

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, MARCH 25, 2010**

**Invocation:** Laura Koke, Co-Pastor, Shoreline Christian Center

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 25, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 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 March 11, 2010.  
**This item was postponed to April 8, 2010 on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 2 was pulled to be heard after the related Public Hearing item.**

3. Authorize negotiation and execution of a developer agreement with Round Rock Independent School District to reimburse costs to construct a 24-inch water transmission main and appurtenances related to Service Extension Request No. 2869 to provide water service to the Pearson Ranch development located at 14806 N RR 620 for a total reimbursement not to exceed \$2,670,300. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of a developer agreement with Round Rock Independent School District was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
4. Authorize the negotiation and execution of a developer agreement with Round Rock Independent School District for cost participation and reimbursement in wastewater system improvements related to Service Extension Request No. 2870 to serve the Pearson Ranch development located at 14806 N RR 620 for a total amount of participation and reimbursement not to exceed \$2,059,967.40. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of a developer agreement with Round Rock Independent School District was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

5. Approve an ordinance amending Section 4-9-8 (Inspection and Certification) of the City Code relating to the certification of applications for alcoholic beverage permits and licenses.  
**This item was postponed to April 8, 2010 on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
6. Authorize negotiation and execution of the fee simple acquisition of Lot 51, Richland Estates Section one, a subdivision in Travis County, Texas, located at 1301 Hyman Lane, from JAMES B. ARGERSINGER and FLO RAE ARGERSINGER, for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$113,000 for the land and improvements, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$123,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.  
**The motion authorizing the negotiation and execution of the fee simple acquisition from James B. Argersinger and Flo Rae Argersinger was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
7. Approve the negotiation and execution of a fee simple acquisition and a temporary work space easement out of Lot 2, San Jacinto Center, in the City of Austin, Travis County, Texas, located at 98 San Jacinto Blvd., for the Waller Creek Tunnel Project from AUSTIN HOTEL MM, L.P., ET AL., in the amount of \$1,041,120 for the land and temporary work space easement, for a total not to exceed \$1,041,120. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.  
**The motion authorizing the negotiation and execution of a fee simple acquisition and a temporary work space easement from Austin Hotel MM, L.P., Et Al. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
8. Authorize the acquisition of a permanent waterline easement comprised of 8,682 square-feet out of Lot 1, Block A, of Volente Subdivison, Travis County, TX, located at 11516 North RR 620, from 7-ELEVEN, INC., Austin, Travis County, Texas, for the Anderson Mill/RR 620 Transmission Main Project in an amount not to exceed \$67,286. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.  
**The motion authorizing the acquisition of a permanent waterline easement from 7-Eleven, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
9. Approve the negotiation and execution of an 18-month extension option with the possibility of additional future renewals for 1,829 square feet of office space for the Accelerate Austin program of the Public Works Department, located at 105 W. Riverside Drive, Suite 220, from BYWELL I, a Texas Limited Partnership, Austin, TX, in an amount not to exceed \$52,122 for the initial renewal. Funding in the amount of \$2,835 is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Funding for the remaining contract period is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of an extension option from Bywell I was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
10. Authorize execution of a construction contract with BLASTCO TEXAS, INC., Houston, TX, for the Pilot Knob Reservoir Improvements project in the amount of \$1,927,320 plus a \$96,366 contingency, for a total contract amount not to exceed \$2,023,686. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 6.62% MBE and 16.31% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

**Item 11 was pulled for discussion.**

12. Authorize execution of a construction contract with QUEST CIVIL CONSTRUCTION, INC., Phoenix, AZ, for the Canterbury Lift Station Demolition & Flow Metering in the amount of \$1,321,321, plus a \$132,132.10 contingency, for a total contract amount not to exceed \$1,453,453.10. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 32.03% MBE and 4.86% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

13. Authorize execution of a construction contract with MURPHY PIPELINE CONTRACTORS, INC., Jacksonville, FL, for the Elroy Road Water Rehabilitation, Phase 1 Water Main Replacement Project in the amount of \$786,210, plus a \$39,310.50 contingency, for a total contract amount not to exceed \$825,520.50. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. 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 8.48% MBE and 2.24% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Murphy Pipeline Contractors, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

14. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC., Houston, TX, for the Onion Creek 24-inch South Zone Water Transmission Main and 36-inch Central Zone Water Transmission Main Relocation in the amount of \$1,551,109.50, plus a \$155,110.95 contingency, for a total contract amount not to exceed \$1,706,220.45. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 12.86% MBE and 5.09% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

