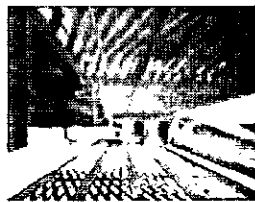
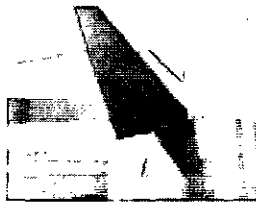


**AGENDA**

**Thursday, April 29, 2010**

The Austin City Council will convene at 10:00 AM on  
Thursday, April 29, 2010 at Austin City Hall  
301 W. Second Street, Austin, TX



AUSTIN CITY CLERK  
POSTING: DATE/TIME  
2010 APR 23 PM 4 13

Mayor Lee Leffingwell  
Mayor Pro Tem Mike Martinez  
Council Member Chris Riley, Place 1  
Council Member Randi Shade, Place 3  
Council Member Laura Morrison, Place 4  
Council Member William Spelman, Place 5  
Council Member Sheryl Cole, Place 6

For meeting information, contact the City Clerk, 974-2210

*The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.*

## **Reading and Action on Consent Agenda**

### **Action on the Following:**

#### **Ordinances / Resolutions / Motions -**

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

## **9:55 AM -- Invocation**

Pastor Sam Brannon, Messiah Lutheran Church

## **10:00 AM -- City Council Convenes**

### **Approval of Minutes**

1. Approve the Minutes of the Austin City Council special called meeting of April 21, 2010 and regular meeting of April 22, 2010.

### **Austin Energy**

2. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 1.449 acre electric easement out of the William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas in the amount of \$38,359. The owner of the needed property interest is Willie Mae Burns. The property is located at 15712 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #3, 4, 5, & 6.
3. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 1.44 acre electric easement out of the William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas in the amount of \$43,760. The owners of the needed property interest are Edna Killian and Earl Brackett. The property is located at 15000 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 4, 5, & 6.
4. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 7.53 acre electric easement out of the Alexander Walters Survey Number 67, Abstract Number 791, Travis County, Texas) in the amount of \$186,017. The owner of the needed property interest is HM Pfluger Ltd. The property is located at 14300 Immanuel Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 3, 5, & 6.
5. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a

2.69 acre electric easement out of the William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas in the amount of \$69,220. The owner of the needed property interest is Mark A. Szygenda. The property is located at 15403 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 3, 4, & 6.

6. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 3.46 acre electric easement out of William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas) in the amount of \$109,266. The owners of the needed property interest are Maxine W. Whitehead, Louis G. Whitehead, Jr., Shelly Susan Collins nka Shelly Susan Robinson and Maxine W. Whitehead, individually and as Trustee of the Whitehead By-Pass Trust. The property is located at 15218 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 3, 4 & 5.

#### **Austin Water Utility**

7. Approve an ordinance waiving certain provisions of Section 25-9-39(B) of the City Code relating to the expiration date of approval of Service Extension Request No. 2862 for water service to the development known as Heep Ranch located on the southeast corner of Interstate Highway 35 South and FM 1327. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.
8. Approve an ordinance waiving certain provisions of Section 25-9-39(B) of the City Code relating to the expiration date of approval of Service Extension Request No. 2863 for wastewater service to the development known as Heep Ranch located on the southeast corner of Interstate Highway 35 South and FM 1327. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.
9. 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. 2502 to extend the expiration date of the developer agreement for cost reimbursement in wastewater 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. Recommended by the Water and Wastewater Commission.

