

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 8, 2010**

**Invocation:** Rev. Emmanuel Limuel Jr., Pastor, Friendly Will Missionary Baptist Church

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, April 8, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:01 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 and March 25, 2010. The minutes from the March 11 and 25, 2010 regular meetings were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
2. Authorize the negotiation and execution of a 60-month lease agreement with VISTA PROPERTIES for approximately 4,597 square feet of retail space located at 8716 Research Blvd., Austin, Texas 78757, for a new City of Austin-Austin Energy Customer Service Center, in an amount not to exceed \$641,146. Funding for the contract period is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.  
The motion authorizing the negotiation and execution of a lease agreement with Vista Properties was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
3. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the University of Texas at Austin to conduct Geotech/GIS Services, in the amount of \$34,200. Funding in the amount of \$34,200 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas at Austin was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman recused himself.
4. 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 22, 2010 on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

5. Authorize the negotiation and execution of an Interlocal Agreement with the ROUND ROCK INDEPENDENT SCHOOL DISTRICT, Round Rock, TX, for the operation and use of Canyon Vista Pool for a term ending on October 1, 2010 with ten one-year automatic extensions and ten one-year extension options.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Round Rock Independent School District was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
6. Approve a resolution authorizing the filing of eminent domain proceedings for the Wildhorse North Interceptor Extension of Highway 290 for permanent wastewater easements of 85,866; 35,355; and 5,135 square-feet, and temporary construction easements of 86,077; 32,723; and 318 square-feet, located in the James Manor Survey No. 40, Abstract No. 546 in Travis County, TX, in the amount of \$178,000. The owner of the needed property interests is LAS ENTRADAS DEVELOPMENT CORPORATION, A TEXAS CORPORATION. The property is located at 11616 E. US Hwy 290, in the extraterritorial jurisdiction of Manor, Travis County, TX. Funding is included in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.  
**Resolution No. 20100408-006 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
7. Authorize the negotiation and execution of a 24-month extension for 937 square feet of office space for the Watershed Protection Department, located at 510 S. Congress Ave., Suite 211, from CONGRESS SQUARE I, a Texas Limited Partnership, in an amount not to exceed \$28,110. Funding in the amount of \$1,171.25 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection 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 from Congress Square was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
8. Approve negotiation and execution of Amendment No. 4 to the contract with THE SALVATION ARMY to operate the Women and Children's Shelter to increase the contract amount for the January 1 through December 31, 2010, term in an amount not to exceed \$48,534, for a total contract amount not to exceed \$1,686,715. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. The period of the contract is January 1, 2010 through December 31, 2010.  
**The motion authorizing the negotiation and execution of amendment number four to the contract with the Salvation Army was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
9. Approve a resolution confirming the appointment of Gary Cobb to the Firefighters' and Police Officers' Civil Service Commission for the unexpired term ending December 5, 2010.  
**Resolution No. 20100408-009 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
10. Approve an ordinance accepting \$58,200 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$58,200 to provide victims with transportation following criminal incidents and to provide Victim Services Counselors and Investigators with equipment upgrades. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period April 1, 2010 to March 31, 2011. A match is not required.  
**Ordinance No. 20100408-010 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

