (Council Member Chris Riley Council Member Laura Morrison )  
**Resolution No. 20100923-086 was approved with the following friendly amendment on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote. The friendly amendment from Mayor Leffingwell was to include the wording "failure of the commission to timely provide a review and recommendation does not preclude staff from approving decisions**



relating to the project” in the resolution. The amendment was accepted by the maker of the motion and by Council Member Morrison, who made the second.

88. Approve a resolution directing the City Manager, when posting certain items for the procurement of goods or services on council meeting agendas, to use notice language that allows Council to authorize negotiation and execution of an agreement with the qualified responder recommended by staff, or to select another qualified responder or responders, when appropriate, to provide the goods or services. (Council Member William Spelman Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)  
Resolution No. 20100923-088 was approved with the following friendly amendment on Council Member Spelman’s motion, Mayor Pro Tem Martinez’ second on a 7-0 vote. The friendly amendment from Council Member Shade was to delete the third paragraph in the resolution and amend the second paragraph to read “Council has the discretion and responsibility to ...”. The amendment was accepted by the maker of the motion and by Mayor Pro Tem Martinez, who made the second.

#### **BRIEFINGS CONTINUED**

97. Briefing on Social Services Contracting Process  
The presentation was made by David Lurie, Director of the Health Department.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors’ Meeting of the Austin Housing Finance Corporation to order at 4:10 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:12 p.m.

#### **ZONING ITEM (HEARINGS CLOSED)**

105. 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 Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining 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 to October 28, 2010 at the staff’s request on Council Member Spelman’s motion, Council Member Morrison’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.

106. C14-06-0121(RCA) - The Domain Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing (Walnut Creek /Shoal Creek Watersheds) to modify the time period associated with the requirements to provide 9-acres of private parkland within the Domain development. Staff Recommendation: To approve the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To grant the public restrictive covenant amendment. Applicant: RREEF Domain LP Development Trust, Domain Gateway I, LP, Domain Retail (Chad Marsh). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.  
This item was postponed on consent to September 30, 2010 at the applicant’s request on Council Member Spelman’s motion, Council Member Shade’s second on a 7-0 vote. This meeting will be held at Carver Museum at 1165 Angelina Street, Austin, TX.

109. C14-2010-0078 - 601 W. 17th Street Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 601 W. 17th Street (Shoal Creek Watershed) from general office (GO) 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-conditional overlay (DMU-CO) combining district zoning. Applicant: Dunham Law Firm (Paul Dunham) Agent: Lenworth Consulting (Nash Gonzales). City Staff: Clark Patterson, 974-7691.  
**This item was postponed on consent to October 28, 2010 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
110. C14-2010-0084 - Amy L. Rogans - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8616 Cullen Lane (Onion Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Austin's Used Cars (Amy L. Rogans). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was closed and Ordinance No. 20100923-110 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
111. C14-2010-0090 - 909 Congress - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 907, 909 and 911 Congress Avenue (Town Lake Watershed) from central business district (CBD) zoning and central business district-historic landmark (CBD-H) combining district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment (CBD-H-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment (CBD-H-CURE) combining district zoning with conditions. Planning Commission Recommendation: Postponed indefinitely. To grant an indefinite postponement. Applicant: Dalton Wallace. Agent: Munsch, Hardt, Kopf & Harr, P.C. (Robert Kleeman). City Staff: Clark Patterson, 974-7691.  
**This item was postponed on consent indefinitely at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**
112. C14-2010-0097 - 11777 Jollyville Road Re-Zone - 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 11777 Jollyville Road (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: Postponed indefinitely. Applicant: Diane Hraban. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent indefinitely at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**
113. C14-2010-0100 - Stagliano 620 - 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 9800 N. FM 620 Road (Bull Creek Watershed) from development reserve (DR) district zoning and single-family residence-

standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning.. Applicant: Vincent J. Stagliano. Agent: Land Strategies, Inc. (Paul Linehan). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

114. C14-2010-0101 - Shoal Creek Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1808 Vance Circle (Shoal Creek Watershed) from single family residence (SF-3) district zoning to general office (GO) district zoning. Staff Recommendation: To deny general office (GO) district zoning. Planning Commission Recommendation: To be reviewed on September 28, 2010. Applicant: Reynaldo Ortiz. Agent: J Valera Engineering (Juan Valera). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to October 28, 2010 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

117. C14-2010-0125 - FNA - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7234 and 7300 East U.S. 290 Highway Westbound (Little Walnut Creek Watershed) from family residence (SF-3) district zoning, multifamily residence medium density-conditional overlay (MF-3-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Walnut Creek Partners, LP (Elwood Domaschik). Agent: FNA Land & Development Consultants (Justin Henry). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and the first reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

118. C14-2010-0132 - Central Texas Rehabilitation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4500 1/2 Triangle Avenue (Waller Creek Watershed) from unzoned to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: State of Texas (Hal Croft). Agent: Brown McCarroll, L.L.P. (Nikelle Meade). City Staff: Clark Patterson, 974-7691.