#### **Contract and Land Management**

10. Authorize the negotiation and execution of the fee simple acquisition of Lot 3, Block 1, of BERGSTROM DOWNS NO. 1, locally known as 818 Patton Avenue, from ELOISE E. BURNS for the Airport Noise Mitigation Program, in the amount of \$125,000 for the land and improvements and closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$135,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
11. Approve a resolution authorizing the filing of eminent domain proceedings for the Airport at Chesterfield Project to acquire a 17,311 square foot permanent wastewater easement, a 13,067 square foot temporary working space easement, and a 28,945 square foot temporary staging area and material storage site out of 6.65 acres of land, more or less, out of the James P. Wallace League, in the City of Austin, Travis County, Texas, in the amount of \$386,664.00. The owner of the needed property interests is 51st LIVING, LTD. The property is located in Austin, Travis County, Texas in the area bound by W. 51st Street, and West 47th Street to the north and south and by Rowena Street and UT Intramural Fields to the east and west. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.
12. Authorize execution of a supplemental amendment to the professional services agreement with WESTON SOLUTIONS, INC., Austin, TX, for construction phase services

for the Holly Street Power Plant Decommissioning Project in an amount not to exceed \$4,255,497.99 for a total contract amount not to exceed \$7,007,347.39. Funding in the amount of \$4,255,497.99 is available in the Fiscal Year 2009 - 2010 Capital Budget of Austin Energy. 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 26.34% MBE and 8.49% WBE subconsultant participation to date. Recommended by the Electric Utility Commission.

13. Authorize negotiation and execution of an amendment to the professional services agreement with the following firms: TERRACON CONSULTANTS, INC., Austin, TX and RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, TX, for the 2008-2011 Asbestos and Lead Based Paint Consultant Services, Rotation List for the years 2008 through 2011 or until available funding authorization is expended, in the amount of \$150,000 in additional authorization, for a total contract amount not to exceed \$550,000, divided between the two firms. This additional authorization will be used to provide continuity of the asbestos and lead based paint related services for all City Departments for which these services are needed while a new Rotation List is being solicited. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the various departments for which these services are needed. 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 4.67% MBE and 3.98% WBE subconsultant participation to date.
14. Authorize negotiation and execution of amendments as required for construction phase services with DPR Construction, Inc., Austin, TX (Construction Manager at Risk) for Austin Energy's System Control Center for an estimated construction budget not to exceed \$67,000,000. Funding in the amount of \$64,500,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$2,500,000 for the related warranty agreements (an operating budget expenditure) for the remainder of the contract is contingent upon available funding in future budgets. This contract and future amendments will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Recommended by the Electric Utility Commission.
15. Authorize execution of a construction contract with INSITUFORM TECHNOLOGIES, INC., Chesterfield, MO for Annual Service Agreement for Rehabilitation of Wastewater Lines Through Trenchless Process - Indefinite Delivery/ Indefinite Quantity in the amount of \$3,323,865 for the first year with two 12 month extension options in an amount not to exceed \$4,021,876 for the first extension, and in an amount not to exceed \$4,424,064 for the second extension for a total contract amount not to exceed \$11,769,805. Funding in the amount of \$3,323,865 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding for the extension options are contingent upon available funding in future budgets. 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) with 1.25% MBE and 0.74% WBE subcontractor participation. Recommended by Water and Wastewater Commission.
16. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING INC., (MBE/MH - 38.29%), Austin, TX, for the Retired Pump Station Decommission project in the amount of \$354,064 plus a \$35,406.40 contingency, for a total contract amount not to exceed \$389,470.40. 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 of Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 53.60% MBE and 2.96% WBE subcontractor participation. Recommended by Water and Wastewater Commission.
17. Authorize execution of a construction contract with LEWIS CONTRACTORS, INC., Bertram, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program Segment 11/12 - South Pleasant Valley Extension at Legends Way, 42-Inch Water Main project in the amount of \$1,320,233 plus \$66,011.65 contingency, for a

total contract amount not to exceed \$1,386,244.65. 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 8.96% MBE and 2.40% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.

