



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 21, 2011**

Invocation: Rev. George Clark, Mt. Zion Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 21, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 a.m.

CONSENT AGENDA

Action was taken on the consent agenda but was reconsidered later in the meeting. See below.

DISCUSSION ITEM

22. Authorize award, negotiation and execution of Amendment No. 10 to a contract with IBM Corporation, Cleveland, OH, to increase the contract amount for the purchase of software, billing and related services for the City's utilities in an amount not to exceed \$4,600,000 for a revised total estimated contract amount not to exceed \$57,339,728. Recommended by the Electric Utility Commission.
- The motion authorizing the award, negotiation and execution of amendment number ten to a contract with IBM Corporation was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

CONSENT AGENDA

A motion to approve the original consent agenda was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

A motion to reconsider the consent agenda was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

The motion to approve the original consent agenda minus Item 50 was approved as follows. (Item 50 was heard after the related Executive Session item.)

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 special called meeting of April 5, 2011, regular meeting of April 7, 2011 and special called meeting of April 12, 2011.

The minutes from the special called meeting of April 5, 2011, regular Council meeting of April 7, 2011 and special called meeting of April 12, 2011 were approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Authorize negotiation and execution of an agreement with Brushy Creek Municipal Utility District (Brushy Creek) for the provision of out-of-district temporary water service to the Round Rock Independent School District school site adjacent to Brushy Creek's southern boundary.
The motion authorizing the negotiation and execution of an agreement with Brushy Creek Municipal Utility District was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
4. Authorize negotiation and execution of a contract with the Village of San Leanna for the provision of interim out-of-district water service to Emergency Services District #5.
The motion authorizing the negotiation and execution of a contract with the Village of San Leanna was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
5. Approve an ordinance amending Section 13-1-184 of the City Code to require that a heli-facility maintain insurance for claims arising from operation of the facility.
Ordinance No. 20110421-005 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
6. Authorize execution of a construction contract with FORSYTHE BROTHERS INFRASTRUCTURE, LLC, Austin, TX, for the Hornsby Bend Biosolids Management Facility Water Infiltration Remediation 2011 project in the amount of \$400,000 plus a contingency of \$20,000, for a total contract amount not to exceed \$420,000.
The motion authorizing the execution of a construction contract with Forsythe Brothers Infrastructure, LLC was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
7. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC. (MBE/MH-87.70%), Lago Vista, TX for the Central Business District Alleys Water & Wastewater Rehabilitation project in the amount of \$2,233,098.00 plus a \$223,309.00 contingency, for a total contract amount not to exceed \$2,456,407.00.
The motion authorizing the execution of a construction contract with Austin Underground, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
8. Authorize execution of change order #9 to the construction contract with T. MORALES COMPANY ELECTRIC AND CONTROLS, LTD, (MBE/FH - 49.33%), Florence, Texas, for Walnut Creek Wastewater Treatment Plant Electrical Distribution Improvements, Phase 2 in the amount of \$905,000 for a total contract amount not to exceed \$21,858,932.
The motion authorizing the execution of change order number nine to the construction contract with T. Morales Company Electric and Controls, LTD was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
9. Authorize execution of change order #4 to the construction contract with MCLEAN CONSTRUCTION, LTD, Killeen, TX, for the Blunn Creek - Long Bow Storm Drain Improvements in the amount of \$200,000, for a total contract amount not to exceed \$3,368,446.40.

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

10. Authorize negotiation and execution of professional services agreement with the following 10 staff recommended firms or one of the other qualified responders to RFQ Solicitation No. CLMP058A: LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX; FREESE AND NICHOLS, INC., Austin, TX; WESTON SOLUTIONS, INC., Austin, TX; KURKJIAN ENGINEERING CORPORATION (MBE/FH), Austin, TX; OTHON, INC., CONSULTING ENGINEERS, Austin, TX; MWM DESIGN GROUP (MBE/FH), Austin, TX; S&B INFRASTRUCTURE, LTD., Austin, TX; KELLOGG BROWN & ROOT SERVICES, INC., Austin, TX; VICKREY & ASSOCIATES, INC. (WBE/FW), Austin, TX; and BURY + PARTNERS, Austin, TX for professional engineering services for the 2011 Small Diameter Water and Wastewater Pipeline Engineering Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$5,000,000 divided among the 10 firms.

