



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, DECEMBER 9, 2010**

**Invocation:** Imam Islam, North Austin Muslim Community Center

**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, December 9, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Leffingwell called the Council Meeting to order at 10:07 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 special called meetings of November 15 and 17, 2010, regular meeting of November 18, 2010 and special called meeting of December 2, 2010.  
**The minutes from the special called meetings of November 15 and 17, 2010, regular meeting of November 18, 2010 and special called meeting of December 2, 2010 were approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
2. Approve a resolution authorizing the filing of eminent domain proceedings for the acquisition of (i) two 200-foot wide electric transmission and distribution utility easements being 1.055 acres each for a total of 2.110 acres, and (ii) a fee simple interest in a 20.67 acre tract of land out of the James Gilleland Survey Number 13, Abstract Number 12, Travis County, Texas, in the amount of \$541,656.00, required in connection with the construction of a combination transmission/distribution substation and related facilities. The owners of the needed property interests are Fannie Ruth Salyer, Don Allen Salyer, Sylvia Gay Meyer, Ella Louise Lind, Ralph Daily Glass, James Robert Glass, Mary Francis Wisian, Joe Jaime, and James Parker, all of whom will be included in the eminent domain proceedings. Funding is available in the 2010-2011 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.  
**Resolution No. 20101209-002 was approved on consent on Council Member Shade's 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 Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation - Truelight Area and Eleanor Drive Area Project to acquire a 1,678 square foot drainage easement out of Lot 20, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas in the amount of \$2,265.00. The owners of the

needed property interest, CHARLES BROWN, ALBERT LOGGINS, ROY LOGGINS, RAY LOGGINS, SUSIE MARIE BROWN, CLARENCE DOUG SIMMS, TOMMY JOE LOGANS and FELICIA DEE, who are the heirs to the estate of ETHEL MAE LOGGINS AKA ETHEL MAE LOGANS. The property is located at 1220 Fort Branch Boulevard, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department.

**Resolution No. 20101209-004 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

5. Authorize execution of a construction contract with SMITH CONTRACTING CO. INC., Austin, TX for ADA Sidewalk & Ramp Improvements 2010 Group 9 City Wide in the amount of \$1,404,885 plus a \$140,488.50 contingency, for a total contract amount not to exceed \$1,545,373.50. Funding in the amount of \$1,545,373.50 is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works 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 12.77% MBE and 2.47% WBE subcontractor participation.

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

6. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., (MBE/MH-20.74%) Austin, TX, for the Austin History Center Exterior Restoration and ADA Accessible Ramp Addition in an amount not to exceed \$89,389.79. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Library Department. Lowest bid of 5 bids. 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 20.74% MBE prime and 61.62% MBE and 11.24% WBE subcontractor participation. Recommended by the Historic Landmark Commission.

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

7. Authorize execution of a construction contract with SMITH CONTRACTING CO, INC, Austin, TX for the Loop 360 Bicycle and Pedestrian Improvement Program in the amount of \$409,734.50 plus a \$40,973.45 contingency, for a total contract amount not to exceed \$450,707.95. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Lowest bid of 8 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) by meeting the goal with 11.06% DBE subcontractor participation.

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

8. Authorize the exercise of a 34-month lease extension option for 52 parking spaces for the Financial Management Division of the Austin Water Utility and a construction staging area for the Waller Creek Tunnel Project, on land located at 701-703 E. 9th Street, under a current lease from ANN PARSONS BURATTI REAL ESTATE TRUST, Austin, TX, in an amount not to exceed \$131,081 for the extension of the term. Funding for the remaining lease term period is contingent upon available funding in future budgets.

**The motion authorizing the exercise of a lease extension option with Ann Parsons Buratti Real Estate Trust was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Items 9 and 10 were pulled for discussion.**

11. Authorize the negotiation and execution of a 12-month renewal of the lease from 5005 B.W. LP for 2.52 acres of land and 3,000 square feet of office and warehouse improvements located at 5109 E. Ben White, used by the Watershed Protection Department, Pond Maintenance Program, in an amount not to exceed \$58,000. Funding in the amount of \$56,250 is available in the Fiscal Year 2010-2011 Operating Budget of the Watershed Protection Department. Funding for the remaining contract period is contingent on available funding in future budgets.

**The motion authorizing the negotiation and execution of a renewal of the lease with 5005 B.W. LP was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

12. Authorize the negotiation and execution of a professional services agreement with STANLEY CONSULTANTS, INC., Austin, TX, or one of the other qualified responders to RFQ Solicitation No. CLMP063, to provide professional engineering services for Electric Service Delivery in an amount not to exceed \$3,000,000. Funding in the amount of \$2,500,000 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding in the amount of \$500,000 is available in the Operating Budget of Austin Energy. Staff recommendation is the most qualified firm out of six firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Recommended by the Electric Utility Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with Stanley Consultants, Inc. was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

13. Approve an ordinance relating to the "CITY OF AUSTIN, TEXAS, WATER AND WASTEWATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2010A" and "CITY OF AUSTIN, TEXAS, WATER AND WASTEWATER SYSTEM REVENUE REFUNDING BONDS, TAXABLE SERIES 2010B (Direct Subsidy-Build America Bonds)" authorized pursuant to Ordinance No. 20101118-074 adopted by the City Council on November 18, 2010; repealing and replacing Exhibit A only, to update the description of the commercial paper notes being refunded by the Series 2010B Bonds.