18. Authorize execution of a construction contract with INTERSTATE SEALANT & CONCRETE, INC., (DBE/FW - 93.33%) Waukesha, WI, for the PCC Joint Sealant Rehabilitation project at the Austin Bergstrom International Airport in the amount of \$1,966,716 plus a \$196,672 contingency, for a total contract amount not to exceed \$2,163,388. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Lowest bid of seven (7) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 93.33% DBE prime participation. Recommended by Austin Airport Advisory Commission.
19. Authorize execution of a construction contract with YANTIS COMPANY, San Antonio, TX, for the Davis/Deer from Corran Ferry to Brodie Lane project in the amount of \$2,968,727.75, plus a \$148,435.60 contingency, for a total contract amount not to exceed \$3,117,163.35. Funding in the amount of \$3,082,513.35 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department and funding in the amount of \$34,650 is available in the in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of twelve (12) 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 13.39% MBE and 4.26% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
20. Authorize execution of a construction contract with McLEAN CONSTRUCTION, INC., Killeen, TX, for the Fletcher Euclid Reroute Project in the amount of \$284,337 plus a \$14,216.85 contingency, for a total contract amount not to exceed \$298,553.85. 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 12.91% MBE and 4.64%% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
21. Authorize execution of a construction contract with TRCU, LTD., Houston, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program, Segment 20.1 & 21, William Cannon from McKinney Falls to Pilot Knob, 48-Inch Water Main in the amount of \$2,295,724.05, plus a \$115,000.00 contingency, for a total contract amount not to exceed \$2,410,724.05. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of seven (7) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 1.92% MBE and 2.12% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
22. Authorize execution of a construction contract with McLEAN CONSTRUCTION, INC., Killeen, TX for the South IH-35 Water/Wastewater Infrastructure Improvements Program - Segment 9.1, 42-Inch Water Main project in the base bid amount of \$2,145,021, plus a contingency amount of \$107,251.05, for a total contract amount not to exceed \$2,252,272.05. 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 8.94% MBE and 3.50% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

23. Authorize execution of change order #2 to the construction contract with BENITEZ CONSTRUCTION INC., Manor, TX (MBE/MH - 60.34 %), for the West Campus Water Line Improvements Areas 1-4 project in the amount of \$279,950 for a total contract amount not to exceed \$2,209,301.76. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 68.43% MBE prime and subcontractor participation and 3.76% WBE subcontractor participation to date. Recommended by the Water and Wastewater Commission.
24. Authorize execution of a construction contract with CHASCO CONSTRUCTORS, LTD., LLP, Round Rock, TX, for the IH-35 Makeover Re-Bid in the amount of \$2,027,880, plus a \$101,395 contingency, for a total contract amount not to exceed \$2,129,275. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Lowest bid of four (4) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 61.90% MBE and 2.10% WBE subcontractor participation. Related to Item #31.
25. Authorize negotiation and execution of an agreement with PAPE-DAWSON ENGINEERS, INC., Austin, TX, for purchase of the approved construction plans for the South I-35 Water/Wastewater Infrastructure Improvements Program, Segment 11/12, South Pleasant Valley Extension at Legend's Way, 42-Inch Water Main in amount not to exceed \$388,289. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Developer Agreement. This contract will be awarded in compliance with Chapter 2-9B 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.

#### **Financial and Administrative Services**

26. Authorize negotiation and execution of agreements with Mexic-Arte Museum, a Texas non-profit corporation, for improvements to the cultural facility used by the public and located at 419 Congress Avenue, Austin, Texas; the improvements will be funded from the 2006 Bond Program, Proposition 4, in an amount not to exceed \$5,000,000. Funding of \$1,000,000 is available in the 2009-2010 Capital Budget of the Financial and Administrative Services Department. Funding for future appropriation of \$4,000,000 is contingent upon approval in future budgets and will come from funds approved in Proposition 4 of the 2006 Bond Program.

#### **Health and Human Services**

27. Authorize negotiation and execution of Amendment No. 2 to the Agreement for Social Services with CHILD, INC. to increase funding for the remainder of the initial term, May 1-July 31, 2010, by an amount not to exceed \$141,884 for child care voucher services for an initial term contract amount not to exceed \$393,022, for a total contract not to exceed \$797,872. Funding in the amount of \$91,884 is available in the Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Services Office through the Community Development Block Grant (CDBG), and \$50,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Community Services Block Grant (CSBG) Recovery Act Fund. The CSBG grant period is August 1, 2009 to September 30, 2010. The period of the contract is January 1, 2010 through September 30, 2010. Funding for the renewal option is not increased, and is contingent upon available funding in future budgets.
28. Approve an ordinance amending Chapter 10-3, Article 2 of the City Code relating to temporary food establishments and sampling of food products at certified farmers markets. It is estimated that the new permitting requirements of this ordinance change

will generate an additional \$17,120 in revenue per year. Recommended by the Public Health and Human Services Committee.

