

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY AUGUST 5, 2010**

Invocation: Bishop John W. Horne, Jr., Full Gospel Holy Temple

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, August 5, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

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

1. Approve the minutes of the Austin City Council regular meeting of July 29, 2010.
The minutes from the regular Council meeting of July 29, 2010 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
2. Approve an ordinance authorizing acceptance of \$10,000 in grant funds from the U.S. Department of Energy through the Public Solutions Group, Ltd., Grapevine, TX, and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate such grant funds, and authorize negotiation and execution of a two-year agreement between the Central Texas Clean Cities Program and Texas State Technical College in Waco, TX, to administer "Clean Start," a U.S. Department of Energy Clean Cities Petroleum Reduction Technologies Project, in the amount of \$5,000 a year for two years, for a total amount not to exceed \$10,000. The grant period is December 31, 2009 through December 31, 2013. Funding is available from Public Solutions Group; Ltd. Matching funds are not required. Recommended by the Resource Management Commission.
Ordinance No. 20100805-002 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
3. Approve issuance of a rebate to the Texas Facilities Commission, William P. Clements Building for the installation of energy efficient equipment in an amount not to exceed \$73,106.85. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentive Fund. Recommended by the Electric Utility Commission.
The motion to approve the issuance of a rebate to the Texas Facilities Commission was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Action was taken on item 4 but was reconsidered later in the meeting.

Items 5 and 6 were pulled for discussion.

7. Approve a resolution authorizing the filing of eminent domain proceedings for the Wildhorse Northwest Interceptor Phase 2 Project to acquire a temporary construction easement of 5.057 acres of land situated in the William H. Sanders Survey No. 54, Abstract No. 690, and the Phillip McElroy Survey No. 18, Abstract No. 16, in Travis County, Texas, in the amount of \$62,120. The owner of the needed property interest is HEART OF MANOR, L.P. The property is located on the Northeast corner of Decker Lane & Lindell Lane, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.
Resolution No. 20100805-007 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 8 and 9 were pulled for discussion.

10. Authorize negotiation and execution of social service contracts to purchase parent education and family support services from three vendors, each for a 14-month term beginning on August 1, 2010, and terminating on September 30, 2011; with ANY BABY CAN OF AUSTIN, INC., in an amount not to exceed \$135,320, with COMMUNITIES IN SCHOOLS OF CENTRAL TEXAS, in an amount not to exceed \$135,000, and with EASTER SEALS - CENTRAL TEXAS, INC., in amount not to exceed \$138,719. Funding in the amount of \$101,206 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. The balance of the funding is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of social service contracts with Any Baby Can of Austin, Inc., Communities in Schools of Central Texas and Easter Seals – Central Texas, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
11. Approve an ordinance amending Ordinance No. 20060406-050, Exhibit A, Subdistrict Map, to correct the boundaries of the Blackland and Rogers-Washington-Holy Cross subdistricts for NPA-05-0012.001, Upper Boggy Creek Neighborhood Plan.
Ordinance No. 20100805-011 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
12. Approve an ordinance amending Ordinance No. 20060406-051, Exhibit B, Subdistrict Map, to correct the boundaries of the Blackland and Rogers-Washington-Holy Cross subdistricts for C14-05-0204, Upper Boggy Creek Neighborhood Plan.
Ordinance No. 20100805-012 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 13 and 14 were pulled for discussion.

15. Authorize award, negotiation, and execution of a contract with ALFRED CONHAGEN, INC. OF TEXAS, La Marque, TX, for the repair and modification of a boiler feed pump in an amount not to exceed \$128,991. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

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

16. Authorize award, negotiation, and execution of a contract with BAKER & HUGHES PIPELINE MANAGEMENT GROUP, Houston, TX, for cleaning and inspection services for the Lindell Lane to Decker Creek Power Station gas supply pipeline in an amount not to exceed \$203,716. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a contract with Baker & Hughes Pipeline Management Group was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

17. Authorize award and execution of a contract with HOLT CAT, San Antonio, TX, for the purchase of an emergency generator and automatic transfer switch for the Transmission/Distribution and Energy Market Back-Up Control Center in an amount not to exceed \$130,000. Funding is contingent upon the approval of the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D 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 Holt Cat was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

