

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 27, 2010**

Invocation: Pastor Rodney Hargrove, Church of the First Born

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, May 27, 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 regular meeting of May 13, 2010.
The minutes from the regular meeting of May 13, 2010 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Authorize negotiation and execution of an Interlocal Agreement with the City of San Antonio to allow cooperation and joint purchasing efforts with respect to implementing the Retrofit Ramp-Up Program under the federal American Recovery and Reinvestment Act of 2009. Funding for is available from the U.S. Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009, from June 1, 2010 to June 1, 2013. No match is required. Recommended by the Electric Utility Commission and the Resource Management Commission.
The motion authorizing the negotiation and execution of an interlocal agreement with the City of San Antonio was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Item 4 was pulled for discussion.

5. Approve an ordinance amending the Fiscal Year 2009-2010 Austin Water Utility Capital Budget of Ordinance No. 20090914-003 to appropriate \$2,000,000 for Whisper Valley and Indian Hills water improvements. Funding in the amount of \$2,000,000 is available from a Reimbursement Resolution. Recommended by the Water and Wastewater Commission. Related to Item #6.

Ordinance No. 20100527-005 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

6. Approve an ordinance authorizing the City Manager to negotiate and execute a cost reimbursement agreement with Club Deal 120 Whisper Valley, Limited Partnership and Club Deal 116 Indian Hills TX, Limited Partnership for design of 48 inch and 24 inch water mains, and for the payment of a Certificate of Convenience and Necessity release fee, for a total reimbursement cost not to exceed \$2,000,000; waiving the requirements of Sections 25-9-33, 25-9-63, and 25-9-64 of the City Code relating to cost participation and cost reimbursement; and waiving the Service Extension application fee in an amount not to exceed \$6,595 established in Ordinance 20090916-004. Funding is available in the amount of \$2,000,000 in the Fiscal Year 2009-2010 Capital Improvement Budget of the Austin Water Utility, pending action to amend the capital budget on May 27, 2010. Recommended by the Water and Wastewater Commission. Related to Item #5.

Ordinance No. 20100527-006 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

7. Approve the issuance of a Letter of Intent for a rebate to SPANSION INC. for the installation of treatment equipment and distribution piping, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2009-2010 Conservation Rebate and Incentives Fund. Recommended by the Resource Management Commission and the Water and Wastewater Commission.
The motion to approve the issuance of a letter of intent for a rebate to Spansion Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Item 8 was pulled for discussion.

9. Authorize negotiation and execution of amendments as required for construction phase services with DPR CONSTRUCTION, INC., Austin, TX (Construction Manager at Risk) for Austin Energy's System Control Center (SCC) for an estimated construction budget not to exceed \$67,000,000. Funding in the amount of \$3,500,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Recommended by the Electric Utility Commission.
This item was withdrawn on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

10. Authorize execution of Work Authorization Amendment No. 1 to the Construction Manager at Risk (CM@R) contract with MWH CONSTRUCTORS, INC., Broomfield, CO, for a Guaranteed Maximum Price (GMP) of \$7,503,114 for Work Package No. 3A – Early Out Equipment for Construction of Water Treatment Plant No. 4 (WTP 4). Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified for the equipment packages; therefore, no goals were established for this particular amendment only (project specific goals have been set for Preconstruction Phase Services and will be set for future construction packages released for this project). Reviewed by the Water and Wastewater Commission.
The motion authorizing the execution of work authorization amendment number one to the Construction Manager at Risk (CM@R) contract with MWH Constructors, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman'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.

11. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with Facility Solutions Group, Austin, TX, for the installation of trail lighting in selected areas of the Lady Bird Lake Hike and Bike Trail in an amount of \$229,958. Funding is available in the Fiscal Year 2009 - 2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. Facility Solutions Group 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.
The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative with Facility Solutions Group was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
12. Authorize negotiation and execution of a 21 month and 18 day lease for approximately 2,167.66 square feet of office space for the Health and Human Services Department, for use as the Tobacco Prevention and Control Program office, located at 1106 Clayton Lane, Suites 204E and 215E, from TWIN TOWERS LTD. PARTNERSHIP, Austin TX, in an amount not to exceed \$74,067.39, with two (2) twelve (12) month extension options, in an amount not to exceed \$41,185.54 for each extension term, for a total amount not to exceed \$156,439.47. Funding in the amount of \$74,067.39 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Special Revenue Fund. The grant period is March 19, 2010 through March 18, 2012. Funding for the extension options is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of a lease from Twin Towers Ltd. Partnership was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
13. Authorize execution of a construction contract with MASTEC NORTH AMERICA INC., Austin, TX, for the Annual Traffic Signal Installation/Modification in an amount not to exceed \$1,478,719.65. Funding in the amount of \$1,000,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department. Funding for the remainder is contingent upon approval of future capital budgets. Lowest bid of two (2) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 13.79% MBE and 5.02% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Mastec North America Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
14. Authorize negotiation and execution of a construction contract through the LOCAL PURCHASING COOPERATIVE with JOHNSON CONTROLS, INC., Austin, TX, for HVAC Services at the South Austin Regional Wastewater Treatment Plan in an amount of \$238,800 plus a contingency of \$23,880, for a total contract amount not to exceed \$262,680. Funding is available in the Fiscal Year 2009 - 2010 Capital Budget of the Austin Water Utility. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. Johnson Controls, Inc. is an approved vendor/contractor through the competitive procurement process authorized by Texas Statute, Local Government Code, Chapter 271, Subchapter F. This contract will be awarded in compliance with Chapter 2-9D 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. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of a construction contract through the Local Purchasing Cooperative with Johnson Controls, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

