



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 10, 2011**

Invocation: Dr. B. W. McClendon, Pastor, St. James 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, February 10, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

Mayor Pro Tem Martinez was absent from the meeting.

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 January 27, 2011 and special called meeting of January 28, 2011.
The minutes from the regular Council meeting of January 27, 2011 and special called meeting of January 28, 2011 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
2. Approve issuance of a rebate to Del Valle I.S.D. for the installation of energy efficient equipment at Dailey Middle School in an amount not to exceed \$77,146. Funding is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion to approve the issuance of a rebate to Del Valle I.S.D. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
3. Approve an ordinance ordering a general municipal election to be held on May 14, 2011 to elect Council Members to Place 1, Place 3 and Place 4 of the City Council and providing for the conduct of the election and authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election. Funding in the amount of \$820,100 is available in the Fiscal Year 2010-2011 Operating Budget of the Office of the City Clerk.
Ordinance No. 20110210-003 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

4. Authorize execution of a construction contract with VIKING CONSTRUCTION, INC., Georgetown, TX, for ABIA Parking Lot Maintenance - 2011 in the amount of \$1,093,820.01 plus a \$54,691.00 contingency, for a total contract amount not to exceed \$1,148,511.01. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Aviation Department. Lowest bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 7.37% MBE and 0.05% WBE subcontractor participation. Recommended by the Airport Advisory Commission.
The motion authorizing the execution of a construction contract with Viking Construction, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
5. Authorize execution of a construction contract with AUSTIN ENGINEERING CO., INC., Austin, TX, for Williamson Creek-Covered Bridge Drive Low Water Crossing Update in the amount of \$580,595 plus a \$58,059.50 contingency, for a total contract amount not to exceed \$638,654.50. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. Lowest bid of 5 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 12.39% MBE and 4.30% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Austin Engineering Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
6. Approve an ordinance vacating the public access and drainage easement rights in a 0.080 acre portion of the 20 foot wide alley on Block 92, of the Original City of Austin, Travis County, Texas, according to the map or plat thereof on record at the General Land Office of the State of Texas and being the portion of the east-west alley running 198.42 feet along its north boundary line from the Red River Street right of way. (Address: 801 Red River Street). Recommended by the Design Commission, Downtown Commission, Urban Transportation Commission and Planning Commission.
Ordinance No. 20110210-006 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
7. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell a 403 square foot remnant parcel out of Lot 1-A, City of Austin Police Garage, a subdivision in Travis County, Texas, located at 700 E. 8th Street, said remnant being a segment of a larger parcel containing the City of Austin Police Parking Garage, to Stubb's Austin Restaurant Company LC, the adjacent property owner, for the fair market value of \$46,300.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell a 403 square foot remnant parcel out of Lot 1-A was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
8. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire a 0.0486-acre drainage easement in connection with the Ridgelea Storm Drain Improvements Project out of Lot 3, Ridgelea Grove subdivision in Travis County, Texas, located at 1700 Emilie Lane, from Nancy Germond and John P. Pizzitola in an amount not to exceed \$67,962. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire a drainage easement was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

9. Approve an ordinance amending the Fiscal Year 2010-2011 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to adopt a budget for the Austin Downtown Public Improvement District, with a beginning balance of \$230,424, revenue of \$2,785,721, and requirements of \$2,785,721. Funding is available through a beginning balance of \$230,424, \$2,485,174 in 2011 assessments (at an approximate 96.4% collection rate); \$88,699 in collections from 2010, \$61,848 interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water and Wastewater Utility Fund).
Ordinance No. 20110210-009 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
10. Approve an ordinance amending the Fiscal Year 2010-2011 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance 20100913-002 to adopt a budget for the East Sixth Street Public Improvement District with a beginning balance of \$55,256, revenue of \$100,350, and requirements of \$100,350. Funding is available through a beginning balance of \$55,256, \$63,027 in 2011 assessments (at an approximate 90% collection rate), - less \$8,932 in interest accrued in the PID account and late payments, \$2,755 in collected assessments from 2010, and a \$43,500 contribution from the City of Austin.
Ordinance No. 20110210-010 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
11. Approve an ordinance authorizing acceptance of Texas Commission on Environmental Quality grant funds in the amount of \$5,026,046; amending the Fiscal Year 2010-2011 Fleet Services Operating Budget Special Revenue Fund of Ordinance 20100913-002 to appropriate these grant funds; and amending the Fiscal Year 2010-2011 Fleet Services Capital Budget of Ordinance 20100913-003 to transfer in \$5,026,046 from the Fiscal Year 2010-2011 Fleet Services Operating Budget Special Revenue Fund to purchase twenty-seven heavy duty vehicles. The total grant amount of \$5,026,046 will be provided by the Texas Commission on Environmental Quality (TCEQ) Texas Clean Fleet Program Grant. The required \$3,284,581 local match is available in the Fiscal Year 2010-2011 Capital Budget of Solid Waste Services, Public Works, Austin Bergstrom International Airport, Austin Energy, and the Parks and Recreation Department. The grant period is from execution of the Grant Agreement through February 12, 2012. Related to Item #23.
Ordinance No. 20110210-011 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
12. Approve an ordinance authorizing the acceptance of \$2,320 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, TB/HIV/STD EPIDEMIOLOGY AND SURVEILLANCE BRANCH, and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 by appropriating \$2,320 for the HIV Surveillance Program. Funding in the amount of \$2,320 is available from the Texas Department of State Health Services, TB/HIV/STD Epidemiology and Surveillance Branch, Austin, Texas. The grant period is January 1, 2011 through December 31, 2011. No City match is required.
Ordinance No. 20110210-012 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
13. Approve an ordinance authorizing acceptance of \$70,000 in grant funds from the NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, Washington D.C., and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 by appropriating \$70,000 to fund the Central Texas Environmental Public Health Indicators Tracking Tool project. Funding in the amount of \$70,000 is available from the National Association of County and City Health Officials. The grant period is December 1, 2010 through May 31, 2011. No City match is required.