11. Approve a resolution authorizing the application of renewal grant funding in the amount of \$406,900 from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority for the APD Auto Burglary and Theft Interdiction Project. Funding is available from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority, for the grant period September 1, 2010 to August 31, 2011. There is a required match of 20%(\$101,725) which will be met by accounting for the salaries of existing city-funded detectives assigned to the project.  
**Resolution No. 20100408-011 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
12. Approve a resolution authorizing the application for \$450,777 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to reduce crime and improve the criminal justice system by purchasing equipment and related supplies to support the APD Clandestine Lab Response Team and by purchasing a laser scanning system to provide 3-D images of major crime scenes and fatal/serious injury collisions. This project is entitled "Austin Police Department Criminal Justice Program." Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2010 to September 30, 2011. A match is not required.  
**Resolution No. 20100408-012 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
13. Approve a resolution authorizing the application for \$32,836 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to provide case management to youth who are stepping away from gang activity. This project is entitled "APD Gang Intervention Team Project." Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2010 to August 31, 2011. The required match of \$3,648.44 will be met by accounting for the salary of an existing city-funded lieutenant who is assigned as project manager.  
**Resolution No. 20100408-013 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
14. Approve a resolution authorizing the application of \$58,200 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to provide victims with transportation following criminal incidents and to provide Victim Services Counselors and Investigators with equipment upgrades. The project is entitled "APD Recovery VAWA - Assistance to Female Victims of Domestic Violence." Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period April 1, 2010 to March 31, 2011. A match is not required.  
**Resolution No. 20100408-014 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
15. Approve a resolution authorizing the application for \$138,107 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to continue the salaries of three current grant-funded VAWA Victim Services Counselors. The project is entitled "Austin Police Services for Victims of Domestic Violence." Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2010 to August 31, 2011. The required match of 35% will be met by accounting for portions of two existing city-funded Victim Services Division supervisors.  
**Resolution No. 20100408-015 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
16. Approve a resolution authorizing the execution of a Multiple Use Agreement between the Texas Department of Transportation and the City of Austin for construction, maintenance and operation of a hike and bike trail within the US Highway 183 right of way at the intersection of Loop 360.  
**Resolution No. 20100408-016 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

Items 17 – 20 were pulled for discussion.

21. Authorize award and execution of a 36-month requirements service contract with COOPER EQUIPMENT COMPANY, San Antonio, TX to provide captive repair parts, repair services, and preventative maintenance for street maintenance equipment in an estimated amount not to exceed \$847,194, with three 12-month extension options in estimated amounts not to exceed \$340,670 for the first extension option, \$374,736 for the second extension option, and \$412,210 for the third extension option, for a total estimated contract amount not to exceed \$1,974,810. Funding in the amount of \$106,645 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements service contract with Cooper Equipment Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
22. Authorize award, negotiation, and execution of Amendment No. 1 to the requirements service contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas CO-OP) with LIBERTY TIRE RECYCLING LLC, BAYTOWN, TX, for removal and disposal of scrap tires to increase the contract amount in an estimated amount not to exceed \$29,000 for a revised total estimated contract amount not to exceed \$80,000. Funding in the amount of \$29,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Services Fund. This cooperative contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.  
**The motion authorizing the award, negotiation and execution of amendment number one to the requirements service contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas Co-Op) with Liberty Tire Recycling LLC was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
23. Authorize award and execution of a 36-month requirements supply contract with INVERNESS MEDICAL INNOVATIONS NORTH AMERICA, INC., Princeton, NJ to provide Rapid HIV Test Kits and Controls in an estimated amount not to exceed \$345,600, with three 12-month extension options in estimated amounts not to exceed \$135,200 for the first extension option, \$145,200 for the second extension option, and \$155,200 for the third extension option, for a total estimated contract amount not to exceed \$781,200. Funding in the amount of \$52,600 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with Inverness Medical Innovations North America, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
24. Authorize award and execution of a 12-month personal services contract with WILLIAM STEVEN COLLIER, Hackett, AR for services related to development of a strategic plan for the Office of Homeland Security and Emergency Management in an estimated amount not to exceed \$65,000, with four

12-month extension options in an estimated amount not to exceed \$65,000 per extension option, for a total estimated contract amount not to exceed \$325,000. Funding in the amount of \$65,000 is available in the Fiscal Year 2007-2008 US Department of Homeland Security, State Homeland Security Grant Program. Personal Services. 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.

The motion authorizing the award and execution of a personal services contract with William Steven Collier was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

25. Authorize award, negotiation, and execution of a 15-month requirements service contract with IPS GROUP INC., San Diego, CA, for the purchase of a single space parking meter system including equipment, training, installation, and a 5-year warranty in an estimated amount not to exceed \$512,650, with five 12-month extension options in an estimated amount not to exceed \$59,400 per extension option, for a total estimated amount not to exceed \$809,650. Funding in the amount of \$453,250 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department, Parking Enterprise Division. Funding in the amount of \$59,400 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Transportation Department, Parking Enterprise Division. Funding for the extension options is contingent upon available funding in future budgets. Sole 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.

