



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 17, 2011**

Invocation: Peg Syverson, Resident Teacher and Director, Appamada Zen Buddhist Center

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 17, 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.

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 work session meeting of February 9, 2011 and regular meeting of February 10, 2011.

The minutes from the Council work session of February 9, 2011 and regular meeting of February 10, 2011 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Authorize negotiation and execution of a 12 month Collection Agreement with the United States Forest Service to provide research, monitoring, data analysis, and population and habitat suitability modeling for the endangered golden-cheeked warbler and Balcones Canyonlands Preserve with four 12-month extensions in an amount not to exceed \$66,155 for the first year and \$65,000 per extension for a total contract amount not to exceed \$326,155. Funding in the amount of \$66,155 is available in the Fiscal Year 2010-2011 Balcones Canyonlands Conservation Plan Participation Certificate Account. Funding for the remaining 48 months of this agreement is contingent upon available operating budget of the Austin Water Utility or the Participation Certificate Account. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a collection agreement with the United States Forest Service was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

4. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire in fee a 0.291-acre tract of land in the Santiago Del Valle Ten League Grant, Abstract No. 24, Travis County, Texas, commonly known as 2600 Shapard Lane, Del Valle, Texas, from DIANE FLOW

TURNER for the Airport Noise Mitigation Program, in the amount of \$105,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for a total amount not to exceed \$115,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants. **The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire in fee a 0.291 acre tract of land from Diane Flow Turner was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**

5. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire fee simple title to Lot 30, Richland Estates Section One, a subdivision in Travis County, Texas, located at 1302 Hyman Lane, from RAYMOND J. ARENDT, JR. and ANNYCE ARENDT for the Richland Estates Voluntary Buyout, in the amount of \$130,000 for the land, moving related expenses not to exceed \$10,000, plus relocation assistance not to exceed \$44,900 for a total not to exceed \$184,900. 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 fee simple title to lot 30 from Raymond J. Arendt, Jr and Annyce Arendt was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
6. Authorize execution of a construction contract with CHASCO CONSTRUCTORS, LTD., Round Rock, TX, for the William Cannon Bridge over Onion Creek Phase 2 Project in the amount of \$2,284,844 plus a \$228,485 contingency, for a total contract amount not to exceed \$2,513,329. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Transportation 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) through the achievements of Good Faith Efforts with 10.16% MBE and 9.20% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Chasco Constructors, Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
7. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, TX for Anderson Mill Estates Services to Annexed Areas Phase 1 in an amount of \$4,077,450 plus a \$203,872.50 contingency, for a total amount not to exceed \$4,281,322.50. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest bid of 9 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 5.95% MBE and 3.64% WBE subcontractor participation. Recommended by the Water Wastewater Commission.
The motion authorizing the execution of a construction contract with Cash Construction Co., Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
8. Authorize execution of Change Order #7 to the construction contract with CASH CONSTRUCTION CO., INC., Austin, TX, for Brazos Street from Cesar Chavez to 11th Street Project in the amount of \$688,496, for a total contract amount not to exceed \$11,821,486.06. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 8.78% MBE and 4.48% WBE subcontractor participation to date. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of change order number seven to the construction contract with Cash Construction Co., Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

9. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC. (DBE/MH-86.32%), Austin, TX for Lake Austin Boulevard Bikeway in the amount of \$823,047.80 plus a \$82,304.80 contingency, for a total contract amount not to exceed \$905,352.60. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Lowest bid of 6 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 83.26% DBE prime and 3.06% DBE subcontractor participation.

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

10. Authorize ratification of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX for the Mañana Street Culvert Project in the amount of \$406,395 plus a \$40,640 contingency, for a total contract amount not to exceed \$447,035. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Lowest bid of 2 bids received. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

The motion to ratify a construction contract with Jay-Reese Contractors, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

11. Authorize execution of a construction contract with PIATRA, INC., (WBE/FW 67.15%) Austin, TX, for the Kenneth Gardner Service Center Waterproofing and Exterior Cladding Repair 2010 project in the amount of \$136,259 plus a \$6,812.95 contingency, for a total contract amount not to exceed \$143,071.95. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Solid Waste Services Department. Lowest bid of 4 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.63% MBE subcontractor and 67.15% WBE prime participation.

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

Item 12 was pulled to be heard after the related item 69.

