

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

Invocation: APD Senior Chaplain Rick Randall, Pastor, Austin Cornerstone 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, October 28, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

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

1. Approve the minutes of the Austin City Council regular meeting of October 14, 2010.
The minutes from the regular Council meeting of October 14, 2010 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
2. Approve a resolution authorizing extension of the fee schedule for participation under the Balcones Canyonlands Conservation Plan - Shared Vision through September 30, 2011. This action does not require budget allocation or funding. Recommended by the Water and Wastewater Commission.
Resolution No. 20101028-002 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 3 was pulled for discussion.

4. Approve a resolution authorizing the filing of eminent domain proceedings for the South IH-35 Water and Wastewater Infrastructure Improvements Program Project to acquire electric easements of 0.766 acre, 0.525 acre, and 0.192 acre; access easements of 0.2246 acre, and 2.092 acre; ; a waterline easement of 1.273 acres; a subterranean wastewater easement of 0.076 acre; wastewater easements of 0.230 acre and 0.438 acre; a temporary ingress and egress easement of 0.882 acre; a temporary working space and staging area and material storage site easement of 1.974 acres; and a temporary working space easement of 0.317 acre out of and a part of a called 166.598 Acre Tract or Parcel of land in the Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, in the amount of \$196,630. The owners of the needed property interests are David A. Brewer and Billie J. Figer, co-trustees, Curtis B. Figer and spouse, Billie Jo Figer, Michael G. Figer, Donald K. Figer, Betsy A. Lambeth, Keith H. Harmon and Bonnie Harmon, Trustees of the Harmon Family Trust established by Trust Agreement dated November 3, 1999, and Billie

Jo Figer, individually. The property is located at 9104 Bluff Springs Road, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility.

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

5. Approve a resolution authorizing the filing of eminent domain proceedings for the South IH-35 Water/Wastewater Program to acquire a 15,582 square foot permanent waterline easement out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, Texas, in the amount of \$2,254.00. The owner of the needed property interests is NAJIB WEHBE. The property is located south of Derby Downs Drive, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility.

Resolution No. 20101028-005 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

6. Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION CO., San Antonio, TX for the Shoal Creek Allandale Storm Drain Improvements project for a total amount of \$5,496,960.05 plus a \$549,696.00 contingency, for a total contract amount not to exceed \$6,046,656.05. Funding in the amount of \$5,602,595 is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. Funding in the amount of \$477,061 is available in the Fiscal Year 2010-2011 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 10.72% MBE and 3.15% 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 Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

7. Authorize execution of Change Order #3 to the construction contract with CENTRAL ROAD AND UTILITY, LTD., Austin, TX, (MBE/MH 45.81%) for Water Treatment Plant 4 Bullick Hollow Roadway Improvements in the amount of \$36,911.26, for a total contract amount not to exceed \$987,704.70. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 66.38% MBE and 14.52% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of change order number three to the construction contract with Central, Road and Utility, Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

8. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX for the Carsonhill Water Rehabilitation Project in an amount not to exceed \$324,153 plus a \$16,208 contingency, for a total contract amount not to exceed \$340,361. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. 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 8.30% MBE and 2.13% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Smith Contracting Company, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

9. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD. (MBE/MH 84.99%), Austin, TX for the North Austin Wastewater Overflow Abatement Project in the amount of \$843,740 plus a \$42,187 contingency, for a total contract amount not to exceed \$885,927. Funding is available in the Fiscal Year 2010-2011 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) by meeting the goals with 84.99% MBE prime participation and 3.95% MBE and 4.15% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
10. Authorize execution of a construction contract with TEXAS ROOFING COMPANY, L.P., Round Rock, TX for Spicewood Springs Pump Station Re-roof, AC Replacement and Ventilation Improvements in an amount not to exceed \$193,600. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest bid of 4 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 12.81% MBE and 4.85% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Texas Roofing Company, L.P. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
11. Authorize execution of a construction contract with MAC INC., Austin, TX for the Ullrich Basin Structural Repairs Project in an amount not to exceed \$189,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest bid of 4 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) through achievements of Good Faith Efforts with 0.80% MBE and 1.29% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with MAC Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
12. Authorize execution of a construction contract with L.D. TEBBEN CO. INC., Austin, TX, through the Local Government Purchasing Cooperative for the Ullrich Water Treatment Plant Roof Improvements 2010 project in the amount of \$680,926 plus a \$34,000 contingency, for a total contract amount not to exceed \$714,926. Funding is available in the Fiscal Year 2010-2011 Capital Budget of Austin Water Utility. Cooperative Purchase through the LOCAL PURCHASING COOPORATIVE BUY BOARD. 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 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation, however, 10.65% MBE and 6.21% WBE subcontractor participation has been met.
The motion authorizing the execution of a construction contract with L.D. Tebben Co. Inc. through the Local Government Purchasing Cooperative was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
13. Authorize execution of Change Order #4 to the construction contract with CASH CONSTRUCTION COMPANY INC., Pflugerville, Texas for the Lady Bird Lake / East 4th Street Storm Drain Improvements project in the amount of \$700,521.50 for a total contract amount not to exceed \$6,789,757.10. Funding in the amount of \$460,861.50 is available in the Fiscal Year 2010-2011 Capital