**Ordinance No. 20101209-013 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Item 14 was pulled for discussion.**

15. Authorize negotiation and execution of an Interlocal Agreement with MANOR INDEPENDENT SCHOOL DISTRICT for the City of Austin Health and Human Services Department's Tobacco Prevention Program, for the development and implementation of youth education and engagement programs in tobacco prevention, for an 11-month term beginning October 1, 2010, in an amount not to exceed \$30,000, with one 12-month renewal option, for a total contract amount not to exceed \$60,000. Funding is available in the Fiscal year 2010-2011 Operating Budget for the Health and Human Services Department Special Revenue Fund. The grant period is September 1, 2010 through August 1, 2011.

**The motion authorizing the negotiation and execution of an interlocal agreement with Manor Independent School District was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Items 16 and 17 were pulled for discussion.**

18. Approve an ordinance authorizing acceptance of \$154,094 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND

CONTROL BRANCH, and amending the Fiscal Year 2010-2011 Health and Human Services Operating Budget of Ordinance No. 20100913-002 to appropriate \$154,094 for the Refugee Health Screening Program to provide refugee health screening and to add a 0.25 full-time equivalent position. Funding is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch, Austin, Texas. The grant period is October 1, 2010 through September 30, 2011. No City match is required.

**Ordinance No. 20101209-018 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

19. Approve an ordinance accepting \$10,286 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH, and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 by appropriating \$10,286 for the Tuberculosis Control and Outreach Program to cover payroll expenses. Funding is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch, Austin, Texas. The grant period is January 1, 2011 through December 31, 2011. No City match is required.

**Ordinance No. 20101209-019 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

20. Approve an ordinance authorizing acceptance of \$13,761 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES WIC PROGRAM, and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$13,761 to fund the increase in health benefits costs. Funding is available from the Texas Department of State Health Services, WIC Program. The grant period is October 1, 2010 through September 30, 2011. No City match is required.

**Ordinance No. 20101209-020 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Item 21 was pulled for discussion.**

22. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Austin Independent School District (AISD) for shared parking at Austin Recreation Center / House Park Stadium.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Austin Independent School District (AISD) was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

23. Authorize the negotiation and execution of a Parkland Improvement, Maintenance and Amendment to Use Agreement with the Austin Y. M. B. L. Sunshine Camp d/b/a The Young Men's Business League of Austin for the construction, use and operation of the existing facility in Zilker Park which is used to support the Austin Sunshine Camp over-night summer camp and year-round leadership programs for underprivileged children. Recommended by the Parks and Recreation Board.

**The motion authorizing the negotiation and execution of a parkland improvement, maintenance and amendment to use agreement with the Austin Y.M.B.L. Sunshine Camp doing business as The Young Men's Business League of Austin was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

24. Approve second/third readings of 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); and establish an interim zoning classification. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.

**This item was postponed on consent to December 16, 2010 on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

25. Approve an ordinance granting variances to Section 25-9-158 (public hearing deadline) and Section 25-9-159 (Council action deadline) of the City Code relating to petitions submitted for consent to the creation of the Pilot Knob Municipal Utility Districts 1-5 (approximately 2,214 acres of land located east of IH 35 between McKinney Falls Parkway and US 183 South).  
**Ordinance No. 20101209-025 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
26. Approve an ordinance accepting \$25,000 in renewal grant funds from the Texas Department of Transportation; and amending the Fiscal Year 2010-2011 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$25,000 for the Austin Police Department project entitled "DWI Selective Traffic Enforcement Project." Funding in the amount of \$70,000 is available in a grant from Texas Department of Transportation to conduct DWI Selective Traffic Enforcement initiatives. A cash match of \$23,333 is required and will be met with in-kind vehicle mileage costs.  
**Ordinance No. 20101209-026 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
27. Approve an ordinance accepting \$150,000 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 \$150,000 to conduct citywide targeted enforcement of adult transnational gang activity. Funding is available from the State of Texas, Criminal Justice Division, Operators and Chauffeurs Fund for the project period of October 1, 2010 to August 31, 2011.  
**Ordinance No. 20101209-027 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
28. Approve a resolution authorizing the acceptance of \$150,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to conduct citywide targeted enforcement of adult transnational gang activity. Funding is available from the State of Texas, Criminal Justice Division, Operators and Chauffeurs Fund for the project period of October 1, 2010 to August 31, 2011.  
**Resolution No. 20101209-028 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
29. Approve an ordinance authorizing execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TXDOT) for award of \$500,000 in Safe Routes to School funds to construct sidewalks near Metz and Blanton Elementary Schools and Pearce Middle School; accepting grant funds in the amount of \$500,000 from the Texas Department of Transportation; amending the Fiscal Year 2010-2011 Public Works Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$500,000 in Safe Route to School funds; and amending the Fiscal Year 2010-2011 Public Works Department Capital Budget of Ordinance No. 20100913-003 to transfer in \$500,000 from the Public Works Department Special Revenue Fund for sidewalks. The total grant amount of \$500,000 will be provided by TXDOT. The required \$522,211 local match is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department.  
**Ordinance No. 20101209-029 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Item 30 was pulled for discussion.**