15. Authorize execution of a construction contract with TRCU, LTD., Houston, TX for the South IH-35 Water/Wastewater Infrastructure Improvements Program Segment 10 - Bradshaw Road south of Plantation Drive, 42-Inch Water Main project in the amount of \$1,478,629.95 plus \$73,931.50 contingency, for a total contract amount not to exceed \$1,552,561.45. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 5.42% MBE and 2.41% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
This item was withdrawn on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
16. Authorize execution of a construction contract with AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO., LP, Pflugerville, TX, for the ABIA Overhead Signage Renovations project at the Austin Bergstrom International Airport in the amount of \$158,524. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Lowest bid of four (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 5.41% MBE and 8.66% WBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the execution of a construction contract with Austin Traffic Signal Construction Co., LP was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
17. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX, for the North Shields Water Rehabilitation project in the amount of \$798,537.50 plus a \$39,927 contingency, for a total contract amount not to exceed \$838,464.50. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) 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 14.33% MBE and 5.52% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Capital Excavation Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
18. Authorize execution of a construction contract with S. J. LOUIS CONSTRUCTION OF TEXAS, LTD., San Antonio, TX, for the South IH-35 Onion Creek Golf Course Interceptor, South Tunnel in the amount of \$7,833,851 plus a \$783,385 contingency, for a total contract amount not to exceed \$8,617,236. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 9.31% MBE and 2.82% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with S. J. Louis Construction of Texas, Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
19. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, INC., Killeen, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program Segment 13/14 - Pleasant Valley Extension, Rinard Creek to East Slaughter Lane, 42-Inch Water Main in the amount of \$1,273,934, plus a contingency of \$63,696.70, for a total contract amount not to exceed \$1,337,630.70.

Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of seven (7) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 9.87% MBE and 3.18% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

20. Authorize execution of a construction contract with AUSTIN ENGINEERING CO., INC., Austin, TX for the South IH-35 Water/Wastewater Infrastructure Improvements Program - Segment 7, From the Proposed South Zone Reservoir to FM 1327, 42-Inch Water Main in the amount of \$1,292,829 plus a \$129,282 contingency, for a total contract amount not to exceed \$1,422,111. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of nine (9) 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 8.18% MBE and 3.95% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Austin Engineering Co., Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
21. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC. (MBE/MH - 84.17%), Austin, TX for the West Austin Sanitary Sewer Overflow Abatement project in the amount of \$1,039,555.50 plus a \$51,902.78 contingency, for a total contract amount not to exceed \$1,091,458.28. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 84.17% MBE Prime and 2.03% MBE and 5.59% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Austin Underground, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
22. Authorize execution of change order #5 to the construction contract with RODRIGUEZ BARR, INC. dba THE BARR COMPANY, Austin, TX, for The McBeth Recreation Center Renovations Project in the amount of \$52,000, for a total contract amount not to exceed \$632,940. Funding in the amount of \$52,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation 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 3.65% MBE and 2.07% WBE subcontractor participation to date including this change order.
The motion authorizing the execution of change order number five to the construction contract with Rodriguez Barr, Inc. doing business as The Barr Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
23. Authorize negotiation and execution of professional services agreements with BLACK AND VEATCH CORPORATION, Austin, TX and AECOM TECHNICAL SERVICES, INC., Austin, TX for engineering services for the Walnut Creek WWTP and South Austin Regional WWTP Filter Improvements respectfully, in an amount not to exceed \$1,500,000 for each agreement, with a total authorization amount not to exceed \$3,000,000. Improvements for each of the facilities will be implemented as two separate engineering contracts with Black and Veatch assigned to Walnut Creek WWTP and AECOM assigned to South Austin Regional WWTP. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Most qualified two (2) firms out of nine (9) firms evaluated through the City's

qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of professional services agreements with Black and Veatch Corporation and AECOM Technical Services, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

24. Approve an ordinance authorizing the City Manager to execute a Master Development Agreement with CONSTRUCTIVE VENTURES, INC. and TC AUSTIN DEVELOPMENT, INC. for redevelopment of the property currently occupied by the Austin Energy Control Center; adopting building access and area of refuge requirements; and approving a managed growth agreement. No unanticipated financial impact. Related to Item #25.

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

25. Approve an ordinance amending the Fiscal Year 2009-2010 Economic Growth and Redevelopment Services Office Capital Budget of Ordinance No. 20090914-003 to appropriate \$1,350,000 for improvements in conjunction with revenues received from the Energy Control Center Redevelopment Project. Funding in the amount of \$1,350,000 is available in developer contributions in conjunction with the Energy Control Center Master Agreement. Related to Item #24.

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

26. Approve a resolution nominating St. David's Healthcare Partnership, L.P., LLP for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Texas Government Code Chapter 2303 (Texas Enterprise Zone Act). The qualifying project consists of a renovation and expansion of facilities located at 901 W. Ben White Boulevard, Austin, Texas.

Resolution No. 20100527-026 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

27. Approve a resolution nominating Bazaarvoice, Inc. for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Texas Government Code Chapter 2303 (Texas Enterprise Zone Act). The qualifying project consists of a renovation and expansion of facilities located at 3900 North Capital of Texas Highway, Austin, Texas.

Resolution No. 20100527-027 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

28. Approve an ordinance authorizing acceptance of \$206,401 in additional grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, WIC PROGRAM, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$206,401 for staffing, infrastructure improvements, an increase to indirect cost support, and adding three full-time equivalent positions. Funding is available from the Texas Department of State Health Services, WIC Program. The grant period is October 1, 2009 through September 30, 2010. No City match is required.

Ordinance No. 20100527-028 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

29. Approve execution of an Interlocal Agreement with Austin Travis County Mental Health Mental Retardation Center dba Austin Travis County Integral Care Center (ATCICC) for sharing limited suicide data, for a one-year term beginning on April 10, 2010, with three one-year renewal options.