budget of the Austin Water Utility. Funding in the amount of \$239,660 is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.45% MBE and 1.73% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of change order number four to the construction contract with Cash Construction Company Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

14. Authorize negotiation and execution of Supplemental Amendment #1 to the Professional Services Agreement with BURY + PARTNERS, INC., Austin, TX for engineering services for the South IH-35 Water and Wastewater Infrastructure Improvements Program, Segment 1, IH-35 from Slaughter Lane to Slaughter Creek, 36-Inch Water Main in the amount of \$42,947.50, for a total contract amount not to exceed \$83,009.45. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. The original contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract was originally awarded through Administrative Authority; therefore was exempt from establishing MBE and WBE goals and no subcontracting opportunities were identified. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of supplemental amendment number one to the professional services agreement with Bury + Partners, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Authorize the Parks and Recreation Department to issue a lifetime swim pass for Barton Springs Pool to Patty Curtis.

The motion authorizing the Parks and Recreation Department to issue a lifetime swim pass for Barton Springs Pool to Patty Curtis was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

17. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Austin Independent School District for the use of the South Austin Recreation Center to conduct the Go Project.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Austin Independent School District was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 18 was pulled for discussion.

19. Approve an ordinance for full purpose annexation of the Bridges of Bear Creek Ph. 2 Sec. 2 Area (approximately 28 acres in Travis County west of the intersection of FM 1626 and Brodie Lane); establish an I-SF-2 interim zoning designation for portions of the annexed area; and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20101028-019 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

20. Approve an ordinance for 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). Funding necessary

to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20101028-020 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 21 was pulled for staff briefing.

22. Approve an ordinance for 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). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20101028-022 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

23. Approve an ordinance 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). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20101028-023 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

24. Approve first reading of an ordinance for full purpose annexation of the Springwoods Outparcels Area (approximately 2 acres in Williamson County north of Pond Springs Road east of the intersection of Pond Springs Road and Sparkling Creek Drive, and north of the intersection of Pond Springs Road and Cahill Drive). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

The first reading of the ordinance was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

25. Approve an ordinance for 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). Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will provide the services.

Ordinance No. 20101028-025 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

26. Approve an ordinance for 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). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20101028-026 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

27. Approve second reading of 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 #28 & 29.

The second reading of the ordinance was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

28. Approve second reading of 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 #27 & 29.
The second reading of the ordinance was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
29. Approve second reading of 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 #27 & 28.
The second reading of the ordinance was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
30. Approve an ordinance accepting \$144,628 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2010-2011 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$144,628 to purchase equipment and related supplies for the Austin Police Clandestine Lab Response Team. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2010 to September 30, 2011. A match is not required.
Ordinance No. 20101028-030 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
31. Authorize negotiation and execution of an agreement between the City of Austin and the Center for Child Protection, in the amount of \$99,396, to fund reimbursement for two family advocate positions to provide enhanced interview and support services related to child protection. Funding in the amount of \$99,396 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Police Department.
The motion authorizing the negotiation and execution of an agreement between the City of Austin and the Center for Child Protection was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
32. Approve a resolution to authorize execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TXDOT) regarding award of Transportation Enhancement Funds to construct bicycle lanes and associated improvements citywide. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Public Works Department.
This item was withdrawn on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 33 was pulled for discussion.