31. Authorize award, negotiation, and execution of a contract with DONALDSON COMPANY, INC., Minneapolis, MN, for the purchase of intake air filters for combustion turbines in an amount not to exceed \$54,847.24. Funding is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Sole bid received. This purchase will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.  
**The motion authorizing the award, negotiation and execution of a contract with Donaldson Company, Inc. was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
32. Authorize award and execution of a contract with DRAKE CONTROLS, LLC, Houston, TX, or the other qualified bidder for IFB-BV No. DKC0055 for the overhaul of five gas control valves and actuators for a gas turbine at the Sand Hill Energy Center in an amount not to exceed \$111,600. Funding in the amount of \$111,600 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Best evaluated 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 Electric Utility Commission.  
**The motion authorizing the award and execution of a contract with Drake Controls, LLC was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
33. Authorize award, negotiation, and execution of a 12-month requirements service contract with ES&H OF TEXAS, Pasadena, TX, or the other qualified offeror to RFP No. DKC0018, to provide remediation of possible oil spills in navigable waterways in an estimated amount not to exceed \$219,359, with four 12-month extension options in an estimated amount not to exceed \$219,359 per extension option, for a total estimated contract amount not to exceed \$1,096,795. Funding in the amount of \$164,519 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining three months of the original contract period and 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 2-9C 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 ES&H of Texas was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**
34. Authorize award, negotiation, and execution of a 24-month requirements service contract with GRUENE ENVIRONMENTAL CONSTRUCTION, LLC, New Braunfels, TX, or one of the other qualified offerors to RFP No. DKC0019, to provide remediation of hazardous spills in an estimated amount not to exceed \$580,646, with three 12-month extension options in an estimated amount not to exceed \$290,323 per extension option, for a total estimated contract amount not to exceed \$1,451,615. Funding in the amount of \$217,742 is included in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of five 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 requirements service contract with GRUENE ENVIRONMENTAL CONSTRUCTION, LLC was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

35. Authorize award and execution of a 12-month revenue contract with MIDSTATE ENVIRONMENTAL SERVICES, LP, Corpus Christi, TX, for the sale of used oil with an estimated revenue of \$34,950, with four 12-month extension options with an estimated revenue of \$34,950 per extension option, for a total estimated revenue of \$174,750. The total revenue for Fiscal Year 2010-2011 is estimated to be \$29,125. Highest bid meeting specification 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 Electric Utility Commission.
- The motion authorizing the award and execution of a revenue contract with Midstate Environmental Services, LP was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Item 36 was pulled for discussion.**

37. Authorize award, negotiation, and execution of a requirements service contract with PRIMATE TECHNOLOGIES, INC, Melbourne, FL, or the other qualified offeror to RFP No. AAA0030, for the purchase of software licenses, implementation and production environment hardware in an amount not to exceed \$520,850, with five 12-month extension options for maintenance and support services in an estimated amount not to exceed \$42,750 per extension option, for a total contract amount not to exceed \$734,600. Funding in the amount of \$520,850 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. 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 2-9C 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 Primate Technologies, Inc was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

38. Authorize award and execution of a 12-month requirements supply contract with RSI GLOBAL, INC., Harvey, LA, for the purchase of auxiliary parts for switchgear and relay panels in an estimated amount not to exceed \$152,537, with four 12-month extension options in an estimated amount not to exceed \$152,537 per extension option, for a total estimated contract amount not to exceed \$762,685. Funding in the amount of \$127,114 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- The motion authorizing the award and execution of a requirements supply contract with RSI Global, Inc. was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

39. Authorize award and execution of a 24-month requirements supply contract with TECHLINE, INC., Austin, TX, for the purchase of decorative street lights in an estimated amount not to exceed \$1,274,892, with three 12-month extension options in an estimated amount not to exceed \$637,446 per extension option, for a total estimated contract amount not to exceed \$3,187,230. Funding in the amount of \$531,205 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining 14 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 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 Shade's motion, Council Member Cole's second on a 7-0 vote.**

40. Authorize award and execution of a contract with THIELSCH ENGINEERING, INC., Del Valle, TX for the upgrade of a simple-cycle cooling tower at the Sand Hill Energy Center in an amount not to exceed \$142,770. Funding is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. 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 Electric Utility Commission.