15. Authorize execution of a construction contract with MECHANICAL & PROCESS SYSTEMS (MBE/MA - 63.05%), Austin, TX, for the South Austin Regional Wastewater Treatment Plant Administration Building HVAC project in the amount of \$298,587 plus a \$60,000 contingency, for a total contract amount not to exceed \$358,587. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lower 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 Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 63.05% MBE Prime Participation and 0.54% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Mechanical & Process Systems was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

16. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program - Segment 6 project in the amount of \$1,054,992, plus a \$52,750 contingency, for a total contract amount not to exceed \$1,107,742. 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) by meeting the goals with 20.62% MBE and 4.26% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

17. Authorize execution of a construction contract with C & Z ENTERPRISES, LLC, Pflugerville, TX, for the Ullrich Water Treatment Plant Basin Coatings in the amount of \$199,436, plus a \$9,971.80 contingency, for a total contract amount not to exceed \$209,407.80. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with C & Z Enterprises, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

18. Authorize execution of a construction contract with PORT ENTERPRISES, LTD, Manchaca, TX, for the Waller Creek Center Roof Replacement (Rebid) Project in the amount of \$384,099, plus a \$38,409.90 contingency, for a total contract amount not to exceed \$422,508.90. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Port Enterprises, Ltd was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

19. Authorize negotiation and execution of a professional services agreement with the following three firms: GEOSYNTEC CONSULTANTS INC., Austin, TX, CH2M HILL INC., Austin, TX, and HDR ENGINEERING INC., Austin, TX; for the Advanced Watershed Engineering Services Rotation List for various Capital Improvement Projects for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$4,000,000 divided among the three firms. Funding is available in the Fiscal Year 2009-2010 Capital and/or Operating Budgets of the Watershed Protection Department. Best three (3) qualification statements of thirteen (13) statements received. 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.

**The motion authorizing the negotiation and execution of a professional services agreement with the following firms: Geosyntec Consultants, Inc., CH2M Hill, Inc. and HDR Engineering Inc. was**

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

20. Authorize award and execution of Amendment 3 to the professional services agreement contract with LARSON BURNS & SMITH, INC., Austin TX, to provide additional design services, construction administration and inspection services throughout the construction phase of the Northern Walnut Creek Trail, in the amount of \$416,420, for a total contract amount not to exceed \$989,783. Funding 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 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 22.93% MBE and 35.68% WBE participation to date.  
**The motion authorizing the award and execution of amendment three to the professional services agreement contract with Larson Burns & Smith, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
21. Authorize negotiation and execution of an amendment to the professional services agreement with MURFEE ENGINEERING COMPANY, Austin, TX, for additional engineering services for the Wildhorse Ranch Northwest Wastewater Interceptor - Phase 2 in the amount of \$155,314.37 for a total contract amount not to exceed \$606,920.62. Funding in the amount of \$155,314.37 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 7.07% MBE and 14.24% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Murfee Engineering Company was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 22 was pulled for discussion.**

23. Approve an ordinance accepting Texas Commission on Environmental Quality grant funds in the amount of \$198,090; amending the Fiscal Year 2009-2010 Fleet Services Special Revenue Fund of Ordinance 20090914-002 to appropriate these grant funds; and amending the Fiscal Year 2009-2010 Fleet Services Capital Budget of Ordinance 20090914-003 to appropriate these grant funds for auxiliary power units. Funding in the amount of \$198,090 is available from the Texas Commission on Environmental Quality Emissions Reduction Incentive Grants Program. The grant period is from August 10, 2009 through May 31, 2011. Related to Item #37.  
**Ordinance No. 20100325-023 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
24. Approve an ordinance authorizing acceptance of \$237,559 in 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 \$237,559 for building improvements, temporary assistance, additional indirect cost recovery and to add four 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. 20100325-024 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
25. Authorize negotiation and execution of an Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro) for tobacco prevention and control-related activities for a term ending August 31, 2010, in the amount of \$24,100. Funding is available in the Fiscal Year

2009-2010 Operating Budget for the Health and Human Services Department Special Revenue Fund, Tobacco Prevention and Control grant. The grant period is September 1, 2009 to August 31, 2010.

**The motion authorizing the negotiation and execution of an interlocal agreement with Capital Metropolitan Transportation Authority (Capital Metro) was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

26. Approve reappointment of PHILIP P. HUANG, M.D., M.P.H., as health authority and approve designation of PAUL R. HINCHEY, M.D., M.B.A., and BIRCH DUKE KIMBROUGH, M.D., as alternate health authorities for Austin/Travis County Health and Human Services Department, effective April 7, 2010. Funding was included in the Fiscal Year 2009-2010 Operating budget of the Health and Human Services Department.