34. Authorize award and execution of a 12-month requirements service contract with HAVERFIELD AVIATION, INC., Gettysburg, PA for aerial maintenance services for Austin Energy in an estimated amount not to exceed \$144,724, with three 12-month extension options in an estimated amount not to exceed \$144,724 per extension option, for a total estimated contract amount not to exceed \$578,896. Funding in the amount of \$132,664 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business

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

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

35. Authorize award, negotiation, and execution of Amendment No. 3 to a contract with MOTOROLA INC., Shalimar, FL, for a software upgrade, additional licenses, implementation, support, and hosting services for the existing Customer Service Request system and to replace the remaining two 12-month extension options with one 36-month extension option in an amount not to exceed \$1,792,006, with two additional 12-month extension options in an amount not to exceed \$336,744 per extension option, for a total revised contract amount not to exceed \$2,627,212. Funding in the amount of \$950,000 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding in the amount of \$168,518 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining 24 months of the 36-month extension option and the two 12-month extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. However, Motorola agreed to a voluntary Good Faith Effort to achieve a goal of 7.05% MBE participation and 0.00% WBE participation. Recommended by the Electric Utility Commission.
- The motion authorizing the award, negotiation and execution of amendment number three to a contract with Motorola Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

36. Authorize award and execution of a 12-month requirements service contract with AUSTIN CIRCLE OF THEATERS, Austin TX, to provide cultural tourism marketing and promotional support in an estimated amount not to exceed \$40,000, with four additional 12-month extension options in an estimated amount not to exceed \$40,000 per extension option, for a total estimated contract amount not to exceed \$200,000. Funding in the amount of \$40,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Economic Growth and Redevelopment Services Office. 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 and execution of a requirements service contract with Austin Circle of Theaters was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

37. Authorize award, negotiation, and execution of a 12-month contract with ACS GOVERNMENT SOLUTIONS INC. (ACS), Lexington, KY, for software support, upgrades, and maintenance of the Banner Human Resources Management System (Banner) software in an amount not to exceed \$119,194.82, with four 12 month extension options in amounts not to exceed \$125,154.55 for the first extension option, \$131,412.27 for the second extension option, \$137,982.89 for the third extension option and \$144,882.03 for the fourth extension option, for a total contract amount not to exceed \$658,626.56. Funding in the amount of \$119,194.82 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Controller's Office. 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 ACS Government Solutions Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

38. Authorize award and execution of a 36-month requirements service contract with GRATEFUL THREADS, Austin, TX or one of the other qualified bidders of the IFB-BV No. CEA0008, to provide upholstery repair services for vehicles and equipment in an estimated amount not to exceed \$258,440, with three 12-month extension options in estimated amounts not to exceed \$122,688 for the first extension option, \$147,226 for the second extension option, and \$176,671 for the third extension option, for a total estimated contract amount not to exceed \$705,025. Funding in the amount of \$65,083 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9C 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 Grateful Threads was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

39. Authorize execution of an Interlocal Agreement between the City and Travis County, providing for financial cooperation to facilitate the City and County's participation in a feasibility study conducted by the National Center for Arts and Technology with the City contributing \$25,000 to the effort. This is a reimbursement of the Fiscal Year 2009-2010 Operating Budget of the Management Services Department. 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 execution of an interlocal agreement between the City and Travis County was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 40 through 43 were pulled for discussion.

44. 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 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

Animal Advisory Commission

Emily Phillips

Council Member Spelman

Commission for Women

Julia Cuba

Council Member Spelman

45. Approve an ordinance waiving certain temporary vending permit fees for the 12th Annual Green Corn Project's Fundraiser which was held on Sunday, October 24, 2010 at Boggy Creek Farm. (Council Member Laura Morrison Council Member Sheryl Cole Mayor Pro Tem Mike Martinez)

Ordinance No. 20101028-045 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 46 was pulled to be heard after the related Executive Session item.