The motion authorizing the execution of an interlocal agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Austin Travis County Integral Care Center (ATCICC) was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

30. Authorize execution of an amendment to the legal services contract with Smith, Robertson, Elliot, Glen, Klein and Bell LLP to provide legal services related to Water Treatment Plant 4, in an amount not to exceed \$135,000 for a total contract amount not to exceed \$370,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.
The motion authorizing the execution of an amendment to the legal services contract with Smith, Robertson, Elliot, Glen, Klein and Bell LLP was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman'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.
31. Authorize execution of Amendment No. 1 to the Service Agreement with the Austin Housing Finance Corporation to increase funding by up to \$1,519,000 for a total agreement amount not to exceed \$11,999,628 for the period of October 1, 2009 through September 30, 2010 and amend the Fiscal Year 2009-2010 Austin Housing Finance Corporation Operating Budget to appropriate \$1,519,000 for the Holly Good Neighbor Program. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Development Office through the Austin Energy Holly Good Neighbor Program. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Development Office through the Austin Energy Holly Good Neighbor Program. September 24, 2009 - Board authorized negotiation and execution of a one-year service agreement with the City of Austin to manage and operate various housing programs for the City during fiscal year 2009-2010 funded by the City's federal Housing and Urban Development funds and local housing funds in an amount not to exceed \$10,480,628.
The motion authorizing the execution of amendment number one to the service agreement with the Austin Housing Finance Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
32. Approve a resolution amending the City's Municipal Annexation Plan (MAP) to remove the North Austin MUD annexation area (approximately 977 acres located at the northwest corner of Parmer Lane and McNeil Drive) that was included effective December 31, 2009.
Resolution No. 20100527-032 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Items 33 and 34 was pulled for discussion.

35. Authorize award and execution of a contract with KBS ELECTRICAL DISTRIBUTORS INC., Austin, TX for the purchase of 20,000 feet each of four-sizes of wire for Austin Energy in an amount not to exceed \$136,200. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Lowest bid meeting specification of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a contract with KBS Electrical Distributors Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
36. Authorize award, and execution of a 12-month requirements service contract, with ORACLE USA, Austin, TX, for the purchase of Oracle Customer Care & Billing (CC&B) software maintenance and

support in an estimated amount not to exceed \$772,185 with six 12-month extension options in an estimated amount not to exceed \$772,185, for the first extension option, \$772,185, for the second extension option, \$772,185 for the third extension option, \$810,795 for the fourth extension option, \$851,335 for the fifth extension option, and \$893,902 for the sixth and final extension option for a total estimated amount not to exceed \$5,644,772. Funding in the amount of \$772,185 is available in the 2009-2010 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Critical Business Need. 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 service contract with Oracle USA was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

37. Authorize award and execution of a 12-month requirements service contract with SAP CANADA, VANCOUVER, BC, for the purchase of SAP software maintenance and support services in an estimated amount not to exceed \$16,500, with six 12-month extension options in an estimated not to exceed \$16,500 per extension option, for a total estimated contract amount not to exceed \$115,500. Funding in the amount of \$16,500 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Critical Business Need. 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 service contract with SAP Canada was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

38. Approve the ratification of a contract with SOLAR TURBINE INC., Houston, TX for inspection and repair services on a gas turbine at Austin Energy's Mueller Energy Center in an amount not to exceed \$278,993.51. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Critical Business Need. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion to ratify a contract with Solar Turbine Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

39. Authorize award and execution of a 36-month requirements supply contract with HERSEY METERS COMPANY, LLC, d/b/a MUELLER SYSTEMS, LLC, Cleveland, NC for the purchase of cold water meters in an estimated amount not to exceed \$940,383, with three 12-month extension options in an estimated amount not to exceed \$313,461 per extension option, for a total estimated contract amount not to exceed \$1,880,766. Funding in the amount of \$104,487 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract with Hersey Meters Company, LLC doing business as Mueller Systems, LLC was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

40. Authorize award and execution of a contract through the Texas Procurement and Support Services Cooperative Purchasing Program, Texas Multiple Award Schedule (TXMAS) with BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, INC., Edgewater, FL, for the purchase of two police boats in an amount not to exceed \$205,598. Funding is available in the Fiscal Year 2009-2010 Police Asset Forfeiture Fund for the Austin Police Department. This contract will be awarded in compliance with Chapter 2-9D 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.

The motion authorizing the award and execution of a contract through the Texas Procurement and Support Services Cooperative Purchasing Program, Texas Multiple Award Schedule (TXMAS) with Brunswick Commercial & Government Products, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

41. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with COOPER EQUIPMENT COMPANY, San Antonio, TX for the purchase of three street sweepers in an amount not to exceed \$698,394. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. This contract will be awarded in compliance with Chapter 2-9D 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.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Cooper Equipment Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

42. Authorize award and execution of a contract with LONE STAR BMW/TRIUMPH, Austin, TX for the purchase of six replacement police motorcycles in an amount not to exceed \$142,818.66. Funding is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund of the Financial and Administrative Services Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a contract with Lone Star BMW/Triumph was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

43. Authorize award and execution of three contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: PROFESSIONAL TURF PRODUCTS, San Antonio, TX for the purchase of three mowers and one debris vacuum in an amount not to exceed \$208,495.25; C&M GOLF AND GROUNDS EQUIPMENT, Waco, TX for the purchase of one aerator, twelve carts, fifteen mowers, and one top-dresser in an amount not to exceed \$617,157.14; JOHN DEERE, Cary, NC for the purchase of one turf collection system, two sprayers, two trap rakes, and four utility trucksters in an amount not to exceed \$200,704.06. Funding in the amount of \$1,026,356.45 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. These contracts will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). These contracts are Cooperative Purchases; therefore, they are exempted under Chapter 791 of the Texas Local Government Code and no goals were established for these solicitations.