29. Approve an ordinance authorizing acceptance of \$300,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, FAMILY AND COMMUNITY HEALTH SERVICES DIVISION, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$300,000 to implement a program of priority initiatives related to the U.S. Centers for Disease Control Community Evidence-Based Strategies for Obesity, and to add one full-time equivalent position. Funding is available from the Texas Department of State Health services, Family and Community Health Services Division. The grant period is April 15, 2010 through August 31, 2011. A City in-kind match of \$30,000 is required.

#### **Parks and Recreation**

30. Approve the use of Lady Bird Lake for registered participants and other approved persons for the following public water events: the Cap 2K open water swim to be held on May 2, 2010, the Ian Crocker Open Water Swim to be held on May 15, 2010, the Capital of Texas Triathlon to be held on May 30 and 31, 2010, and the Austin Triathlon to be held on September 5 and 6, 2010. There is no unanticipated fiscal impact. A fiscal note is not required.

#### **Planning and Development Review**

31. Approve an ordinance amending the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget of Ordinance No. 20090914-003 to transfer \$500,000 to the Planning and Development Review Department Capital Budget; and amending the Fiscal Year 2009-2010 Planning and Development Review Department Capital Budget of Ordinance No. 20090914-003 to appropriate the \$500,000 transfer from the Capital Improvement Program (CIP) Contingency Program for the IH-35 Makeover Project. Funding is available in the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget - Capital Improvements Program Contingency. Related to Item #24.

#### **Police**

32. Approve an ordinance establishing classifications and positions in the classified service of the Austin Police Department, eliminating and creating certain positions; and repealing Ordinance No. 20100114-024 relating to Police Department classifications and positions. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.
33. Approve an ordinance accepting \$69,190 in supplemental grant funds from the State of Texas, Automobile Burglary and Theft Prevention Authority; and amending the Fiscal Year 2009-2010 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$69,190 to purchase equipment for the APD Auto Burglary and Theft Interdiction Project. Funding is available from the State of Texas, Automobile Burglary and Theft Prevention Authority for the project period September 1, 2009 to August 31, 2010. A match is not required.

#### **Purchasing Office**

34. Authorize award and execution of a 36-month requirements supply contract with J&B AVIATION SERVICES, INC., Vacaville, CA for PC Aire A/C and Heating Ducts in an estimated amount not to exceed \$130,665, with two twelve-month extension options in an estimated amount not to exceed \$43,555 per extension option, for a total estimated contract amount not to exceed \$217,775. Funding in the amount of \$18,148 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program).

No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

35. Authorize award and execution of a 36-month requirements service contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, INC. (TIBH), Austin, TX for temporary personnel services in an estimated amount not to exceed \$600,000, with three 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$1,200,000. Funding in the amount of \$83,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Convention Center Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. General Exemption This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is authorized through Chapter 122, Title 8 of the Human Resources Code, and no goals were established for this solicitation.
36. Authorize award and execution of a 36-month requirements supply contract with AUSTIN WHITE LIME COMPANY, Austin, TX for the supply of quicklime for the Austin Water Utility in an estimated amount not to exceed \$12,177,000, with three 12-month extension options in an estimated amount not to exceed \$4,059,000 per extension option, for a total estimated contract amount not to exceed \$24,354,000. Funding in the amount of \$1,691,250 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D 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.
37. Authorize award and execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) Cooperative Purchasing program with HILL COUNTRY ELECTRIC SUPPLY, Austin, TX, for the purchase of Square D padmount transformers for the Austin Water Utility in an amount not to exceed \$53,608. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.
38. Authorize award and execution of a 36-month requirements supply contract with MUNICIPAL WATER WORKS, Royse City, TX for the purchase of copper and polyethylene pipe in an estimated amount not to exceed \$423,555, with three 12-month extension options in an estimated amount not to exceed \$141,185 per extension option, for a total estimated contract amount not to exceed \$847,110. Funding in the amount of \$58,827 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications 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 Water & Wastewater Commission.
39. Authorize award and execution of two contracts through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with CALDWELL COUNTRY CHEVROLET, Caldwell, TX, for the purchase of 16 light-duty vehicles in an amount not to exceed \$454,767, and DALLAS DODGE, Dallas, TX, for the purchase of three light-duty vehicles in an amount not to exceed \$58,478. Funding in the amount of \$413,486 is included in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$99,759 is available in the Fiscal Year 2009-2010 Capital Budget of