**The motion to approve reappointment of Philip P. Huang, M.D., M.P.H., as health authority, approve designation of Paul R. Hinchey, M.D., M.B.A. and Birch Duke Kimbrough, M.D. as alternate health authorities for Austin/Travis County Health and Human Services Department was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

27. Approve an ordinance amending the Fiscal Year 2009-2010 Parks and Recreation Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$2,240,125 for various park improvements. Funding is available from parkland mitigation funds.

**Ordinance No. 20100325-027 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Items 28 and 29 were pulled to be heard after the related Public Hearing items.**

30. Approve an ordinance accepting \$500,000 from the Parkland Improvement Agreement with C3 Presents L.L.C.; and amending the Fiscal Year 2009-2010 Parks and Recreation Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$500,000 for drainage improvements to Zilker Park. Funding in an amount not to exceed \$500,000 is available from C3 Presents L.L.C. Related to Item #31.

**Ordinance No. 20100325-030 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

31. Authorize an increase of \$500,000 in the reimbursement amount described in the parkland improvement agreement with C3 Presents L.L.C., authorized by Council action on July 23, 2009, for a total reimbursement to the City of approximately \$3,000,000 for the City's costs to improve the irrigation system, underground conduit for communication, and new turf as well as drainage improvements to Zilker Park. There is no unanticipated fiscal impact. A fiscal note is not required. Related to Item #30.

**The motion authorizing an increase of \$500,000 in the reimbursement amount described in the parkland improvement agreement with C3 Presents L.L.C. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

32. Authorize award and execution of a 36-month service contract with AGH20 HOLDINGS, LLC, Round, Rock, TX for spoils disposal land fill services in an estimated amount not to exceed \$1,125,000 with three 12-month extension options in an estimated amount not to exceed \$375,000 per extension option, for a total estimated contract amount not to exceed \$2,250,000. Funding in the amount of \$218,750 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility (AWU). Funding for the remaining 29 months of the initial contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.

**The motion authorizing the award and execution of a service contract with AGH20 Holdings, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

33. Authorize award and execution of a 36-month service contract with AMERICAN FACILITY SERVICES, INC., Alpharetta, GA, to provide janitorial services at the Austin Water Utility's Waller Creek facility in an amount not to exceed \$495,000, with three 12-month extension options in an amount not to exceed \$165,000, per extension option, for a total contract amount not to exceed \$990,000. Funding in the amount of \$82,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of twenty bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.  
**The motion authorizing the award and execution of a service contract with American Facility Services, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
34. Authorize award, negotiation, and execution of a 18-month requirements service contract with SIRE TECHNOLOGIES, INC., Salt Lake City, UT, for the purchase of a web agenda management software system in an estimated amount not to exceed \$121,726, with four 12-month extension options for hosting services and support in an estimated amount not to exceed \$38,559 per extension option, for a total estimated contract amount not to exceed \$275,962. Funding in the amount of \$121,726 is available in the Fiscal Year 2009-2010 Capital Budget of the Financial Services Department, Communications and Technology Management. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Sire Technologies, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
35. Authorize award and execution of a contract through the U.S. Communities Government Purchasing Alliance with HAGEMEYER NORTH AMERICA, Atlanta, GA for the purchase of a sterilization system for the Emergency Medical Services Department in an amount not to exceed \$51,715. Funding is available in the Fiscal Year 2006-2007 grant funds from the Metropolitan Medical Response System Program of the U.S. Department of Homeland Security grant. 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 U.S. Communities Government Purchasing Alliance with Hagemeyer North America was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
36. Authorize award, negotiation, and execution of a 12-month requirements service contract with BERNARD HODES GROUP, Charlotte, NC to provide recruiting consulting services in an estimated amount not to exceed \$250,000, with five 12-month extension options in an estimated amount not to exceed \$250,000 per extension option, for a total estimated contract amount not to exceed \$1,500,000. Funding in the amount of \$125,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department. Funding for the remaining six months of the original contract period and

extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**This item was postponed to April 8, 2010 on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

37. Authorize award and execution of a six-month contract with ENERGY XTREME, LLC, Austin, TX for the purchase and installation of 31 auxiliary power units in an amount not to exceed \$224,271. Funding in the amount of \$198,090 is available in the Fiscal Year 2009-2010 Capital Budget of the Fleet Services, Financial and Administrative Services Department through the Texas Commission on Environmental Quality Emissions Reduction Incentive Grant. Funding in the amount of \$26,181 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Single Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Related to Item #23.

