

A U S T I N C I T Y C O U N C I L

AGENDA



REVISED

Thursday, June 09, 2011

The Austin City Council will convene at 10:00 AM on
Thursday, June 09, 2011 at Austin City Hall
301 W. Second Street, Austin, TX



Mayor Lee Leffingwell
Mayor Pro Tem Mike Martinez
Council Member Chris Riley, Place 1
Council Member Randi Shade, Place 3
Council Member Laura Morrison, Place 4
Council Member William Spelman, Place 5
Council Member Sheryl Cole, Place 6

For meeting information, contact the City Clerk, 974-2210

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a “competitive matter” of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

Reading and Action on Consent Agenda

Action on the Following:

Ordinances / Resolutions / Motions -

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

9:55 AM – Invocation

10:00 AM – City Council Convenes

Consent

Approval of Minutes

1. Approve the minutes of the Austin City Council special called meeting of May 24, 2011 and regular meeting of May 26, 2011.

Austin Energy

2. Approve an ordinance authorizing acceptance of \$55,000 in grant funds from the American Public Power Association (APPA); amending the Fiscal Year 2010-2011 Austin Energy Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate such grant funds; and authorize execution of a “Demonstration of Energy-Efficient Development Grant Agreement” with APPA for the development of a software tool and user’s manual to address power factor through energy efficiency, in an amount not to exceed \$55,000. The grant period is from June 10, 2011 to September 30, 2011.

Contract and Land Management

3. Authorize negotiation and execution of an amendment to the professional services agreement with the following six firms: URS CORPORATION, Austin, TX; INTERA, INC., Austin, TX; SHAW ENVIRONMENTAL CONSULTANTS, INC., Austin, TX; TRC ENVIRONMENTAL CORPORATION, Austin, TX; WESTON SOLUTIONS, INC., Austin, TX; AMEC GEOMATRIX, INC., Austin, TX. to provide environmental and engineering services for the Environmental Services Rotation List 2010-2012 for the years 2011 through 2012 or until available funding authorization is expended, in the amount of \$3,600,000 in additional authorization, for a total not to exceed amount of \$7,200,000. Each firm will be allocated \$600,000 of this additional authorization.
4. Authorize negotiation and execution of an amendment to the professional services

agreement with the following two firms: HALFF ASSOCIATES, INC., and ATKINS NORTH AMERICA, INC., Austin, TX; for the Floodplain Modeling and Mapping Engineering Services Rotation List for various Capital Improvement Projects for an estimated period of three years or until financial authorization is expended, in the amount of \$1,000,000 in additional authorization, for a total not to exceed amount of \$3,000,000.

Economic Growth and Redevelopment Services

5. Authorize negotiation and executions of agreements between the City of Austin, CJUF II Stratus Block 21 LLC and Capital Area Statues, Inc. relating to the donation and installation of a figurative Bronze sculpture of Willie Nelson to be located at 200 Lavaca Street, Austin, Texas.
6. Authorize negotiation and execution of a commission agreement with Brad Goldberg dba Brad J. Goldberg, Inc. for the Betty Dunkerley Campus Art in Public Places project in an amount not to exceed \$150,000.
7. Authorize negotiation and execution of a one year professional services agreement with Padgett, Stratemann & Co., LLP, Austin for third party review of the Chapter 380 Agreements compliance agreements for an amount not to exceed \$70,000 with four additional twelve month options for a total contract amount not to exceed \$350,000.
8. Approve a resolution authorizing the City Manager to create a Texas non-profit entity to apply for and receive new market tax credits and to perform other duties necessary to carry out the purposes of the new market tax credit program.
9. Discussion regarding Formula One Management's selection of Austin as the location for the Formula 1 United States Grand Prix; City participation in the Major Events Trust Fund to support the event; and other related matters.