Ordinance No. 20110210-013 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

14. Approve negotiation and execution of contract amendments with the following two providers of Ryan White Part A HIV Emergency Relief Grant Program services in order to increase funding to those providers: Amendment No. 6 with WATERLOO COUNSELING CENTER, INC. in an amount not to exceed \$2,757 for the provision of mental health services, for a total contract amount not to exceed \$104,968 for the period March 1, 2010 through February 28, 2011; Amendment No. 6 with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$58,085 for the provision of food bank, health insurance premium and cost sharing assistance services, for a total contract amount not to exceed \$1,108,704 for the period March 1, 2010 through February 28, 2011. Funding in the amount of \$60,842 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part A HIV Emergency Relief Services grant. The grant period is March 1, 2010 to February 28, 2011. The Austin Area Comprehensive HIV Planning Council approved fiscal year 2010 service category allocations.
The motion authorizing the negotiation and execution of contract amendments with Waterloo Counseling Center, Inc. and AIDS Services of Austin, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
15. Authorize negotiation and execution of a legal services agreement with Scott, Douglas & McConnico, LLP for litigation services in connection with Spicewood Springs Road Tunnel Coalition et. al v. City of Austin, Cause No. D-1-GN-11-000172 in the District Court of Travis County, in an amount not to exceed \$75,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility.
The motion authorizing the negotiation and execution of a legal services agreement with Scott, Douglas & McConnico, LLP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
16. Approve an ordinance accepting \$47,395 in grant funds from the Texas Parks and Wildlife Department; and amending the Fiscal Year 2010-2011 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$47,395 to purchase outdoor equipment for outdoor programs offered to under-served youth through the Parks and Recreation Department's Recreation Centers. Funding is available from Texas Parks and Wildlife Department. The grant period is December 13, 2010 thru June 30, 2012. A City in-kind of \$56,545 is required.
Ordinance No. 20110210-016 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
17. Approve an ordinance repealing Chapter 8-4; replacing Chapter 14-7; and amending Chapter 14-11 to the City Code relating to sustainable urban agriculture. Recommended by Land and Facilities Commission, Sustainable Food Policy Board, and b the Parks and Recreation Board. To be reviewed by PC Codes and Ordinances, Planning Commission, and by the Water and Wastewater Commission.
Ordinance No. 20110210-017 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
18. Approve an ordinance amending Title 25 and Title 30 of the City Code related to sustainable urban agriculture. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by Land and Facilities Subcommittee, Parks and Recreation Board, Sustainable Food Policy Board, and the Parks and Recreation Board. To be reviewed by the Codes and Ordinances Subcommittee, Planning Commission, Planning Commission, and the Water and Wastewater Commission.
Ordinance No. 20110210-018 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