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

26. 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 Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

2010 Transportation Bond Citizen Task Force

Sandra Baldridge

Council

Boone Blocker

Council

Andy Brown

Council

Karen Friese

Council

Moses Garcia

Council

Sheila Holbrook-White

Council

Perry Lorenz

Council

Darwin McKee

Council

Moses Saldana, Sr.

Council

Downtown Austin Community Court Advisory Committee

Bruce Mills

Mayor Pro Tem Martinez

waiving the residency requirement in Section 2-1-21 of the City Code

Water and Wastewater Commission

Mickey Fishbeck

Council Member Riley

Council Subcommittees and Intergovernmental BodiesBoard/NomineeNominated byLong Center Board of Trustees

James Moody

Council

Item 27 was pulled for discussion.

28. Approve a resolution making the Mexican Free-tailed Bat the official animal of Austin, declaring the evening of the first Sunday in June "The Night of the Bat", and amending Resolution No. 021003-40 to include "The Night of the Bat" as an annual City co-sponsored event. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Chris Riley)  
**Resolution No. 20100408-028 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

Item 29 was pulled for discussion.

30. Approve a resolution directing the City Manager to develop an Invasive Species Management Plan for city owned land and report back to Council on or before June 5, 2010, and encourage community collaboration and innovation in protecting and restoring the city's natural resources. (Mayor Pro Tem Mike Martinez Council Member Chris Riley and Mayor Lee Leffingwell)  
**Resolution No. 20100408-030 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
31. Approve a resolution supporting establishing a national museum of the American Latino in Austin, Texas. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Sheryl Cole)  
**This item was withdrawn on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

Item 32 was pulled for discussion.

33. Approve a resolution directing the City Manager to support the motion for rehearing and the appeals process in TCEQ Docket No. 2006-0612-MSW; Application of Waste Management of Texas, Inc. for a Municipal Solid Waste Permit Amendment; Permit No. MSW-249D. (Council Member Laura Morrison Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)  
**Resolution No. 20100408-033 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
34. Approve a resolution amending Resolution No. 021003-40 to include the Austin PRIDE event as an annual City co-sponsored event. (Council Member Laura Morrison Council Member William Spelman Council Member Randi Shade)  
**Resolution No. 20100408-034 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
35. Approve the waiver of certain fees for the Austin AmeriCorps Awareness Week sponsored by the Austin AmeriCorps State programs and OneStar Foundation that will be held the week of May 9-16, 2010 throughout Austin. (Council Member Chris Riley Council Member Randi Shade Mayor Lee Leffingwell)  
**The motion to approve the waiver of certain fees for the Austin AmeriCorps Awareness Week sponsored by the Austin AmeriCorps State Programs and OneStar Foundation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

36. Approve the waiver of certain fees for the Latinitas Fotos de Mi Alma Auction and Exhibit event which is to be held on April 15, 2010, and the Latinitas Latina Icons Fashion Show event which is to be held April 23, 2010, at the Mexican American Cultural Center (MACC). (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Randi Shade)  
**The motion to approve the waiver of certain fees for the Latinitas Fotos de Mi Alma Auction and Exhibit event was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
37. Approve the reimbursement of certain fees and waive certain requirements for the Zavala Elementary Easter Egg Hunt event that was held Tuesday, April 6, 2010 at Zavala Elementary School and the Oswaldo A. B. Cantu Pan American Recreation Center Hillside Stage. (Mayor Pro Tem Mike Martinez Council Member Sheryl Cole Council Member Laura Morrison)  
**The motion to approve the reimbursement of certain fees and waive certain requirements for the Zavala Elementary Easter Egg Hunt event was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

Item 38 was a briefing item set for 10:30 a.m.

Items 39 through 40 were Executive Session items.

Items 41 through 48 were zoning items set for 2:00 p.m.

Items 49 through 58 were public hearing items set for 4:00 p.m.