47. Approve an ordinance related to the compensation for the municipal court judges. (Council Member William Spelman Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)
Ordinance No. 20101028-047 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
48. Approve the waiver of certain additional fees under City Code Chapter 14-8 for the City co-sponsored 2010 Veteran's Day Parade with Travis County Veterans Service Office, which is to be held on November 11, 2010 taking place from the Ann Richards Congress Avenue Bridge to the Capitol Building. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Randi Shade)
The motion to approve the waiver of certain additional fees for the City co-sponsored 2010 Veteran's Day Parade with Travis County Veterans Service Office was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
49. Approve the waiver of certain fees and requirements for the 2010 Hallmark Speakers Series event, Women Living in Poverty: The Need for New Solutions, sponsored by the Young Women's Christian Association (YWCA) of Greater Austin which is to be held Friday, November 12, 2010 at the George Washington Carver Museum and Cultural Center. (Mayor Pro Tem Mike Martinez Council Member Chris Riley Council Member Sheryl Cole)
The motion to approve the waiver of certain fees and requirements for the 2010 Hallmark Speakers Series event, Women Living in Poverty: The Need for New Solutions was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
50. Approve the waiver of certain fees and requirements for the 2010 Susan G. Komen Race for the Cure which is to be held on Sunday, November 7, 2010 at the Domain in North Austin. (Council Member Randi Shade Council Member Laura Morrison Council Member Sheryl Cole)
The motion to approve the waiver of certain fees and requirements for the 2010 Susan G. Komen Race for the Cure was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
51. Set a public hearing to consider an ordinance amending Ordinance No. 20071018-008 to recognize other local incentives and economic development tools available to qualifying enterprise zone projects. (Suggested date and time: November 4, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 4, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 52 was a briefing item set for 10:30 a.m.

Items 53 through 72 were zoning items set for 2:00 p.m.

Items 73 through 75 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

40. Approve an ordinance amending Chapter 2-9B of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Professional Services. Recommended by the MBE/WBE Small Business Advisory Committee and Small Business Council Subcommittee.

Ordinance No. 20101028-040 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

41. Approve an ordinance amending Chapter 2-9A of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Construction. Recommended by the MBE/WBE Small Business Advisory Committee and Small Business Council Subcommittee.

Ordinance No. 20101028-041 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

42. Approve an ordinance amending Chapter 2-9C of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Non-Professional Services. Recommended by the MBE/WBE Small Business Advisory Committee and Small Business Council Subcommittee.

Ordinance No. 20101028-042 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

43. Approve an ordinance amending Chapter 2-9D of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program for Commodities. Recommended by the MBE/WBE Small Business Advisory Committee and Small Business Council Subcommittee.

Ordinance No. 20101028-043 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

21. Approve an ordinance for full purpose annexation of the Pearson Place at Avery Ranch Area (approximately 196 acres in southern Williamson County south of Avery Ranch Boulevard at the intersection of Avery Ranch Boulevard and Double Eagle Pass). Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

The first reading of the ordinance was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to classify a portion of the property as interim multi-family residence-low density (I-MF-2) and review the changes with the property owner prior to second/third reading..

3. Authorize the negotiation and execution of a purchase agreement for the fee simple acquisition of 13.291 acres out of Lot 1, Block A, Chipman Subdivision in Travis County, Texas, located at 10900 RR 2222 from JAMES A. CHIPMAN, SR. AND MINNIE JO CHIPMAN, TRUSTEES OF THE JAMES A. CHIPMAN, SR. AND MINNIE JO CHIPMAN REVOCABLE LIVING TRUST DATED SEPT. 21, 1999 AND TOMMY JOE PULATIE for the Jollyville Water Transmission Main and the Forest Ridge Water Transmission Main Projects, in an amount not to exceed \$2,240,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility Department.

The motion authorizing the negotiation and execution of a purchase agreement for the fee simple acquisition from James A. Chipman, Sr., Minnie Jo Chipman and Tommy Joe Pulatie was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell and Mayor Pro Tem Martinez, and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

18. Approve an ordinance for 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); and waive animal enclosure distance requirements in City Code Section 3-2-14 for ten years in the annexed area. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

Ordinance No. 20101028-018 with the following amendment was approved on Council Member Shade's motion, Council Member Morrison's second on a 6-1 vote. Council Member Spelman voted nay. The amendment was to strike these words from Part 5, "for a period of ten years from

the effective date of this ordinance.” Direction was given to the Transportation staff to research whether or not the following could be done:

- Initiate a stop sign study on Boulder Lane and Appletree
- Explore improvement for safety with regards to where the school bus stops and coordinate with Leander school district
- Determine if Boulder would qualify as an isolated street and, therefore, might be eligible for enhanced traffic calming measures

15. Approve a resolution adopting the City of Austin Hazard Mitigation Action Plan Update. **Resolution No. 20101028-015 was approved on Council Member Morrison’s motion, Mayor Pro Tem Martinez’ second on a 7-0 vote.**
33. Authorize award, negotiation, and execution of a 12-month requirements service contract with CREATIVE CONSUMER RESEARCH, INC., Stafford, TX, or one of the other qualified bidders to RFQ No. GGU0005, to provide marketing research service studies in an estimated amount not to exceed \$300,000, with four 12-month extension options in an estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed, \$1,500,000. Funding in the amount of \$275,000 is included in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission. **The motion authorizing the award, negotiation and execution of a requirements service contract with Creative Consumer Research, Inc. was approved on Council Member Spelman’s motion, Council Member Cole’s second on a 6-1 vote. Mayor Leffingwell voted nay.**

BRIEFING

52. Green Roof Policy Recommendations
The presentation was made by Eleanor McKinney, Chair of the Green Roof Advisory Committee.