Austin Energy. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Electric Utility Commission.

40. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 86 light-duty vehicles in an amount not to exceed \$2,242,025.81. Funding in the amount of \$480,339.14 is included in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$750,560.58 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$339,096.49 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Water Utility. Funding in the amount of \$184,773.55 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Funding in the amount of \$27,722 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$83,166 is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Funding in the amount of \$80,019.63 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$296,348.42 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water & Wastewater Commission and the Electric Utility Commission.
41. Authorize award and execution of a 36-month requirements service contract with ST. DAVID'S OCCUPATIONAL HEALTH SERVICES, Austin, TX to provide inoculation and immunization services at various City facilities in an estimated amount not to exceed \$414,180, with three 12-month extension options in an estimated amount not to exceed \$165,672 for the first extension option, \$198,806 for the second extension option, and \$238,568 for the third extension option, for a total estimated contract amount not to exceed \$1,017,226. Funding in the amount of \$57,525 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
42. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County, providing for financial cooperation to facilitate the City and County's participation in a feasibility study conducted by the National Center for Arts and Technology. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Management Services Department. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract 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.

## **Transportation**

43. Approve staff recommended Evaluation Criteria for Transportation Investment Projects as part of the Austin Strategic Mobility Plan. Related to Item #59.
44. Approve issuance of a closure permit under City Code Section 14-8-3(B)(3) for the Longhorn Run10K and 2 Mile Mosey and right-of-way event sponsored by Run Tex, Inc. which is to take place Saturday, May 1, 2010. No unanticipated fiscal impact. A fiscal note is not required. Recommended by the Urban Transportation Commission.

## **Watershed Protection Department**

45. Authorize negotiation and execution of a one year Interlocal Agreement with the University of Texas at Austin for bacteria source tracking and strontium isotopic source water analysis services with three 12-month extensions in an amount not to exceed \$46,875 for the first year and \$46,875 per extension for a total amount not to exceed \$187,500. Funding in the amount of \$3906.25 per month is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department.

### **Item(s) from Council**

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.
47. Approve an ordinance establishing compensation and benefits for the Municipal Court Clerk. Related to Item #64. (Council Member Randi Shade and Mayor Lee Leffingwell)
48. Approve a resolution directing the City Manager to reassess eligibility requirements for City home repair and weatherization programs with respect to past-due balances owed to the City by program applicants. (Mayor Pro Tem Mike Martinez, Mayor Lee Leffingwell and Council Member Laura Morrison)
49. Approve a resolution establishing an advisory group for development and implementation of a form-based code to facilitate pedestrian and transit-oriented development along Airport Boulevard between IH-35 and North Lamar Boulevard; and directing the City Manager to implement the recommendations of the Planning and Development Review Department. (Council Member Chris Riley, Mayor Lee Leffingwell and Mayor Pro Tem Mike Martinez)
50. Approve a resolution relating to the compensation and benefits for the City Clerk. Related to Item #63. (Council Member Randi Shade and Mayor Lee Leffingwell)
51. Approve the reimbursement of certain fees for the 12th annual Dragon Boat Festival and Races which were held on Saturday April 24, 2010 at Festival Beach. (Mayor Lee Leffingwell, Council Member Randi Shade and Council Member Sheryl Cole)
52. Approve the waiver of certain fees and certain requirements for the Hispanic Austin Leadership (HAL) graduation sponsored by the Greater Austin Hispanic Chamber of Commerce which is to be held on Thursday, April 29, 2010 at the Mexican-American Cultural Center (MACC). (Mayor Pro Tem Mike Martinez and Council Member Chris Riley)
53. Approve the waiver of certain fees and requirements for the 2010 ATX Juneteenth Music Festival to be held on Saturday, June 19, 2010 at Waterloo Park. (Council Member Sheryl Cole, Mayor Pro Tem Mike Martinez and Mayor Lee Leffingwell)
54. Approve the waiver of certain fees and requirements for the retirement banquet for the Principal of LBJ High School, Mr. Patrick Patterson, which is to be held on May 21, 2010 at the Turner-Roberts Recreation Center gym. (Council Member Sheryl Cole and Council Member Laura Morrison)