#### **DISCUSSION ITEMS**

27. Approve an ordinance amending the City Code to add a new Chapter 10-9 to require limited service pregnancy centers to post signs disclosing that they do not provide or refer for abortions or comprehensive birth control services; creating an offense and imposing a penalty. (Council Member William Spelman Council Member Laura Morrison Mayor Pro Tem Mike Martinez)  
**Mayor Leffingwell waived rules and limited discussion to 15 minutes per side without objection. Ordinance No. 20100408-027 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

#### **BRIEFINGS**

38. Austin Energy's Generation Plan  
**The presentation was made by Robert Goode, Interim General Manager for Austin Energy.**  
**Direction was given to staff to:**
- **Include in the April 22, 2010 recommended purchase power contract wording that indicates the City is committed to having affordability matrix completed before addressing purchase power contracts over ten megawatts;**
  - **Place a statement above the graph emphasizing strongly this is not the plan but a possible scenario that is subject to changing conditions, annual reviews, price of various fuel components, and changing legislation and technology.**

DISCUSSION ITEMS CONTINUED

29. Approve a resolution directing the City Manager to allocate \$90,000 from the Holly Good Neighbor "Cultural Arts" Program to fund the Pachanga Music Festival and the Fiestas Patrias. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Sheryl Cole)  
**Resolution No. 20100408-029 was approved on Mayor Pro Tem Martinez' motion, Council Cole's second on a 7-0 vote.**

**Items 17 – 19 were acted upon in a combined motion.**

17. Authorize award, negotiation, and execution of nine 24-month contracts with A-PLUS ENERGY MANAGEMENT & A/C, Austin, TX; AMERICAN CONSERVATION & AIR, Austin, TX; APPLE ENERGY GROUP, LLC, Austin, TX; ATS ENGINEERING & INSPECTORS, Austin, TX; CITY CONSERVATION, Austin, TX; MCCULLOUGH HEATING & AIR CONDITIONING, INC., Austin, TX; STANDARD RENEWABLE ENERGY, Austin, TX; THE INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY, Herndon, VA; and THE NELROD COMPANY, Fort Worth, TX for weatherization test in audit services in a combined amount not to exceed \$450,000. Funding is available from the Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of October 1, 2009 to August 31, 2011. No match is required. Best nine qualification statements of 20 received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission and the Resource Management Commission.  
**The motion authorizing the award, negotiation and execution of nine contracts with A-Plus Energy Management & A/C, American Conservation & Air, Apple Energy Group, LLC, ATS Engineering & Inspectors, City Conservation, McCullough Heating & Air Conditioning, Inc., Standard Renewable Energy, The Institute for Building Technology and Safety, and The Nelrod Company was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
18. Authorize award, negotiation, and execution of six 24-month contracts with AIRTECH ENERGY SYSTEMS, INC., Austin, TX; CLIMATE MECHANICAL, INC., Austin, TX; GO GREEN SQUADS, Austin, TX; MCCULLOUGH HEATING & AIR CONDITIONING, INC., Austin, TX; VALDEZ REMODELING & WEATHERIZATION, INC., Austin, TX; and WEATHERIZATION MANAGEMENT GROUP, Dallas, TX for weatherization measures and improvement services in a combined amount not to exceed \$4,825,490. Funding is available from the Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of October 1, 2009 to August 31, 2011. No match is required. Best six qualification statements of ten 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) by meeting the goals with 14.00% MBE and 2.00% WBE subcontractor participation. Recommended by the Electric Utility Commission and the Resource Management Commission.  
**The motion authorizing the award, negotiation and execution of six contracts with Airtech Energy Systems, Inc., Climate Mechanical, Inc., Go Green Squads, McCullough Heating & Air Conditioning, Inc., Valdez Remodeling & Weatherization, Inc., and Weatherization Management Group was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
19. Authorize award, negotiation, and execution of nine 24-month contracts with A-PLUS ENERGY MANAGEMENT & A/C, Austin, TX; AMERICAN CONSERVATION & AIR, Austin, TX; APPLE



ENERGY GROUP, LLC, Austin, TX; ATS ENGINEERING & INSPECTORS, Austin, TX; CITY CONSERVATION, Austin, TX; MCCULLOUGH HEATING & AIR CONDITIONING, INC., Austin, TX; STANDARD RENEWABLE ENERGY, Austin, TX; THE INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY, Herndon, VA; and THE NELROD COMPANY, Fort Worth, TX for weatherization final inspection audit services in a combined amount not to exceed \$250,000. Funding is available from the Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of October 1, 2009 to August 31, 2011. No match is required. Best nine qualification statements of 20 received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission and the Resource Management Commission.