The motion authorizing the negotiation and execution of professional services agreements with the following ten staff recommended firms: Lockwood, Andrews & Newnam, Inc.; Freese and Nichols, Inc.; Weston Solutions, Inc.; Kurkjian Engineering Corporation; Othon, Inc., Consulting Engineers; MWM Design Group; S&B Infrastructure, LTD; Kellogg Brown & Root Services, Inc.; Vickrey & Associates, Inc.; and Bury + Partners was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

11. Authorize negotiation and execution of a professional services agreement with the following four staff recommended firms: HDR ENGINEERING, INC., Austin, TX; KIMLEY-HORN AND ASSOCIATES, INC., Irving, TX; WILBUR SMITH ASSOCIATES, INC., Austin, TX; and URS CORPORATION, Austin, TX or other qualified responders to RFQ Solicitation No. CLMP078, to provide professional engineering design services for Transportation Corridor Studies, a 2010 MOBILITY BOND PROJECT, in an amount not to exceed \$1,930,000.00.

The motion authorizing the negotiation and execution of a professional services agreement with the following four staff recommended firms: HDR Engineering, Inc.; Kimley-Horn and Associates, Inc.; Wilbur Smith Associates, Inc. and URS Corporation was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 12 and 13 were pulled for discussion.

14. Authorize negotiation and execution of an Amendment Number 8 to a contract with WATERLOO COUNSELING CENTER, INC., to increase funding for Ryan White HIV/AIDS Program Part A Grant services in an amount not to exceed \$15,000 for a total contract amount not to exceed \$117,211, for the period March 1, 2011 through February 29, 2012.

The motion authorizing the negotiation and execution of an amendment number eight to a contract with Waterloo Counseling Center, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

15. Authorize the negotiation and execution of a 48-month lease renewal for 4,900 square feet of space for the Downtown Austin Community Court, located at 719-721 E. 6th Street, Austin, Texas from GEORGE H. AND DOMINIQUE DREYFUS, in an amount not to exceed \$480,124 for the renewal term.

The motion authorizing the negotiation and execution of a lease renewal with George H. and Dominique Dreyfus was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

16. Authorize the negotiation and execution of a 36-month lease renewal for 1,000 square feet of office warehouse space for the Environmental Resource Management Division of the Watershed Protection

Department, located at 720 Bastrop Highway, Suite 218, Austin, Texas from BASTROP BUSINESS PARK, LP, in an amount not to exceed \$30,600.

The motion authorizing the negotiation and execution of a lease renewal with Bastrop Business Park, LP was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

17. Approve a resolution consenting to special legislation that would create the Southeast Travis County Municipal Utility District Nos. 1 through 4, consisting of approximately 1,604 acres of land located on Pearce Lane west of Wolf Lane, so long as certain provisions are included in the legislation creating the districts.

Resolution No. 20110421-017 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

18. Approve a resolution authorizing the application for \$415,562 in grant funding from the Texas Department of Motor Vehicles, Texas Automobile Burglary and Theft Prevention Authority, to implement the Austin Police Department project entitled APD Auto Burglary and Theft Interdiction Project.

Resolution No. 20110421-018 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

19. Approve a resolution authorizing the acceptance of \$70,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled APD ARRA VAWA - Assistance to Female Victims of Human Trafficking and Sexual Assault. Related to Item #20.

Resolution No. 20110421-019 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

20. Approve an ordinance accepting \$70,000 in grant funds from the State of Texas, Office of Governor, Criminal Justice Division; and amending the Fiscal Year 2010-2011 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$70,000 for the Austin Police Department project entitled Assistance to Female Victims of Human Trafficking and Sexual Assault. Related to Item #19.

