

**AUSTIN CITY COUNCIL
MINUTES****WORK SESSION
TUESDAY, MARCH 8, 2011**

Mayor Leffingwell called the meeting to order at 9:14 a.m. Action was taken in the following order.

BRIEFINGS

1. Briefing and discussion on City of Austin policies and practices as they relate to open government issues and related case law and legislative developments
The presentation was done by Karen Kennard, Acting City Attorney, and Jim Cousar, Outside Counsel with Knight and Thompson.
2. Agenda
The Mayor introduced the agenda for the March 10, 2011 Council meeting and allowed Council to give input or ask questions on any item posted on the agenda. Staff was available to provide verbal responses to Council questions.

Mayor Leffingwell adjourned the meeting at 10:31 a.m. without objection.

The minutes for the Special Called Meeting of March 8, 2011 were approved on this the 24th day of March 2011 on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.

REGULAR COUNCIL AGENDA ITEMS FOR MARCH 10, 2011**APPROVAL OF MINUTES**

1. Approve the minutes of the Austin City Council special called meeting of March 2, 2011 and regular meeting of March 3, 2011.

AUSTIN ENERGY

2. Authorize negotiation and execution of a one-month renewal of a lease for 49,911 square feet of office space and a new 72-month lease with a one-year extension option for 71,806 square feet of office space at 811 Barton Springs Road with T-C Barton Springs LLC for an amount not to exceed \$12,167,173 with an extension option for an amount not to exceed \$2,208,034, for a total new lease amount not to exceed \$14,375,207. Funding is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.

3. Approve a resolution determining matters to be deemed competitive under Texas Government Code Sections 522.133 and 551.086 and thereby exempt from public disclosure for certain periods of time and directing the City Manager regarding efforts at transparency and public reporting. No funding is required. Recommended by the Electric Utility Commission.
4. Authorize the payment of an amount not to exceed \$875,000 to settle eminent domain proceedings relating to the acquisition of two 200-foot wide electric easements, being 1.055 acres each for a total of 2.110 acres, and the acquisition in fee of a 20.67-acre tract, all out of the James Gilleland Survey Number 13, Abstract Number 12, Travis County, Texas, in connection with the construction of a combination transmission/distribution substation and related improvements. The owners of the needed property interests are Fannie Ruth Salyer, Don Allen Salyer, and Sylvia Gay Meyer. Gravel rights interests are held by Ella Louise Lind, Ralph Daily Glass, James Robert Glass, Mary Francis Wisian, and James Parker, all of whom are parties to the eminent domain proceedings. Funding is available in the 2010-2011 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.

CONTRACT AND LAND MANAEMENT

5. Approve a resolution authorizing payment to TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of right-of-way acquisition for the expansion of U.S. Highway 183 from East of U.S. 290 to S.H. 71, in accordance with the June 27, 1986 Contractual Agreement for Right-of-Way Procurement, as amended by a Supplemental Contractual Agreement for Right-of-Way Procurement on February 24, 1994, and by a Second Supplemental Contractual Agreement for Right-of-Way Procurement on June 13, 2005, in an amount not to exceed \$471,938.65. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department.
6. Approve a resolution authorizing the filing of eminent domain proceedings for the Braker at IH 35 TSM Project to acquire a 640 square foot right of way dedication and a 2,829 square foot temporary construction easement out of the John Applegait Survey No. 58, Travis County, Texas, in the amount of \$15,013. The owner of the needed property interest is MP BRAKER, L.P. The property is located at 611 E. Braker Lane, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department.
7. Approve a resolution authorizing the filing of eminent domain proceedings for the Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation - Truelight Area and Eleanor Drive Area Project to acquire a 11,456 square foot drainage easement out of and a part of a 5.004-acre tract or parcel of land out of the Jesse C. Tannehill League Survey No. 29 in the City of Austin, Travis County, Texas, in the amount of \$10,826. The owner of the needed property interest is EDDIE WOULDGO INVESTMENTS, L.P. The property is located off of Lott Avenue, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department.
8. Authorize execution of a construction contract with RODRIGUEZ BARR INC. DBA THE BARR COMPANY, AIA, Austin, TX for Ground Transportation Staging Area (GTSA) Relocation and Renovation at the Austin Bergstrom International Airport in the amount of \$4,209,000 plus a \$420,900 contingency, for a total contract amount not to exceed \$4,629,900. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Aviation Department. Lowest bid of six 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 7.45% MBE and 14.32% WBE subcontractor participation. To be reviewed by the Airport Advisory Commission on March 9, 2011.