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

41. Authorize award, negotiation, and execution of a 72-month requirements supply contract through the State of Texas Department of Information Resources (DIR) cooperative purchasing program with DELL MARKETING LP, Round Rock, TX, for the purchase of approximately 7,500 computers, 450 monitors, and related deployment services to be phased in over a four-year period in an estimated amount not to exceed \$8,032,483. The equipment portion is to be financed over a six-year period. Funding in the amount of \$911,089 is included in the Fiscal Year 2010-2011 Capital Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding in the amount of \$338,990 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding for the remaining 60 months of the original contract period 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). Although this contract is exempted from the MBE/WBE Program, Dell has committed to 5.0% MBE and 2.0% WBE subcontractor participation and performed good faith efforts.

**The motion authorizing the award, negotiation and execution of a requirements supply contract through the State of Texas Department of Information Resources (DIR) cooperative purchasing program with Dell Marketing LP was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 6-0 vote. Council Member Shade recused herself.**

42. Authorize award and execution of a 24-month requirements supply contract with ENLIGHTENED-LEADERS, LLC, Austin, TX for the purchase of training kits for the Crucial Conversations Training Program in an estimated amount not to exceed \$252,000, with two 12-month extension options in an estimated amount not to exceed \$126,000 per extension option, for a total estimated contract amount not to exceed \$504,000. Enlightened-Leaders, LLC, is the single source vendor. Funding in the amount of \$105,000 is available in the Fiscal Year 2010-2011 Operating Budgets of various City Departments. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. 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.

**This item was postponed on consent to December 16, 2010 on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

43. Authorize award and execution of a 36-month requirements service contract with ENTECH SALES & SERVICE INC., Austin, TX, or one of the other qualified bidders for IFB-BV No. AMC0020, to provide security access and monitoring systems maintenance and repair services in an estimated amount not to



exceed \$163,800, with three 12-month extension options in estimated amounts not to exceed \$77,760 for the first extension option, \$93,312 for the second extension option, and \$111,974 for the third extension option, for a total estimated contract amount not to exceed \$446,846. Funding in the amount of \$37,500 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid 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 Entech Sales & Service Inc. was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Item 44 was pulled for discussion.**

45. Authorize execution of a 36-month requirements supply contract with HD SUPPLY WATERWORKS, Round Rock, Texas, for pipe under-drain used in water retention ponds maintained by the Watershed Protection Department in an estimated amount not to exceed \$34,655, with three 12-month extension options in an estimated amount not to exceed \$11,552 for each extension option, for a total estimated contract amount not to exceed \$69,311. Funding in the amount of \$9,627 is available in the Fiscal Year 2010-2011 Operating Budget of the Watershed Protection Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a requirements supply contract with HD Supply Waterworks was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

46. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

**The following appointments and waivers were approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

**Board/Nominee**

**Nominated by**

2006 Bond Oversight Committee

Beverly Silas

Council Member Cole

Austin Music Commission

Joah Spearman

Council Member Cole

Travis Central Appraisal District Board of Directors

Eleanor Powell

Mayor Leffingwell

**Waivers**

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Gaynell Wilson's, Calvin Williams' and Ira Crofford's service on the Construction Advisory Committee. The waiver includes absences through today's date.

Approve a resolution reappointing Eleanor Powell to the Travis Central Appraisal District Board of Directors.

**Resolution No. 20101209-046 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

47. Approve an ordinance granting the waiver of the application fee for a license agreement under City Code Chapter 14-11 for the installation of a historical marker as a Recorded Texas Historic Landmark for the historic Victory Grill located at 1104 East 11 Street. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Randi Shade)

**Ordinance No. 20101209-047 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

48. Approve an ordinance waiving certain temporary vending permit fees required by City Code Chapter 10-3 for the Local Foods Holiday Gift Fair and the Farm Direct Showcase "Eat Local Week" events sponsored by Edible Austin on December 8 and 10, 2010 at City Hall and Bass Concert Hall. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Chris Riley)

**Ordinance No. 20101209-048 was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

49. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 4th annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church which is to be held on Saturday, March 26, 2011 beginning and ending at St. James Missionary Baptist Church. (Council Member Sheryl Cole Council Member Laura Morrison Mayor Lee Leffingwell)

**The motion to approve the waiver of certain fees and requirements for the 4<sup>th</sup> annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

50. Approve the reimbursement of certain fees and requirements for the Greater East Austin Youth Association's (GEAYA) 2010 Banquet which was held on Saturday, December 4, 2010, at the Givens Recreation Center. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Randi Shade)

**The motion to approve the reimbursement of certain fees and requirements for the Greater East Austin Youth Association's (GEAYA) 2010 Banquet was approved on consent on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

51. Set a public hearing to consider an appeal by Rafael Robinson, on the hours of operation approved in the Outdoor Music Venue Permit for the Irie Bean Coffee Bar, located at 2310 S. Lamar Blvd., Unit 102. (Suggested date and time, January 13, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set on consent for January 13, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

52. Set a public hearing to consider an appeal by Mr. Gene Sanchez regarding the decision to approve an Outdoor Music Venue (OMV) permit for Lustre Pearl located at 97 Rainey Street. (Suggested date and time, January 13, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set on consent for January 13, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

53. Set a public hearing to consider an appeal by Camille Perry on a decision to approve an Outdoor Music Venue Permit for Irie Bean Coffee Bar, located at 2310 S. Lamar Blvd., Unit 102. (Suggested date and time, January 13, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for January 13, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote.**

Items 54 through 56 were briefing items set for 10:30 a.m.