**The motion authorizing the award and execution of a contract with Energy Xtreme, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

38. Authorize negotiation and execution of Amendment No. 2 to the contract with ALLIED NORTH AMERICA INSURANCE BROKERAGE OF TEXAS, LLC., Dallas, TX, for Rolling Owner Controlled Insurance Program (ROCIP V) Administrative and Insurance Procurement Services to add provisions allowing the City to make insurance premium and loss payments directly to the selected insurance carrier, Liberty Mutual Insurance Group, Philadelphia, PA, and to authorize execution of necessary formal insurance agreements. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of amendment number two to the contract with Allied North America Insurance Brokerage of Texas, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

39. Authorize award and execution of a five-month contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with CLOSNER EQUIPMENT CO, INC., Austin, TX, for the rental of four pneumatic rollers for the Public Works Department in an estimated amount not to exceed \$57,980. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works 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 (BuyBoard) with Closner Equipment Co, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

40. Authorize award and execution of a 6-month requirements supply contract through an Interlocal Agreement with Tarrant County with P2 EMULSIONS PLANTS, LLC, Elm Mott, TX, for road overcoat asphalt emulsion in an estimated amount not to exceed \$94,000, with four 12-month extension options in an estimated amount not to exceed \$94,000 per extension option, for a total contract amount not to exceed \$470,000. Funding in the amount of \$94,000 is available in the Fiscal Year 2009-2010 Operating Budget of Public Works (Street and Bridge). Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This is an



Interlocal Agreement; 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 requirements supply contract through an interlocal agreement with Tarrant County with P2 Emulsions Plants, LLC was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

41. Authorize award and execution of three contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with HEIL OF TEXAS, Houston, TX, for the purchase of five automated side-loading, four rear-loading, and three dead-end refuse collection bodies in an amount not to exceed \$1,255,290.88; LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, TX, for the purchase of eight truck cab and chassis in an amount not to exceed \$1,172,281; and RUSH TRUCK CENTER, Houston, TX, for the purchase of three truck cab and chassis in an amount not to exceed \$240,400. Funding in the amount of \$2,667,971.88 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 three contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Heil of Texas, Longhorn International Trucks, Ltd. and Rush Truck Center was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

42. 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 one truck cab and chassis in an amount not to exceed \$72,602. 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 Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with Santex Truck Center was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

43. Authorize award, negotiation, and execution of a 12-month requirements service contract with VIEUX & ASSOCIATES, INC., Norman, OK, for real-time radar-based rainfall data processing services and real-time predicted hydrologic and hydraulic modeling services in an estimated amount not to exceed \$190,944, with six 12-month extension options in amounts not to exceed \$169,944 for the first extension option, \$169,944 for the second extension option, \$177,692 for the third extension option, \$185,827 for the fourth extension option, \$194,366 for the fifth extension option, and \$203,337 for the sixth extension option, for a total estimated contract amount not to exceed \$1,292,054. Funding in the amount of \$45,600 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding in the amount of \$15,448 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Funding in the amount of \$2,600 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining eight months of the original contract period and the extension options is contingent upon available funding in future budgets. Single Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Vieux & Associates, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 44 was pulled for discussion.**

45. Approve a resolution adopting the City of Austin Fiscal Year 2009-2010 Investment Policy. Recommended by the Audit and Finance Committee Meeting.

**Resolution No. 20100325-045 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

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

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

### Nominations

#### Board

#### Nominated By

Community Development Commission  
Stephanie Tsen

Mayor Leffingwell

### Waivers

#### Building and Standards Commission

Ricardo Trevino

Council Member Morrison

waiving the attendance requirement in Section 2-1-26 for absences through today's date

47. Approve an ordinance amending Section 2-1-141 (Downtown Commission) of the City Code to establish a boundary for the Downtown Commission. (Council Member Chris Riley Council Member Sheryl Cole)

**Ordinance No. 20100325-047 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

48. Approve a resolution approving amendments to the CAMPO Joint Powers Agreement to reflect the modifications made to the composition of the CAMPO Transportation Policy Board and authorize the signature of the Mayor on behalf of the City of Austin. (Mayor Lee Leffingwell Council Member Sheryl Cole Council Member Chris Riley)

**Resolution No. 20100325-048 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

49. Approve a resolution directing the City Manager to conduct an analysis of the potential economic impact of a new Convention Center hotel in downtown Austin and to present Council with possible strategies for facilitating development of such a project. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Sheryl Cole)