The motion authorizing the award, negotiation and execution of nine contracts with A-Plus Energy Management & A/C, American Conservation & Air, Apple Energy Group, LLC, ATS Engineering & Inspectors, City Conservation, McCullough Heating & Air Conditioning, Inc., Standard Renewable Energy, The Institute for Building Technology and Safety, and The Nelrod Company was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

#### CITIZEN COMMUNICATION: GENERAL

Rae Nadler-Olenick - Water Fluoridation

Rashed Islam - Bengali New Year Festival 2010

CarolAnneRoseOKennedy - FEDERAL CASES FALL ON OUR FACES, TEXAS RANGERS ARE ALWAYS STRANGERS, TRAVIS COUNTY SHE.RIFF\$ CAN KISS MY BRASS .... ETC. ....

Chioma Okoro - Discouraging oppression and encouraging Godliness among the political leaders and administrators in City of Austin

Hugh Simonich - Health issues related to homelessness He was not present when his name was called.

Nuria Zaragoza - Occupancy limits

Alan Roddy - Protecting Lake Austin

Kenneth Snyder - Northridge acres as a subdivision for sewer. Staff was directed to look into feasibility of annexation.

Linda Greene - Fluoride free healthcare

Mike Sloan - Austin Energy

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:37 p.m.

#### EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

39. Discuss legal issues related to Nathaniel Sanders, Sr., et al. v. Leonardo Quintana and the City of Austin, No. A09-CA-00426 SS, In the United States District Court for the Western District of Texas, Austin Division (Private Consultation with Attorney - Section 551.071).
40. Discuss legal issues related to Cause No. C-1-CV-09-011037; Adam T. Rabinowitz and Sarah L. Evascu. v. City of Austin, County Court at Law No. 1, Travis County, Texas (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:37 p.m.

#### DISCUSSION ITEMS CONTINUED

20. Authorize award, negotiation, and execution of an 18-month requirements service contract with BERNARD HODES GROUP, Charlotte, NC to provide recruiting consulting services in an estimated amount not to exceed \$280,000. Additionally, the City Manager would have the authority to execute four 1 year extensions, if budgeted, for an amount not to exceed \$125,000 per extension option. Funding in the amount of \$93,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department. Funding for the remaining 12 months of the original contract period will be in the Fiscal Year 2010-2011 Operating Budget of the Austin Fire Department. If directed by the City Manager, the Fire Department will budget funds for the extension options in future budget years. 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. There was a motion made by Mayor Pro Tem Martinez and seconded by Council Member Morrison to authorize the award, negotiation and execution of a requirements service contract with Bernard Hodes Group. Direction was given to staff to:
  - Have the local 975, Hispanic and African-American firefighters remain at the table during the negotiations to get answers to their remaining questions.
  - Have the plan go to the Public Safety Task Force at the next available meeting for public input and brought back to Council for authorization.
  - Before the plan comes back for execution provide Council with as much information as possible regarding the cost of the third party vendor that will be hired to conduct the hiring process.

The substitute motion made by Council Member Shade seconded by Council Member Cole to authorize the award, negotiation and execution of a requirements service contract not to exceed \$280,000 with a limit of 18 months, any extensions must be approved by Council and have the local 975, Hispanic and African-American firefighters remain at the table during the negotiations to get answers to their remaining questions passed on a vote of 4-3. Those voting aye were: Council Members Cole, Riley, Shade and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Member Morrison. Council Member Cole asked staff to report back on the progress made under this contract. Council Member Riley asked staff to include in the status report progress with the stakeholders.

32. Approve a resolution directing the City Manager to work with homeless advocates and stakeholder, including House the Homeless, to consider additional possible medical exemptions to Section 9-4-14 of the City Code. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison ) Resolution No. 20100408-032 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to explore additional benches in the downtown area.