**The public hearing was closed and the first and second readings of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent with the following additional condition on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. The additional condition is except as specifically related to hospital services general use and its accessory use a drive in service use is prohibited.**

119. C14-2010-0133 - Asian American Resource Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 Cameron Road (Little Walnut Creek Watershed) from multi-family residence medium density (MF-3) 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,

Real Estate Services (Lauraine Rizer). Agent: City of Austin (David Taylor). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and Ordinance No. 20100923-119 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

120. C14-2010-0142 - Newning Avenue Townhomes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1307 Newning Avenue (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) district zoning to family residence-conditional overlay neighborhood conservation combining district-neighborhood plan (SF-3-CO-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-conditional overlay neighborhood conservation combining district-neighborhood plan (SF-3-CO-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood combining conservation district-neighborhood plan (SF-3-NCCD-CO-NP) combining district zoning. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Stephen Rye, 974-7604.

**The public hearing was closed and Ordinance No. 20100923-120 for family residence-neighborhood combining conservation district-neighborhood plan (SF-3-NCCD-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

121. C14-2010-0024 - Mitchell Hyde Park Re-zone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 209 East 38th Street (Waller Creek Watershed) from single family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to multifamily residence limited density-conditional overlay-neighborhood conservation combining district-neighborhood plan (MF-1-CO-NCCD-NP) combining district zoning. Staff Recommendation: To deny multifamily residence limited density-conditional overlay-neighborhood conservation combining district-neighborhood plan (MF-1-CO-NCCD-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on September 28, 2010. Applicant: Jason Mitchell. Agent: Vincent Gerard & Associates (Vincent Huebinger). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to October 28, 2010 at the staff's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

122. C14-2010-0094 - Reinli Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 921 Reinli Street (Tannehill Branch Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Staff Recommendation: To grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Goldstar Investments, LTD. C/O Hill PA (John Simmons). Agent: Thrower Design (Ron Thrower). City Staff: Joi Harden, 974-2122.

**The public hearing was closed and Ordinance No. 20100923-122 for commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

### ZONING DISCUSSION ITEMS

115. C14-2010-0118 - 1901 South Lamar Boulevard - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901 South Lamar Boulevard (West Bouldin Creek Watershed) from general commercial services (CS) district

zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Planning Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Columbine Properties, Inc. (William Tamminga). Agent: Hajjar Sutherland & Kelly LLP (Kareem Hajjar). City Staff: Stephen Rye 974-7604.

**This item was postponed to October 28, 2010 on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

102. NP-2010-0027 - Central West Austin Combined Neighborhood Plan - Approve second/third readings of an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central West Austin Combined Neighborhood Plan, generally 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 (Johnson Creek, Shoal Creek, Town Lake, Lake Austin, Taylor Slough South and North Watersheds). First Reading approved on August 19, 2010. Vote: 7-0. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865.

The motion to approve an amendment to the Central West Austin Combined Neighborhood Plan to approve the staff recommendation of more general language focusing on working cooperatively with all the stakeholders was approved with the following addition to the stakeholders' feedback on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 5-0 vote. Council Members Morrison and Spelman recused themselves. Adding to the stakeholders' Feedback on the Brackenridge Tract as follows: "This summary does not include any input from the owner of the Tract. This summary shall in no way be construed as acquiescence or agreement by any party on any of the issues listed. The Tract is excluded from the Central West Austin Neighborhood future land use map (FLUM) and Neighborhood Plan.