Health and Human Services

10. Authorize negotiation and execution of an amendment to a contract with THEATRE ACTION PROJECT for juvenile crime prevention services provided to the 78744 Youth of Promise Initiative Community Youth Development Program in an amount not to exceed \$7,575, for a total contract amount not to exceed \$81,700 for the period September 1, 2010 through August 31, 2011, and for a total contract amount not to exceed \$163,575.

Law

11. Approve a settlement in State Farm Lloyds as Subrogee of Don Rip Miller II, Don Rip Miller II, and Lee Ann Miller vs. City of Austin - Austin Energy Company; Cause No. D-1-GN-09-001061, in the 261st Judicial District Court of Travis County, Texas.
12. Authorize negotiation and execution of a legal services agreement with Andrews Kurth, LLP for legal advice and representation relating to processing of eminent domain cases, for a total contract amount not to exceed \$75,000.
13. Authorize negotiation and execution of a legal services agreement with Andrews Kurth,

LLP for legal advice and representation relating to development of the Boardwalk, for a total contract amount not to exceed \$75,000.

14. Presentation, discussion and possible adjustments to staff draft districting plans.

Parks and Recreation

15. Approve an ordinance accepting \$10,000 in grant funds from the National Recreation and Parks Association; and amending the Fiscal Year 2010-2011 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$10,000 for the Parks and Recreation Department's Summer Food Program.

Planning and Development Review

16. Approve a resolution authorizing the issuance by Travis County Municipal Utility District No. 10, formerly known as Point Venture II Municipal Utility District ("District"), of Combination Unlimited Tax and Revenue Bonds, Series 2011, in an amount not to exceed \$1,150,000, and approving a substantial draft of the District's Bond Resolution and the Preliminary Official Statement.

Purchasing Office

17. Authorize award and execution of a 12-month requirements supply contract with JAE GROUP, INC., Austin, TX for the purchase of topsoil and sandy loam for Austin Energy in an estimated amount not to exceed \$14,940, with four 12-month extension options in an estimated amount not to exceed \$14,940 per extension option, for a total estimated contract amount not to exceed \$74,700.
18. Authorize award and execution of a 12-month service contract with USA ENVIRONMENTAL, LP, Houston, TX for the de-scaling of solids contact clarifier mechanisms at Ullrich Water Treatment Plant for the Austin Water Utility in an amount not to exceed \$170,340, with two 12-month extension options in amounts not to exceed \$128,240 and \$112,145 per extension option, for a total agreement amount not to exceed \$410,725.
19. Authorize award and execution of Amendment No. 5 to the contract with BARRY CLARK & ASSOCIATES, INC., Roanoke, TX AND CAMPBELL-HILL AVIATION GROUP LLC Alexandria, VA, for air service market evaluation and development for the Aviation Department in an amount not to exceed \$100,000, and increase the remaining two extension options in an amount not to exceed \$100,000 per extension option, for a revised total contract amount not to exceed \$1,262,500.
20. Authorize award and execution of Amendment No. 3 to a contract with COMMUNICATION SERVICES FOR THE DEAF, Austin, TX for sign language interpretative services to add an additional \$10,000 to the third 12-month period of the initial 36-month contract, with three additional 12-month extension options in an amount not to exceed \$58,000 per extension option, for a total contract amount not to exceed \$332,999.
21. Authorize award and execution of Amendment No. 1 to a contract with EQUIPMENT

DEPOT LTD, Pflugerville, TX for repairs and parts for New Holland tractors to provide funding in the amount not to exceed \$46,350 per year for the second and third 12-month periods of the initial 36-month contract, and two additional 12-month extension options in an amount not to exceed \$46,350 per extension option, for a revised total contract amount not to exceed \$231,750.

