

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 22, 2010**

Invocation: Father Tom Frank, Pastor, San Jose Catholic 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 22, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 a.m.

**CONSENT AGENDA**

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

1. Approve the Minutes of the Austin City Council regular meeting of April 8, 2010.  
The minutes from the regular meeting of April 8, 2010 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 2 and 3 were pulled for discussion.

4. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (TCPN) with T. F. Harper & Associates LP, Austin, TX, for completion of improvements to the Canyon Vista Pool in an amount not to exceed \$65,165. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. T. F. Harper & Associates, LP is an approved vendor/contractor through the competitive procurement process authorized by Texas Statute, Local Government Code, Chapter 271, Subchapter F. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.  
The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative (TCPN) with T. F. Harper & Associates LP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
5. Authorize execution of a contract with Landscapes Unlimited, LLC, Lincoln, Nebraska through the LOCAL GOVERNMENT PURCHASING COOPERATIVE for softball field renovations at Krieg Softball Complex, in an amount not to exceed \$896,476.88. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase. Landscapes Unlimited, LLC is an approved vendor/contractor through the competitive procurement process authorized by Texas Statute, Local Government Code, Chapter 271, Subchapter F. This contract will be awarded in compliance with Chapter 2-9C 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; however, 22.25% MBE and 20.22% WBE subcontractor participation was met.

**The motion authorizing the execution of a contract with Landscapes Unlimited, LLC through the Local Government Purchasing Cooperative was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

6. Authorize negotiation and execution of a contract with DUKE'S ROOT CONTROL, INC., Syracuse, NY, through LOCAL GOVERNMENT PURCHASING COOPERATIVE for the treatment of municipal sewer lines in an amount not to exceed \$85,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Cooperative Purchase through the LOCAL PURCHASING COOPERATIVE. Duke's Root Control, Inc. is an approved vendor/contractor through the competitive procurement process authorized by Texas Statute, Local Government code, Chapter 271, Subchapter F. This contract will be awarded in compliance with Chapter 2-9C 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 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission and the Environmental Board.

**The motion authorizing the negotiation and execution of a contract with Duke's Root Control, Inc. through Local Government Purchasing Cooperative was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

7. Authorize execution of two construction contracts for the City-wide Traffic Signal Installation/Modification (STIMULUS FUNDS) with AUSTIN TRAFFIC SIGNALS CONSTRUCTION CO., LP., Pflugerville, TX, for Zones A in the amount of \$236,910 and Zone B in the amount of \$261,350 and with MASTEC NORTH AMERICA INC., Austin, TX, for Zone C in the amount of \$732,636.50, for a total contract amount not to exceed \$1,230,896.50. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department. Lowest bid of three (3) 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 goal with 13.00% DBE in Zone A; 13.00% in Zone B; and 12.90% DBE Zone C subcontractor participation.

**The motion authorizing the execution of two construction contracts with Austin Traffic Signals Construction Co., LP and Mastec North America Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

8. Authorize execution of a construction contract with AUSTIN ENGINEERING COMPANY INC., Austin, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program - Segment 9 project in the amount of \$1,542,053.90 plus a \$76,528 contingency, for a total contract amount not to exceed \$1,618,581.90. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of ten (10) 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 7.10% MBE and 4.43% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with Austin Engineering Company Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

9. Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, LP, Houston, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program - Segment 8 project in the amount of \$1,207,071 plus a \$59,330 contingency, for a total contract amount not to exceed \$1,266,401. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter

2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.20% MBE and 13.52% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of a construction contract with BRH-Garver Construction, LP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

10. Authorize execution of a construction contract with AUSTIN BRIDGE AND ROAD, LP, Austin, TX, for the 2010 Miscellaneous Streets Overlay (STIMULUS FUNDS) project in the amount of \$1,254,171.80, plus a \$125,417.18 contingency, for a total contract amount not to exceed \$1,379,588.98. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Lowest bid of four (4) 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 goal with 20.44% DBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Austin Bridge and Road, LP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

11. Authorize execution of a construction contract with ASPHALT PAVING COMPANY OF AUSTIN, INC., Buda, TX, for the 2010 Miscellaneous Streets Overlay project in the amount of \$3,943,926.56, plus a \$394,392.65 contingency, for a total contract amount not to exceed \$4,338,319.21. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 7.20% MBE and 5.83% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Asphalt Paving Company of Austin, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

12. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, INC., Killeen, TX, for the 51st Street, Berkman Drive to Austin Film Society 16-Inch Waterline project in the amount of \$334,489 plus a \$33,448.90 contingency, for a total contract amount not to exceed \$367,937.90. 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 28.12% MBE and 3.25% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

13. Authorize negotiation and execution of a professional services agreement with CP&Y (CHIANG, PATEL & YERBY), INC., Austin, TX, to provide engineering services for the Walnut Creek Wastewater Treatment Plant (WWTP) Water Resource Initiative (WRI) Tank Assessment & Repairs and High Service Pump Station Improvements in an amount not to exceed \$400,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Most qualified firm out of seven (7) firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of a professional services agreement with CP&Y (Chiang, Patel & Yerby), Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

14. Authorize negotiation and execution of an amendment to the professional services agreement with LOCKWOOD, ANDREWS, AND NEWNAM, INC., Austin, TX, for professional engineering services for the 2004 Valve Replacement Program in the amount of \$251,558 for a total contract amount not to exceed \$734,544. Funding in the amount of \$251,558 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 13.76% MBE and 6.77% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Lockwood, Andrews, and Newnam, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

15. Authorize execution of a renewal of and amendment to the Interlocal Fee Agreement between the City and the Travis County Healthcare District (District) to provide ground emergency medical services to the District's eligible Medical Assistance Program beneficiaries for a total fee of \$204,166.66 for a term beginning on March 1, 2010 and ending on September 30, 2010. There is no unanticipated fiscal impact. A fiscal Note is not required.

**The motion authorizing the execution of a renewal of and amendment to the interlocal fee agreement between the City and the Travis County Healthcare District (District) was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

16. 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.

**This item was postponed to April 29, 2010 on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

17. Approve an ordinance accepting \$7,473,150 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, Atlanta, GA, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$7,437,150 to implement a program for evidence-based tobacco prevention and control policies, systems and environmental changes, and adding nine full-time equivalent positions. Funding is available from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. The grant period is from March 1, 2010 through February 28, 2012. No City match is required.

**Ordinance No. 20100422-017 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

18. Authorize negotiation and execution of Amendment No. 3 to the Interlocal Agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for the Teen Parent Child Services Program to increase the contract amount for the October 1, 2009 through September 30, 2010, term by \$30,000, for a total contract amount not to exceed \$179,644, and to increase the contract amount for the one remaining 12-month renewal term by \$30,000, for a total contract renewal amount not to exceed \$179,644, for a total contract amount not to exceed \$649,576. Funding 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). The period of the Agreement is October 1, 2009 through September 30, 2010. Funding for the renewal option is contingent upon available funding in future budgets provided by the U.S. Department of Housing and Urban Development.

**The motion authorizing the negotiation and execution of amendment number three to the interlocal agreement with Austin Independent School District was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Items 19, 20, 21 and 22 were pulled for discussion.**

23. Authorize award and execution of a 12-month requirements supply contract with SCHWEITZER ENGINEERING LABORATORIES, INC., Pullman, WA, for electric substation relay panels in an estimated amount of \$1,411,468, with four 12-month extension options in an estimated amount of \$1,411,468 per extension option, for an estimated total contract amount of \$7,057,340. Funding in the amount of \$588,112 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission. **The motion authorizing the award and execution of a requirements supply contract with Schweitzer Engineering Laboratories, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
24. Authorize award, negotiation, and execution of Amendment No. 1 to a contract with COGENT SYSTEMS, INC., South Pasadena, CA, for the purchase of additional hardware, software, and services in an amount not to exceed \$250,700, for a revised total contract amount not to exceed \$836,400. Funding in the amount of \$223,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department, Federal Forfeitures DOT Fund. Funding in the amount of \$27,200 is available from a US Department of Justice State Coverdell Forensic Science Improvement Grant. 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 amendment number one to a contract with Cogent Systems, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
25. Authorize award, negotiation, and execution of a 12-month professional services contract with I. ACOSTA CONSULTING, LLC, Austin, TX, for specialized services including project coordination, training, and development of related materials and databases for the City of Austin's AMANDA application in an estimated amount not to exceed \$75,000, with two 12-month extension options in an estimated amount not to exceed \$75,000 per extension option, for a total estimated contract amount not to exceed \$225,000. Funding in the amount of \$31,250 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Professional 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, negotiation and execution of a professional services contract with I. Acosta Consulting, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