The motion authorizing the award and execution of three contracts through the Texas Local Government Purchasing Cooperative with Professional Turf Products, C&M Golf and Grounds

Equipment, and John Deere was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

44. Authorize award and execution of four contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: RDO EQUIPMENT CO., Pflugerville, TX for the purchase of three articulated wheel loaders, seven tractor/loader/backhoes, one crawler-dozer, and one mini excavator in an amount not to exceed \$1,442,644.50; HOLT CATERPILLAR, Austin, TX for the purchase of one integrated tool-carrier, two articulated wheel-loaders, one motor-grader, one excavator, and one crawler-dozer in an amount not to exceed \$909,873; VACTOR MANUFACTURING, INC., Streaton, IL. for the purchase of two sewer cleaner bodies in an amount not to exceed \$300,500; and PROFESSIONAL TURF PRODUCTS, San Antonio, TX for the purchase of one tractor-mower in an amount not to exceed \$73,043.31. Funding in the amount of \$1,219,615.85 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$113,538.11 is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$1,062,423.35 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$330,483.50 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This contract will be awarded in compliance with Chapter 2-9D 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. Recommended by the Water and Wastewater Commission. The motion authorizing the award and execution of four contracts through the Texas Local Government Purchasing Cooperative with RDO Equipment Co., Holt Caterpillar, Vactor Manufacturing, Inc., and Professional Turf Products was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
45. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with SANTEX TRUCK CENTER, San Antonio, TX, for the purchase of three dump trucks, three truck cab and chassis, two water service trucks, and one truck tractor in an amount not to exceed \$882,219.99. Funding in the amount of \$618,102.99 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$162,924 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$101,193 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This contract will be awarded in compliance with Chapter 2-9D 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. Recommended by the Water and Wastewater Commission. The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with Santex Truck Center was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
46. Authorize award and execution of five 12-month requirements service contracts with RED & WHITE GREENERY, INC., Georgetown, TX., PAMPERED LAWNS AUSTIN, INC., Austin, TX., MALDONADO NURSERY & LANDSCAPE, INC., San Antonio, TX., ECOSTAR LANDSCAPE MANAGEMENT, Del Valle, TX., and FRANK RINGER & ASSOCIATES, Austin, TX for grounds maintenance mowing services, in estimated amounts not exceed \$50,593, \$114,267, \$74,157, \$21,324, and \$14,349 respectively, with five 12-month extension options for each contract in estimated amounts not to exceed \$50,593, \$114,267, \$74,157, \$21,324, and \$14,349 respectively per extension option, for total estimated contract amounts not to exceed \$303,558, \$685,602, \$444,942. \$127,944, and \$86,094 respectively. Funding in the amount of \$109,875 is available in the Fiscal Year 2009-2010 Operating Budget of the Parks and Recreation Department. Funding for the remaining eight months of the original

contract period and extension options is contingent upon available funding in future budgets. Best evaluated bids of 18 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 five requirements service contracts with Red & White Greenery, Inc., Pampered Lawns Austin, Inc., Maldonado Nursery & Landscape, Inc., Ecostar Landscape Management and Frank Ringer & Associates was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Items 47 and 48 were pulled for discussion.

49. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation (TXDOT) to develop engineering evaluation of short-term operational improvements that might be made to the US 290 at William Cannon Drive and the US 290 at US 71 intersections. The Interlocal Agreement would allow the City of Austin to partner with TXDOT to investigate opportunities to make interim, short-term congestion mitigating improvements to these intersections while more permanent solutions are contemplated through the environmental process. Funding in the amount of \$25,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Transportation Department.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation (TXDOT) was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

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

Waivers

Board of Adjustment

Clarke Hammond

Mayor Leffingwell

Waiving the last Friday in April filing deadline as prescribed in Section 2-7-72 of the City Code and establishing a new deadline of the last Friday in August.

Downtown Austin Community Court Advisory Committee

Bruce Mills

Mayor Pro Tem Martinez

Ordinance No. 20100527-050, waiving the requirement prescribed in Section 2-1-21(K) of the City Code was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

51. Approve a resolution initiating a zoning case on property generally located at MoPac Expressway and Braker Lane, locally known as the Simon Tract, to amend the zoning from major industry - planned development area (MI-PDA) to MI-PDA to increase the impervious cover from 80 percent to 83 percent. (Mayor Lee Leffingwell Council Member Randi Shade Council Member William Spelman)

Resolution No. 20100527-051 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Items 52 and 53 were pulled for discussion.

54. Approve a resolution directing the City Manager to provide free parking in city parks for volunteers working on city trails in observance of the annual National Trails Day event. (Mayor Pro Tem Mike Martinez Council Member Chris Riley Council Member Laura Morrison)
Resolution No. 20100527-054 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Item 55 was pulled for discussion.

Item 56 was pulled to be heard after the related Executive Session item.

57. Approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored Greater East Austin Youth Association's 2010 Juneteenth Parade and Celebration which is to be held on June 19, 2010, at Rosewood Park. (Council Member Sheryl Cole Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored Greater East Austin Youth Association's 2010 Juneteenth Parade and Celebration was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
58. Approve the waiver of the right to object to a street closure requirement under City Code Chapter 14-8 for the African American Cultural Heritage District Street Festival which is to be held on Friday, June 18th on Waller Street between Eleventh and Juniper Streets. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Randi Shade)
The motion to approve the waiver of the right to object to a street closure requirement for the African American Cultural Heritage District Street Festival was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
59. Approve the waiver of certain pool entry fees for the 9th grade Transition Camp sponsored by Communities in Schools which is to be held Wednesday, June 16, 2010 at Barton Springs Pool. (Council Member Sheryl Cole Council Member Laura Morrison)
The motion to approve the waiver of certain pool entry fees for the 9th grade Transition Camp was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
60. Set a public hearing to 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 25-year and 100-year floodplains of East Bouldin Creek. (Suggested date and time: June 10, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). 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 Zoning District.
The public hearing was set on consent for June 10, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
61. Set a public hearing to consider an ordinance amending Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards) to include the area bounded by Ben White Blvd., on the north, IH-35 on the east, William Cannon on the south, and Manchaca on the west. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 24, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

62. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code related to residential remodeling of non-complying structures and non-conforming uses. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second St., Austin, TX).
The public hearing was set on consent for June 24, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
63. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Waller Creek District Master Plan. The planning area includes properties bounded approximately by Interstate 35 to the east, Red River St. to the west, Lady Bird Lake to the south and 12th St. to the north. (Suggested date and time: June 24, 2010 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 24, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
64. Set public hearings for the limited purpose annexation of the following annexation areas: (1) Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane); and (2) Indian Hills Area (approximately 240 acres in Travis County west of SH 130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road). (Suggested dates and times: July 29, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX; and August 5, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearings were set on consent for July 29, 2010 and August 5, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Items 65 and 66 were briefing items set for 10:30 a.m.