Mayor Leffingwell recessed the Council Meeting to go into executive session at 11:14 a.m.

EXECUTIVE SESSION

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

The Mayor announced that Council would discuss item number 46 on the regular agenda during Executive Session.

Mayor Leffingwell called the Council Meeting back to order at 12:07 p.m.

CITIZEN COMMUNICATION: GENERAL

Rob Seidenberg - Central East Austin

Paul Aviña - 30 year plan

Robert L. Thomas - Labor and industrial relations at the Rosewood park and recreation center

Morris Priest - City County State issues and City role in government

Glen Nessel - Caesar Chavez

John Bush - Agenda 21 Sustainable Development and freedomadvocates.org

Stoney Williams - Dia de los Muertos Fireworks

Allen Roddy - Lake Austin clean up

Johnette Mason - City municipalities **She was not present when her name was called.**

Carolannerose Kennedy - Homeless funerals. **She was not present when her name was called.**

Mayor Pro Tem Martinez recessed the Council Meeting at 12:39 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:03 p.m.

DISCUSSION ITEM CONTINUED

46. Approve an ordinance amending City Code Section 10-3-1(B)(10) (Temporary Food Establishment) to allow the issuance of temporary food establishment permits to vendors at Farmer's Markets. (Mayor Pro Tem Mike Martinez Council Member Chris Riley Council Member Sheryl Cole)
Ordinance No. 20101028-046 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 5-0 vote. Council Members Cole and Spelman were off the dais.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the ABIA Development Corporation to order at 3:04 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:05 p.m.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

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

53. NPA-2009-0016.01 - Leija Villa - Approve second/third readings of an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3306 East 5th Street (Colorado River Watershed) from Commercial and Single Family (a portion of) land use to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use designation. Planning Commission Recommendation: To grant Mixed Use land use designation. Approved on March 23, 2010. Vote 8 to 0, with Commissioner Ben DeLeon absent. The Lunaire Group, L.P. (Dr. Graciela Leija). Cuatro Consultants, Ltd. (Hugo Elizondo, Jr. P.E.). City Staff: Maureen Meredith, 974-2695.
Ordinance No. 20101028-053 to change the land use designation to mixed use designation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.
54. C14-2010-0014 - Leija Villa - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3306 East 5th Street (Boggy Creek

Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2. On April 29, 2010, City Council approved first reading of community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2. Vote: 7-0. Applicant: The Lunaire Group, LP (Dr. Graciela Leija). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr., P.E.). City Staff: Joi Harden, 974-2122.

Ordinance No. 20101028-054 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

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

Ordinance No. 20101028-055 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

58. 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. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to December 9, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

59. C14-2010-0038 - Rezoning 1.56 Acres at Manchaca Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: THG Holdings LC (Guy Oliver). Agent: Brown McCarroll LLP (Nikelle S. Meade). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to November 4, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

60. C14-2010-0152 - M & S Project #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10601 North FM 620 Road (Lake Travis Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Mao Chhay. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20101028-060 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
62. 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 indefinitely on Council Member Spelman's motion, Council Member Morrison'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.)
63. 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 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 October 26, 2010. Applicant: Reynaldo Ortiz. Agent: J Valera Engineering (Juan Valera). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
64. C14-2010-0102 - Greenshores Annexation Zoning #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision @ Pearce Road and Oak Shores (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning and interim-rural residence (I-RR) district zoning to single family residence large lot (SF-1) district zoning for Tracts 1 and 2, rural residence (RR) district zoning for Tract 3 and public (P) district zoning for Tracts 4 and 5. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning for Tracts 1 and 2, rural residence (RR) district zoning for Tract 3 and public (P) district zoning for Tracts 4 and 5. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning for Tracts 1 and 2, rural residence (RR) district zoning for Tract 3 and public (P) district zoning for Tracts 4 and 5. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
65. C14-2010-0103 - Greenshores Annexation Zoning #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision at Pearce Road, Lazy River and Oak Shores (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning and

interim-rural residence (I-RR) district zoning to single family residence large lot (SF-1) district zoning for Tract 1, rural residence (RR) district zoning for Tract 2 and public (P) district zoning for Tract 3. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning for Tract 1, rural residence (RR) district zoning for Tract 2 and public (P) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning for Tract 1, rural residence (RR) district zoning for Tract 2 and public (P) district zoning for Tract 3. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