13. Authorize the negotiation and execution of a professional services agreement with URS CORPORATION, Austin, TX, (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP067, to provide Professional Planning Services for the Austin Urban Rail NEPA Environmental Services project with an amount not to exceed \$700,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Transportation Department. Staff recommendation is the most qualified firm out of 3 firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Procurement Program) and Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 13.00% DBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with URS Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

14. Authorize negotiation and execution of an amendment to the professional services agreement with the following eight firms: THE LAWRENCE GROUP, Austin, TX; WHITE, DOLCE and BARR ARCHITECTS, Austin, TX; LAURIE SMITH DESIGN ASSOCIATES (WBE/FW) + MORTON ARCHITECTURE JOINT VENTURE, Austin, TX; ELLIOTT and HAMILL ARCHITECTS, INC., Austin, TX; MARTINEZ WRIGHT and MENDEZ, INC. (MBE/MH), Austin, TX; HATCH PARTNERSHIP ARCHITECTS, Austin, TX; ARCHITECTURE + PLUS (WBE/FW) and LIMBACHER and GODFREY ARCHITECTS (WBE/FW), Austin, TX to provide architectural services for the Architectural Services Rotation List 2007-2009 Rotation List, for the years 2010 through 2011 or until available funding authorization is expended, in the amount of \$120,000 in additional authorization, for a total not to exceed amount of \$4,169,000 for this rotation list. This additional authorization will be distributed as follows: \$35,000 will be allocated to ELLIOTT and HAMILL ARCHITECTS, INC. for completion of the EMS #33 Mueller Station assignment; \$40,000 will be allocated to LAURIE SMITH DESIGN ASSOCIATES (WBE/FW) + MORTON ARCHITECTURE JOINT VENTURE for completion of the Dittmar Gym Enclosure assignment and the Women's Locker Rooms Phase 4 assignment; \$10,000 will be allocated to THE LAWRENCE GROUP for completion of the Northwest Recreation Center; and \$35,000 will be held for contingencies and may be applied to any assignment, through the variance process, in the event that an assignment exceeds the current estimates. Funding is available in the Capital and/or Operating and Maintenance Budgets of the Public Works Department and various other departments requiring 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) with 16.50% MBE and 14.20% WBE subconsultant participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the following eight firms: The Lawrence Group; White, Dolce and Barr Architects; Laurie Smith Design Associates + Morton Architecture Joint Venture; Elliott and Hamill Architects, Inc.; Martinez Wright and Mendez, Inc.; Hatch Partnership Architects; Architecture + Plus and Limbacher and Godfrey Architects was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Authorize negotiation and execution of amendment #2 to the professional services agreement with DANNENBAUM ENGINEERING COMPANY, Austin, TX, for engineering services for the William Cannon Bridge over Onion Creek Phase 2 Project in the amount of \$170,409.09, for a total contract amount not to exceed \$720,409.09. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Transportation Department. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 17.82% MBE and 16.39% WBE subconsultant participation to date.

The motion authorizing the negotiation and execution of amendment number two to the professional services agreement with Dannenbaum Engineering Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 17 was pulled to be heard after the related item 69.

18. Authorize negotiation and execution of an amendment to the current business development services contract with the Capital City African American Chamber of Commerce, Austin, TX to require additional deliverables and increase the contract's four optional annual extensions from \$90,000 to \$180,000 per year, for a total contract amount not to exceed \$810,000. Funding in the amount of \$142,500 is available in the Fiscal Year 2010-2011 EGRSO Operating Budget for the first seven months of the first contract extension. Funding for the remaining five months of the first contract extension and the remaining extension options are contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of an amendment to the current business development services contract with the Capital City African American Chamber of Commerce was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

19. Authorize negotiation and execution of an amendment to the current business development services contract with the Austin Asian Chamber of Commerce, Austin, TX to require additional deliverables and increase the contract's four optional annual extensions from \$90,000 to \$120,000 per year, for a total contract amount not to exceed \$570,000. Funding in the amount of \$107,500 is available in the Fiscal Year 2010-2011 EGRSO Operating Budget for the first seven months of the first contract extension. Funding for the remaining five months of the first contract extension and the remaining extension options are contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of an amendment to the current business development services contract with the Austin Asian Chamber of Commerce was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