- The Deep Eddy Tract, if chosen to be redeveloped, should be redeveloped in such a way that is harmonious with the surrounding neighborhood.
- The Boat Town and Park Street Tracts should remain unchanged. Any proposed redevelopment should be harmonious with the surrounding neighborhood.
- Add usable greenspace such as playgrounds, community gardens, walking trails, teaching spaces, and other public uses to encourage more activities and events that include the surrounding neighborhood.
- Redevelopment should avoid environmentally sensitive resources such as protected trees, wetlands, and endangered or threatened plant or wildlife habitat. Stormwater management should comply with City of Austin stormwater regulations.
- The design of any redevelopment should be compact, mixed use and walkable so that all modes to travel are maximized. Redevelopment should result in harmonious residential development near the existing residential areas. Preserving significant amounts of invaluable urban green space and its remarkable trees is encouraged."

Ordinance No. 20100923-102 including actions taken by Council on first reading with the previous amendment and to change the designation on the future land use map (FLUM) for 2414 and 2417 Exposition Boulevard to Neighborhood Commercial Use was approved on Council Member Morrison's motion, Council Member Shade's second on a 7-0 vote. The Brackenridge Tract and 3215 Exposition Boulevard was removed from the future land use map on first reading therefore, these properties are not part of this vote.

103. C14-2010-0051 - Windsor Road Neighborhood Planning Area Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 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 two 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. First reading approved on August 19, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865. A valid petition has been filed on Tract 1 in opposition to the request.

**Ordinance No. 20100923-103** including actions taken by Council on first reading, and the action shown below was approved on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Cole was off the dais.

**The motion to rezone 1717, 1721, 1801, 1803, and 1805 W. 35th Street (Tract 1) to Limited Office – Neighborhood Plan (LO-NP) district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.**

104. C14-2010-0052 - West Austin Neighborhood Group Planning Area Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the West Austin Neighborhood Group 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 13 tracts of land (16.18 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. First reading approved on August 19, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865. A valid petition has been filed on Tracts 104 and 105 in opposition to the request.

The motion not to add neighborhood plan combining district (NP) zoning on the Brackenridge tract was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 5-0 vote. Council Members Morrison and Spelman recused themselves.

The second reading of the ordinance including actions taken by Council on first reading, with the following amendments was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

The motion to rezone 700 Hearn Street (Tract 104) to MF-3-CO-NP with a 35 feet height limit was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Cole was off the dais.

The motion to rezone 2309 Pruett Street (Tract 105) to SF-6-NP was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.

107. C14-2009-0078 - Limerick - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Applicant and Agent: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and the motion to deny the rezoning was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Mayor Leffingwell recessed the Council Meeting at 5:28 p.m.

### LIVE MUSIC

The Bright Light Social Hour

### PROCLAMATIONS

Proclamation -- 2010 Family Health and Fitness Day USA -- to be presented by Mayor Lee Leffingwell and to be accepted by Lou Earle

Distinguished Service Award -- Mike Sullivan -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- International Translators Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Esther Diaz

Proclamation -- Early Childhood Intervention Day -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Julia Kovach

Proclamation -- National Arts and Humanities Month and the Time to "Get Your Art On!" -- to be presented by Council Member Laura Morrison and to be accepted by Latifah Taormina

Proclamation -- Pharmaceutical Drug Take Back Day -- to be presented by Council Member Laura Morrison and to be accepted by Greg Thrash

Mayor Leffingwell called the Council Meeting back to order at 6:53 p.m.

#### **ZONING DISCUSSION ITEMS CONTINUED**

108. C14-2010-0034 - Stonegate Two - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 West William Cannon Drive (Williamson Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Owner/Applicant: KC 1 Stonegate L.P. (John P. "Sean" Cummings, Jr.). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to close the public hearing and approve on first reading the ordinance for limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. The conditions were to prohibit access to Aldford Drive, set a trip limitation of 2,509 trips per day and allow a restrictive covenant for a traffic impact analysis.

There was a substitute motion made by Council Member Morrison, seconded by Council Member Riley to postpone this item to October 28, 2010. This motion passed on a 7-0 vote.

116. C14-2010-0122 - Cabot Chase, Ltd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2203 South Lamar Boulevard (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Planning Commission Recommendation: To grant commercial-liquor sales conditional overlay (CS-1-CO) combining district zoning. Applicant: Cabot-Chase, Ltd. (Jimmy Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye, 974-7604.