Items 67 and 68 were Executive Session items.

Items 69 through 89 were zoning items set for 2:00 p.m.

Items 90 through 98 were public hearing items set for 4:00 p.m.

Item 99 was on the addendum

DISCUSSION ITEMS

4. Approve an ordinance amending City Code Chapter 15-9 as it relates to utility customers with certain medical vulnerabilities, and utility disconnection moratoriums during summer extreme weather conditions. There is no unanticipated financial impact. Recommended by the Electric Utility Commission. **Ordinance No. 20100527-004 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**
8. Approve Service Extension Request No. 2912 for wastewater service for MCMEANS, INC., the owner of McMeans Store located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 11720 FM 1826 Road, proposing approximately 17,650 square feet of Retail/Shopping with an Estimated Peak Wet Weather Flow of 14 gallons per minute (gpm). There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. **There was a motion made by Council Member Spelman and seconded by Council Member Morrison to deny service extension request number 2912 for wastewater service.**

The substitute motion made by Mayor Pro Tem Martinez and seconded by Council Member Cole to approve service extension request number 2912 for wastewater service passed on a vote of 5-2. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole, Riley and Shade. Those voting nay were: Council Members Morrison and Spelman.

34. Authorize negotiation and execution of Amendment No. 4 to the Interlocal Agreement for booking and related services between Travis County and the City of Austin to add contracted phlebotomist services to be performed within the Travis County Central Booking Facility in an amount not to exceed \$24,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Recommended by Public Safety Commission.
The motion authorizing the negotiation and execution of amendment number four to the interlocal agreement between Travis County and the City of Austin was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

52. Approve a resolution giving Second Street between Trinity Street and San Antonio Street the honorary name of Willie Nelson Boulevard. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Laura Morrison)
Mayor Leffingwell turned the meeting over to Mayor Pro Tem Martinez.

Resolution No. 20100527-052 was approved on Mayor Leffingwell's motion, Council Member Morrison's second on a 7-0 vote.

53. Approve a resolution directing the City Manager to recommend options for achieving the City's regional multi-modal transportation goals being discussed as part of the City's on-going transportation planning while preserving debt capacity for a general obligation bond election in 2013, adhering to all City financial policies, and maintaining a consistent tax rate. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Chris Riley)
This item was withdrawn without objection.

2. Approve an ordinance authorizing acceptance of \$10,000,000 in American Recovery and Reinvestment Act (ARRA) competitive grant funds from the U.S. Department of Energy and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate funds for a Retrofit Ramp-Up Program and for the addition of eight (8) full-time equivalent positions to implement the program. Funding is available from the U.S. Department of Energy for the grant period of June 1, 2010 to June 1, 2013. No match is required. Recommended by the Electric Utility Commission and the Resource Management Commission.
Ordinance No. 20100527-002 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

BRIEFINGS

65. Update by Comprehensive Planning Advisory Task Force and Wallace, Roberts & Todd, LLC and staff on "Imagine Austin" and the draft Vision Statement
The presentation made by Greg Guernsey, Director of Planning and Development Review Department; Judge Cooper, Comprehensive Planning Advisory Task Force; Garner Stoll, Assistant Director of Planning and Development Review Department; and David Rouse of Wallace, Roberts & Todd.
66. Affordability in Transit-Oriented Developments: Potential Catalyst Projects on City-Owned Land
This item was withdrawn without objection.

99. Briefing on City staff memorandum released May 21, 2010 regarding the KeyPoint Solutions report dated September 30, 2009.
The presentation was made by Lee Crawford, Division Chief of the Law Department.

CITIZEN COMMUNICATION: GENERAL

Ben Rogers - Brodie Wild- Building on sensitive watershed

Malcolm Yattes spoke in place of Linda Yattes - Crime and APD staffing

Ruth Anderson - Schedule building projects on Barton Creek watershed

Christopher Ringstaff - City code compliance and review

Jim Harrington - Comments on the key point report about the Sanders killing by the police

Christina Alvarez - Non profit water company She was not present when her name was called.

Babs Warren - Fluoride and poisoning of our food

Anthony Walker - TBD

Debbie Russell - Accountability and transparency

Daniel Cloper - Fluoride He was not present when his name was called.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 1:20 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.

67. Discuss acquisition of real property to be included in the Water Quality Protection Land Program. (Real Property - Section 551.072)
68. Evaluate the performance of and consider compensation and benefits for the City Manager. (Personnel Matters-Section 551.074). Related to Item #56.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:37 p.m.

DISCUSSION ITEMS CONTINUED

55. Approve a resolution directing the City Manager to work with the Urban Transportation Commission stakeholder group to develop recommendations on taxicab key performance indicators, fees charged to taxicab drivers by franchises, and a revised methodology for authorizing franchise agreements. (Council Member William Spelman Council Member Laura Morrison Council Member Chris Riley)
Resolution No. 20100527-055 with the following amendments was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. The amendment was to change the BE IT FURTHER RESOLVED paragraphs of the resolution to read as follows:

“BE IT FURTHER RESOLVED

In the discussion of key performance indicators, the City Manager is directed to work with the Urban Transportation Commission to specifically explore the following:

1. Performance measures currently collected by the Austin Transportation Department;
2. Use of biofuel, renewable fuel or hybrid technology in franchise fleets;
3. Percentage of driver-owners in franchise;
4. Percentage of drivers leasing more than one permit;
5. Customer service data, including time between service call and pick-up;
6. Growth rate of fees charged to drivers by the franchises; and
7. Other indicators, as necessary.

BE IT FURTHER RESOLVED

In the discussion of the methodology of franchise authorization, the City Manager is directed to work with the Urban Transportation Commission to specifically explore:

1. Various procurement options, including request for proposals;
2. Various agreement types that enable franchises and the City to achieve customer service, community values and driver working conditions goals; and
3. Integration of key performance indicators as a standard for continued franchise authorization.