Ordinance No. 20110421-020 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

21. Approve a resolution authorizing payment to TRAVIS COUNTY in the amount of \$175,000 for participation in a Capital Area Pavement Engineering Council (CAPEC) engineering consultant study to develop a new pavement design procedure

Resolution No. 20110421-021 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 22 was pulled for discussion.

23. Authorize award and execution of a 36-month requirements supply contract with FLUID METER SERVICE, Austin, TX for the supply of repair parts for Hersey water meters for the Austin Water Utility in an amount not to exceed \$180,000, with three 12-month extension options in amounts not to exceed \$60,000 per extension option, for a total agreement amount not to exceed \$360,000.

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

24. Authorize award and execution of a contract with PURE TECHNOLOGIES US, INC., Columbia, MD for leak detection services for the Austin Water Utility in an amount not to exceed \$60,000. Pure Technologies US, Inc. is the sole source provider for these services.
The motion authorizing the award and execution of a contract with Pure Technologies US, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
25. Authorize award and execution of a 36-month requirements supply contract with TECHLINE PIPE, LP, Austin, TX for the supply of 24" and 32" manhole cover casting sets for the Austin Water Utility in an amount not to exceed \$331,067.25, with three 12-month extension options in an amount not to exceed \$110,355.75 per extension option, for a total agreement amount not to exceed \$662,134.50.
The motion authorizing the award and execution of a requirements supply contract with Techline Pipe, LP was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
26. Authorize award and execution of a 36-month requirements supply contract with MICHIGAN TUBE SWAGERS & FABRICATORS, INC., Temperance, MI for the purchase of stackable chairs in an amount not to exceed \$993,280.
The motion authorizing the award and execution of a requirements supply contract with Michigan Tube Swagers & Fabricators, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
27. Authorize award and execution of Amendment No. 6 to a contract with PROTECTION ONE, INC., Austin, TX, for monitoring, maintenance and repair of Security/Fire alarm systems for the Austin Public Library, to exercise the first extension option in an estimated not to exceed \$46,051.32, with one additional extension option in an estimated amount not to exceed \$46,051.32, for a revised total estimated contract amount not to exceed \$186,839.98.
The motion authorizing the award and execution of amendment number six to a contract with Protection One, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
28. Authorize award and execution of Amendment No. 4 to a contract with QAS LTD., Boston, MA, for software maintenance and support for the Municipal Court's Quick Address software, to exercise the third extension option in an amount not to exceed \$13,630, with three additional extension options in amounts not to exceed \$14,311.50 for the fourth extension option, \$15,027.08 for the fifth extension option, and \$15,778.43 for the sixth extension option, for a revised total contract amount not to exceed \$100,110.15.
The motion authorizing the award and execution of amendment number four to a contract with QAS LTD. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
29. Authorize award and execution of Amendment No. 2 to a contract with TRACSYSTEMS, INC., Addison, TX, for maintenance and support of TracSystems hardware that allows Austin Public Library patrons internet and printing access, to extend the contract for one 12-month period in an amount not to exceed \$18,546.75, with two additional 12-month extension options in an amount not to exceed \$18,546.75 per extension option, for a revised total contract amount not to exceed \$92,733.75.
The motion authorizing the award and execution of amendment number two to a contract with TracSystems, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
30. Authorize award and execution of Amendment No. 2 to a contract with TRACSYSTEMS, INC., Addison, TX, for maintenance and support for Pharos software that allows Austin Public Library patrons internet and printing access, to extend the contract for one 12-month period in an amount not to exceed

\$11,067.88, with two additional 12-month extension options in an amount not to exceed \$11,067.88 per extension option, for a revised total contract amount not to exceed \$55,339.40.

The motion authorizing the award and execution of amendment number two to a contract with TracSystems, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 31 was pulled for discussion.

32. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with NATIONAL BUS SALES AND LEASING, INC., Marietta, GA, for the purchase of eleven passenger shuttle buses for use at Austin-Bergstrom International Airport in an amount not to exceed \$1,097,297.60.

The motion authorizing the award and execution of a contract through the Houston-Galveston area Council of Governments Cooperative Purchasing Program (HGAC) with National Bus Sales and Leasing, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

33. Authorize award and execution of a 36-month requirements service contract with TEXAN WASTE EQUIPMENT, INC. dba HEIL OF TEXAS., San Antonio, TX to provide repair parts and services for Heil refuse collection bodies in an estimated amount not to exceed \$1,456,000, with three 12-month extension options in amounts not to exceed \$691,200 for the first extension option, \$829,440 for the second extension option, and \$995,328 for the third extension option, for a total estimated contract amount not to exceed \$3,971,968. Heil of Texas is the single source provider for these parts and services.

The motion authorizing the award and execution of a requirements service contract with Texan Waste Equipment, Inc. doing business as Heil of Texas was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

34. Authorize award and execution of Amendment No. 8 to a contract with EMANCIPET, INC., Austin TX, to increase the contract amount for additional mobile spay/neuter services for low-income residents of Austin in estimated amount not to exceed \$153,000 for the first extension option, \$316,000 for the second extension option, and \$431,000 for the third extension option, for a revised total estimated contract amount not to exceed \$2,786,013.

The motion authorizing the award and execution of amendment number eight to a contract with Emancipet, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

35. Authorize award and execution of a 36-month requirements service contract with MEC ASSOCIATES OF AUSTIN LLP, dba MEC ASC/PRO MED SOUTH, Austin, TX for medical x-ray services in an estimated amount not to exceed \$105,750, with three 12-month extension options in an estimated amount not to exceed \$35,250 per extension option, for a total estimated contract amount not to exceed \$211,500.

The motion authorizing the award and execution of a requirements service contract with MEC Associates of Austin LLP, doing business as MEC ASC/PRO Med South, was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

36. Authorize award, negotiation, and execution of a Professional Services contract with RON RAKICH AND ASSOCIATES, INC., Dana Point, CA for the evaluation of the City of Austin's ROCIP (Rolling Owner Controlled Insurance Program) in an estimated contract amount not-to-exceed \$74,800.00.

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

37. Authorize award and execution of a 36-month requirements supply contract for the acquisition, cataloging, and processing of spoken word audio books on compact disk for the Austin Public Library

with MIDWEST TAPE, LLC, Holland, OH, ; BAKER & TAYLOR, Charlotte, NC; INGRAM LIBRARY SERVICES, INC., La Vergne, TN., in an estimated amount not to exceed \$375,000 with three 12-month extension options in an estimated amount not to exceed \$125,000 per extension option, for a total estimated agreement amount not to exceed \$750,000.

The motion authorizing the award and execution of a requirements supply contract with Midwest Tape, LLC; Baker & Taylor and Ingram Library Services, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

38. Authorize award and execution of Amendment No. 1 of a 5-year professional service contract with BRUXELLES, INC., dba INLINGUA LANGUAGE SERVICES, Austin, TX, for funding of years 3 through 5 for translation services for the Municipal Court in an amount not to exceed \$29,580 per year, with three 12-month extension options in an estimated amount not to exceed \$29,580 per extension option, for a revised total estimated contract amount estimated not to exceed \$236,640.

The motion authorizing the award and execution of amendment number one of a professional service contract with Bruxelles, Inc., doing business as Inlingua Language Services, was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

39. Authorize award, negotiation, and execution of a 3-year requirements service contract with LOVE TENNIS COMPANY, Austin, Texas or with the other qualified respondent to RFQS CB30001, for management and operation of the Caswell Tennis Center, in an amount not to exceed \$126,000, with two 3-year extension options in an estimated amount not to exceed \$126,000 per extension period, for a total estimated contract amount not to exceed \$378,000.