**Resolution No. 20100325-049 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 50 was pulled for discussion.**

51. Approve a resolution supporting community efforts to fund and begin the restoration of the Norwood House. (Council Member Chris Riley Council Member Laura Morrison Council Member Randi Shade)

**Resolution No. 20100325-051 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

52. Approve a resolution directing the City Manager to develop a fee structure for reservation or temporary use of Palm Park and to negotiate a Park Use Agreement for Springscape 2011 with Rampant Arts and the Austin Parks Foundation. (Council Member Sheryl Cole Council Member Randi Shade Council Member William Spelman)

**Resolution No. 20100325-052 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Item 53 was pulled for discussion.**

54. Approve a resolution directing the City Manager to study and present possible Code recommendations on a policy regarding hot food served on site at farmers' markets. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Chris Riley)

**Resolution No. 20100325-054 was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

55. Approve the waiver of certain additional fees under City Code Chapter 14-8 for the City co-sponsored 2010 South by Southwest Conferences and Festivals event with SXSW, Inc. which was held March 12-21, 2010. (Mayor Pro Tem Mike Martinez Council Member Sheryl Cole)

**The motion to approve the waiver of certain additional fees for the City co-sponsored 2010 South by Southwest Conferences and Festivals event with SXSW, Inc. was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

56. Approve the waiver of certain fees and requirements for the Barton Springs Pool Treeathlon event which is to be held on Saturday, April 10, 2010 at Barton Springs Pool. (Council Member Chris Riley Mayor Pro Tem Mike Martinez Council Member Randi Shade)

**The motion to approve the waiver of certain fees and requirements for the Barton Springs Pool Treeathlon event was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

57. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 16th annual Rosedale Ride 2010 event which is to be held Saturday, March 27, 2010 at Samsung Austin Semiconductor located at 12100 Samsung Boulevard. (Council Member Laura Morrison Council Member Sheryl Cole Council Member Chris Riley)

**The motion to approve the waiver of certain fees and requirements for the 16<sup>th</sup> annual Rosedale Ride 2010 event was approved on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

58. Set a public hearing to consider the use of approximately 13,780 square feet permanent wastewater line, approximately 35,982 square feet temporary working space uses, to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Seaholm Wastewater Modifications Project through dedicated parkland known as Town Lake Shoal Beach and Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 22, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

**The public hearing was set for April 22, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Item 59 was a briefing item set for 10:30 a.m.

Items 60 and 61 were Executive Session items.

Items 62 through 67 were zoning items set for 2:00 p.m.

Items 68 and 69 were public hearing items set for 4:00 p.m.

Item 70 was a public hearing item set for 6:00 p.m.

### **DISCUSSION ITEMS**

11. Authorize execution of a construction contract with VIKING CONSTRUCTION INC, Georgetown, TX, for the 2010 Miscellaneous Streets Slurry Seal and Micro-Surfacing project in the amount of \$2,860,287.25. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Lower 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 Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.00% MBE and 10.22% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Viking Construction Inc. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote. Council Member Cole requested staff provide information describing the vendor's good-faith efforts and a list of alternate haulers.**
22. Approve an ordinance accepting Downtown Austin Alliance grant funds in the amount of \$30,000; amending the Fiscal Year 2009-2010 Economic Growth and Redevelopment Services Office (EGRSO) Special Revenue Fund of Ordinance 20090914-002 to appropriate \$30,000 in grant funds; and amending the Fiscal Year 2009-2010 EGRSO Capital Budget of Ordinance 20090914-003 to appropriate \$30,000 from the Fiscal Year 2009-2010 EGRSO Special Revenue Fund for bicycle racks. Funding in the amount of \$30,000 is available from the Downtown Austin Alliance. Recommended by Art in Public Places, the Austin Arts Commission, the Urban Transportation Commission, the Historic Landmark Commission, the Downtown Commission, the Design Commission.  
**Ordinance No. 20100325-022 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
44. Approve the execution of a restated and amended contract with Mid-America Recycling, L.L.C. dba Greenstar for the transport, processing, and sale of commingled recycling material for a 36-month term with estimated revenue of \$7,661,354 and estimated processing and transportation expenditures in an amount not to exceed \$14,782,935 and four (4) 6-month extension options related to the completion of the City's proposed single-stream material recovery facility, with estimated revenue of \$1,322,317 and estimated processing and transportation expenditures in an amount not to exceed \$2,640,319 per extension option, for a total contract not to exceed \$12,393,589. Funding is available in the Fiscal Year 2009 Operating Budget through an end of year accounting accrual and in the Fiscal Year 2010 Operating Budget of the Solid Waste Services Department. Reviewed by the Solid Waste Advisory Commission.  
**The motion to not approve the execution of a restated and amended contract with Mid-America Recycling, L.L.C., doing business as Greenstar, and leave the existing contract in place was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

### **BRIEFINGS**

59. Green Roofs Stakeholder briefing

The presentation was made by Matt Hollon, Watershed Protection and Development Review, and Eleanor McKinney, Green Roof Advisory Group.