#### ZONING CONSENT ITEMS

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

41. C14-2009-0107 - St. Vincent De Paul Catholic Church - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9500 Neenah Avenue (Lake Creek Watershed) from single family residence-standard lot (SF-2) district zoning to general office-conditional overlay (GO-CO) district zoning with conditions. First reading approved on February 11, 2010. Vote: 7-0. Applicant: Catholic Diocese of Austin (W.M. Mulvey). Agent: Baker-Aicklen & Associates (Arnold Gonzales, Jr.). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20100408-041 for general office-conditional overlay (GO-CO) district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**
42. C814-01-0114.02 - Comanche Canyon Ranch PUD Amendment #2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Comanche Trail at Monte Castillo Parkway (Lake Travis Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on February 4, 2010. Vote: 7-0. Applicant: Comanche Canyon East Commercial Partners, L.P. (Robert Theriot). Agent: Vison 360 (Brian Birdwell). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20100408-042 for planned unit development (PUD) district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

#### ZONING CONSENT ITEMS

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

43. C14-2009-0078 - Limerick - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on April 20, 2010. Applicant: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to April 29, 2010 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
46. C14-2010-0001 - General Store - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6706 Moore's Crossing Boulevard (Onion Creek Watershed, Dry Creek East Watershed) from industrial park (IP) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: MC Joint Venture (Bill Gurasich). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed on consent indefinitely on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**
47. 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 on consent to April 29, 2010 at the Council's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

48. C14H-2009-0047 - Pace-Perry House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district to family residence-Historic Landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Applicants: Don and Daphne Kuykendall, owners. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was closed and Ordinance No. 20100408-048 for family residence-Historic Landmark (SF-3-H) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

#### DISCUSSION ITEMS

44. C14-2009-0157 - Albert Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201-7207 Albert Road and 1305-1407 Matthews Lane (South Boggy Creek; Williamson Creek Watersheds) from single family residence large lot-conditional overlay (SF-1-CO) combining district zoning to single family residence standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny single family residence-standard lot (SF-2) district zoning. Owner/Applicant: Stone Properties (Jacqueline P. Stone). Agent: Austin Civil Engineering, Inc. (Brent Hammond). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was closed and the first reading of the ordinance for single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to provide the following prior to second reading.**
- Information regarding flag lots to see if there is anything that can be done in the ordinance to address the issues with flag lots.
  - Explore the possibility of requiring a circulating internal drive if there are flag lots.
45. C14-2009-0162 - AAA Limousine - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11902 North Interstate Highway-35 Service Road South Bound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant/Owner: Mohammad Boujabadi. Agent: A.E.C. Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais. The owner agreed to add the following conditions:**
- Establish a natural buffer, a minimum of eight evergreen, class 1 or 2 utility compatible trees are to be established along the entire western perimeter of the property; and,

- Enhance the care and longevity for the large live oak located in the middle of the lot a natural preserved 10-foot radius (is to be established and maintained along the northern and eastern portion from the tree trunks). Additionally this natural buffer is to extend to the property lines on the southern and western portions from the tree trunks.
- In the situation where the ten foot buffer is allowed to be encroached upon, limit it to no canopy and root zone impacts that would be allowed (example: the area used for sidewalk or parking spaces).

Staff was directed to include a prohibition on auto washing and auto repair in the final ordinance.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:43 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:45 p.m.

Mayor Leffingwell recessed the Council Meeting at 3:45 p.m.

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

#### PUBLIC HEARING AND POSSIBLE ACTION

50. Conduct a public hearing on an appeal by Huston-Tillotson University and Blackshear-Prospect Hill Neighborhood Association of the Building and Fire Code Board of Appeals' decision to deny an appeal on the issuance of a certificate of occupancy, electric and building permits, and site plan exemption for the project located at 1900 E. 7th St.  
This item was withdrawn without objection.
49. Conduct a public hearing and consider an ordinance amending Chapter 25-2, Subchapter E of the City Code, related to Design Standards and Mixed Use. Recommended by Planning Commission.  
The public hearing was closed and Ordinance No. 20100408-050 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
51. Conduct a public hearing and consider an ordinance repealing and replacing Article 12 of City Code Chapter 25-12 to adopt the 2009 International Energy Conservation Code and local amendments. Recommended by the Electric Utility Commission, Resource Management Commission, Building and Fire Code Board of Appeals, and the Mechanical, Plumbing and Solar Board.  
The public hearing was closed and Ordinance No. 20100408-051 was approved with the following amendments and direction to staff on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. The amendment was to change part 2 of the ordinance to read as follows and renumber the remaining sections accordingly.