BE IT FURTHER RESOLVED

The City Manager will present his recommendations to the Urban Transportation Commission and to the City Council no later than September 30, 2010.”

Mayor Leffingwell recessed the Council Meeting at 5:36 p.m.

LIVE MUSIC

La Guerrilla

PROCLAMATIONS

Proclamation -- COA's Day of Remembrance (Memorial Day) -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Certificates of Congratulations -- High School Clean Air Force PSA Contest Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Presentation to the City -- Gold Award Status Award -- to be presented by the Council for the Stroke and Cardiovascular Disease Healthy Cities Initiative and to be accepted by Mayor Lee Leffingwell, David Lurie and Dr. Phil Huang

ABS Award of Merit Presentation to the City by the National Society of Professional Engineers and the American Council of Engineering Companies to be accepted by Mayor Lee Leffingwell and Rosie Truelove, Contract & Land Management

Proclamation -- COA Employee Safety Month -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Shelley Buchman

Certificates of Congratulations -- Teachers of the Year -- to be presented by Council Member Sheryl Cole and to be accepted by the honorees

Mayor Leffingwell called the Council Meeting back to order at 6:47 p.m.

DISCUSSION ITEMS CONTINUED

47. Approve an ordinance on third reading to renew the Austin Cab I, Incorporated d.b.a. Austin Cab taxicab franchise. Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue, \$63,600.
Ordinance No. 20100527-047 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 4-0 vote. Council Members Morrison, Riley and Spelman were off the dais.
48. Approve an ordinance on third reading to renew the Greater Austin Transportation Company d.b.a. Yellow Cab Company taxicab franchise. Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue, \$182,000.
Ordinance No. 20100527-048 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
33. Authorize execution of an Interlocal Cooperation Agreement between the City of Austin, Austin Independent School District Police Department, Georgetown Police Department, Hays County Sheriff's Office, Pflugerville Police Department, Round Rock Police Department, San Marcos Police Department, Travis County Sheriff's Office, University of Texas Police Department, and Williamson County Sheriff's Office for the establishment and operation of the Austin Regional Intelligence Center (ARIC). Recommended by the Public Safety Commission.
The motion authorizing the execution of an interlocal cooperation agreement between the City of Austin, Austin Independent School District Police Department, Georgetown Police Department, Hays County Sheriff's Office, Pflugerville Police Department, Round Rock Police Department, San Marcos Police Department, Travis County Sheriff's Office, University of Texas Police Department, and Williamson County Sheriff's Office, with the following amendments, was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais. The amendments were:
- **Add a new section V. to the Interlocal Agreement called Collection Limitations. In that section, copy over section V. subsections C., D., E., F., and L. from the Privacy Policy to the Interlocal Agreement.**
 - **Amend the Interlocal Agreement, Section 5.B. to add a subsection e. that says "Meetings and activities of the Committee will be open to the public with appropriate provisions for sensitive information and legal requirements of confidentiality."**
 - **Add the following language to the last sentence of Section X. Auditing, "...with a report to the Austin City Council."**
56. Approve a resolution relating to the compensation and benefits for the City Manager. Related to Item #68. (Council Member Randi Shade Mayor Lee Leffingwell)
Resolution No. 20100527-056 to extend the City Manager's current compensation and benefits was approved on Council Member Shade's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 8:33 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 8:35 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.

69. C14-2009-0162 - AAA Limousine - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11902 North Interstate Highway-35 Service Road South Bound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First Reading approved on April 8, 2010. Vote: 6-0; Cole off the dais. Applicant/Owner: Mohammad Boujabadi. Agent: A.E.C. Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20100527-069 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.
70. C814-2008-0136 - North Austin Medical Center Planned Unit Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12221 North Mo-Pac Expressway Northbound and 2311-2511 Park Bend Drive (Walnut Creek Watershed) from general office (GO) district zoning, community commercial (GR) district zoning, limited office (LO) district zoning, and community commercial-conditional overlay (GR-CO) combined district zoning to planned unit development (PUD) district zoning. First reading approved on April 22, 2010. Vote: 7-0. Applicant: St. David's Healthcare Partnership, L.P. LLP (Malcolm Belisle). Agent: Clark, Thomas & Winters, PC (John M. Joseph). City Staff: Joi Harden, 974-2122.
This item was postponed on consent to June 24, 2010 at the staff's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.
72. C14-2009-0102(PART) - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 3 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 3 from the overlay district. First reading approved on March 11, 2010. Vote: 5-1, Martinez-Nay, Shade-Abstained. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to June 10, 2010 at the owner's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman 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.

73. NPA-2009-0012.03(PART) - Upper Boggy Creek Vertical Mixed Use Neighborhood Plan Amendment, Tract 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-92, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from office to mixed use/office on Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning

Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Planning Commission Recommendation: To change the Future Land Use Map from office to mixed use/office on Tract 3. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.

This item was postponed on consent to June 10, 2010 at the owner's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

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

This item was postponed on consent to June 24, 2010 at the staff's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

75. C14-2009-0135 - HW Tosca - 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 East Wells Branch Parkway (Harris Branch Watershed) from community commercial (GR) district zoning and multi-family residence-low density (MF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: HW Tosca Investments LP (Shannon Martinez). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with an additional condition to provide for a 25 foot setback from the property lines for dumpsters was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

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

This item was postponed on consent to June 10, 2010 at the staff's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

80. C14-2010-0027 - Colonial Grand at Cityway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11001 South 1st Street (Onion Creek Watershed) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO)

combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning with conditions. Owner/Applicant: Colonial Properties Trust (Ed Wright). Agent: Kimley-Horn and Associates, Inc. (Joseph Wilrich). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and Ordinance No. 20100527-080 for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