### **DISCUSSION ITEMS CONTINUED**

50. Approve a resolution directing the City Manager to prepare a proposed bond package totaling \$100 million in roads, sidewalks, bicycle infrastructure, trails and other transportation-related investments for possible consideration by Austin voters in November 2010, to facilitate citizen review of the proposed transportation bond package prior to its presentation to City Council, and to present the City Council with a revised timeline for development of an urban rail proposal. (Mayor Lee Leffingwell Council Member Chris Riley Council Member Randi Shade)

**There was a motion made by Council Member Shade and seconded by Mayor Leffingwell to approve the resolution with the following amendments:**

- **Add a new paragraph five to the resolution to read “The City Manager is further directed to present to the City Council for approval the criteria by which investments will be prioritized for inclusion in the package.”**
- **Replace paragraph six of the resolution with, “The council appointed citizen task force shall be comprised of nine appointments consisting entirely of members of city boards and commissions.”**
- **Add the following language prior to the last paragraph of the resolution, “The City Manager’s proposed bond package shall also be presented to the City Council’s Comprehensive Plan and Transportation Committee for briefing only prior to the presentation to the full City Council.”**

**There was a friendly amendment made by Council Member Spelman to insert, “The criteria should include community values gathered through the Strategic Mobility Plan, such as geographic equity, traffic congestion relief, environmental impact and traffic safety.” as an additional sentence to the new paragraph five of the resolution. The amendment was accepted by the maker of the motion and Mayor Leffingwell, who made the second.**

**There was a friendly amendment made by Council Member Cole to add, “and the potential for federal and state grants and aide” after the words “traffic safety” in the friendly amendment proposed by Council Member Spelman. The amendment was accepted by the maker of the motion and Mayor Leffingwell, who made the second.**

**There was a friendly amendment made by Council Member Cole to replace paragraph seven of the resolution with, “Nominees for appointment to the Citizen Task Force will be presented to the full Council at the regular meeting on April 8, 2010 by individual Council Members.” The same language would apply to nominees for appointments to the two remaining seats that would be brought by the subcommittee. This was not accepted by the maker of the motion.**

**There was a motion by Council Member Cole and second by Council Member Spelman to amend main motion by replacing paragraph seven of the resolution with, “Nominees for appointment to the Citizen Task Force will be presented to the full Council at the regular meeting on April 8, 2010 by individual Council Members.” The same language would apply to nominees for appointments to the two remaining seats that would be brought by the subcommittee. The motion failed on a vote of 3-4. Those voting aye were: Council Members Cole, Morrison and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Riley and Shade.**

There was a friendly amendment made by Council Member Cole to allow former members of boards and commissions to be eligible for nomination to the task force. The amendment was accepted by the maker of the motion and Mayor Leffingwell, who made the second.

**Resolution No. 20100325-050 was approved with the approved amendments indicated above on Council Member Shade's motion, Mayor Leffingwell's second on a 7-0 vote.**

53. Approve a resolution directing the City Manager to develop a comprehensive strategy to construct and operate permanent supportive housing units and to give funding priority to permanent supportive housing, while continuing to fund affordable home ownership, home repair, and rental projects. (Council Member Sheryl Cole Council Member Randi Shade Council Member Chris Riley)

**Resolution No. 20100325-053 was approved on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

**Mayor Leffingwell recessed the Council Meeting at 11:57 a.m.**

**Mayor Leffingwell called the Council Meeting back to order at 12:09 p.m.**

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

Gus Pena - City Issues **He was not present when his name was called.**

Carme Llanes - Si se puede! March for Cesar Chavez, Saturday, March 27th, 10:00 am - 1:00 pm

Edward Sledge - Police Chief

Colin Clark - Campaign Promises

Richard Knowlton - Davis Lane and emergency services

Birdie Perkins - The WMI Permit expansion

Melanie McAfee - Waste Management expansion

Delwin Goss - No Kill Referendum; Traffic claming devices in Montopolis

Bryan Thompson - Concerns of the people

Ronnie Reefersseed - Peace & freedom

#### **EXECUTIVE SESSION**

**The City Council did not conduct an Executive Session.**

60. Discuss legal issues concerning agreements with Capital Metro relating to construction of transportation projects (Private Consultation with Attorney - Section 551.071).  
**This item was withdrawn.**

61. Discuss legal issues regarding Lion's Municipal Golf Course and the University of Texas land known as the Brackenridge Tract. (Private Consultation with Attorney - Section 551.071).  
**This item was withdrawn.**

Mayor Leffingwell recessed the Council Meeting at 12:37 p.m.