20. Authorize negotiation and execution of an amendment to the current business development services contract with the Greater Austin Hispanic Chamber of Commerce, Austin, TX to require additional deliverables and increase the contract's four optional annual extensions from \$98,900 to \$223,900 per year, for a total contract amount not to exceed \$994,500. Funding in the amount of \$171,000 is available in the Fiscal Year 2010-2011 Operating Budget of EGRSO for the first seven months of the first contract extension. Funding for the remaining five months of the first contract extension and the remaining extension options are contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of an amendment to the current business development services contract with the Greater Austin Hispanic Chamber of Commerce was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

21. Authorize negotiation and execution of an amendment to the design, fabrication and installation agreement with Cliff Garten (dba Cliff Garten and Associates, Inc./Cliff Garten Studios) for the Zachary Scott Theatre Art in Public Places project in a total contract amount not to exceed \$171,500. Funding in the amount of \$147,000 is included in the Financial and Administrative Services Fiscal Year 2010-11 Capital Budget. Recommended by the Arts Commission.

The motion authorizing the negotiation and execution of an amendment to the design fabrication and installation agreement with Cliff Garten doing business as Cliff Garten and Associates, Inc./Cliff Garten Studios was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

22. Authorize negotiation and execution of a one-year contract with the Austin Gay and Lesbian Chamber of Commerce, Austin, TX to provide business development services in an amount not to exceed \$25,000, with three additional twelve-month extension options for a total contract amount not to exceed \$100,000. Funding in the amount of \$14,583 is available in the Fiscal Year 2010-2011 EGRSO Operating Budget for the first seven months of the first contract extension. Funding for the remaining five months of the first contract extension and the remaining extension options are contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of a contract with the Austin Gay and Lesbian Chamber of Commerce was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

23. Authorize negotiation and execution of a one-year contract with the Texas Asian Chamber of Commerce, Austin, TX to provide business development services in an amount not to exceed \$30,000, with three additional twelve-month extension options for a total contract amount not to exceed \$120,000. Funding in

the amount of \$17,500 is available in the Fiscal Year 2010-2011 Operating Budget of EGRSO for the first seven months of the first contract extension. Funding for the remaining five months of the first contract extension and the remaining extension options are contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of a one year contract with the Texas Asian Chamber of Commerce was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

24. Approve a resolution appointing Mayor Lee Leffingwell as Chairman of the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 17 (Waller Creek Tunnel Project). Related to Items #12, 17, 25, & 26.

Resolution No. 20110217-024 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 25 and 26 were pulled to be heard after the related item 69.

27. Approve negotiation and execution of renewals of and amendments to contracts with the following two providers of Ryan White Part A Minority AIDS Initiative Grant Program services: Amendment No. 4 with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$88,604 for a 12-month term beginning on March 1, 2011, for a total contract amount not to exceed \$406,102; and Amendment No. 5 with THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$106,102 for a 12-month term beginning on March 1, 2011, for a total contract amount not to exceed \$511,749. Funding in the amount of \$194,706 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, 2011 to February 28, 2012. The Austin Area Comprehensive HIV Planning Council approved Fiscal Year 2011 service category allocations.

The motion authorizing the negotiation and execution of renewals of and amendments to contracts with AIDS Services of Austin, Inc. and The Wright House Wellness Center was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

28. Approve negotiation and execution of amendments to and renewals of contracts with six providers of Ryan White Part A HIV Emergency Relief Grant Program services. All renewals are for 12-month terms beginning on March 1, 2011. The amendments are: Amendment No. 7 with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$963,574, for a total contract amount not to exceed \$2,994,419; Amendment No. 4 with AUSTIN/TRAVIS COUNTY MHMR in an amount not to exceed \$438,691, for a total contract amount not to exceed \$1,303,936; Amendment No. 4 with CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC. in an amount not to exceed \$1,669,752, for a total contract amount not to exceed \$5,025,210; Amendment No. 5 with PROJECT TRANSITIONS, INC. in an amount not to exceed \$70,000, for a total contract amount not to exceed \$269,015; Amendment No. 7 with WATERLOO COUNSELING CENTER, INC. in an amount not to exceed \$102,211, for a total contract amount not to exceed \$276,948; and Amendment No. 5 with THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$136,066, for a total contract amount not to exceed \$400,907. Funding in the amount of \$3,380,294 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, 2011 to February 28, 2012. The Austin Area Comprehensive HIV Planning Council approved fiscal year 2011 service category allocations.