18. Authorize award and execution of two 24-month requirements supply contracts for the purchase of 15kV padmount switchgear for Austin Energy with: KBS ELECTRICAL DISTRIBUTORS, Austin, TX, in an estimated amount not to exceed \$739,982, with three 12-month extension options in an estimated amount not to exceed \$369,991 per extension option, for a total estimated contract amount not to exceed \$1,849,955; and with POWELL ELECTRICAL SYSTEMS, INC., North Canton, OH, in an estimated amount not to exceed \$540,928, with three 12-month extension options in an estimated amount not to exceed \$270,464 per extension option, for a total estimated contract amount not to exceed \$1,352,320. Funding in the amount of \$106,743 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of two requirements supply contracts with KBS Electrical Distributors and Powell Electrical Systems, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

19. Authorize award, negotiation, and execution of a five-year contract with TECHLINE, INC., Austin, TX, for the purchase and installation of a remote intelligent streetlight monitoring system in an amount not to exceed \$6,070,914. Funding in the amount of \$310,100 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. The remainder of funding is contingent upon future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

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

Items 20 through 22 were pulled for discussion.

23. Authorize award, negotiation, and execution of a 24-month requirements service contract with SHERRY MATTHEWS ADVOCACY MARKETING, Austin, TX for social marketing and media services in an estimated amount not to exceed \$3,842,594, with three 12-month extension options in an estimated amount not to exceed \$2,433,797 per extension option, for a total estimated contract amount not to exceed \$11,143,985. Funding in the amount \$2,067,594 is available in the Fiscal Year 2009-2010 Special Revenue Fund through the Centers for Disease Control (CDC), American Recovery and Reinvestment Act (ARRA), Tobacco Prevention and Control Grant. Funding in the amount of \$275,000 is available in the Fiscal Year 2009 Special Revenue Fund through the Texas Department of Transportation, Austin Safe Routes to School Non-Infrastructure Grant. Additional funding sources would be provided by additional grants and would not be allocated until a need to expend funds was provided. Funding for the remaining extension options is contingent upon available funding in future budgets. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
24. Authorize award and execution of a contract with ENVISION CMOSXRAY, LLC, Anchorage, AK for the purchase of an x-ray system for the Austin Police Department in an amount not to exceed \$56,941.31. Funding is available in the Fiscal Year 2008-2009 Special Revenue Fund of the Management Services Department, Office of Homeland Security and Emergency Management through the 2008 State Homeland Security Program funded by the U.S. Department of Homeland Security Homeland Security Grant Program. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. The motion authorizing the award and execution of a contract with Envision Cmosxray, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
25. Authorize the execution of a short-term contract with Texas Disposal Systems for the provision of recycling services for a one-year term with two additional 6-month extension options. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Solid Waste Services Department. Funding for the remaining months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Firm MBE/WBE participation will be negotiated as part of the final contract. Reviewed by the Solid Waste Advisory Commission. The motion authorizing the execution of a short-term contract with Texas Disposal Systems was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
26. Authorize negotiation and execution of a one-year Interlocal Agreement with Travis County to fund comprehensive planning services for the Colorado River corridor with one 12-month extension in an amount not to exceed \$60,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department.

The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

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

Board/Nominee

Nominated by

Austin Airport Advisory Commission

Ernest Saulmon

Mayor Leffingwell

Planning Commission

Dave Anderson

Mayor Leffingwell

Mandy Dealey

Mayor Leffingwell

Richard Hatfield

Mayor Leffingwell

28. Approve an ordinance amending City Code Section 14-11-73 (Review by Commissions) to require alley vacations in the downtown area to be reviewed by the Design Commission and the Downtown Commission. (Council Member Chris Riley, Council Member Randi Shade and Council Member Sheryl Cole)

Ordinance No. 20100805-028 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

29. Approve a resolution directing the City Manager to establish an expedited public input process to develop regulations and a development bonus system for implementation of the East Riverside Corridor Master Plan; and to expedite the board and commission process for the proposed regulations and bonus system. (Council Member Chris Riley and Council Member Laura Morrison and Mayor Pro Tem Mike Martinez)

Resolution No. 20100805-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

30. Approve a resolution directing the City Manager to initiate the necessary code amendments to the City Code to designate the Board of Adjustment as the body to (1) hear and decide a request for a variance from a requirement of the NCCD and (2) consider an appeal of a decision of the building official regarding a site development regulation prescribed by the NCCD. (Council Member Laura Morrison, Council Member William Spelman and Council Member Chris Riley)

Resolution No. 20100805-030 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