19. Approve an ordinance amending Ordinance 20100913-004 to authorize additional fees and waiver of certain fees related to sustainable urban agriculture. Recommended by Land and Facilities Commission, Sustainable Food Policy Board, and the Parks and Recreation Board. To be reviewed by PC Codes and Ordinances, Planning Commission, and the Water and Wastewater Commission.
Ordinance No. 20110210-019 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
20. Authorize award, negotiation, and execution of a 24-month requirements service contract with NALCO COMPANY, Naperville, IL, or one of the other qualified offerors to RFP No. SMH0114, for equipment supply and service for chemical water treatment programs at various city facilities in an estimated amount not to exceed \$3,000,000, with two 24-month extension options in an estimated amount not to exceed \$3,000,000 per extension option, for a total estimated contract amount not to exceed \$9,000,000. Funding in the amount of \$1,000,000 is available in the Fiscal Year 2010-2011 Operating Budget of various City Departments. Funding for the remaining sixteen months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award, negotiation and execution of a requirements service contract with Nalco Company was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
21. Authorize award and execution of a contract with POWER SUPPLY, INC., Austin, TX for the purchase of transient voltage recovery capacitors for Austin Energy facilities in an amount not to exceed \$74,120. Power Supply, Inc. is the sole source provider for these products. Funding in the amount of \$47,800 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding in the amount of \$26,320 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a contract with Power Supply, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
22. Authorize execution of a 12-month requirements service contract with EAR TELECOMMUNICATIONS, LLC, Pflugerville, TX, for installation and maintenance of single mode fiber optic cable in an amount not to exceed \$155,300.48, with two 12-month extension options in an amount not to exceed \$155,300.48 for each extension option, for a total estimated contract amount not to exceed \$465,901.44. Funding in the amount of \$103,533 is available in the Fiscal Year 2010-2011 Capital Budget of the Transportation Department. Funding for the remaining eight months of the original contract period and for the extension options is contingent upon available funding in future budgets. Lowest of five 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.
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
23. Authorize award and execution of four contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with HEIL OF TEXAS, Houston, TX, for the purchase of eighteen refuse collection bodies in an amount not to exceed \$2,770,157; LONGHORN INTERNATIONAL TRUCKS, LTD, Austin, TX, for the purchase of nine truck cab and chassis in an amount not to exceed \$1,644,489;

CHASTANG ENTERPRISES, Houston, TX, for the purchase of nine truck cab and chassis in an amount not to exceed \$1,839,974; COOPER EQUIPMENT COMPANY, San Antonio, TX for the purchase of five street sweepers in an amount not to exceed \$1,503,456. Funding in the amount of \$4,564,314.80 is available from the Texas Commission on Environmental Quality Texas Clean Fleet Program Grant. Funding in the amount of \$2,982,787 is available in the Fiscal Year 2010-2011 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$112,250.60 is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Funding in the amount of \$98,723.60 is available in the Fiscal Year 2010-2011 Operating Budget of the Aviation Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. Related to Item #11.

The motion authorizing the award and execution of four contracts through the Texas Local Government Purchasing Cooperative with Heil of Texas; Longhorn International Trucks, LTD; Chastang Enterprises; and Cooper Equipment Company was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

24. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PROFESSIONAL TURF PRODUCTS, San Antonio, TX, for the purchase of 21 mowers in an amount not to exceed \$418,299.93. Funding is included in the Fiscal Year 2010-2011 General Fund Critical One-Time Fund. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Professional Turf Products was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

25. Authorize award and execution of a 36-month requirements supply contract with AMERICAN BANK NOTE COMPANY, Franklin, TN for security bank note paper in an estimated amount not to exceed \$72,800, with three 12-month extension options in an estimated amount not to exceed \$34,560 for the first extension option, \$41,472 for the second extension option, and \$49,766 for the third extension option, for a total estimated contract amount not to exceed \$198,598. Funding in the amount of \$11,667 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department. Funding for the remaining 29 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with American Bank Note Company was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

26. Approve an ordinance suspending a rate increase by Oncor Electric Delivery Company, L.L.C.; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice of this ordinance to Oncor Electric Delivery Company.

Ordinance No. 20110210-026 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

27. Approve an ordinance authorizing the renewal of the Letter of Credit and Reimbursement Agreements between the City of Austin and JPMorgan, State Street Bank, and Bank of America, related to the \$350,000,000 City of Austin, Texas Combined Utility Systems Commercial Paper Notes, Series A program, and approve all related documents. Funding for the Letter of Credit fee, estimated at \$1,700,000 is included in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility and Electric Utility Department. The remaining estimate of \$10,500,000 Letter of Credit fee for the period October 1, 2011 thru October 1, 2014 will be included in the future proposed budgets of the Austin Water Utility and Electric Utility Department.