26. Authorize award, negotiation, and execution of a 16-month requirements service contract with INFOLINX SYSTEM SOLUTIONS, Kensington, MD, for the purchase of a physical records management software system in an estimated amount not to exceed \$128,795, with four 12-month extension options for maintenance and support in an estimated amount not to exceed \$20,779 per extension option, for a total estimated contract amount not to exceed \$211,911. Funding in the amount of \$98,795 is available in the Fiscal Year 2009-2010 Critical Technology Capital Budget of the Financial Services Department, Communication and Technology Management. Funding in the amount of \$30,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Office of the City Clerk. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award, negotiation and execution of a requirements service contract with Infolinx System Solutions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
27. Authorize award and execution of a 36-month requirements service contract with CLINICAL PATHOLOGY LABORATORIES, INC., Austin, TX to provide reference laboratory services in an estimated amount not to exceed \$993,000, with three 12-month extension options in an estimated amount not to exceed \$399,300 for the first extension option, \$439,230 for the second extension option, and \$483,153 for the third extension option, for a total estimated contract amount not to exceed \$2,314,683. Funding in the amount of \$20,000 is available in the Fiscal Year 2009-2010 Special Revenue fund through the Texas Department of State Health Services Refugee Health Screening Grant. Funding in the amount of \$55,667 is available in the Fiscal Year 2009-2010 Operating Budget of various City departments. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of the two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements service contract with Clinical Pathology Laboratories, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
28. Authorize award and execution of a 12-month requirements supply contract through the State of Texas, Procurement and Support Services Cooperative Purchasing Program (State of Texas CO-OP) with SANOFI PASTEUR, Swiftwater, PA for influenza vaccine in an estimated amount not to exceed \$166,948, with three 12-month extension options in estimated amounts not to exceed \$183,643 for the first extension option, \$202,007 for the second extension option, and \$222,208 for the third extension option, for a total estimated contract amount not to exceed \$774,806. Funding in the amount of \$166,948 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements supply contract through the State of Texas, Procurement and Support Services Cooperative Purchasing Program (State of Texas CO-OP) with Sanofi Pasteur was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

29. Authorize award and execution of a 12-month requirements supply contract with ACUSHNET COMPANY, Fairhaven, MA, for the resale of Titleist and Footjoy golf supplies in an estimated amount not to exceed, \$150,000, with four 12-month extension options, in an estimated amount not to exceed \$150,000 per extension option, for a total estimated contract amount not to exceed \$750,000. Funding in the amount of \$62,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Parks and Recreation Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Purchase for Retail Sale. 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 Acushnet Company was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
30. Authorize award, negotiation, and execution of a 12-month contract with MWH SOFT AMERICAS INC., Fort Worth, TX, for the purchase of hydrologic and hydraulic modeling software, training, and maintenance in an amount not to exceed \$125,505. Funding in the amount of \$90,505 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Funding for the remaining seven months of the original contract period 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 contract with MWH Soft Americas Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 31 through 33 were pulled for discussion.

34. Approve issuance of a closure permit under City Code Section 14-8-3(B)(3) for the Texas Round-Up-10K, 5K and Family Mile and right-of-way event sponsored by Conley Sports, Inc. which is to be held on April 24, 2010. Recommended by the Urban Transportation Commission.  
The motion to approve the issuance of a closure permit for the Texas Round-Up 10K, 5K and Family Mile and right-of-way event was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
35. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Board

Ethics Review Commission  
Abu Hafiz

Nominated By:

Council Member Riley

Waivers

Board/Nominee

Commission on Immigrant Affairs  
Laura Hernandez

Council Member Spelman

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

36. Approve a resolution authorizing execution of a co-sponsorship agreement between the City of Austin and the Mayor's Fitness Council non-profit corporation for payment of program income earned by the former Mayor's Fitness Council Task Force, in an amount not to exceed \$27,309.00, to further the purpose and mission of the former task force. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Laura Morrison)  
**Resolution No. 20100422-036 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 37 was pulled for discussion.**