FIRE

9. Authorize the execution of an Interlocal Agreement with Texas Engineering Extension Service (TEEX) , College Station, Texas to conduct Structural Collapse Training Courses for the Austin Fire Department for a 12 month period in an amount not to exceed \$193,472. Funding is available from the Federal Homeland Security Grant Program (HSGP), 2010 Urban Area Security Initiative Grant. The grant period is August 2, 2010 to February 28, 2013.

HEALTH AND HUMAN SERVICES

10. Approve negotiation and execution of amendments to and renewals of contracts with four providers of services for people with HIV or AIDS. All renewals are for 12-month terms beginning on March 1, 2011. The amendments are: Amendment No. 3 with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$233,605, for a total contract amount not to exceed \$724,476; Amendment No. 3 with AUSTIN TRAVIS COUNTY MHMR in an amount not to exceed \$53,673, for a total contract amount not to exceed \$169,164; Amendment No. 3 with THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$122,762, for a total contract amount not to exceed \$375,786; and Amendment No. 2 with PROJECT TRANSITIONS, INC. in an amount not to exceed \$87,849, for a total contract amount not to exceed \$263,547. Funding in the amount of \$290,435 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department (HHSD). The contract period is March 1, 2011 to February 28, 2012. Funding for the five (5) months of the contract period October 1, 2011 through February 28, 2012, is contingent on available funding in future budgets.
11. Authorize negotiation and execution of Renewal of and Amendment No. 2 to the Agreement for Child Care Voucher Services with YOUTH AND FAMILY ALLIANCE INC., d/b/a LIFEWORKS, to increase the contract amount for the current term, October 1, 2010 through September 30, 2011, by \$44,259, for a total contract amount not to exceed \$352,531, to increase the amount for the second 12-month renewal term by \$44,258, for a total contract renewal amount not to exceed \$352,530, and to increase performance measures. Funding for the third and fourth renewal terms remains the same, and the total maximum contract amount for all terms will now be \$1,428,159. Funding is available in the amount of \$44,259 in the Fiscal Year 2010-2011 Operating Budget of the Neighborhood Housing and Community Services Office through the Community Development Block Grant (CDBG). The contract period is October 1, 2010 through September 30, 2011. Funding for the renewal options is contingent upon available funding in future budgets.

LAW

12. Approve a settlement in Randall Barnett v. City of Austin, et al., Cause No. GN501931; in the 353rd Judicial District Court of Travis County, Texas.

LIBRARY

13. Approve an ordinance accepting \$2,500 in grant funds from the National Endowment for the Humanities and amending the Fiscal Year 2010-2011 Library Department Operating Budget Special Revenue to appropriate \$2,500 to support library outreach programs. Funding is available from the National Endowment for the Humanities. The grant period is January 1, 2011 through December 31, 2011.

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

14. Approve a resolution authorizing the application for grant funding of up to \$600,000 from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Healthy Homes and Lead Poisoning Prevention program. Funding is available from the U.S. Department of Health and

Human Services Centers for Disease Control and Prevention, Healthy Homes and Lead Poisoning Prevention program, for the grant period July 1, 2011 to June 30, 2014. There is no match requirement.

PLANNING AND DEVELOPMENT REVIEW

15. Approve an ordinance authorizing negotiation and execution of a Managed Growth Agreement with Walton Stacy Development Partners IV, LP Operating Account, for the 5th and Brazos Parking Garage, located at 501 Brazos St.