Items 57 and 58 were Executive Session items.

Items 59 through 73 were zoning items set for 2:00 p.m.

Items 74 through 78 were public hearing items set for 4:00 p.m.

### DISCUSSION ITEMS

10. Authorize the negotiation and execution of a month-to-month lease renewal with funding authorization for up to 12-months, for up to 125 parking spaces for employees of the Faulk Central Library and the Austin History Center of the Austin Public Library Department, located at 800 Lavaca, with TRAVIS COUNTY, TEXAS, Austin TX, in an amount not to exceed \$157,500. Funding in the amount of \$118,125 is available in the Fiscal Year 2010-2011 Operating Budget of the Library Department. Funding for the remaining lease term is contingent upon available funding in future budgets.  
**This item was postponed to December 16, 2010 on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.**
30. Approve the Architectural Building Program Narrative for the New Central Library Project, adopt a project funding plan that increases the project budget from \$90 million to \$120 million, and authorize the City Manager to proceed with the design phase based on the revised funding plan. November 22, 2010 - Library Commission Briefed (scheduled)  
**The motion to approve the architectural building program narrative for the New Central Library Project was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.**
44. Authorize award and execution of a 15-month requirements supply contract through The Cooperative Procurement Network (TCPN) with OFFICEMAX, INC., Naperville, IL, for purchasing of office supplies in an estimated amount not to exceed \$3,250,000, with three 12-month extension options in an estimated amount not to exceed \$2,600,000 per extension option, for a total estimated contract amount not to exceed \$11,050,000. Funding in the amount of \$2,166,667 is available in the Fiscal Year 2010-2011 Operating Budgets for all City Departments. Funding for the remaining five months of the original contract period and 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, no goals were established for this contract. Recommended by the Electric Utility Commission. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract through The Cooperative Procurement Network (TCPN) with OfficeMax, Inc. was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.**
3. Approve an ordinance amending Chapter 2-1 of the City Code relating to City boards and commissions; amending Chapter 4-8 of the City Code relating to the regulation of lobbyists; repealing Subsection 14-2-

19(C) of the City Code relating to the duties of the Renaissance Market Commission; and dissolving the Renaissance Market Commission.

**The motion was made by Council Member Riley and seconded by Council Member Spelman to delete the sections pertaining to the Renaissance Market in the ordinance, and have staff come back to Council in 30 days with recommendations for restructuring the Renaissance Market Commission.**

**There was a substitute motion made by Mayor Pro Tem Martinez, seconded by Council Member Shade to approve Ordinance No. 20101209-003. This motion passed on a 6-1 vote with Council Member Riley voting nay.**

9. Authorize the negotiation and execution of a one (1) year lease with AUSTIN TRAVIS COUNTY INTEGRAL CARE, INC., for the use of a 4,350 square foot free standing building located at 5307 E. Riverside Drive, for the purpose of providing shelter and care to special needs homeless. The lease revenue is \$1 annually.  
**The motion authorizing the negotiation and execution of a lease with Austin Travis County Integral Care, Inc. was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
14. Authorize a modification to Amendment No. 3 to the Interlocal Agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for the Teen Parent Child Services Program to increase the total contract amount by \$9,000, not to exceed \$658,576. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Neighborhood Housing and Community Services Office through the Community Development Block Grant (CDBG). The initial period of the Agreement was October 1, 2009 through September 30, 2010. The renewal period is October 1, 2010 through September 30, 2011.  
**The motion authorizing the modification to amendment number three to the interlocal agreement with Austin Independent School District for the Teen Parent Child Services Program was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.**
16. Authorize the execution of an Interlocal Agreement between the City of Austin and the VILLAGE OF SAN LEANNA for environmental complaint investigation services during the period of October 1, 2010 through September 30, 2011 in an amount payable of \$1,440 to the City of Austin with four one-year renewal options in an amount of \$1,440 per renewal option for a total contract amount not less than \$7,200. \$1,440 in revenue is included in the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget.  
**The motion authorizing the execution of an interlocal agreement between the City of Austin and the Village of San Leanna for environmental complaint investigation services was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
17. Approve an ordinance accepting \$679 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, Community Services Block Grant, and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$679 for the delivery of basic needs, case management, employment support and preventive health services to low-income residents. These additional grant funds bring the total grant amount to \$892,679. Funding is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant. The grant period is January 1, 2010 through December 31, 2010. No City match is required.  
**Ordinance No. 20101209-017 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
36. Authorize award, negotiation, and execution of a 24-month requirements service contract with PIKE ELECTRIC, INC., Mount Airy, NC, or one of the other qualified offerors to RFP No. TVN0013 for