38. Approve issuance of a street event permit for the Art City Austin Festival, a fee paid event sponsored by Art Alliance Austin, to be held on portions of West Cesar Chavez Street, Guadalupe Street, Lavaca Street, San Antonio Street, and the South 1st Street/Drake Bridge; and waiving payment to the City of a percentage of admission fees. This event is scheduled for April 24th and April 25th, 2010. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Chris Riley)  
**The motion to approve the issuance of a street event permit for the Art City Austin Festival was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
39. Approve the reimbursement of certain fees and waive certain requirements for the 12th annual Mighty Texas Dog Walk which was held on Saturday April 17, 2010 at the First Street Bridge. (Mayor Pro Tem Mike Martinez Council Member Sheryl Cole Council Member Chris Riley)  
**The motion to approve the reimbursement of certain fees and waive certain requirements for the twelfth annual Mighty Texas Dog Walk was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
40. Approve the waiver of certain fees and requirements for a Haiti Fundraiser event sponsored by the Jazz Ballet Company of Austin which is to be held on May 18 and 19, 2010 at the George Washington Carver Museum and Cultural Center's Boyd Vance Theatre. (Council Member Sheryl Cole Mayor Lee Leffingwell Council Member Laura Morrison)  
**The motion to approve the waiver of certain fees and requirements for a Haiti Fundraiser event was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
41. Set a public hearing to consider an ordinance amending Chapter 25-2 (Subchapter E) of the City of Austin Land Development Code to reclassify North Lamar Boulevard, from West Anderson Lane/US 183 to West Braker Lane, from a Future Core Transit Corridor to a Core Transit Corridor. (Suggested date: May 27, 2010, 2:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Planning Commission.  
**The public hearing was set on consent for May 27, 2010 at 2:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
42. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the North Lamar Combined Neighborhood Plan. The combined planning area is bounded by IH-35 on the east, Braker Lane on the north, US Highway 183 on the south, and Lamar Boulevard on the west. (Suggested date and time: May 27, 2010 2:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for May 27, 2010 at 2:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**



43. Set a public hearing to consider second/third readings of an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2009 International Building Code and local amendments; and amending Article 13 of City Code Chapter 25-12 related to permit application and expiration requirements. (Suggested date and time: May 27, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second St., Austin TX).  
The public hearing was set on consent for May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
44. Set a public hearing to consider second/third readings of an ordinance amending City Code Sections 25-12-111 and 25-12-113 relating to permitting requirements of the 2008 National Electrical Code. (Suggested date and time: May 27, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
The public hearing was set on consent for May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
45. Set a public hearing to consider second/third readings of an ordinance repealing and replacing Article 7 of City Code Chapter 25-12 to adopt the 2009 International Fire Code and local amendments. (Suggested date and time: May 27, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second St., Austin TX).  
The public hearing was set on consent for May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
46. Set a public hearing to consider second/third readings of an ordinance amending City Code Sections 25-12-241 and 25-12-243 relating to permitting and energy efficiency requirements of the 2006 International Residential Code. Recommended by the Building and Fire Code Board of Appeals. (Suggested date and time: May 27, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second St., Austin, TX).  
The public hearing was set on consent for May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
47. Set a public hearing to consider second/third readings of an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2009 Uniform Mechanical Code and local amendments. (Suggested date and time: May 27, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second St., Austin, TX).  
The public hearing was set on consent for May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
48. Set a public hearing to consider second/third readings of an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2009 Uniform Plumbing Code and local amendments. (Suggested date and time: May 27, 4:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX).  
The public hearing was set on consent for May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Action was taken on item 49 but was reconsidered later in the meeting. See below.

50. Set a public hearing to consider an appeal of the Planning Commission's decision to approve a four-year site plan extension for Western Oaks Retail Center, located at 4625 W. William Cannon Drive (SPC-

2007-0439C(XT2)). (Suggested date and time: May 13, 2010, 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for May 13, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 51 was an Executive Session item.

Items 52 through 57 were zoning items set for 2:00 p.m.

Item 58 was a public hearing item set for 4:00 p.m.

### DISCUSSION ITEMS

3. 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.  
**Ordinance No. 20100422-003 as presented by Council Member Morrison was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

49. Set a public hearing to consider an appeal of the Zoning and Platting Commission's decision to deny a Conditional Use Site Plan application for a Hospital Services General (Jefferson Rehabilitation Hospital), located at 1600 W. 38th Street (Suggested date and time: May 13, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for May 13, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

A motion to reconsider item 49 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

The motion to change the public hearing time to 6:00 p.m. was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

19. Approve a settlement 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.

The motion to settle the above referenced lawsuit, by the City paying \$65,000 to Adam T. Rabinowitz and Sarah L. Evascu was approved on Council Member Cole's motion, Council Member Riley's second on a 7-0 vote.