66. C14-2010-0104 - Greenshores Annexation Zoning #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision at Pearce Road and Turnbuoy (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning and interim-rural residence (I-RR) district zoning to single family residence large lot (SF-1) district zoning for Tract 1, rural residence (RR) district zoning for Tract 2 and public (P) district zoning for Tract 3. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning for Tract 1, rural residence (RR) district zoning for Tract 2 and public (P) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To be reviewed on November 2, 2010. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

67. C14-2010-0105 - Greenshores Annexation Zoning #4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision @ Pearce Road, Oak Shores, Pappy's Way, Malibu Cove, Barefoot Cove and Greenshores Drive (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning, interim-rural residence (I-RR) district zoning, interim-lake austin residence (I-LA) district zoning, lake austin residence (LA) district zoning and family residence (SF-3) district zoning to single family residence large lot (SF-1) district zoning for Tracts 1-7, 9 and 11-13, rural residence (RR) district zoning for Tract 14, lake austin residence (LA) district zoning for Tract 10 and public (P) district zoning for Tract 8. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning for Tracts 1-7, 9 and 11-13, rural residence (RR) district zoning for Tract 14, lake austin residence (LA) district zoning for Tract 10 and public (P) district zoning for Tract 8. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning for Tracts 1-9, rural residence (RR) district zoning for Tract 10, lake austin residence (LA) district zoning for Tract 11 and public (P) district zoning for Tract 12. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

68. C14-2010-0106 - Greenshores Annexation Zoning #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision @ Pappy's Way and Turnbouy Drive (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning to single family residence large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

69. C14-2010-0107 - Greenshores Annexation Zoning #6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision @ Pearce Road and Greenshores Drive (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning and interim-rural residence (I-RR) district zoning to single family residence large lot (SF-1) district zoning for Tracts 1 and 4 and rural residence (RR) district zoning for Tracts 2 and 3. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning for Tracts 1 and 4 and rural residence (RR) district zoning for Tracts 2 and 3. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning for Tract 1 and rural residence (RR) district zoning for Tracts 2 and 3. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
70. C14-2010-0108 - Greenshores Annexation Zoning #7 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision @ Robinson Road (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-lake austin residence (I-LA) district zoning to lake austin residence (LA) district zoning. Staff Recommendation: To grant lake austin residence (LA) district zoning. Zoning and Platting Commission Recommendation: To grant lake austin residence (LA) district zoning. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
71. C14-2010-0109 - Greenshores Annexation Zoning #8 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision at Smoky Ridge & Frijolita (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-single family residence large lot (I-SF-1) district zoning and interim-lake austin residence (I-LA) district zoning to single family residence large lot (SF-1) district zoning for Tract 1 and lake austin residence (LA) district zoning for Tract 2. Staff Recommendation: To grant single family residence large lot (SF-1) district zoning for Tract 1 and lake austin residence (LA) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning for Tract 1 and lake austin residence (LA) district zoning for Tract 2. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
72. C14-2010-0110 - Greenshores Annexation Zoning #9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Greenshores Subdivision @ Pearce Road & Ski Shores Terrece (Connors Creek, Hog Pen Creek, Lake Austin Watersheds) from interim-lake austin residence (I-LA) district zoning to lake austin residence (LA) district zoning. Staff Recommendation: To grant lake austin residence (LA) district zoning. Zoning and Platting Commission Recommendation: To grant lake austin residence (LA) district zoning. Applicant/Agent: City of Austin (Clark Patterson). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 18, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

56. NPA-2009-0019.02 - Mitchell Hyde Park Rezone/NPA- Conduct a public hearing and approve an ordinance amending Ordinance No. 20040826-056 the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 209 E. 38th Street (Waller Creek Watershed) from

Single Family to Multifamily land use. Staff Recommendation: To deny Multifamily land use designation. Planning Commission Recommendation: To deny Multifamily land use designation. Applicant: Jason Mitchell. Agent: Vincent Gerard & Associates (Vincent Gerard). City Staff: Maureen Meredith, 974-2695.