The public hearing was closed and Ordinance No. 20100923-116 for commercial-liquor sales conditional overlay (CS-1-CO) combining district zoning was approved on Mayor Pro Tem



Martinez' motion, Council Member Shade's second on a 6-1 vote. Council Member Morrison voted nay.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

127. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to amend the dwelling unit occupancy for the duplex and two-family residential uses and secondary apartment special use (C2O-2010-011). Recommended by the Planning Commission.  
**The public hearing was closed and Ordinance No. 20100923-127 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
132. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to add solar panels and related equipment as exceptions to zoning height regulations (C20-2010-001). Recommended by the Planning Commission.  
**The public hearing was closed and Ordinance No. 20100923-132 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.**
136. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2010-2011.  
**The final public hearing on the proposed maximum property (ad valorem) tax rate was closed on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. Council will vote to adopt the actual property tax rate for 2010-2011 at a special call meeting on Wednesday, September 29, 2010, at 9:30 a.m. in Council Chambers, 301 West Second Street.**
123. Conduct a public hearing for the full purpose annexation of the Bridges of Bear Creek Ph. 2 Sec. 2 (approximately 28 acres in Travis County west of the intersection of FM 1626 and Brodie Lane).  
**The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
124. Conduct a public hearing for the full purpose annexation of the Boulder Lane Area (approximately 18 acres in Travis County north of Boulder Lane at the intersection of Boulder Lane and Foundation Road).  
**The public hearing was closed on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**
125. Conduct a public hearing for the full purpose annexation of the Kruger Area (approximately 7 acres in Travis County at the northeast corner of the intersection of Dessau Road and Parmer Lane).  
**The public hearing was closed on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**
126. Conduct a public hearing for the full purpose annexation of the Oak Valley Road Area (approximately 18 acres in Travis County east of Old Manchaca Road at the intersection of Old Manchaca Road and Oak Valley Road).  
**The public hearing was closed on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**
128. Conduct a public hearing for the full purpose annexation of Pearson Place at Avery Ranch (approximately 196 acres in southern Williamson County south of Avery Ranch Boulevard at the intersection of Avery Ranch Boulevard and Double Eagle Pass).  
**The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

129. Conduct a public hearing for the full purpose annexation of the Ranch Apartments Area (approximately 10 acres in Williamson County east of Parmer Lane approximately 1,500 feet north of the intersection of State Highway 45 West and Parmer Lane).  
**The public hearing was closed on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
130. Conduct a public hearing for the full purpose annexation of State Highway 45 at Parmer Lane (approximately 18 acres in Williamson County at the intersection of SH 45 and Parmer Lane).  
**The public hearing was closed on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
131. Conduct a public hearing for the full purpose annexation of the Waterford House Area (approximately 9 acres in Travis County east of IH 35 approximately one quarter mile east of the intersection of IH 35 and Brandt Road).  
**The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
133. Conduct a public hearing for the full purpose annexation of the Springwoods Outparcels Area (approximately 2 acres in Williamson County north of Pond Springs Road at the east of the intersection of Pond Springs Road and Sparkling Creek Drive, and north of the intersection of Pond Springs Road and Cahill Drive).  
**The public hearing was closed on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Items 134, 135 and 40 were acted on in a combined motion.**

134. Conduct a public hearing and approve an ordinance to annex the Springwoods Municipal Utility District (MUD) Annexation Area for limited purposes in accordance with a Strategic Partnership Agreement (SPA) between the City of Austin and Springwoods MUD (approximately 468 acres located east of Pond Springs Road and west of Parmer Lane on both the north and south sides of Anderson Mill Road in Williamson County). Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will provide the services. Related to Items #40 & 135.  
**The public hearing was closed and the first reading of the ordinance was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
135. Conduct a public hearing and approve an ordinance to annex the Springwoods Municipal Utility District (MUD) Annexation Area for full purposes in accordance with a Strategic Partnership Agreement (SPA) between the City of Austin and Springwoods MUD (approximately 468 acres located east of Pond Springs Road and west of Parmer Lane on both the north and south sides of Anderson Mill Road in Williamson County). Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will provide the services. Related to Items #40 & 134.  
**The public hearing was closed and the first reading of the ordinance was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
40. Approve an ordinance for the full purpose annexation of the Springwoods Non-MUD Municipal Annexation Plan Area (approximately 354 acres located in Williamson County between Pond Springs Road and Parmer Lane in the north and south sides of Anderson Mill Road). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services. Related to Items #134 & 135.  
**The first reading of the ordinance was approved on Council Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 8:55 p.m. without objection.**

**The minutes for the regular meeting of September 23, 2010 were approved on this the 30th day of September 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**