Mayor Leffingwell called the Council Meeting back to order at 2:06 p.m.

### ZONING

67. C14-2009-0151 - East Block - Conduct a public hearing and approve 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) combining district zoning. Staff Recommendation: To grant downtown mixed use (DMU) district zoning. Planning Commission Recommendation: To grant downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning. Applicant: Schlosser Development Corp. (David Vitanza). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.

**This item was postponed to April 22, 2010 at the applicant's request on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0. Council Member Morrison was off the dais.**

### ZONING DISCUSSION ITEMS

66. C14-72-015(RCA) - 1517 E. Anderson Lane Restrictive Covenant Amendment - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 1517 East Anderson Lane (Buttermilk Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To deny the restrictive covenant amendment. Applicant/Owner: ZIF Holdings, Inc. (Iniyat Fidai). Agent: DCI Permitting and Land Consulting (David Cancialosi). City Staff: Joi Harden, 974-2122

**This item was postponed to April 8, 2010 at the neighborhood's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Items 62 and 63 were acted upon in a combined motion.**

62. C14-2009-0106 - Rosewood Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Rosewood Neighborhood Planning Area, bounded by Manor Road on the north; Airport Boulevard on the east; Northwestern Avenue and Webberville Road on the south; and Northwestern Avenue to Rosewood Avenue to Chicon Street to East 12th Street, north along the Austin and Northwestern Railroad to Martin Luther King, Jr. Boulevard to Stafford Street to Rogers Avenue to Walnut Avenue on the west (Boggy Creek, Tannehill Branch, Town Lake 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 properties from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude a tract from the vertical mixed use overlay district. Applicant and Agent: Planning and Development Review Department. City Staff: Melissa Laursen, 974-7226.

**The public hearing was closed and Ordinance No. 20100325-062 with the following provisions was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote:**

- **Tracts 1-3, 100-112 were approved for vertical mixed use building (V) designation with all bonuses.**

- **An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building which has 50 or more units.**
- **An affordability level of 80% of the median family income for 10% of rental units in a vertical mixed use building which has less than 50 units.**

63. C14-2009-0106.001 - Rosewood Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 114 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to 2518, 2522, 2526, 2600 and 2606 Rosewood Avenue within the Rosewood Neighborhood Planning Area, bounded by Manor Road on the north; Airport Boulevard on the east; Northwestern Avenue and Webberville Road on the south; and Northwestern Avenue to Rosewood Avenue to Chicon Street to East 12th Street, north along the Austin and Northwestern Railroad to Martin Luther King, Jr. Boulevard to Stafford Street to Rogers Avenue to Walnut Avenue on the west (Boggy Creek Watershed). Regulations governing Vertical Mixed Use Building dimensional standards; 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 2518, 2522, 2526, 2600 and 2606 Rosewood Avenue from the overlay district. Planning Commission Recommendation: To approve the vertical mixed use building (V) designation. Applicant and Agent: Planning and Development Review Department. City Staff: Melissa Laursen, 974-7226. A valid petition has been filed in opposition to this rezoning request.

**The public hearing was closed and the motion to deny the vertical mixed use building (V) designation was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

64. C14-2009-0168 - Uncle Bob's 2222 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10307 FM 2222 (Bull Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant warehouse/limited office-conditional overlay. (W/LO-CO) combining district zoning. Zoning & Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Sovran Acquisition. L.P. (Robert McGregor) Agent: Stanley Consultants (Andrew Dodson) City Staff: Clark Patterson, 974-7691.