This item was postponed to November 18, 2010 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman recused himself.

57. 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 E 38th Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to multifamily residence, limited density-neighborhood conservation combining district-neighborhood plan-conditional overlay (MF-1-NCCD-NP-CO) combining district zoning. Staff Recommendation: To deny multifamily residence, limited density-neighborhood conservation combining district-neighborhood plan-conditional overlay (MF-1-NCCD-NP-CO) combining district zoning. Planning Commission Recommendation: To deny multifamily residence, limited density-neighborhood conservation combining district-neighborhood plan-conditional overlay (MF-1-NCCD-NP-CO) combining district zoning. Applicant: Jason Mitchell. Agent: Vincent Gerard & Associates (Vincent Gerard). City Staff: Clark Patterson, 974-7691.

This item was postponed to November 18, 2010 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman recused himself.

61. 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.

The public hearing was closed and the first reading of the ordinance for commercial-liquor sales (CS-1) district zoning was approved on Council Member Spelman's motion, Council Member Shade's second on a 6-1 vote. Council Member Morrison voted nay. Direction was given to staff to develop a public restrictive covenant limiting the decibels to under 70 dB.

Mayor Leffingwell recessed the Council Meeting at 3:55 p.m.

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

PUBLIC HEARINGS AND POSSIBLE ACTION

74. Conduct a public hearing and consider an appeal by Albert Stowell regarding the decision to renew an Outdoor Music Venue permit for The Allan House, located at 1104 San Antonio Street.
This item was postponed to December 16, 2010 at the appellant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
73. Conduct a public hearing and consider an ordinance amending the Electric Rate Schedule contained in Ordinance No. 20100913-004 to include primary service customers as eligible customers under the Coincident Load Special Contract Rider, eliminate the need for a written contract under the Independent School Districts Time-of-Use tariff, and extend the low-income fuel charge under the Residential Service Tariff beyond its current expiration date of March 1, 2011. There is no unanticipated fiscal impact. Recommended by the Electric Utility Commission.

The public hearing was closed and Ordinance No. 20101028-073 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

75. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 13 relating to docks, bulkheads and shoreline access; amending section 25-2-1006 relating to screening; amending section 25-5-2 relating to site plan exemptions; amending section 25-5-3 relating to small projects; and amending section 25-8-92 relating to Critical Water Quality Zone Boundaries. There is no unanticipated fiscal impact. Recommended by Planning Commission, Environmental Board, and Parks Board.

This item was postponed to November 18, 2010 with the following friendly amendment and direction to staff on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. The friendly amendment from Council Member Spelman was to keep the public hearing open. The amendment was accepted by the maker of the motion and Council Member Cole, who made the second.

Direction was given to staff to:

1) Revise the ordinance to include:

- **The new rules should not apply to pre-existing, non-complying bulkheads and docks including modifying and maintaining existing docks and bulkheads under the non-compliant rules currently in effect;**
- **Site plan exemption should still apply for repair and alteration and maintenance; and**
- **Recapture regulations allow property owners to repair their property that extends into the water where there is vegetation and trees and the land has eroded away.**

2) Notice impacted property owners, to the extent possible, prior to the November 18, 2010 hearing;

3) Provide an analysis estimating the percentage of damage to the shoreline caused by wake activity verses vertical bulkheads; and

4) If feasible, host an informational meeting for impacted property owners prior to November 18, 2010.

Mayor Leffingwell adjourned the meeting at 5:26 p.m. without objection.

LIVE MUSIC

Austin Lyric Opera

PROCLAMATIONS

Proclamation -- Opera Stampede -- to be presented by Mayor Lee Leffingwell and to be accepted by Cis Myers

Proclamation -- National Weatherization Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Fred Yebra

Proclamation -- Austin Baptist Chapel "Angel House" Soup Kitchen's 25th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Lewis Aven

Proclamation -- People's Community Clinic 40th Birthday Celebration -- to be presented by Council Member Laura Morrison and to be accepted by Margaret Henkels

Proclamation -- Domestic Violence Awareness Month -- to be presented by Council Member Randi Shade and to be accepted by Julia Spann

The minutes for the Regular Meeting of October 28, 2010 were approved on this the 4th day of November 2010 on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.