PUBLIC WORKS

16. Approve an ordinance authorizing execution of an Interlocal Cooperation Agreement between Capital Metropolitan Transportation Authority and the City of Austin regarding construction of bus stops and associated Americans with Disabilities Act pedestrian improvements throughout the City of Austin; accepting funds of \$1,800,000 from Capital Metro; and amending the Fiscal Year 2010-2011 Public Works Department Capital Budget (Ordinance No. 20100913-003) to appropriate \$1,800,000. Funding in the amount of \$1,800,000 will be provided by Capital Metropolitan Transit Authority. Approved by the Capital Metro Board on January 26, 2010.

PURCHASING OFFICE

17. Authorize negotiation and execution of a six-month Interlocal Agreement with the Capital Area Council of Governments (CAPCOG) for aerial laser measurement services and other geographic information systems related data for high-resolution elevation data and contours through an existing contract between CAPCOG and Sanborn Map Company, Inc., in an amount not to exceed \$350,000. Funding in the amount of \$250,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Communication and Technology Management. Funding in the amount of \$100,000 is available in the Fiscal Year 2010-2011 Capital Budget of the Watershed Protection Department. This Interlocal Agreement 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.
18. Authorize award and execution of a 24-month requirements supply contract with REPUBLIC ITS, Grand Prairie, TX, for the purchase of five hundred (500) units of "Battery Backup Uninterrupted Power Supply" system, including the batteries, a 7-year warranty on the electronic components and hardware, and a 5-year warranty on the batteries for an estimated amount not to exceed \$1,596,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Transportation Department. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

TRANSPORTATION

19. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Transportation Department Operating Budget Ordinance No. 201000913-002 to increase parking revenue by \$661,723, and increase expenditures by \$534,033 for 11 full-time equivalent positions and related commodities associated with extended parking meter hours of operation and enforcement. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Transportation Department Parking Management Fund.

20. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Transportation Department Operating Budget Ordinance No. 201000913-002 by \$38,444 for 2.50 full-time equivalent positions and associated commodities related to the voter-approved 2010 General Obligation Bonds and decrease the Transportation Fund Ending Balance by \$38,444. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Transportation Department.

WATERSHED PROTECTION DEPARTMENT

21. Authorize negotiation and execution of an Interlocal Agreement with the University of Texas at Austin (UT) for the time and expertise of UT engineers and staff to conduct data analysis, testing, and particle size analyses of stormwater in a cooperative project with City staff for an initial term of 12-months in the amount of \$15,000, with two 12-month extension options at no additional cost, for a total contract amount not to exceed \$15,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Watershed Protection Department.

ITEM(S) FROM COUNCIL

22. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
23. Approve a resolution amending the City's Legislative Program for the 82nd Texas Legislature to support, House Bill 1677, authored by Representative Eddie Rodriguez. (Mayor Pro Tem Mike Martinez and Mayor Lee Leffingwell)
24. Approve a resolution directing the City Manager to explore parking options for the South Congress area and adjacent neighborhoods, including the creation of a Parking Benefits District, Residential Permit Parking districts, and the application of Residential Permit Parking within Vertical Mixed Use districts, and report back to council within 90 days; and initiate a code amendment related to Residential Permit Parking within Vertical Mixed Use districts. (Council Member Chris Riley and Council Member William Spelman)
25. Approve a resolution directing the City Manager to create a Leadership Committee on Supportive Housing Strategy. (Council Member Sheryl Cole, Council Member Chris Riley and Council Member Randi Shade)
26. Approve a resolution recognizing the contributions of the Waller Creek Citizen Advisory Committee in relation to the construction and development of the Waller Creek Tunnel Redevelopment Project, the City Council's adoption of the Waller Creek District Master Plan, and repealing Resolution 20070412-015, as amended. (Council Member Sheryl Cole, Mayor Lee Leffingwell Council and Member Randi Shade)
27. Approve the waiver of certain fees under City Code Chapter 14-8 for the Central Texas St. Patrick's Day Parade Benefiting the St. Baldrick's Foundation, sponsored by the Austin Fire Department, which is to be held on Saturday, March 12, 2011 beginning at South First Street and Barton Springs Road and ending at 214 West 4th Street. (Mayor Lee Leffingwell and Council Member Chris Riley)