Part 2 should read, "Subsection (B) of City Code Section 25-12-241 (Residential Code) is amended to add Section R106 and Part IV as deleted provisions from the 2006 International Residential Code."

Direction was given to Austin Energy to meet with the Greater Austin Home Builders' Association to:

1. Review the proposed window U-factor to ascertain if the level of efficiency being proposed in the amendments is the optimum level in terms of energy saved and cost to implement.

**2. Determine if batch testing as currently allowed under the energy code should be allowed in the newly proposed code.**

**3. Ensure that city staff and GAHBA clearly understand the process to be followed for development of the 2012 and 2015 energy codes and described in the 2007 Zero Energy Capable Homes Plan.**

**Staff was directed to work with the Home Builders' Association to review these items and to report back to Council on their findings within 60 days.**

52. Conduct a public hearing and consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2009 International Property Maintenance Code and local amendments; repealing Article 10 (Dangerous Buildings Code) of City Code Chapter 25-12; and amending City Code Chapters 2-1 and 6-1 to correct code citations. Recommended by the Building and Standards Commission.

**The public hearing was closed and Ordinance No. 20100408-052 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

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

**The public hearing was held open to allow the code revisions to be written to address the issue of reactivation of expired building permits. The first reading of the ordinance was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

54. Conduct a public hearing and consider an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2009 International Building Code and local amendments; and amending Article 13 of City Code Chapter 25-12 related to permit application and expiration requirements. Recommended by the Building and Fire Code Board of Appeals.

**The public hearing was held open to allow the code revisions to be written to address the issue of reactivation of expired building permits. The first reading of the ordinance was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.**

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

**The public hearing was held open to allow the code revisions to be written to address the issue of reactivation of expired building permits. The first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.**

**Items 56 – 58 were acted upon in a combined motion.**

56. Conduct a public hearing and consider an ordinance amending City Code Sections 25-12-241 and 25-12-243 relating to permitting and energy efficiency requirements of the 2006 International Residential Code. Recommended by the Building and Fire Code Board of Appeals.

**The public hearing was held open to allow the code revisions to be written to address the issue of reactivation of expired building permits. The first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez second on a 6-0 vote. Council Member Cole was off the dais.**

57. Conduct a public hearing and consider an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2009 Uniform Plumbing Code and local amendments. Recommended by the Mechanical, Plumbing and Solar Board.  
The public hearing was held open to allow the code revisions to be written to address the issue of reactivation of expired building permits. The first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez second on a 6-0 vote. Council Member Cole was off the dais.
58. Conduct a public hearing and consider an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2009 Uniform Mechanical Code and local amendments. Recommended by the Mechanical, Plumbing and Solar Board.  
The public hearing was held open to allow the code revisions to be written to address the issue of reactivation of expired building permits. The first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez second on a 6-0 vote. Council Member Cole was off the dais.

Mayor Leffingwell adjourned the meeting at 4:47 p.m. without objection.

#### LIVE MUSIC

Marshall Ford Swing Band

#### PROCLAMATIONS

Proclamation -- Austin Nature Center's 50th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by PARD representatives

Proclamation -- CDBG Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Margaret Shaw

Proclamation -- BAGA's Bengali New Year Festival -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by BAGA members

Proclamation -- The Mighty Texas Dog Walk -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Sheri Soltes

Proclamation -- One Peace at a Time Week -- to be presented by Council Member Chris Riley and to be accepted by Turk Pipkin

Proclamation -- Ecology Action's 40th Anniversary -- to be presented by Council Member Chris Riley and to be accepted by Scott Crow

The minutes for the Regular Meeting of April 8, 2010 were approved on this the 22nd day of April 2010 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.