22. Authorize award and execution of Amendment No. 1 to a contract with DESSER TIRE AND RUBBER COMPANY, Montebello, CA for passenger boarding bridge tires to exercise the first 12-month extension option in an estimated amount not to exceed \$36,000 and to add an additional 12-month extension option in an estimated amount not to exceed \$36,000, for a revised total estimated contract amount not to exceed \$180,000.
23. Authorize award, negotiation, and execution of a 24-month requirements services contract with PUBLIC ACCESS COMMUNITY TELEVISION, Austin, TX, or one of the other qualified offerors to RFP No. JSD0104, to provide public access television and community media management services in an estimated amount not to exceed \$900,000, with two 12-month extension options in an estimated amount not to exceed \$450,000 per extension option, for a total estimated contract amount not to exceed \$1,800,000.
24. Authorize execution of a 24-month service agreement with CENTRAL TEXAS WATER MAINTENANCE, LLC, Buda, Texas, for identification and documentation services of hardware in re-irrigation ponds for the Watershed Protection Department in a total contract amount not to exceed \$176,469.87.
25. Authorize an administrative increase to a contract with AXIMA AIRPORT SERVICES (SDF), INC., Louisville, KY for SICK equipment parts, warranty, and telephone support to provide funding in the amount not to exceed \$50,000 for the third 12-month period of the initial 36-month contract, with three additional 12-month extension options in an estimated amount not to exceed \$50,000, for a revised total estimated contract amount not to exceed \$300,000.
26. Authorize award and execution of a 4-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with COOPER EQUIPMENT COMPANY, San Antonio, TX. for the rental of heavy-duty road-repair equipment in an estimated amount not to exceed \$49,600 with two 12-month extension options in an estimated amount not to exceed \$97,960 for the first extension option and \$136,896 for the second extension option, for a total estimated contract amount not to exceed \$284,456.
27. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with CHASTANG FORD, Houston, TX, for the purchase of one non-walk-in rescue truck for the Austin Police Department in an amount not to exceed \$103,650.
28. Authorize award and execution of a 36-month requirements service contract with L D TEBBEN CO., INC. Austin, TX, or one of the other qualified bidders for IFB-BV No. PAX0206, for roofing maintenance and repair services in an estimated amount not to exceed \$3,057,600, with three 12-month extension options in estimated amounts not to exceed \$1,451,520 for the first extension option, \$1,741,824 for the second extension option, and \$2,090,188 for the third extension option, for a total estimated contract

amount not to exceed \$8,341,132.

29. Authorize award and execution of Amendment No. 2 to the contract with ALTURA COMMUNICATION SOLUTIONS, LLC, Plymouth, MN for Plantronics headsets and accessories to exercise the second extension option in the amount of \$45,000 with three additional 12-month extension options in an amount not to exceed \$45,000 per option, for a total contract amount not to exceed \$270,000.
30. Authorize award, negotiation, and execution of a 12-month requirements supply contract with CENTRAL TEXAS COMMERCIAL AIR, Austin, TX for the rental of temporary, portable, utility plant systems for Austin Energy in an amount not to exceed \$500,000, with four 12-month extension options in an estimated amount not to exceed \$500,000 per extension option, for a total estimated contract amount not to exceed \$2,500,000.
31. Authorize award and execution of a 36-month requirements supply contract with SERGIO INCHAUREGUI dba INCH'S TOOLING AND MACHINING, Loomis, CA to provide gun mounts and accessories in an estimated amount not to exceed \$390,000, with three 12-month extension options in an estimated amount not to exceed \$130,000 per extension option, for a total estimated contract amount not to exceed \$780,000.
32. Authorize award and execution of Amendment No. 4 to the 12-month requirements service contract with EFFECTIVE ENVIRONMENTAL, INC., Mesquite, TX; USA ENVIRONMENT, LP, New Braunfels, TX; TAS ENVIRONMENTAL SERVICES, LP, Fort Worth, TX; and EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, LLC, Cisco, TX, for soil remediation and equipment decontamination services for Austin Energy, to increase the current amount of the contract in an estimated not to exceed \$500,000 each and combined, for a revised estimated contract amount not to exceed \$4,500,000 each and combined.
33. Authorize award and execution of Amendment No. 5 to a contract with 360TRAINING.COM, INC., Austin, TX for the purchase of North American Electric Reliability Corporation (NERC) certification web based training for Austin Energy's Energy Control Center (ECC) and Energy Marketing Operations (EMO) to exercise the third 12-month extension option in an estimated not to exceed \$13,899.28 with one additional 12-month extension option in an estimated amount not to exceed \$14,000, for a revised total estimated contract amount not to exceed \$70,303.12.
34. Authorize award and execution of Amendment No. 2 to the contract with TRICO TOWER SERVICES, INC., Houston, TX, for radio tower maintenance and repair services to exercise the second extension option in the amount of \$45,000 with three additional 12-month extension options in an amount not to exceed \$45,000 per option, for a total contract amount not to exceed \$270,000.
35. Authorize award and execution of a contract with ENTECH SALES AND SERVICE, Austin, TX, to replace and upgrade the existing Building Automation System in the Austin Police Department Headquarters and Patrol Buildings in an estimated amount not to exceed \$160,810.
36. Authorize award and execution of Amendment 1 to a 15-year lease agreement with the LOWER COLORADO RIVER AUTHORITY, Austin, TX, for radio equipment