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

40. Authorize award, negotiation, and execution of a 3-year requirements service contract with ELLERY MCLANAHAN TENNIS INC., Austin, TX or with the other qualified respondent to RFQS CB30001, for management and operation of the Pharr Tennis Center, in an amount not to exceed \$130,500 with two 3-year extension options in an estimated amount not to exceed \$130,500 per option, for a total estimated contract amount not to exceed \$391,500.

This item was withdrawn on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

41. Authorize award and execution of Amendment No. 4 of a services contract with RIPPNER TENNIS COMPANY, Austin, TX, to exercise the first of two 36-month extension options for management and operation of the South Austin Tennis Center in an estimated amount not to exceed \$117,000, with one 36-month extension option in the estimated amount not to exceed \$153,000, for a revised total estimated contract amount not to exceed \$427,614.52.

The motion authorizing the award and execution of amendment number four of a services contract with Rippner Tennis Company was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

42. Authorize award and execution of a 36-month requirements supply contract with SAGELINE INC., dba GEORGETOWN FARM SUPPLY, Georgetown, TX to provide wood shavings and horse feed in an estimated amount not to exceed \$88,376, with three 12-month extension options in estimated amounts not to exceed \$38,706 for the first extension option, \$44,512 for the second extension option, and \$51,189 for the third extension option, for a total estimated contract amount not to exceed \$222,783.

The motion authorizing the award and execution of a requirements supply contract with Sageline Inc. doing business as Georgetown Farm Supply was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

43. Authorize award and execution of a 60-month service contract through the State of Texas Department of Information Resources (DIR) with XEROX CORPORATION, Austin, TX for the lease of multi-function document imaging machines and managed services in an estimated amount not to exceed \$2,530,226.10.
The motion authorizing the award and execution of a service contract through the State of Texas Department of Information Resources (DIR) with Xerox Corporation was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 44 was pulled for discussion.

45. Authorize the negotiation and execution of an Interlocal Agreement with the Capital Metropolitan Transportation Authority (CMTA) to accept \$50,000 from CMTA for participation in a Traffic Study for the Guadalupe and Lavaca Corridor for evaluation of advance signalization - Phase 1; and approve an ordinance amending the Fiscal Year 2010-2011 Austin Transportation Department Capital Budget (Ordinance No. 20100913-003) to appropriate \$50,000.
The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority (CMTA) and adopting Ordinance No. 20110421-045 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
46. Approve an ordinance amending Chapter 13-2 of the City Code to adopt regulations for the operation of Pedi-cabs.
This item was postponed on consent to April 28, 2011 on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
47. Approve an ordinance amending Chapter 13-2 of the City Code to adopt regulations for the operation of Electric Low Speed Vehicles for Hire.
This item was withdrawn on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
48. 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 Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Intergovernmental Bodies

Board/Nominee

Nominated by

Central Health Board of Managers
 Lynne Hudson

Council

49. Approve an ordinance amending Ordinance No. 920711-D, as amended by Ordinance Nos. 960627-I, 960905-E, and 010215-52, to extend the waiver of development fees for projects located in Sub-districts 1 and 2 of the East 11th Street Neighborhood Conservation Combining District (Notes: SPONSOR: Council Member Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Mike Martinez)
Ordinance No. 20110421-049 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 50 was pulled to be heard after the related Executive Session item.