20. Approve naming of the .219 acres (9,548 sq.ft. triangular median) of parkland at the confluence of South First and Cesar Chavez Streets just south of Austin City Hall. There is no unanticipated fiscal impact. A fiscal note is not required.

The motion to approve the naming of the parkland as the Margaret Hoffman Oak Park was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Items 21 and 22 were acted upon in a combined motion.

21. Authorize negotiation and execution of an amendment to Interlocal agreements with Capital Metropolitan Transportation Authority ("Capital Metro") relating to regional mobility and transportation projects to authorize modification of the project list through an administrative process and establish annual funding

amounts. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works and Transportation Departments.

The motion authorizing the negotiation and execution of an amendment to interlocal agreements with Capital Metropolitan Transportation Authority ("Capital Metro") was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole recused herself.

22. Authorize negotiation and execution of an amendment to the interlocal agreements with Capital Metropolitan Transportation Authority ("Capital Metro") relating to regional mobility and transportation projects to modify the manner by which Capital Metro will reimburse the City for the construction of transportation projects. See attached fiscal analysis.

The motion authorizing the negotiation and execution of an amendment to the interlocal agreements with Capital Metropolitan Transportation Authority ("Capital Metro") was approved Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole recused herself.

31. Authorize award and execution of a 36-month supply contract with LAUREN CONCRETE, LP, Round Rock, Texas, for ready mix concrete and mortar mix in an estimated amount not to exceed \$867,180, with three 12-month extension options in an amount not to exceed \$289,060 for each extension option, for a total estimated contract amount not to exceed \$1,734,360. Funding in the amount of \$20,834 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding in the amount of \$99,608 is available in the Fiscal Year 2009-2010 Operating Budget of Public Works. Funding for the remaining thirty one months of the original contract period and the extension options is contingent upon available funding in future budgets. Lowest 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.

The motion authorizing the award and execution of a contract with Lauren Concrete, LP was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

#### CITIZEN COMMUNICATION: GENERAL

Walter Olenick - Water fluoridation

Christopher Ringstaff - City arborist and the death of a heritage oak tree

Kenneth Lewis - Statute of limitations pertaining to the City Charter

Essie Barnes - Wrongful violations of people going to prison

Melanie Wilmoth - Lack of resources for women who are homeless

Wayne Hensley - Public works and parking issues He was not present when his name was called.

Brandon Slaughter - Downtown parking

Ronnie Reeferseed - Peace and freedom generally speaking

Rae Nadler-Olenick- Water Fluoridation

Gus Peña - City issues He was not present when his name was called.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:39 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.

51. Discuss legal issues regarding Lions Municipal Golf Course and the University of Texas land known as the Brackenridge Tract. (Private Consultation with Attorney - Section 551.071).  
Council Member Spelman recused himself from this discussion.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:08 p.m.

### DISCUSSION ITEMS CONTINUED

2. Approve the proposed Austin Energy Resource, Generation, and Climate Protection Plan. Recommended by the Electric Utility Commission, the Resource Management Commission, and the Austin Generation Resource Planning Task Force.  
The motion to approve the proposed Austin Energy Resource, Generation, and Climate Protection Plan was approved with the following friendly amendment on Council Member Cole's motion, Mayor Leffingwell's second on a 7-0 vote. The friendly amendment from Mayor Leffingwell was to have the Austin Energy Resource Generation and Climate Protection Plan of 2020 become effective upon the Austin City Council's approval of an affordability matrix, which will be included in this plan at a later date. The amendment was accepted by the maker of the motion. Direction was given to staff to consider energy efficiency on the list of options as co-equal to other sources and include some energy efficiency goals in the plan when it is revisited.
32. Approve an ordinance on first reading only to renew the Austin Cab I, Incorporated d.b.a. Austin Cab taxicab franchise. Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue, \$63,600. Recommended by the Urban Transportation Commission.  
The first reading of the ordinance for the staff's recommendation was approved with an amendment to extend the franchise agreement to five years on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-1 vote. Council Member Spelman voted nay.
33. Approve an ordinance on first reading only to renew the Greater Austin Transportation Company d.b.a. Yellow Cab Company taxicab franchise. Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue, \$182,000. Recommended by the Urban Transportation Commission.  
The first reading of the ordinance for the staff's recommendation was approved with an amendment to extend the franchise agreement to five years on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-1 vote. Council Member Spelman voted nay.
37. Approve a resolution creating the Hispanic/Latino Community Oversight Team and appointing members. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Sheryl Cole)  
Resolution No. 20100422-037 was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' 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.