Ordinance No. 20110210-027 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

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

The following appointments were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

Board/Nominee

Nominated by

Austin Airport Advisory Commission

James Kelsey

Council Member Riley

Human Rights Commission

Paul Rhea

Mayor Leffingwell

29. Approve an ordinance amending Chapters 9 and 14 of the City Code relating to sound amplification and temporary events and declaring an emergency. (Mayor Pro Tem Mike Martinez Council Member Randi Shade Council Member Laura Morrison)

Ordinance No. 20110210-029 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

30. Approve an ordinance amending the city code regarding the responsibilities of the Human Rights Commission. (Council Member William Spelman Council Member Laura Morrison Council Member Sheryl Cole)

Ordinance No. 20110210-030 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

31. Approve the waiver of certain fees and requirements for the Volunteer Healthcare Clinic's annual Volunteer Appreciation Banquet which is to be held on Friday, May 13, 2011 at the Emma S. Barrientos Mexican American Cultural Center (MACC). (Council Member Randi Shade Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)

The motion to approve the waiver of certain fees and requirements for the Volunteer Healthcare Clinic's annual volunteer appreciation banquet was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

32. Set a Public Hearing to consider an ordinance regarding a proposal from Oncor Electric Delivery Company to increase customer electric rates. (Suggested date and time: March 10, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for March 10, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

33. Set a public hearing to approve an ordinance amending the electric rate schedule included in Exhibit A of Ordinance No. 20100913-004 to add a tariff for an electric vehicle public charging station pilot program. (Suggested date and time: February 17, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
The public hearing was set on consent for February 17, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
34. Set a public hearing on Amendment No. 1 to the project and financing plan of the Waller Creek Tax Increment Financing (TIF) Reinvestment Zone No. 17 to update current project design and project cost estimates, and provide the most recent estimates of underlying funding sources that are anticipated to pay for the construction, operation and maintenance of the tunnel. (Suggested date and time: February 17, 2011 at, 4 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for February 17, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

Items 35 through 37 were briefing items set for 10:30 a.m.

Items 38 through 46 were zoning items set for 2:00 p.m.

Items 47 through 49 were public hearing items set for 4:00 p.m.

Mayor Leffingwell recessed the Council Meeting at 10:15 a.m.

Mayor Leffingwell called the Council Meeting back to order at 10:33 a.m.

BRIEFINGS

35. Austin/Travis County Year at a Glance: Fiscal Year 2009-2010
The presentation was made by Jeri Houchins, Administrative Director of Austin Travis County Reentry Roundtable.
36. Austin Energy briefing on rolling blackout protocol
The presentation was made by Larry Weis, General Manager of Austin Energy.

CITIZEN COMMUNICATION: GENERAL

Carol Vandurstoepe - Water

Paul Robbins - City issues

Paul Aviña - Poverty

Russell Doyle - Water

John Bush - City issues

Anthony Walker - TBD

Robert Cullen - Purchasing Department related to TXMAS

Francoise Luca - Neighborhood planning

Gus Peña - TBD

Kelly Tagle - AISD's proposal to close central Austin schools

Mayor Leffingwell recessed the Council Meeting at 12:47 p.m.

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

BRIEFINGS CONTINUED

37. Briefing on Municipal Utility District Policy
The presentation was made by Bart Jennings, Utility Strategic Resources Manager.

ZONING (HEARING CLOSED)

38. C14H-2010-0026 - Zeta Tau Alpha House - Approve second/ third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2711 Nueces Street (Shoal Creek Watershed) from multi-family-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Staff Recommendation: To grant multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. First reading was approved on January 27, 2011. Vote 5-0, Mayor Pro Tem Martinez and Council Member Cole were off the dais. Applicant: Zeta Tau Alpha House Corporation, owner. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20110210-038 for multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning was approved on Council Member Cole's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

39. NPA-2010-0010.01 - Cristo Rey Catholic Church Lot 6 Rezoning - Conduct a public hearing and approve an ordinance amending Ordinance No. 20011213-43, the Holly Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2110 E. 2nd Street (Town Lake Watershed) from Single Family to Office land use. Staff Recommendation: To deny office land use. Planning Commission Recommendation: To grant indefinite postponement. Owner/Applicant: Cristo Rey Catholic Church (Rev. Jayme Mathias). Agent: DAVCAR Engineering (Thomas Duvall, P.E.). City Staff: Maureen Meredith, 974-2695.
This item was postponed indefinitely on consent at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent. (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.)