The motion authorizing the negotiation and execution of amendments to and renewals of contracts with AIDS Services of Austin, Inc.; Austin/Travis County MHMR; Central Texas Community Health Centers, Inc.; Project Transitions, Inc.; Waterloo Counseling Center, Inc.; and The Wright House Wellness Center was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

29. Approve an ordinance granting variances to Section 25-9-158 (public hearing deadline) and Section 25-9-159 (Council action deadline) of the City Code relating to a petition submitted for consent to the creation of the Fossil Creek Municipal Utility District (approximately 295 acres of land located west of Cameron Road at the intersection of Cameron Road and Killingsworth Lane).
Ordinance No. 20110217-029 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 30 was pulled for discussion.

31. Authorize the negotiation and execution of a contract between the City of Austin and SafePlace for the City to reimburse SafePlace for Austin/Travis County Family Violence Protection Team related expenditures in an amount not to exceed \$53,787. Funding is available from the U.S. Department of Justice, office on Violence Against Women, Community-Defined Solutions to Violence Against Women Program for the project period of October 1, 2010 to September 30, 2012.
The motion authorizing the negotiation and execution of a contract between the City of Austin and SafePlace was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
32. Authorize the negotiation and execution of a contract between the City of Austin and Texas RioGrande Legal Aid (TRLA) for the City to reimburse TRLA for Austin/Travis County Family Violence Protection Team related expenditures in an amount not to exceed \$95,074. Funding is available from the U.S. Department of Justice, office on Violence Against Women, Community-Defined Solutions to Violence Against Women Program for the project period of October 1, 2010 to September 30, 2012.
The motion authorizing the negotiation and execution of a contract between the City of Austin and Texas RioGrande Legal Aid (TRLA) was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
33. Authorize award and execution of a contract with GLOBE ELECTRIC SUPPLY COMPANY, Houston, TX for the purchase of a Direct Current (DC) to Alternating Current (AC) three-phase inverter in an amount not to exceed \$62,626. Funding is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Lowest bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the execution of a contract with Globe Electric Supply Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
34. Authorize award and execution of Amendment No. 3 to a contract with GE FANUC INTELLIGENT PLATFORMS, INC., Foxborough, MA, for software maintenance and support, to hold over the contract for 120 days in an amount not to exceed \$16,643.82, for a total revised contract amount not to exceed \$144,195.29. Funding in the amount of \$16,643.82 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by Water and Wastewater Commission.
The motion authorizing the award and execution of amendment number three to a contract with GE Fanuc Intelligent Platforms, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
35. Authorize award and execution of two 36-month requirements service agreement for inspection and testing of stationary cranes with ALLTECH ENGINEERING CORP., Mendota Heights, MN, in an

estimated amount not to exceed \$190,476, with three 12-month extension options in an estimated amount not to exceed \$63,492 per extension option, for a total estimated contract amount not to exceed \$380,952 and with REINHART & ASSOCIATES, Austin, TX in an amount not to exceed \$80,550, with three 12-month extension options in an estimated amount \$26,850 per extension option, for a total estimated contract amount not to exceed \$161,100. Funding in the amount of \$52,700 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining twenty-nine months and the extension options is contingent upon available funding in future budgets. Lowest bids of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by Water and Wastewater Commission.

The motion authorizing the award and execution of two requirements service agreements with Alltech Engineering Corp. and Reinhart & Associates was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

36. Ratify Amendment No. 2 to a contract with ALTIVIA CORPORATION, Houston, TX for the supply of liquid chlorine for the Austin Water Utility for \$211,039.75, for a revised total contract amount not to exceed \$1,538,019.75. Funding in the amount of \$211,039.75 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Critical Business Need. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Reviewed by the Water and Wastewater Commission.

The motion to ratify amendment number two to a contract with Altivia Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

37. Authorize award and execution of a 24-month requirements supply contract with DPC INDUSTRIES COMPANY, Cleburne, TX for the supply of liquid chlorine in bulk truckload quantities for the Austin Water Utility in an amount not to exceed \$1,515,520, with two 12-month extension options in amounts not to exceed \$757,760 per extension option, for a total agreement amount not to exceed \$3,031,040. Funding in the amount of \$505,173 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining sixteen months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract with DPC Industries Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