**The public hearing was closed and the first reading of the ordinance for warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning with the following friendly amendment and conditions was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais. The friendly amendment from Council Member Morrison was to prohibit the use of exterminating services. This was accepted by the maker of the motion and Council Member Cole who made the second.**

**The conditions were:**

- **Limit of 2,000 vehicle trips per day**
- **Dedication of an additional 16 feet of right-of-way**

**Mayor Leffingwell recessed the Council Meeting at 3:00 p.m.**

**Mayor Leffingwell called the Council Meeting back to order at 4:07 p.m.**

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

**Items 28 and 68 were acted upon in a combined motion.**



28. Approve an ordinance amending the Fiscal Year 2009-2010 Parks and Recreation Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$9,051 for improvements to Reilly Park. Funding is available from parkland mitigation funds. Related to item # 68  
**Ordinance No. 20100325-028 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.**
68. Conduct a public hearing and approve a resolution authorizing the use of approximately 6,873 square feet permanent wastewater line, approximately 5,150 square feet temporary access and temporary workspace, to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Airport at Chesterfield Wastewater Improvements through dedicated parkland known as Reilly Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board. Related to item # 28  
**The public hearing was closed and Resolution No. 20100325-068 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.**
69. Conduct a public hearing and approve a resolution authorizing the use of approximately 5.87 acres for an electric substation, electric transmission lines, distribution lines and drainage area through dedicated parkland known as Morris Williams Golf Course, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction will be paid by requester. Recommended by the Electric Utility Commission and the Parks and Recreation Board. Related to Items #2 & 29.  
**The public hearing was closed and Resolution No. 20100325-069 was approved with the following friendly amendments on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to appoint a single point of contact to move the permitting process along more smoothly.**
- There was a friendly amendment made by Mayor Leffingwell to add, a final sentence to the resolution that reads, "The City Manager is directed to coordinate with the surrounding neighborhood, to the greatest practicable, in the aesthetic design of the utility substation and associated facilities." The amendment was accepted by the maker of the motion and Council Member Cole who made the second.**
- The amendment from Law was to change the last WHEREAS paragraph of the resolution read "WHEREAS, such public hearing was held March 25, 2010, by the City Council to consider the permanent change of use of parkland for an electric substation, electric transmission lines, distribution lines and drainage areas; NOW, THEREFORE,...". The amendment was accepted by the maker of the motion and Council Member Cole who made the second.**
65. C14-2008-0242 - Mueller Austin Energy Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 East 51st Street (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To deny public (P) district zoning. Applicant: Austin Energy (Dorothy Kester). Agent: Stanley Consultants, Inc. (Charles Steinman). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20100325-065 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.**

**Items 2 and 29 were acted upon in a combined motion.**

2. Authorize the acquisition of approximately 5.87 acres of permanent electric easements from City of Austin Parks and Recreation Department at the Morris Williams Golf Course located at 4305 Manor

Road, Austin, Texas, for construction of an electric substation, transmission and distribution lines, and a drainage area, in an amount not to exceed \$1,500,000. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Reviewed by the Electric Utility Commission Recommended by the Electric Utility Commission. Related to Items #29 & 69.

**The motion authorizing Austin Energy to acquire permanent electric easements from the Parks and Recreation Department at the Morris Williams Golf Course was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

29. Approve an ordinance amending the Fiscal Year 2009-2010 Parks and Recreation Department Capital Budget of Ordinance No. 20090914-003 to appropriate \$1,500,000 for improvements to Morris Williams Golf Course. Funding is available from parkland mitigation funds. Related to Items #2 & 69.

**Ordinance No. 20100325-029 was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

**Mayor Leffingwell recessed the Council Meeting at 5:26 p.m.**

### **LIVE MUSIC**

Walter Tragert representing the Armstrong Community Music School

### **PROCLAMATIONS**

Proclamation -- Austin Lyric Opera's Armstrong Community Music School 10th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Cis Myers

Proclamation -- Superhero Kids Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Caitlyn, representing the Dell Children's Blood and Cancer Center

Certificate of Congratulations -- Mike Kelly for Government Civil Engineer of the Year Award -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Wear Spandex to Work Day -- to be presented by Council Member Chris Riley and to be accepted by David Smith

Certificate of Congratulations -- Austin Bergstrom International Airport for Cleanest Airport designation - to be presented by Council Member Laura Morrison and to be accepted by TBA

**Mayor Leffingwell called the Council Meeting back to order at 6:13 p.m.**

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

70. Conduct a public hearing and consider an appeal by East Town Lake Citizens Neighborhood Association of Planning Commission's decision to approve a Conditional Use Site Plan for a Hotel/Motel use located at 1609 E. Cesar Chavez (East Side Inn, SPC-2009-0303CS).

**The public hearing was closed and a motion to deny the appeal was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 7:35 p.m. without objection.**

**The minutes for the regular meeting of March 25, 2010 were approved on this the 8th day of April 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**