81. C14-2010-0017 - Great Hills Country Club - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 5914 Lost Horizon Drive (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Great Hills Golf Club of Austin, Inc. (Larry Harper). Agent: Randall Jones & Associates Engineering, Inc. (R. Brent Jones). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. **This item was postponed on consent to June 10, 2010 at the Council's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.**
82. C14-85-288.166(RCA) - Sunset Ridge - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 8401 Southwest Parkway (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Owner/Applicant: Los Indios Ventures, Inc. (Tim Jamail). City Staff: Wendy Rhoades, 974-7719. **This item was postponed on consent to June 10, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.**
83. C14-2010-0042 - Sunset Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 Southwest Parkway (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) from industrial park-neighborhood plan (IP-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Owner/Applicant: Los Indios Ventures, Inc. (Tim Jamail). City Staff: Wendy Rhoades, 974-7719. **This item was postponed on consent to June 10, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.**
84. C14-2010-0044 - Western Trails Boulevard Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301, 2303 and 2305 Western Trails Boulevard (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 1,

2010. Owner/Applicant: Kristine Alpert, Wilfred W. Kellas, Jr.; Joe M. and Janet D. Sullivan. Agent: (Karl A. Burkett). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to June 24, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

85. C14-2009-0093 - 2203 and 2205 Western Trails - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2203 and 2205 Western Trails Boulevard (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 1, 2010. Owner/Applicant: Karl A. Burkett; Richard H. Einck, Jr. City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to June 24, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

ZONING DISCUSSION ITEMS

71. C14-2009-0151 - East Block - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 835 West 6th Street (Town Lake Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use - central urban redevelopment (DMU-CURE) district zoning. First reading approved on April 22, 2010. Vote: 6-1; Morrison voted Nay. Applicant: Schlosser Development Corp. (David Vitanza). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.

Ordinance No. 20100527-071 for downtown mixed use - central urban redevelopment (DMU-CURE) district zoning was approved on Council Member Cole's motion, Council Member Riley's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Spelman was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 92 through 98 were acted on in a combined motion.

92. Conduct a public hearing and consider an appeal of the Planning Commission's decision to approve a four-year site plan extension for Western Oaks Retail Center, located at 4625 W. William Cannon Drive (SPC-2007-0439C(XT2)).

This item was postponed to June 10, 2010 on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

93. Conduct a public hearing and consider second/third readings of an ordinance amending City Code Sections 25-12-111 and 25-12-113 relating to permitting requirements of the 2008 National Electrical Code. Recommended by Electrical Board.

This item was postponed to June 24, 2010 at the staff's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

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

This item was postponed to June 24, 2010 at the staff's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

95. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2009 Uniform Mechanical Code and local amendments. Recommended by the Mechanical, Plumbing and Solar Board.
This item was postponed to June 24, 2010 at the staff's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.
96. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2009 International Building Code and local amendments; and amending Article 13 of City Code Chapter 25-12 related to permit application and expiration requirements. Recommended by the Building and Fire Code Board of Appeals.
This item was postponed to June 24, 2010 at the staff's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.
97. Conduct a public hearing and consider second/third readings of an ordinance amending City Code Sections 25-12-241 and 25-12-243 relating to permitting and energy efficiency requirements of the 2006 International Residential Code. Recommended by the Building and Fire Code Board of Appeals.
This item was postponed to June 24, 2010 at the staff's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.
98. Conduct a public hearing and consider second/third readings of an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2009 Uniform Plumbing Code and local amendments. Recommended by the Mechanical, Plumbing and Solar Board.
This item was postponed to June 24, 2010 at the staff's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

76. C14-2008-0224 - 13642 Research Boulevard - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13642 Research Boulevard (Lake Creek Watershed) from single family standard lot (SF-2) and Unzoned (UNZ) district zoning to general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Cathyville, Ltd. (William Pohl). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.
The public hearing was closed and the first reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning was approved with the following additional prohibited uses for tracts one and two and a friendly amendment on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais. The friendly amendment made by Council Member Riley was to prohibit vehicular access to Caldwell and to remove the prohibited use of daycare. The amendments were accepted by the maker of the motion and Council Member Cole who made the second. The additional prohibited uses were:

Tract 1

- Consumer convenience services
- Funeral services
- Hotel/motel
- Restaurant general

Tract 2

- Hospital services

Staff was directed to incorporate limited hours of operation, 7:00 a.m. to 10:00 p.m., in the final reading of the ordinance.

77. C14-2010-0010 - Storage Depot - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5810 N. MoPac S. B. (Shoal Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services- conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning & Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Austin Storage, Inc. (James Lederer) Agent: Applicant: Austin Storage, Inc. (James Lederer) City Staff: Clark Patterson, 974-7691. There was a motion made by Council Member Shade and seconded by Council Member Cole to close the public hearing and approve the staff's recommendation for the ordinance.

A friendly amendment was made by Council Member Morrison to approve the ordinance on first reading and send the site plan to the Zoning and Platting Commission. The amendment was not accepted by the maker of the motion.

There was a substitute motion made by Council Member Morrison and seconded by Council Member Riley to close the public hearing and approve the ordinance on first reading with the inclusion of all restrictions and the Floor-to-Area-Ratio (FAR) to become a conditional use if it exceeds 1.0. Direction was given to send the site plan to the Zoning and Platting Commission. This motion failed on a vote of 2-4. Those voting aye were: Council Members Morrison and Riley. Those voting nay were Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade. Council Member Spelman was off the dais.

The public hearing was closed and Ordinance No. 20100527-077 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Council Member Shade's motion, Council Member Cole's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Spelman was off the dais.

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

ZONING DISCUSSION ITEMS CONTINUED

79. C14-2010-0026 - Hoskins 10 Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 414 Thompson Lane (Carson Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To deny general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning. Owner/Applicant: Fred W. Hoskins. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. The public hearing was closed and Ordinance No. 20100527-079 for general commercial services-conditional overlay (CS-CO) combining district zoning to change a condition of zoning was approved on Council Member Morrison's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.
86. NP-2010-0026 - North Lamar Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the North Lamar Combined

Neighborhood Plan, generally bounded by Braker Lane to the north, IH-35 to the east, US Highway 183 to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch Watersheds). Planning Commission Recommendation: Recommend approval of land use recommendations. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695, Jacob Browning, 974-7657, Greg Dutton, 974-3509.