38. Authorize award and execution of a 24-month requirements supply contract with DXI INDUSTRIES COMPANY, Houston, TX for the supply of liquid chlorine in for the Austin Water Utility in an amount not to exceed \$1,809,113, with two 12 month extension options in an amount not to exceed \$1,256,328 for the first extension option and \$1,370,410 for the second extension option, for a total agreement amount not to exceed \$4,635,851. Funding in the amount of \$452,278 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the 18 remaining months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid 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. Recommended by Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract with DXI Industries Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

39. Authorize award and execution of a 36-month requirements service contract with ACUITY SPECIALTY PRODUCTS, INC. dba ZEP SALES AND SERVICE, Desoto, TX, or the other qualified bidder for IFB-BV No. SAP0115 to provide preventative maintenance and repair services for parts washing machines in an estimated amount not to exceed \$145,600, with three 12-month extension options in estimated amounts not to exceed \$69,120 for the first extension option, \$82,944 for the second extension option, and \$99,533 for the third extension option, for a total estimated contract amount not to exceed \$397,197. Funding in the amount of \$26,667 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid meeting specifications of 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 Acuity Specialty Products, Inc. doing business as Zep Sales and Service was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

40. Authorize award, negotiation, and execution of a professional services contract with RSP ARCHITECTS, LTD, Minneapolis, MN, or one of the other qualified responders to RFQ JSD0500, to provide consulting services for the City of Austin Statagic Facility Plan & Needs Assessment, including Fire Station condition assessment in an estimated amount not to exceed \$1,400,000. Funding in the amount of \$1,070,000 is available in the Fiscal Year 2010-2011 Capital Budgets of various City departments. Funding in the amount of \$330,000 is available in the Fiscal Year 2010-2011 Operating Budgets of various City departments. Best evaluated proposal of eight proposals received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of a professional services contract with RSP Architects, Ltd. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

41. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative(Buyboard) with ADRITE, Fort Worth, TX for the purchase of twenty big belly kiosks in an amount not to exceed \$ 109,012.60. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Solid Waste Services Department. 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. Recommended by the Solid Waste Advisory Commission.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Adrite was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

42. Authorize the award and execution of a contract with TEXAS HIGHWAY PRODUCTS, Round Rock, Texas, for the purchase of "Wireless School Zone Flashing Beacon Management System" including 30 master and 400 local wireless radio and antennas, 100,000 ft. of cables, and 1500 connectors, training, and a 7-year warranty, in an estimated amount not to exceed \$534,450. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Transportation Department. Sole responsive bid of 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 contract with Texas Highway Products was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

43. Authorize execution of an Interlocal Agreement with the Texas Department of Transportation for Disadvantaged Business Enterprise program services.

The motion authorizing the execution of an interlocal agreement with the Texas Department of Transportation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

44. Authorize the negotiation and execution of an Interlocal Agreement to partner with the Capital Metropolitan Transportation Authority (CMTA) for an update to the Regional Travel Demand Model and the Regional Transit System Plan, in an amount not to exceed \$500,000. Funding in the amount of \$500,000 is available in the 2010-2011 Capital Budget of the Transportation Department.

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

45. Approve an ordinance amending Section 12-4-64 (D) of the City Code to establish a maximum speed limit of 40 miles per hour on East Riverside Drive from East Ben White Boulevard / U.S. Highway 71 to U.S. Highway 183. Funding in the amount of \$150 is available in the Fiscal Year 2010-2011 Operating Budget of the Transportation Department for installation of necessary signs.

Ordinance No. 20110217-045 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

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

The following appointment was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

Urban Forestry Board
Shannon Halley

Council Member Morrison

47. Approve an ordinance amending City Code §2-1-143 regarding the scope of responsibilities of the Electric Utility Commission (Council Member William Spelman Council Member Chris Riley)

Ordinance No. 20110217-047 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 48 and 49 were pulled for discussion.

50. Approve the waiver of certain fees and requirements for the 5th Annual Cesar Chavez "Si Se Puede" Awards Dinner which is to be held on Thursday, March 31, 2011 at the Conley-Guerrero Senior Activity Center. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez Council Member Chris Riley)

The motion to approve the waiver of certain fees and requirements for the 5th Annual Cesar Chavez "Si Se Puede" Awards Dinner was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

51. Approve the reimbursement of certain banner fees for the Texas Computer Education Association's 2011 Convention and Exposition which was held from February 7-11, 2011 at the Austin Convention Center. (Council Member Laura Morrison Council Member Chris Riley Council Member Randi Shade)
The motion to approve the reimbursement of certain banner fees for the Texas Computer Education Association's 2011 Convention and Exposition was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
52. Approve the waiver of certain fees and requirements for the Bipolar Seminar "Caught in the System" event sponsored by the Bipolar Foundation of Central Texas which is to be held on Wednesday, February 16, 2011 at the George Washington Carver Museum. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Council Member Chris Riley)
The motion to approve the waiver of certain fees and requirements for the Bipolar Seminar "Caught in the System" event sponsored by the Bipolar Foundation of Central Texas was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
53. Set a public hearing to consider approval of the Imagine Austin Comprehensive Plan Preferred Growth Scenario and Plan Framework. (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 Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 54 and 55 were briefing items set for 2:00 p.m.