51. Approve a resolution in support of local earthquake and tsunami relief efforts as identified by the Human Rights Commission on March 28, 2011. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley)

Resolution No. 20110421-051 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

52. Approve a resolution directing the City Manager to present departmental data on key performance measurements, strategic business planning issues, and near-term core objectives to City Council committees in March of each year. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Laura Morrison)

Resolution No. 20110421-052 was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

53. Authorize negotiation of an Interlocal Agreement with Travis County for the promotion and implementation of Zero Waste; direct the City Manager to bring the Interlocal Agreement back to Council for authorization of execution after review by the Solid Waste Advisory Commission. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman CO 2: Council Member Sheryl Cole)

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

54. Authorize the reimbursement of certain fees and waive certain requirements for the Zavala Elementary Easter Egg Hunt sponsored by Sigma Lambda Gamma National Sorority, Inc., which was held on Wednesday, April 13, 2011 at Zavala Elementary School and the Oswaldo A. B. Cantu Pan American Recreation Center. (Notes: SPONSOR: Mayor Pro Tem Mike Martinez CO 1: Council Member Sheryl Cole CO 2: Council Member Laura Morrison)

The motion authorizing the reimbursement of certain fees and waive certain requirements for the Zavala Elementary Easter Egg Hunt sponsored by Sigma Lambda Gamma National Sorority, Inc. was approved on consent on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

55. Set a Public Hearing to consider an ordinance amending Chapter 25-2 of the City Code to (1) allow the City Council or the Land Use Commission to initiate a single zoning case for multiple non-contiguous properties if those have interim zoning or are unzoned, and (2) waive zoning application fees for one year from the time of annexation for properties where the interim zoning does not permit the existing use. (Suggested date and time: June 9, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 9, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

56. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner's agent, Mr. Jim Bennett, to allow development of an addition to a single-family residence at 1505 Parkway, which is in the 25-year and 100-year floodplains of Shoal Creek. (Suggested date and time: April 28, 2011, 4:00 p.m., at Crockett High School Performing Arts Center, 5601 Manchaca Road, Austin, TX)

The public hearing was set on consent for April 28, 2011 at 4:00 p.m., Crockett High School Performing Arts Center at 5601 Manchaca Road, Austin, TX on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 57 through 59 were Executive Session items.

Items 60 through 63 were zoning items set for 2:00 p.m.

DISCUSSION ITEMS CONTINUED

2. Approve an ordinance amending Chapter 6-7 of the City Code relating to Energy Conservation Audit and Disclosure requirements. Recommended by the Electric Utility Commission. Not recommended by the Resource Management Commission.
Ordinance No. 20110421-002 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to work with the stakeholders in developing the rule for disclosure under section 6-7-22 and to include in the notice of non-compliance to multi-family property owners information regarding who to contact if the owner believes there was an error in the audit.

Items 12, 13 and 31 were acted on in a combined motion

12. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Contractual Obligations in the amount of \$5,135,000 related to the purchase of police sedans and related equipment. Related to Items # 13 and 31.
Resolution No. 20110421-012 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
13. Approve an ordinance amending the Fiscal Year 2010-2011 Fleet Services Capital Budget (Ordinance No. 20100913-003) to appropriate \$4,580,000 for the purchase of police vehicles; and amending the Fiscal Year 2010-2011 Communications and Technology Management Capital Budget (Ordinance No. 20100913-003) to appropriate \$555,000 for the purchase and installation of police vehicle equipment. Related to Items # 12 and 31.
Ordinance No. 20110421-013 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
31. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 176 police patrol sedans in an amount not to exceed \$4,417,986.32. Related to Items # 12 and 13.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, LTD was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
44. Authorize the negotiation and /or execution of a long-term contract for handling the City's Single-Stream Recycling solely with Balcones Resources, solely with Texas Disposal Systems, or a combination of the two companies.
A motion to authorize the City Manager to execute a master recycling services agreement with Balcones Resources and a service schedule for recycling the City's single stream recyclables with Balcones Resources, including an award of 60% of the City's recyclables for the first three years, guaranteeing an average monthly minimum of 2,000 short tons per month was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to bring the new transition site for Balcones Resources back to Council for approval no later than June 23, 2011.