Transmission and Distribution electrical services in an estimated amount not to exceed \$10,000,000, with three 12-month extension options in an estimated amount not to exceed \$8,000,000 per extension option, for an estimated total contract amount not to exceed \$34,000,000. Funding in the amount of \$181,500 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding in the amount of \$5,940,932 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of six 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) through the achievements of Good Faith Efforts with 4.85% MBE and 1.33% WBE subcontractor participation. Recommended by the Electric Utility Commission.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Pike Electric, Inc. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

### **BRIEFINGS**

55. African American Resource Commission briefing

**The presentation was made by Nelson Linder, Vice Chair, African American Resource Advisory Commission.**

**Mayor Leffingwell recessed the Council Meeting at 11:54 a.m.**

**Mayor Leffingwell called the meeting back to order at 12:03 p.m.**

### **CITIZEN COMMUNICATION: GENERAL**

Stanton Strickland, President, Robertson Hill Neighborhood Association - Marshall Apartments Proposal/Permanent Supportive Housing **He was not present when his name was called.**

Tracy Witte - East 12th Street issues **She was not present when her name was called.**

Chris Wilson - Increase of crime in Cherrywood neighborhood

John Goldstone - East 12th Street

Joe Wheeler - Jollyville transmission main

Norma A. Walker - Impact of the Community Tax Centers services to the City Council

Alpha Balde - Impact of the Community Tax Centers services to the City Council **She was not present when her name was called.**

Scott E. Way - E. 12th Street property owner's position on the proposed Marshall Arms project **He was not present when his name was called.**

Rene Valadez - Contract and grant administration

Robert L. Thomas - Neighbor and Industrial Relations at the Rosewood Parks and Recreation Center **He was not present when his name was called.**

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:19 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.

57. Discuss legal issues relating to Fayette Power Plant. (Private Consultation with Attorney - Section 551.071)
58. Discuss legal issues relating to customer charges for electric franchise fee costs. (Private Consultation with Attorney- Section 551.071)

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:44 p.m.**

**DISCUSSION ITEM CONTINUED**

21. Approve a resolution authorizing a fee-in-lieu of providing affordable housing on site in exchange for a development bonus in the Plaza Saltillo Transit-Oriented Development district for the property at 916 East 7th Street (the Bonneville Mixed Use project).  
**Resolution No. 20101209-021 was approved with the following friendly amendment on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The friendly amendment from Council Member Riley was to amend and add language in the fifth WHEREAS of the resolution to address the developer's commitment to on-site affordable housing to reflect that the MFI for rentals will be 60% and the period for rentals will be 40 years. The amendment was accepted by the maker of the motion and by Mayor Pro Tem Martinez, who made the second. Direction was given to staff to make a recommendation to change the affordability portion of the TOD ordinance.**

**BRIEFINGS CONTINUED**

54. Austin Energy Resource Plan and Affordability Forecast  
**The presentation was made by Larry Weis, General Manager of Austin Energy. Direction was given to staff to take what they have learned over the last six months while developing the affordability forecast and provide Council with a recommendation for a specific affordability goal to be included in the overall generation plan.**
56. A briefing on the Small Business Workforce Development Pilot Program  
**The presentation was made by Rosy Jalifi, Assistant Director of Economic Growth and Redevelopment Services, and Vince Cobalis, Assistant Director of the Health Department.**

**ZONING CONSENT ITEMS (PUBLIC HEARINGS)**

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

59. NPA-2010-0005.01 - Montopolis Tributary Trail Network- Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to amend the Montopolis Neighborhood Planning Area plan document to add a map "Montopolis Tributary Trail Network", to amend text in the plan document to add a goal with objectives and action items intended to expand the opportunities for the public enjoyment of parks, trails, and open space, and to renumber the plan goals, objectives, and actions items as necessary. The Montopolis Neighborhood Planning Area boundaries are Grove Boulevard on the north and west,

Bastrop Highway on the east, and Ben White on the south (Carson, East Country Club, Colorado River Watersheds). Staff Recommendation: To amend the Montopolis Neighborhood Planning Area plan document. Planning Commission Recommendation: To amend the Montopolis Neighborhood Planning Area plan document. Owner/Applicant: Montopolis Planning Contact Team. Agent: Maggie Malangalila. City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and Ordinance No. 20101209-059 to amend the Montopolis Neighborhood Planning Area plan document was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

60. NPA-2010-0014.01 - 5810 Burleson Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021010-11, the Southeast 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 5810 Burleson Road (Carson Creek, Williamson Creek Watersheds) from commercial to industry land use. Staff Recommendation: To grant industry land use. Planning Commission Recommendation: To grant industry land use. Owner/Applicant: 5810 Burleson Partners, L.P. (Kris Hawkins). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and Ordinance No. 20101209-060 to change the land use designation on the future land use map (FLUM) to industry land use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

61. C14-2010-0116 - Burleson 1.91 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5810 Burleson Road (Carson Creek, Williamson Creek Watersheds) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Owner/Applicant: 5810 Burleson Road Partners, LP (Kris Hawkins). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20101209-061 for limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

62. NPA-2010-0014.02 - 4720 Freidrich Lane- Conduct a public hearing and approve an ordinance amending Ordinance No. 20021010-11, the Southeast 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 4720 Freidrich Lane (Williamson Creek Watershed) from office to industry land use. Staff Recommendation: To grant industry land use. Planning Commission Recommendation: To grant industry land use. Owner/Applicant: 4800 Freidrich Lane, L.L.C. (Christopher S. Slover). Agent: Lockwood Engineering (Fred C. Lockwood). City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and Ordinance No. 20101209-062 to change the land use designation on the future land use map (FLUM) to industry land use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

63. C14-2010-0123 - 4800 Freidrich Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4720 Freidrich Lane (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited industrial service- neighborhood plan (LI-NP) combining district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning with conditions.