Item 56 was an Executive Session item.

Items 57 through 67 were zoning items set for 2:00 p.m.

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

DISCUSSION

2. Approve implementation of the Austin Energy Resource, Generation, and Climate Protection Plan to 2020, including an affordability goal. There is no unanticipated fiscal impact. Recommended by the Electric Utility Commission.
The motion to approve the implementation of the Austin Energy Resource, Generation and Climate Protection Plan to 2020, including an affordability goal was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
48. Approve a resolution directing the City Manager to enter into discussions with the Austin Independent School District (AISD) to identify potential operational efficiencies and partnership opportunities to help ensure the success of AISD primary and secondary schools citywide, and to make a recommendation to the Austin City Council. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Randi Shade)
Resolution No. 20110217-048 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.
15. Authorize the negotiation and execution of a professional services agreement with HDR ENGINEERING, INC. (staff recommendation), Austin, TX or other qualified responders to RFQ Solicitation No. CLMP076, for the Shoal Creek at Pease Park Restoration, to provide professional engineering services for the Watershed Protection Department with an amount not to exceed \$1,250,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. Staff

recommendation is the most qualified firm out of 11 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.

The motion authorizing the negotiation and execution of a professional services agreement with HDR Engineering, Inc. was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.

30. Approve a resolution establishing a policy and general criteria under which the City Council will consider requests to create municipal utility districts.

Resolution No. 20110217-030 was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

49. Approve a resolution directing the City Manager to communicate with members of the Austin delegation to the U.S. Congress regarding the risks and benefits associated with Advanced Imaging Technology (AIT). There is no unanticipated fiscal impact. A fiscal note is not required. (Council Member William Spelman Council Member Laura Morrison)

There was a motion made by Council Member Spelman and seconded by Council Member Morrison to approve the resolution with the following friendly amendment. This motion failed on a vote of 3-4. Those voting aye were: Council Members Cole, Morrison and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Riley and Shade. Council Member Cole's friendly amendment was to have the BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN section of the resolution read:

"The City Manager is directed to communicate with members of the Austin delegation of the U.S. Congress to request their assistance and feedback in:

- 1. Determining if AIT places airport customers at greater health risks using full, independent an scientific inquiry; and**
- 2. Establishing greater privacy rights controls for AIT use; and**
- 3. Documenting the conclusive security benefits AIT may offer ABIA passengers; and**
- 4. Recommending other technologies, such as the Automatic Target Recognition currently under testing in Las Vegas, Atlanta and Washington D.C., which may provide enhanced security benefits without the potential risks to ABIA passengers' public health or privacy rights."**

The amendment was accepted by the maker of the motion and by Council Member Morrison who made the second.

Mayor Leffingwell recessed the Council Meeting at 11:50 a.m.

Mayor Leffingwell called the Council Meeting at 12:05 p.m.

CITIZEN COMMUNICATION: GENERAL

Charles Torello - General Concerns

CarolAnneRose Kennedy - Homeless issues

Ricardo Nicomedes Bussell - Fluoride

Sam Lee - AISD's proposal to close schools

Sallie Burchett - Density surrounding schools

John Goldstone - Water

EM Taylor – Heritage. **Not present when name was called.**

Susana Almanza - Cesar Chavez annual march on March 26, 2011

Kelly Tagle – TBD. **Not present when name was called.**

Linda Greene - Money for schools not for fluoride WASTE

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:42 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.

56. Discuss legal issues relating to the Open Meetings Act (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:03 p.m.

BRIEFINGS

54. Annual Update on the City of Austin and Lower Colorado River Authority Water Partnership
This item was postponed to the March 2, 2011 work session without objection.
55. Austin Transportation briefing - Proposed Extended Parking Hours
This item was postponed to the March 2, 2011 work session without objection.