A motion to authorize the City Manager to finalize negotiations of a master recycling services agreement and service schedule for recycling the City's single stream recyclables with Texas Disposal Systems in a form substantially similar to that executed with Balcones Resources, to include an award of up to 40% of the city's recyclables, and to bring the final agreed Service Schedule back to Council on April 28, 2011 for authorization to execute was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Kunda Wiccee - Natural resource management

Walter Olenick - Water fluoridation

Heather Fazio - City issues

Babs K. Warren - Radiation and the poisoning of our food and water

Aleithia Artemis - Psycho killer cops and impossible to make a complaint

Jose Acosta - East side art studios **Not present when name was called.**

Ronnie Reefersseed - Peace, freedom, fluoride and Japan

Darcy Bloom - Water fluoridation

Kirk Smith- TBD

Philip Koske - Neighborhood issues

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:43 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.

57. Discuss legal issues related to a Texas Open Meetings Act complaint, associated requests made under the Public Information Act, the retention of records, and a complaint filed under the City's ethics provisions. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
58. Discuss legal issues relating to a proposed settlement regarding Docket No. 30966, pending before the Public Utility Commission of Texas. (private consultation with legal counsel pursuant to Section 551.071 of the Govt. Code).
59. Evaluate the performance of and consider the compensation and benefits for the Municipal Court Clerk (personnel matters Section 551.074). Related to Item #50.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:09p.m.

DISCUSSION ITEMS CONTINUED

50. Approve an ordinance relating to the compensation and benefits for the Municipal Court Clerk. Related to Item #59. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Randi Shade CO 2: Mayor Pro Tem Mike Martinez)
This item was withdrawn without objection.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

60. NPA-2010-0021.02 - Parker Lane - 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 1406-1506 Parker Lane (Town Lake Watershed) from Single Family to Higher-Density Single Family land use. Staff Recommendation: Case was withdrawn at the request of the applicant. Planning Commission Recommendation: Case was withdrawn at the request of the applicant. Applicants/Owners: J. Ryan Diepenbrock, Michael Hackett, and Bryant Colman. Agent: J. Ryan Diepenbrock. City Staff: Maureen Meredith, 974-2695.
This item was withdrawn from the agenda on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 5-0 vote. Council Members Shade and Spelman were off the dais.
61. C14-2010-0140 - Parker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406-1506 Parker Lane from family residence - neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence - conditional overlay - neighborhood plan (SF-6-CO-NP) combining district zoning. Staff Recommendation: Case was withdrawn at the request of the applicant. Planning Commission Recommendation: Case was withdrawn at the request of the applicant. Applicant: Ryan Diepenbrock. Agent: Ryan Diepenbrock. City Staff: Stephen Rye 974-7604.
This item was withdrawn from the agenda on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 5-0 vote. Council Members Shade and Spelman were off the dais.
62. C14-2011-0014 - Heritage Oak Hill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8922 Manchaca Road (Slaughter Creek Watershed) from development reserve (DR) district zoning to multi-family residence - low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence - low density (MF-2) district zoning with conditions. Zoning and Platting Commission Recommendation: To be reviewed on May 3, 2011. Owner/Applicant: Cuong D. Tran. Agent: Bury & Partners, Inc. (Melissa M. Neslund). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to May 12, 2011 at the staff's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 5-0 vote. Council Members Shade and Spelman were off the dais.
63. 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 June 9, 2011 at the owner's request on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 5-0 vote. Council Members Shade and Spelman were off the dais.

Mayor Leffingwell adjourned the meeting at 4:12 p.m. without objection.

LIVE MUSIC

Alexander Khoury

PROCLAMATIONS

Certificate of Appreciation -- Austin's Tree Champions -- to be presented by Council Member Randi Shade and to be accepted by Tree Community representatives

Certificates of Congratulations -- Environmental Awareness Award Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- National Infant Immunization Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Coleen Christian

Proclamation -- Austin Symphony Orchestra's 100th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Pat Harris

Proclamation -- CDBG Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Betsy Spencer

Proclamation -- River City Youth Foundation Annual Youth Recognition -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Mona Gonzales and RCYF students

The minutes for the Regular Meeting of April 21, 2011 were approved on this the 28th day of April 2011 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.