### **Item(s) to Set Public Hearing(s)**

55. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central West Austin Combined Neighborhood Plan. The combined planning area is bounded to the north by 35th Street and 38th Street, to the south by Lady Bird Lake (west of MoPac) and 24th Street (east of Mopac), to the east by Lamar Boulevard, and to the west by Lady Bird Lake. (Suggested date and time: June 10, 2010, 2:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
56. Set a public hearing to consider an ordinance authorizing the addition of a new neighborhood to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: May 27, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

57. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to create a new residential use, Conservation Single-Family Residential. (Suggested date and time: June 10, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
58. Set a public hearing to consider an ordinance authorizing additional distance requirements for mobile food establishments in certain areas in accordance with Section 25-2-812 of the City Code. (Suggested date and time: May 27, 2010 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

#### **10:30 AM -- Morning Briefings**

59. Project Prioritization Process and Strategic Mobility Plan Timeline. Related to Item #43.
60. Citizens Water Conservation Implementation Task Force Presentation

#### **12:00 PM -- Citizen Communications: General**

Ronnie Reeferseed – Peace and freedom and the constitution

Gavino Fernandez - Keep Palm Pool open for this summer, given that we had 98 hot days of 100 degrees last year, one would think, why close a swimming pool? Where will our kids go? Approve \$56,000 of Holly program funds to keep Palm Pool open and extend pool hours at Metz and Martin Pools, alike Northwest Pool operating hours

Michael Kaid – Working conditions at the Austin Bergstrom Airport

Frances Martinez - Boycott Pachanga fest @ Fiesta Gardens for the safety of our neighborhood. Keep Palm pool open this summer. We had over 98 days of 100 degrees last summer and you would think, why close a swimming pool/ where will our children go?

Douglas Riley – Capital metro and city issues

Rae Nadler-Olenick - Water fluoridation

CarolAnneRoseKennedy – HOMETHEHAUSLESS KENNEDYS

Gus Peña – City issues

#### **Executive Session**

61. Discuss real estate development options related to the sale or lease of the Austin Energy Control Center site (Real Property – Section 551.072).
62. Discuss legal issues related to grandfathering rights under Chapter 245 of the Texas Local Government Code (Private Consultation with Attorney - Section 551.071).
63. Evaluate the performance of and consider compensation and benefits for the City Clerk. (Personnel Matters-Section 551.074). Related to Item #50.
64. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Personnel Matters-Section 551.074). Related to Item #47.
65. Discuss legal issues related to Shane Roberts v. City of Austin, No. C-1-CV-09-012681, County Court at Law # 2, Travis County, Texas (Private Consultation with Attorney - Section 551.071).
66. Discuss legal issues related to City of Austin v. Harry M. Whittington, et al, Cause No D-