ZONING ITEM (HEARING CLOSED)

57. C14-2010-0174 - Platinum Onion Creek - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11206 South IH-35 Service Road Southbound and 11301 Old San Antonio Road (Onion Creek Watershed) from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to multi-family residence low density (MF-2) district zoning. First Reading approved on January 27, 2011. Vote: 5-0, Mayor Pro Tem Martinez, Council Member Cole off the dais. Owner/Applicant: Haviland Lake Partners, LP (Jeffrey N. Drinkard). Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 974-7719.

The motion to approve the second reading of the ordinance for multi-family residence low density (MF-2) district zoning with a public restrictive covenant for bicycle and pedestrian access to Old San Antonio Road and sidewalk access to FM 1626 and Onion Creek Parkway was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

58. C14-2010-0101 - Shoal Creek Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1808 Vance Circle (Shoal Creek Watershed) from single family residence (SF-3) district zoning to general office (GO) district zoning. Staff Recommendation: To deny general office (GO) district zoning. Planning Commission Recommendation: To deny general office (GO) district zoning. Applicant: Reynaldo Ortiz. Agent: J Valera Engineering (Juan Valera). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.
This item was withdrawn on consent at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
59. C14-2010-0134 - Grove Elevated Reclaimed Water Storage Tower - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2201 Grove Boulevard from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant indefinite postponement. Planning Commission Recommendation: To grant indefinite postponement. Applicant: City of Austin Water Utility (Dan Pederson). Agent: City of Austin Water Utility (Dan Pederson). City Staff: Stephen Rye 974-7604.
This item was withdrawn on consent at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
60. C14-2010-0151 - 506 W. 15th Street Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 506 W. 15th Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: The Greening Law Firm, P.C. (Ronald Greening). Agent: Charles Morton. City Staff: Clark Patterson, 974-7691.
The public hearing was closed and Ordinance No. 20110217-060 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
62. C14-2010-0192 - Martin/Valentine Residence - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8116 Big View Drive (West Bull Creek Watershed) from interim lake austin residence (I-LA) district zoning to single family residence, large lot (SF-1) district zoning. Staff Recommendation: To grant lake austin residence (LA) district zoning. Zoning and Platting Commission Recommendation: To grant lake austin residence (LA) district zoning. Applicant: Bonita Vista Trust (James Valentine, IV). Agent: Land Answers (Jim Whitliff). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to March 3, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
63. C14-2010-0193 - Life Force Chiropractic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1705 South Lamar Boulevard from general commercial services-vertical mixed use (CS-V) combining district zoning and family residence (SF-3) district zoning to general commercial services-vertical mixed use-mixed use-conditional overlay (CS-V-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use-mixed use-conditional overlay (CS-V-MU-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-vertical mixed use-mixed use-conditional overlay (CS-V-MU-CO) combining district zoning. Applicant: Life Force Chiropractic Corporation (Matt Ruiz). Agent: Land Answers, Inc. (Jim Whitliff). City Staff: Stephen Rye 974-7604.

The public hearing was closed and Ordinance No. 20110217-063 for general commercial services-vertical mixed use-mixed use-conditional overlay (CS-V-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

64. C14-2010-0200 - Lankford 2.49 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13635 Rutledge Spur (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on March 15, 2011. Owner/Applicant: Janice Lankford. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to April 7, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

66. NPA-2010-0005.02 - Grove Elevated Reclaimed Water Storage Tank - Approve second/third readings of an ordinance amending Ordinance No. 20010927-05, the Montopolis 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 2201 Grove Blvd. (Country Club Creek Watershed) from mixed use to civic land use. Staff Recommendation: To grant indefinite postponement. Planning Commission Recommendation: To grant indefinite postponement. Owner/Applicant: City of Austin, Austin Water Utility. Agent: City of Austin, Austin Water Utility (Dan Pederson). City Staff: Maureen Meredith, 974-2695.

This item was withdrawn on consent at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

61. C14-2010-0163 - Austin Cribs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6320 City Park Road (West Bull Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Austin Cribs (Cord Shiflett). Agent: Irion Slade, L.L.C. (Terry Irion). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20110217-061 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with a 500 vehicle trips per day limit and drive through establishments as a prohibited use was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

65. 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.