Owner/Applicant: 4800 Freidrich Lane, LLC (Christopher S. Slover). Agent: Lockwood Engineers, Inc. (Fred Lockwood). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20101209-063 for limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

64. C14-2010-0165 - Milestone Manchaca Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7337 Manchaca Road (Williamson Creek Watershed) from development reserve (DR) district zoning to multi-family residence low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Owner/Applicant: Lehman Otto Life Estate (Charlie Lehman). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
- The public hearing was closed and Ordinance No. 20101209-064 for multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
65. C14-2010-0156 - Daisy Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2609 and 2701 Daisy Drive (Walnut Creek Watershed) from general commercial-services (CS) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Guadalupe Gonzalez. Agent: CPG Consultants (Candy Moreno). City Staff: Sherri Sirwaitis, 974-3057.
- The public hearing was closed and Ordinance No. 20101209-065 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
66. C14-2010-0164 - 8610 N. Mopac Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8610 North Mopac Expressway South Bound (Shoal Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Stephen Whaley. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
- The public hearing was closed and Ordinance No. 20101209-066 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
70. 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 January 27, 2011 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

71. NP-2010-0028 - Heritage Hills/Windsor Hills Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Heritage Hills/Windsor Hills Combined Neighborhood Plan, generally bounded by East Braker Lane to the north, Cameron Road/Dessau Road to the east, U.S. Highway 183/East Anderson Lane to the south, and IH 35 to the west (Little Walnut Creek Watershed, Buttermilk Branch Watershed, Walnut Creek Watersheds). Planning Commission Recommendation: To be reviewed on December 14, 2010. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Kathleen Fox, 974-7877; Greg Dutton, 974-3509.
- This item was postponed on consent to January 13, 2011 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
72. C14-2010-0160 - Heritage Hills Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Heritage Hills Neighborhood Planning Area, generally bounded by East Rundberg Lane to the north, Cameron Road to the east, U.S. Highway 183/East Anderson Lane to the south and IH 35 to the west (Little Walnut Creek Watershed, Buttermilk Branch Watershed). 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 Heritage Hills/Windsor Hills Combined Neighborhood Plan, NP-2010-0028, on 7 tracts of land (98.8 acres). Under the proposed Heritage Hills NPCD, the following design tools are proposed to be applied area-wide: parking placement and impervious cover restrictions, garage placement, and front porch setback. The following special use option is proposed to be applied area-wide: "small-lot amnesty." Other special use options proposed to be applied on a parcel-specific basis include: "residential infill" and "neighborhood urban center." Other special use options that could be approved by City Council on a neighborhood-wide basis include: "cottage," "urban home," "secondary apartment," "corner store," and "neighborhood mixed-use building." The following infill options will be applied to Tracts C, D, and E: "residential infill." The following infill options will be applied to Tracts F and G: "neighborhood urban center." In addition, front and side yard parking restrictions, and mobile food establishment restrictions are proposed area-wide. 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; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) 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; commercial highway (CH) district zoning; industrial park (IP) district zoning; limited industrial service (LI) district zoning; and public (P) district zoning. A conditional overlay (CO), mixed use combining district (MU), vertical mixed use building (V) combining district, or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Heritage Hills Neighborhood Plan. Planning Commission Recommendation: To be reviewed on December 14, 2010. Applicant: City of

Austin. Agent: Planning and Development Review Department. City Staff: Kathleen Fox, 974-7877; Greg Dutton, 974-3509; Joi Harden, 974-2122.