**2:00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

- 67 PH. C14H-2010-0003 - Fitzgerald-Upchurch Wilkerson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1710 Windsor Road (Shoal Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Staff Recommendation: To grant single family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Historic Landmark Commission Recommendation: To grant single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Applicants: Dean and Andrea McWilliams, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.
- 68 PH. C14-2008-0220 - Double Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10200 - 10614 South IH-35 Service Road Southbound (Slaughter and Onion Creek Watersheds) from interim rural-residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: Postponed Indefinitely. Applicant: Sterling/Babcock & Brown Double Creek LP (Drew M. Ireland). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
- 69 PH. 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: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.
- 70 PH. C14-2009-0156 - Los Comales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2136 East 7th Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Staff Recommendation: To deny commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Applicant: Merced and Graciela Benitez. Agent: Evergreen Global Group, LLC (Roger Chan). City Staff: Joi Harden, 974-2122.
- 71 PH. C14-2010-0014 - Leija Villa - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3306 East 5th Street (Boggy Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions.

Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions. Applicant: The Lunaire Group, LP (Dr. Graciela Leija). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr., P.E.). City Staff: Joi Harden, 974-2122.

- 72 PH. 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.
- 73 PH. NPA-2009-0016.01 - Leija Villa - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3306 East 5th Street (Colorado River Watershed) from commercial and single family (a portion of) land use to mixed Use land use. Staff Recommendation: To grant mixed use land use designation. Planning Commission recommendation: To grant mixed use land use designation. The Lunaire Group, L.P. (Dr. Graciela Leija). Cuatro Consultants, Ltd. (Hugo Elizondo, Jr. P.E.). Maureen Meredith, 974-2695.
- 74 PH. C14H-2009-0065 - Judge David J. and Birdie Pickle House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1515 Murray Lane (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-Historic Landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny family residence-Historic Landmark (SF-3-H) combining district zoning. Applicants: Jordan Steiker and Lori Holleran, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.

### **5:30 PM -- Live Music**

Erin Ivey

### **5:30 PM -- Proclamations**

Proclamation -- Bike Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Nadia Barrera


Proclamation -- Internal Audit Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Darrell Carter


Certificates of Appreciation -- Public Service Recognition Week -- to be presented by Mayor Lee Leffingwell and City Manager Marc Ott and to be accepted by City Department representatives

Certificates of Appreciation -- Google Project Participants -- to be presented by Council Member Laura Morrison and to be accepted by the honorees

Certificates of Appreciation -- GTOPS Reviewers -- to be presented by Council Member Laura Morrison and to be accepted by the honorees

## Adjourn

 The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

 For assistance please call 974-2210 OR 974-2445 TDD.

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.

**2010 Austin City Council Meeting Dates**

<b>Meetings</b>	<b>Cancelled Dates</b>
	January 7, 2010
January 14, 2010	
	January 21, 2010
January 28, 2010	
February 4, 2010	
February 11, 2010	
	February 18, 2010
February 25, 2010	
	March 4, 2010
March 11, 2010	
	March 18, 2010
March 25, 2010	
	April 1, 2010
April 8, 2010	
	April 15, 2010
April 22, 2010	
April 29, 2010	
	May 6, 2010
May 13, 2010	
	May 20, 2010
May 27, 2010	
	June 3, 2010
June 10, 2010	
	June 17, 2010
June 24, 2010	
	July 1, 2010
	July 8, 2010
	July 15, 2010
	July 22, 2010
July 28, 2010 (Budget Work Session)	
July 29, 2010	
August 4, 2010 (Budget Work Session)	
August 5, 2010	
	August 12, 2010
August 18, 2010 (Budget Work Session)	
August 19, 2010	
August 25, 2010 (Budget Work Session)	
August 26, 2010	
	September 2, 2010
	September 9, 2010
September 13,14,15, 2010 (Budget Readings)	
	September 16, 2010
September 23, 2010	
September 30, 2010	
	October 7, 2010
October 14, 2010	
	October 21, 2010
October 28, 2010	
November 4, 2010	
	November 11, 2010
November 18, 2010	
	November 25, 2010
	December 2, 2010
December 9, 2010	
December 16, 2010	
	December 23, 2010
	December 30, 2010