31. Approve a resolution initiating the rezoning of 1307 Newning Avenue from family residence - neighborhood plan (SF-3-NP) to family residence-conditional overlay-neighborhood conservation combining district zoning (SF-3-CO-NCCD-NP) to include this property in the Fairview Park Neighborhood Conservation Combining District; and direct the City Manager to expedite this rezoning. (Council Member Laura Morrison, Council Member Randi Shade and Council Member William Spelman)

Resolution No. 20100805-031 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

32. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the Barkitecture Austin 2010 event which is to be held Saturday, November 6, 2010, taking place in Austin's 2nd Street District. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Randi Shade)
The motion to approve the waiver of certain fees and requirements for the Barkitecture Austin 2010 event was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
33. Set a public hearing for annexation of the Springwoods Municipal Utility District (MUD) for limited and full purposes in accordance with a Strategic Partnership Agreement (SPA) between the City of Austin and Springwoods MUD (approximately 466 acres located east of Pond Springs Road and west of Parmer Lane on both the north and south sides of Anderson Mill Road in Williamson County). (Suggested date and time: September 23, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for September 23, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
34. Set a Public Hearing to receive public comment on the City of Austin Fiscal Year 2010-2011 Proposed Budget. (Suggested date and time: August 19, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 19, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
35. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner, Mr. Efrain V. Avila for an existing development that converted a garage into conditioned area at the existing single-family residence at 306 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: August 19, 2010, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX). There is no unanticipated fiscal impact.
The public hearing was set on consent for August 19, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 36 was a briefing item set for 10:30 a.m.

Items 37 through 39 were Executive Session items

Items 40 through 45 were zoning items set for 2:00 p.m.

Items 46 through 53 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

8. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX for the Rio Grande Street from West Martin Luther King Jr. Boulevard to 24th Street Reconstruction and Utility Adjustments Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$4,398,194.69 plus a \$219,909.73 contingency, for a total contract amount not to exceed \$4,618,104.42. Funding in the amount of \$3,487,561.54 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$877,414.88 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$253,128 is available in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Lowest bid of 6 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority

Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 8.99% MBE and 7.36% WBE subcontractor participation. The Accelerate Austin Program was recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Capital Excavation Company was approved on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.

Action was taken on item 5 but was reconsidered later in the meeting.

Items 6, 13, 14, 20, 21 and 22 were acted on in a combined motion.

6. Approve an ordinance amending the Fiscal Year 2009-2010 Communications and Technology Management Operating Budget of Ordinance No. 20090914-002 to add two full-time equivalent positions related to the digital vehicular video system project. Funding is available in the Fiscal Year 2009-2010 Communications and Technology Management Operating Budget. Related to Items #13, 14, 20, 21 and 22.

Ordinance No. 20100805-006 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

13. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Contractual Obligations in the amount of \$3,500,000 related to service and equipment purchases relating to the digital vehicular video system project. \$3,500,000 in Contractual Obligations to be issued in August 2011 or later. Related to Items #6, 14, 20, 21, and 22.

Resolution No. 20100805-013 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

14. Approve an ordinance amending the Fiscal Year 2009-2010 Police Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$3,500,000 for the digital vehicular video system project. Funding in the amount of \$3,500,000 is available from a reimbursement resolution. Related to Items #6, 13, 20, 21, and 22.

Ordinance No. 20100805-014 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

20. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with FREEIT DATA SOLUTIONS (WBE), Cedar Park, TX, for a storage area network to store data related to the digital vehicular video system in amounts not to exceed \$1,303,896.26 for Phase I and \$1,550,955.04 for Phase II, for a total contract amount not to exceed \$2,854,851.30. Funding in the amount of \$1,303,896.26 is available in Fiscal Year 2009-2010 Capital Budget of the Austin Police Department. Funding for Phase II is contingent upon available funding in future budgets. This Cooperative Contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. The prime contractor is a certified WDB. Related to Items #6, 13, 14, 21, and 22.

The motion authorizing the award, negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Freeit Data Solutions (WBE) was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

21. Authorize award, negotiation, and execution of a 12-month requirements supply contract through the State of Texas Department of Information Resources cooperative purchasing program with INSIGHT NETWORKING, Tempe, AZ, for network hardware and server infrastructure related to implementation

of a digital vehicular video system in an estimated amount not to exceed \$1,268,331 for Phase I and \$78,047 for Phase II, with two 12-month extension options in an estimated amount not to exceed \$78,756 per extension option, for a total estimated contract amount not to exceed \$1,503,890. Funding in the amount of \$1,268,331 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Police Department. Funding for Phase II and the extension options is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Related to Items #6, 13, 14, 20, and 22.