ITEM(S) TO SET PUBLIC HEARING(S)

28. Set a public hearing in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code to consider using portions of dedicated parkland known as Town Lake - Holly Shores Park for purposes of accessing, constructing, maintaining, repairing and replacing a storm drain line and related appurtenances in connection with the Lady Bird Lake/East 4th Street Drainage Improvements (CIP ID 5789.028). The portions of the parkland to be used are (a) approximately 2,325 square feet for a permanent storm drain

line, and (b) approximately 5,125 square feet for a temporary access and workspace area. (Suggested date and time: April 7, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

29. Set a public hearing and consider an ordinance on the local standards of care for the Parks and Recreation Department's Children Recreation Program for 2011. (Suggested date and time: March 24th, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Parks and Recreation Board.

MORNING BRIEFINGS

30. Enterprise Asset Management Strategy Implementation Proposal
31. Solid Waste Services Long Term Recycling Services Contract

EXECUTIVE SESSION

32. Discuss legal issues related to a Texas Open Meetings Act complaint, associated requests made under the Public Information Act, and the retention of records. (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
33. Discuss legal issues related to Cause No. D-1-GV-08-002666; City of Austin v. Magnum Tunneling, L.L.C., et. al; in the District Court, 201st Judicial District, Travis County, Texas. (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS (PUBLIC HEARINGS AND POSSIBLE ACTION)

- 34 PH. C14-2010-0197 - 600 W. 13th 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 600 W. 13th 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/Agent: The William B & Celia G. Mange Company, L.L.C. (William Mange). City Staff: Clark Patterson, 974-7691.
- 35 PH. C14-2010-0205 - 5501 La Crosse Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5501-5617 La Crosse Avenue (Slaughter Creek Watershed - Barton Springs Zone) from community commercial - conditional overlay (GR-CO) combining district zoning to community commercial - conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial - conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial - conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Owner/Applicant: Circle C Land, LP (Erin D. Pickens). Agent: Metcalfe Williams, LLP (Michele Rogerson Lynch). City Staff: Wendy Rhoades, 974-7719.
- 36 PH. C14H-2009-0026 - Byrne-Reed House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1410 Rio Grande Street (Shoal Creek Watershed) from general office (GO) district zoning to general office - historic landmark

(GO-H) combining district zoning. Staff Recommendation: To grant general office - historic landmark (GO-H) combining district zoning. Historic Landmark Commission Recommendation: To grant general office - historic landmark (GO-H) combining district zoning. Planning Commission Recommendation: To grant general office - historic landmark (GO-H) combining district zoning. Applicant: Humanities Texas; Ken Johnson, Clayton and Little, Architects, agent. City Staff: Steve Sadowsky, 974-6454.

- 37 PH. C14H-2010-0022 - Bones-Stokes House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1107 W. 9th Street (Shoal Creek 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 deny family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To deny family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To deny family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Albert Percival, III and Kevin "Chuck" Hughes, owners. City Staff: Steve Sadowsky, 974-6454.
- 38 PH. C14H-2010-0038 - Goyne-Norris House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1208 Hackberry Street (Boggy Creek 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. Applicant: William Fleece, owner. City Staff: Steve Sadowsky, 974-6454.
- 39 PH. C14H-2010-0040 - Paulson-Sing House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1705 Willow Street (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 deny 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. Applicant: Raul Hernandez, owner; Suzanne Deaderick, agent. City Staff: Steve Sadowsky, 974-6454.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

- 40 PH. Conduct a Public Hearing regarding ONCOR's proposal to increase customer electric rates.
- 41 PH. Conduct a public hearing and consider a resolution to endorse the Imagine Austin Plan Framework and forward the Plan Framework and the Imagine Austin Preferred Growth Scenario to working groups for development of the Imagine Austin Comprehensive Plan. Recommended by Planning Commission.