40. C14-2010-0135 - Cristo Rey Catholic Church Lot 6 Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2110 East 2nd Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Staff Recommendation: To deny general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant indefinite postponement. Applicant: Cristo Rey Catholic Church (Rev. Jayme Mathias). Agent: DAVCAR Engineering (Thomas Duvall, PE). City Staff: Joi Harden, 974-2122.
This item was postponed indefinitely on consent at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent. (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.)
43. C14-2010-0166 - 12412 Tomanet Trail Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Tomanet Trail (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Owner: Umesh and Amrutha Murthy. Applicant/Agent: Fourt Realty, LLC (Taylor Terkel). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20110210-043 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
44. C14-2010-0185 - 7901 Cameron Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7901 Cameron Road (Buttermilk Branch Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Dimension Properties, Inc. (Gary Boulden and Michael Kuhn). Agent: Ciao Chow Catering (Mark Bradley). City Staff: Joi Harden, 974-2122
The public hearing was closed and Ordinance No. 20110210-044 for commercial-liquor sales (CS-1) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
46. C14H-2010-0032 - Robert and Helena Ziller House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 Edgecliff Terrace (Lady Bird Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Tim and Pam Walker, owners. City Staff: Steve Sadowsky, 974-6454.
This item was postponed on consent to March 24, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

ZONING DISCUSSION ITEMS

Items 41 and 42 were acted on in a combined motion.

41. NPA-2010-0021.03.SH - Suburban Lodge SRO Conversion - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2501 South Interstate Highway 35 (Country Club West) from commercial to mixed use land use. Staff Recommendation: To approve mixed use land use. Planning Commission Recommendation: To approve mixed use land use. Owner/Applicant: SLD - Austin, South L.P. (Joseph H. Harman). Agent: Foundation Communities, Inc. (Walter Moreau) City Staff: Maureen Meredith, 974-2695.

This item was postponed to February 17, 2011 at the applicant's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

42. C14-2010-191.SH - Suburban Lodge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501 South IH 35 SVRD NB from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-mixed use-conditional overlay- neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial- mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Foundation Communities, Inc. (Walter Moreau). Agent: Foundation Communities, Inc. (Walter Moreau). City Staff: Stephen Rye 974-7604.

This item was postponed to February 17, 2011 at the applicant's request on Council Member Cole's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:12 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:13 p.m.

45. C14H-2010-0033 - Fitzgerald-Power-Lynn House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201 W. 32nd Street (Waller Creek Watershed) from family residence-neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation- neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicants: Randolph R. Lewis and Circe D. Sturm, owners. City Staff: Steve Sadowsky, 974-6454.

The motion to close the public hearing and approve family residence-historic landmark-neighborhood conservation-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was made by Council Member Spelman and seconded by Council Member Riley. The motion failed on a vote of 3-3. Those voting aye were: Council Members Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Members Cole and Shade. Mayor Pro Tem Martinez was absent. The motion failed on a 3-3 vote because four affirmative votes are needed to pass an ordinance on a single reading. The rezoning request was denied.

Mayor Leffingwell recessed the Council Meeting at 3:32 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:04 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

47. Conduct a public hearing and consider an appeal by Camille Perry on a decision to approve an Outdoor Music Venue Permit for Irie Bean Coffee Bar, located at 2310 S. Lamar Blvd., Unit 102.
This item was withdrawn without objection.
48. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner's engineer, Mr. Bradley Lingvai, on behalf of the owners to construct a new single-family house at 419 W. Johanna Street, which is in the 100-year floodplain of East Bouldin Creek. There is no unanticipated fiscal impact. October 12, 2009- Board of Adjustments approved a variance from LDC Section 25-2-774(C)(2) to construct a principal structure to the rear of the lot and to change the use of the existing lot to create a two-family residential use in a SF-3-NP, Family Residence-Neighborhood Plan Z.
The public hearing was closed and Ordinance No. 20110210-048 was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.
49. Conduct a public hearing and consider an ordinance amending Ordinance No. 20100211-036 extending the expiration date to February 15, 2012, for floodplain variances granted for existing buildings and structures owned by Stubb's Austin Restaurant Co., L.C. located at 801 Red River Street. There is no unanticipated fiscal impact.
The public hearing was closed and Ordinance No. 20110210-049 was approved on Council Member Cole's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was absent.

Mayor Leffingwell adjourned the meeting at 4:17 p.m. without objection.

The minutes for the Regular Meeting of February 10, 2011 were approved on this the 17th day of February 2011 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

LIVE MUSIC

Hannah Hager

PROCLAMATIONS

Certificates of Congratulations -- COA's Fleet Services Division Service Centers 1, 5 and 6 -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation – Healthy Teen Relationship Month – to be presented by Council Member Randi Shade and to be accepted by the honoree

Proclamation – The Trash Project – to be presented by Council Member Laura Morrison and to be accepted by the honorees

Proclamation – Huston-Tillotson Alumni Association's 23rd Annual Blues and Jazz Concert – to be presented by Council Member Sheryl Cole and to be accepted by the honoree