The motion authorizing the award, negotiation and execution of a requirements supply contract through the State of Texas Department of Information Resources cooperative purchasing program with Insight Networking was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

22. Authorize award, negotiation, and execution of a 12-month requirements supply contract through the State of Texas Department of Information Resources cooperative purchasing program with INSIGHT PUBLIC SECTOR, INC., Tempe, AZ, for the purchase, installation, integration, and testing of Panasonic digital vehicular video systems and maintenance in estimated amounts not to exceed \$370,066 for Phase I and \$3,706,595 for Phase II, for a total estimated contract amount not to exceed \$4,076,661. Funding in the amount of \$370,066 is available in Fiscal Year 2009-2010 Capital Budget of the Austin Police Department. Funding for Phase II is contingent upon available funding in future budgets. This Cooperative purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Related to Items #6, 13, 14, 20, and 21.

The motion authorizing the award, negotiation and execution of a requirements supply contract through the State of Texas Department of Information Resources cooperative purchasing program with Insight Public Sector, Inc. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

9. Authorize negotiation and execution of a design agreement with Jim Isermann, of Palm Springs, CA, for the design of the Seaholm Substation Wall, Art in Public Places project, in an amount not to exceed \$144,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy and was approved by City Council for this project on February 25, 2010. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program for Professional Services) by meeting the goals of: 7.45% MBE and 3.26% WBE subconsultant participation. Recommended by the Austin Arts Commission and the Art in Public Places Panel.

This item was postponed to August 19, 2010 pending review by the Downtown Commission on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

RECONSIDERED ITEM

4. Authorize the negotiation and execution of an amendment to the existing developer agreement with WANDERING CREEK INVESTMENTS, L.P., related to Service Extension Request No. 2501 to extend the expiration date of the developer agreement for cost reimbursement in water system improvements to serve the Wandering Creek Subdivision. No additional fiscal impact to the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

The motion authorizing the negotiation and execution of an amendment to the existing developer agreement with Wandering Creek Investments, L.P. was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

A motion to reconsider item 4 to get additional information from staff was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

The motion authorizing the negotiation and execution of an amendment to the existing developer agreement with Wandering Creek Investments, L.P. was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

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

EXECUTIVE SESSION

39. Discuss a real property acquisition of approximately 34 acres located at 1407 W. Stassney (Real Property - Section 551.072).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:05 p.m.

CITIZEN COMMUNICATION: GENERAL

Aimee Bobruk - The best wurst and park side

Walter Olenick - Water fluoridation

Ken Vasseau - Green jobs for Austin

Paul Robbins - City issues

Glen Nessel - Police Corruption

Ernest Samudio - Cruelty to animals in circuses

Nathan Chelstrom - Single family development at 2700 Edgewater Drive

Maria Whitsett - Firefighter Academy in the Budget

Sharon Blythe - TBD

Nailah Sankofa - Issues related to the black artists in the city

EXECUTIVE SESSION CONTINUED

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:44 p.m.

EXECUTIVE SESSION

37. Discuss legal issues related to the structures located in the right of way and alley adjacent to 201 and 203 Colorado Street. (Private Consultation with Attorney - Section 551.071).
38. Discuss legal issues related to Dan Huebner v. City of Austin, C-1-CV-08-009807, In the County Court of Travis County, Texas, County Court No. 1 (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:20 p.m. and recessed the Council Meeting at 1:21 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:00 p.m.

RECONSIDERED ITEM

5. Approve an ordinance ordering a special election to be held on November 2, 2010; and approve an ordinance adopting ballot language for the voters to consider a proposition(s) for the issuance of General Obligation Bonds by the City of Austin. Election funding is contingent upon approval of appropriations for the Fiscal Year 2010-2011.

Ordinance 20100805-005A to order a special election to be held on November 2, 2010, and Ordinance No. 20100805-005B for a bond package of \$90,000,000 with the following friendly amendment was approved on Council Member Cole's motion, Mayor Leffingwell's second on a 7-0 vote. The friendly amendment from Council Member Riley was to revise the ordinance language where it reads "bicycle and pedestrian mobility infrastructure" to read "sidewalks, bikeways, and other bicycle and pedestrian mobility infrastructure". The amendment was accepted by the maker of the motion and by Mayor Leffingwell, who made the second.