**This item was postponed on consent to January 13, 2011 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

73. C14-2010-0161 - Windsor Hills Neighborhood Planning Area Rezonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Windsor Hills Neighborhood Planning Area, generally bounded by East Braker Lane to the north, Dessau Road to the east, East Rundberg Lane to the south and IH 35 to the west (Little Walnut Creek Watershed, Walnut Creek Watershed). 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 Heritage Hills/Windsor Hills Combined Neighborhood Plan, NP-2010-0028, on 26 tracts of land (118.6 acres). Under the proposed Windsor Hills NPCD, the following design tools are proposed to be applied area-wide: parking placement and impervious cover restrictions, garage placement, and front porch setback. The following special use option is proposed to be applied area-wide: "small-lot amnesty." Other special use options proposed to be applied on a parcel-specific basis include: "residential infill." The following special use options will be applied in a subdistrict: "cottage," and "urban home." The subdistrict is generally bounded by Childress Drive to the north, East Rundberg Lane to the south, Marlborough Drive to the east, and Hansford Drive/Northcape Drive/Cottle Drive to the west. Other special use options that could be approved by City Council on a parcel-specific basis include "secondary apartment," "corner store," and "neighborhood mixed-use building." The following infill options will be applied to Tracts A and B: "residential infill." In addition, front and side yard parking restrictions, and mobile food establishment restrictions are proposed area-wide. 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; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) 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; commercial highway (CH) district zoning; industrial park (IP) district zoning; limited industrial service (LI) district zoning; and public (P) district zoning. A conditional overlay (CO), mixed use combining district (MU), vertical mixed use building (V) combining district, or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To grant zonings and rezonings that implement the land use recommendations of the Windsor Hills Neighborhood Plan. Planning Commission Recommendation: To be reviewed on December 14, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Kathleen Fox, 974-7877; Greg Dutton, 974-3509; Joi Harden, 974-2122.
- This item was postponed on consent to January 13, 2011 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

### ZONING DISCUSSION ITEMS

69. C814-2008-0145 - The Park PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Barton Springs Road (Bouldin Creek Watershed) from commercial-liquor sales-vertical mixed use building, neighborhood plan (CS-1-V-NP) combining district zoning to planned unit development, neighborhood plan (PUD-NP)

combining district zoning. Staff Recommendation: To deny planned unit development-neighborhood plan (PUD-NP) combining district zoning. Planning Commission Recommendation: To deny planned unit development, neighborhood plan (PUD-NP) combining district zoning. Applicant: Texas American Resources (David Honeycutt). Agent: Drenner & Golden Stuart Wolff, LLP. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

**This item was postponed to January 13, 2011 at the Save Town Lake and the Bouldin Creek neighborhood association's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

67. C14H-2010-0023 - Knippa-Huffman House - Conduct a public hearing and approve all three readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2414 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Clay and Mollie Duckworth, owners. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20101209-067 for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

68. C14H-2010-0024 - Wilder House - Conduct a public hearing and approve all three readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1412 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Bill Davenport, owner. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was closed and Ordinance No. 20101209-068 for family residence-historic landmark (SF-3-H) combining district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 6-1 vote. Council Member Shade voted nay.**

**Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:51 p.m. See separate minutes.**

**Mayor Leffingwell called the Council Meeting back to order at 5:31 p.m.**

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

### LIVE MUSIC

Austin Children's Choir

### PROCLAMATIONS

Certificate of Congratulations -- Austin Baldrige Award Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by Ken Schiller and Brian Nolen

Proclamation -- SBDP Entrepreneurial Students -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Distinguished Service Award -- Dr. Joe Gonzales, principal, Austin Can! Academy -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Certificates of Graduation -- Austin CityWorks Academy students -- to be presented by Mayor Lee Leffingwell and City Manager Marc Ott and to be accepted by the honorees

**Mayor Leffingwell called the Council Meeting back to order at 6:21 p.m.**

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

74. Conduct a public hearing and consider an ordinance creating an economic development program and authorizing the negotiation and execution of an economic development agreement with SUNPOWER, INC.  
**The public hearing was closed and Ordinance No. 20101209-074 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.**
75. Conduct a public hearing and consider an ordinance amending sections in City Code Title 25 (Land Development) relating to docks, bulkheads and shoreline access.  
**The public hearing was closed and Ordinance No. 20101209-075 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.**
76. Conduct a public hearing and consider an ordinance regarding the Downtown Austin Public Improvement District (PID) 2011 assessments and levying 2011 assessments. Funding at the approved 2011 assessment rate of \$0.10/\$100 valuation is estimated to produce \$2,474,087 at a 96% collection rate.  
**The public hearing was closed and Ordinance No. 20101209-076 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.**
77. Conduct a public hearing and consider an ordinance regarding the East 6th Street Public Improvement District (PID) 2011 assessment roll and levying 2011 assessments. Funding at the approved 2011 assessment rate of \$0.15/\$100 valuation is estimated to produce \$62,837 at a 90% collection rate.  
**The public hearing was closed and Ordinance No. 20101209-077 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.**
78. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner's engineer, Mr. Bradley Lingvai, on behalf of the owners to construct a new single-family house at 419 W. Johanna Street, which is in the 100-year floodplain of East Bouldin Creek. October 12, 2009-Board of Adjustments approved a variance from LDC Section 25-2-774(C)(2) to construct a principal structure to the rear of the lot and to change the use of the existing lot to create a two-family residential use in a SF-3-NP, Family Residence-Neighborhood Plan Z.  
**The motion was made by Mayor Pro Tem Martinez and seconded by Council Member Morrison to close the public hearing and to deny the floodplain variances request.**
- There was a substitute motion made by Mayor Pro Tem Martinez, seconded by Council Member Spelman to postpone this item to January 13, 2011 to give the owners time to work with staff on additional options. This motion passed on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 7:20 p.m. without objection.**

**The minutes for the Regular Meeting of December 9, 2010 were approved on this the 16th day of December 2010 on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.**