The following motion concerning Tract 32 was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

- Postponed action until June 24, 2010
- Pull the tract from discussion concerning the land use designation
- Direct the property owner and the neighborhood to meet and try to come to an agreement
- Direct staff to change the future land use map (FLUM) and draft language for the plan to reflect their agreement.

The motion to close the public hearing and approve the first reading of the ordinance for the North Lamar Combined Neighborhood Plan, as recommended by the Planning Commission, except for tracts 32 and 125A, was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

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

The motion to close the public hearing and approve the first reading of an ordinance amending Chapter 25-2, Subchapter E to add North Lamar Boulevard (From West Anderson Lane/US Highway 183 to West Braker Lane) to the list of Core Transit Corridors was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

88. C14-2010-0048 - North Lamar 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 North Lamar Neighborhood Planning Area, generally bounded by Braker Lane to the north, IH-35 to the east, Rundberg to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: "Parking Placement and Impervious Cover Restrictions," "Garage Placement" and "Front Porch Setback". The following infill options will be applied to Tracts 27, 28 and 32 only: "Residential Infill" and "Urban Home". The proposed zoning change also implements the land use recommendations of the North Lamar Combined Neighborhood Plan, NP-2010-0026, on 46 tracts of land (189.1 acres). The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Industrial Park (IP); Limited Industrial Services (LI); and Public (P). A Conditional Overlay (CO), Vertical Mixed Use Building (V), Mixed Use Combining District Overlay (MU), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To approve zonings and re-zonings that implement the land use recommendations of the North Lamar Neighborhood Plan. Planning Commission Recommendation: To approve zonings and rezonings that implement the land

use recommendations of the North Lamar Neighborhood Plan with conditions. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695; Jacob Browning, 974-7657; Greg Dutton, 974-3509 and Sherri Sirwaitis, 974-3057.

The motion to close the public hearing and approve on the first reading the ordinance for the rezonings as recommended by the Planning Commission, except for Tract 32, was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to approve an amendment to the ordinance to include the Urban Home and Residential Infill Special Uses for Tracts 27 and 28 was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to approve an amendment to the ordinance to include the impervious cover and parking placement restrictions, front porch setback, and garage placement for the North Lamar Neighborhood Planning area was approved on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

89. C14-2010-0049 - Georgian Acres Neighborhood Planning Area Rezonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Georgian Acres Neighborhood Planning Area, generally bounded by Rundberg Lane to the north, IH-35 to the east, US Highway 183 to the south and North Lamar Boulevard to the west (Walnut Creek, Little Walnut Creek and Buttermilk Branch). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed Georgian Acres NPCD, the following design tools will be applied area-wide: "Parking Placement and Impervious Cover Restrictions," "Garage Placement" and "Front Porch Setback". The proposed zoning change also implements the land use recommendations of the North Lamar Combined Neighborhood Plan, NP-2010-0026, on 40 tracts of land (211.5 acres). The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Industrial Park (IP); Limited Industrial Services (LI); and Public (P). A Conditional Overlay (CO), Vertical Mixed Use Building (V), Mixed Use Combining District Overlay (MU), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To approve zonings and re-zonings that implement the land use recommendations of the Georgian Acres Neighborhood Plan. Planning Commission Recommendation: To approve zonings and rezonings that implement the land use recommendations of the Georgian Acres Neighborhood Plan with conditions. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695; Jacob Browning, 974-7657; Greg Dutton, 974-3509 and Sherri Sirwaitis, 974-3057. The motion to close the public hearing and approve the first reading of the ordinance rezoning the property as recommended by the Planning Commission, except for Tract 125A, was approved on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to amend the ordinance to include the impervious cover and parking placement restrictions, front porch setback and garage placement for the Georgian Acres Neighborhood Planning area was approved on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to amend the ordinance to include General Commercial Services –Conditional Overlay-Neighborhood Planning (CS-CO-NP) zoning for Tract 125A was approved on Council Member Morrison’s motion, Mayor Pro Tem Martinez’ second on a 6-0 vote. Council Member Spelman was off the dais

The motion to amend the ordinance to include the following prohibited and conditional uses and conditions for Tract 125A was approved on Council Member Morrison’s motion, Mayor Pro Tem Martinez’ second on a 6-0 vote. Council Member Spelman was off the dais.

Prohibited Uses:

- Hospital services
- Maintenance and service facilities
- Agricultural sales and services
- Automotive rentals
- Automotive repair services
- Automotive sales
- Automotive washing (of any type)
- Campground
- Commercial blood plasma center
- Consumer repair services
- Drop-off recycling collection facility
- Equipment sales
- Funeral services
- General retail sales (convenience)
- General retail sales (general)
- Indoor entertainment
- Indoor sports and recreation
- Kennels
- Laundry services
- Monument retail services
- Off-site accessory parking
- Outdoor entertainment
- Outdoor sports and recreation
- Pawn shop services
- Restaurant (general and limited)
- Restaurant (drive-In, fast food)
- Transportation terminal
- Service station
- Software development
- Theater
- Vehicle storage
- Veterinary services
- Congregate living
- Residential treatment
- Transitional housing
- Private secondary education facilities
- Public secondary education facilities
- Equipment repair services
- Exterminating services
- Community recreation (private)

- Community recreation (public)

Conditional Uses:

- Hotel/motel
- Plant nursery
- Theater
- Construction sales or services
- Convenience storage

Conditions:

50-foot wide undisturbed buffer on the northernmost property line

25-foot wide undisturbed buffer on the westernmost property line

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

90. Conduct a public hearing and consider an ordinance authorizing additional distance requirements for mobile food establishments in certain areas in accordance with Section 25-2-812 of the City Code. The public hearing was closed and Ordinance No. 20100527-090 was approved on Mayor Pro Tem Martinez's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
91. Conduct a public hearing and consider an ordinance authorizing the addition of a new neighborhood to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. The public hearing was closed and Ordinance No. 20100527-091 was approved on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Mayor Leffingwell adjourned the meeting at 11:09 p.m. without objection.

The minutes for the regular meeting of May 27, 2010 were approved on this the 10th day of June 2010 on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.