A motion to reconsider this item to incorporate the amendments was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

Ordinance No. 20100805-005A to order a special election to be held on November 2, 2010 and Ordinance No. 20100805-005B as revised to include the amendment from Council Member Riley and the staff's suggested conforming changes and to specify the exact dollar amount of \$90,000,000 were approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:09 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:11 p.m.

ZONING ITEM (HEARING CLOSED)

40. C14H-2009-0066 - Spires-Seekatz House - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First and second readings approved June 24, 2010. Vote: 5-2 (Cole and Spelman off-dais). Applicants: Hunter and Pamela Barrier, owners. City Staff: Steve Sadowsky, 974-6454.

This item was postponed to August 26, 2010 at the owner's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

44. C14-2010-0017 - Great Hills Country Club - Conduct a public hearing and approve second/third readings of an ordinance amending 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 to change a condition of zoning. First Reading approved on June 24, 2010. Vote: 5-2 (Riley and Morrison voted Nay). 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.

This item was postponed on consent to August 19, 2010 at the Council's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

45. C14-2010-0073 - Pub 620 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12809 North FM 620 Road (Lake Creek Watershed) from community commercial-mixed use (GR-MU) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Holt Planners (David B. Holt, Jr.). Agent: Menfi A Management LP (Ben Menfi). City Staff: Sherri Sirwaitis, 974-3057.

This item was withdrawn without objection.

ZONING DISCUSSION ITEMS

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

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

41. C14H-2009-0067 - Ernest and Irma Wilde House - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1412 W. 9th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. First and second readings approved June 24, 2010. Vote: 5-2 (Cole and Spelman off-dais). Applicants: Jeffrey and Mary Crawford, owners. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20100805-041 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Morrison's motion, Council Member Riley's second on a 6-1 vote. Council Member Shade voted nay.

42. C14H-2010-0001 - John House - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1924 Newning Avenue (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. First and second readings approved June 24, 2010. Vote: 5-2 (Cole and Spelman off the dais). Applicant: Ian Reddy, owner. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20100805-042 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

BRIEFINGS

36. Staff briefing on proposed Whisper Valley and Indian Hills Public Improvement Districts
The presentation was made by Greg Guernsey, Director of Planning and Development Review Department; Leslie Browder, Chief Financial Officer; and Sharon Smith, Assistant City Attorney.

Mayor Leffingwell recessed the Council Meeting at 3:57 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:08 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 50 through 53 were acted on in a combined motion.

50. Conduct a public hearing and consider an ordinance amending the City Code to limit the number of owner-initiated and Historic Landmark Commission-initiated applications per month. Recommended by Historic Landmark Commission, Zoning and Platting Commission, and Planning Commission.
This item was postponed to August 19, 2010 at 4:00 p.m. on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.
52. Conduct a public hearing and consider an appeal by Albert Stowell regarding the decision to renew an Outdoor Music Venue permit for The Allan House, located at 1104 San Antonio Street.
This item was postponed to October 28, 2010 at 4:00 p.m. on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.
53. Conduct a public hearing and consider an appeal by the Zilker Neighborhood Association regarding the decision to approve an Outdoor Music Venue permit for Opa's, located at 2050 South Lamar Blvd.
This item was postponed to August 26, 2010 at 4:00 p.m. on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.
46. Conduct a public hearing for the limited purpose annexation of the Indian Hills Area (approximately 234 acres in Travis County west of SH 130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road).
The public hearing was closed on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
47. Conduct a public hearing relating to authorization of a Public Improvement District (PID) for the 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).
The public hearing was closed on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.
48. Conduct a public hearing relating to authorization of a Public Improvement District (PID) for the Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane).
The public hearing was closed on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.
49. Conduct a public hearing for the limited purpose annexation of the Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane).
The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.
51. Conduct a public hearing and consider an ordinance amending Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards) to include the area bounded by Ben White Boulevard on the north,

Interstate Highway 35 on the east, William Cannon Drive on the south, and Manchaca Road on the west. Recommended by Planning Commission.

The public hearing was closed and Ordinance 20100805-051 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 4:30 p.m. without objection.

LIVE MUSIC

Betty Soo

PROCLAMATIONS

Distinguished Service Award (retirement) -- James Persons -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Distinguished Service Award -- Dr. Pat Crocker, EMS Advisory Board -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Vision is for Learning Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Emily Schottman

Certificate of Congratulations -- 2010 National Soccer Champions -- to be presented by Council Member Sheryl Cole and to be accepted by members of the Lonestar '91 Soccer Girls Red Team

The minutes for the regular meeting of August 5, 2010 were approved on this the 19th day of August 2010 on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.