52. C14-2009-0102(PART) - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 3, 11, 13, 15, 17, 19, 21 and 22 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. First reading approved on March 11, 2010. Vote: 5-1, Martinez-Nay, Shade-Abstain. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.  
**This item was postponed on consent to May 13, 2010 at the staff's request on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
54. C14-2009-0164 - Payne Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City code by rezoning property locally known as 1705 Aldridge Drive (Little Walnut Creek; Walnut Creek Watersheds) from interim single family standard lot (I-SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Jack Payne. Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20100422-054 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
55. C14-2010-0002 - Brown Lane/Commercial Square Ltd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City code by rezoning property locally known as 9333 Brown Lane (Little Walnut Creek; Walnut Creek Watersheds) from interim rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Applicant: Carey (Rey) Leggett, III. Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20100422-055 for limited industrial service-conditional overlay (LI-CO) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**
56. C14-2010-0003 - Deepak Bajaj Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City code by rezoning property locally known as 9333 Brown Lane (Walnut Creek Watershed) from interim rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Applicant: Deepak Bajaj. Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Joi Harden, 974-2122.  
**The public hearing was closed and Ordinance No. 20100422-056 for limited industrial service-conditional overlay (LI-CO) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.**

57. C814-2008-0136 - North Austin Medical Center Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12221 North Mo-Pac Expressway Northbound and 2311-2511 Park Bend Drive (Walnut Creek Watershed) from general office (GO) district zoning, community commercial (GR) district zoning, limited office (LO) district zoning, and community commercial-conditional overlay (GR-CO) combining district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: St. David's Healthcare Partnership, L.P. LLP (Malcolm Belisle). Agent: Clark, Thomas & Winters, PC (John M. Joseph). City Staff: Joi Harden, 974-2122.

The public hearing was closed and the first reading of the ordinance for planned unit development (PUD) district zoning with conditions was approved on consent on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

#### ZONING DISCUSSION ITEM

53. C14-2009-0151 - East Block - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 835 West 6th Street (Town Lake watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning. Staff Recommendation: To grant downtown mixed use (DMU) district zoning. Planning Commission Recommendation: To grant downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning. Applicant: Schlosser Development Corp. (David Vitanza) . Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.

The public hearing was closed and the first reading of the ordinance for downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Morrison voted nay.

Mayor Leffingwell recessed the Council Meeting at 3:51 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:06 p.m.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

58. Conduct a public hearing and approve a resolution authorizing the use of approximately 13,780 square feet permanent wastewater line, approximately 35,982 square feet temporary working space, to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Seaholm Wastewater Modifications Project through dedicated parkland known as Town Lake Shoal Beach and Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

The public hearing was closed and Resolution No. 20100422-058 was approved on Council Member Cole's, motion, Council Member Morrison's second on a 5-0 vote. Council Members Shade and Spelman were off the dais.

Mayor Leffingwell adjourned the meeting at 4:07 p.m. without objection.

#### LIVE MUSIC

Cheyenne

**PROCLAMATIONS**

Environmental Awareness Awards -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation – Earth Day / One Green Step Campaign -- to be presented by Mayor Lee Leffingwell and to be accepted by Rebecca Hays

Proclamation -- CARY Youth Violence Prevention Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Adrian Moore

Proclamation -- National Infant Immunization Week -- to be presented by Council Member Randi Shade and to be accepted by David Lurie and Coleen Christian

Proclamation -- Dedication Ceremony for the Historic Texas Cemetery Marker at Austin Memorial Park -  
- to be presented by Council Member Randi Shade and to be accepted by Sharon Blythe

Proclamation – 25<sup>th</sup> Anniversary of Austin Shakespeare – to be presented by Council Member Randi Shade and to be accepted by Ann Ciccolella

Proclamation – Donate Life Month – to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Michelle Segovia

**The minutes for the regular meeting of April 22, 2010 were approved on this the 29th day of April 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**