There was a motion by Council Member Spelman, seconded by Council Member Riley to close the public hearing and approve the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with the

following additional conditions: the owner would plant 12 additional trees selected from the City of Austin recommendation list with a mature height minimum of at least 25 feet and install a fence that would run along the east side (back) of the property on top of the retaining wall and extend around the south side of the parking area at least thirty feet.

There was a substitute motion to close the public hearing and approve Ordinance No. 20110217-065 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning that was made by Mayor Pro Tem Martinez and seconded by Council Member Cole. This motion passed on a vote of 7-0.

67. 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.

The public hearing was closed and Ordinance No. 20110217-067 to change the land use designation on the future land use map (FLUM) to mixed use land use was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

69. Conduct 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.
- The public hearing was closed on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.**

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Tax Increment Financing Reinvestment Zone #17 (Waller Creek Tunnel Project) to order at 4:37 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:44 p.m.

Items 12, 17, 25 and 26 were acted on in a combined motion.

12. Authorize execution of a construction contract with SJ LOUIS CONSTRUCTION OF TEXAS, Mansfield, TX for Waller Creek Tunnel Project - Main Tunnel & 4th Street Creek Side Inlet in the amount of \$48,683,500 plus a \$1,217,000 contingency, for a total contract amount not to exceed \$49,900,500. 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 7.85% MBE and 1.41% WBE subcontractor participation. Staff presentations provided to the following Boards and Commissions, Downtown Commission, Design Commission, Parks Board, Environmental Board, Waller Creek Citizen Advisory Committee, and Planning Commission. Related to Items #17, 24, 25, & 26.

The motion authorizing the execution of a construction contract with SJ Louis Construction of Texas was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

17. Authorize the negotiation and execution of a professional services agreement with KLEINFELDER CENTRAL, INC., or one of the other qualified responders to RFQ Solicitation CLMP064, to provide Material Testing and Tunnel Survey Engineering Services for the Waller Creek Tunnel-Materials Testing & Tunnel Survey with an amount not to exceed \$945,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. Staff recommendation is the most qualified firm out of 3 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. Related to Items #12, 24, 25, & 26.
The motion authorizing the negotiation and execution of a professional services agreement with Kleinfelder Central, Inc. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
25. Approve an ordinance approving Amendment No. 1 to the project and financing plan for Tax Increment Financing (TIF) Reinvestment Zone No. 17 (Waller Creek Tunnel Project) to update current project design and project cost estimates, provide the most recent estimates of underlying funding sources that are anticipated to pay for the construction, operation and maintenance of the tunnel, and to provide for emergency passage. Related to Items #12, 17, 24, & 26.
Ordinance No. 20110217-025 was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
26. Approve the execution of an amendment to the Agreement with Travis County to Fund and Participate in the Tax Increment Financing (TIF) Reinvestment Zone No. 17 (Waller Creek Tunnel Project). To be reviewed by the Board of Directors of the TIF Reinvestment Zone No. 17 on February 17, 2011. To be approved by Travis County on February 22, 2011. Related to Items #12, 17, 24, & 25.
The motion authorizing the execution of an amendment to the agreement with Travis County to fund and participate in the Tax Increment Financing (TIF) Reinvestment Zone No. 17 (Waller Creek Tunnel Project) was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

68. Conduct a public hearing to approve an ordinance amending the electric rate schedule included in Ordinance No. 20100913-004 to add a tariff for an electric vehicle public charging station pilot program. There is no unanticipated fiscal impact. Recommended by the Electric Utility Commission.
The public hearing was closed and Ordinance No. 20110217-068 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 4:53 p.m. without objection.

LIVE MUSIC

Mike Ethan Messick

PROCLAMATIONS

Proclamation -- Engineering Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Rick McMaster

Proclamation -- Austin Energy Regional Science Festival -- to be presented by Mayor Lee Leffingwell and to be accepted by Ingrid Weigand

Proclamation -- Health Equipment for Seniors Awareness Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Joyce Lauck

Proclamation -- Austin Energy's Green Building Program's 20th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Mary McLeod

Proclamation -- Barbara Jordan's 75th Birthday and the Birth of the Barbara Jordan Foundation -- to be presented by Council Member Sheryl Cole and to be accepted by Mario Cruz

Proclamation -- The Divine Nine -- to be presented by Council Member Sheryl Cole and to be accepted by representatives of Nine Central Texas Black Sororities and Fraternities

The minutes for the Regular Meeting of February 17, 2011 were approved on this the 3rd day of March 2011 on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.