tower space in an estimated amount not to exceed \$12,973 for the 8th year lease fee, and the authorization to make actual annual lease payments as appropriate for the remaining seven years of the original fifteen year term, with two 5-year extension options in an estimated amount not to exceed \$90,000 for the first extension option and \$105,000 for the second extension option, for a total estimated contract amount not to exceed \$395,000.

Telecommunications and Regulatory Affairs

37. Approve first reading of an ordinance granting a franchise agreement to Bluebonnet Electric Cooperative for use of the City's rights of way for placing facilities or equipment to provide electric utility services within its certificated area.

Item(s) from Council

38. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
39. Approve an ordinance amending Chapter 9-2 of the City Code relating to noise from refrigerated vehicles.
(Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison)
40. Approve a resolution establishing a sister city relationship between the City of Austin and the City of Angers, France.
(Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Randi Shade)
41. Approve a resolution regarding parkland and parking in the vicinity of the Palmer Events Center and the Long Center.
(Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison)
42. Approve a resolution supporting H.R. 1746, the Community Access Preservation Act.
(Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)
43. Approve a resolution establishing the Committee on Geographic Representation to gather public input and provide council with recommendations regarding proposed districting plans.
(Notes: SPONSOR: Council Member Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)

Item(s) to Set Public Hearing(s)

44. Set a public hearing to receive citizen comments on the City's Draft Fiscal Year 2011-2012 Action Plan, as required by the United States Department of Housing and Urban Development, and the Community Development 2011-2012 Program as required by Texas Local Government Code Chapter 373. (Suggested date and time: June 23, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.).

Non-Consent

12:00 PM - Citizen Communications: General

Carolannrose Kennedy - KENNEDY BRAIN SCAN...RESULTS iN: CONFIRMATION DIAGNOSIS retARTe.d. (erectile dysfunction)

Paul Robbins - City issues

Debbie Fleming - Norwood Dog Park

Dr. Laura Pressley - Fluoride

Ronnie Reefersed - Peace, freedom, and fluoride

Sandra Martin - Social service contracts

John Ford - Why Councilmember's need four to stop fluoride in water

Ariana Barr - Norwood Dog Park

Kathryn Vann - Norwood Dog Park closure

Laura Cox - Why does City Hall continue to allow fluoride in our drinking water to poison us

Executive Session

45. Discuss legal issues related to Open Meetings Act complaint, associated requests made under the Public Information Act, the retention of records and financial disclosure (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
46. Discuss legal issues relating to districting and proposed city charter amendments (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
47. Discuss legal issues related to a construction contract claim by City of Austin against MW Builders, Inc., concerning the ABIA parking garage (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
48. Discuss legal issues related to City Council-appointed city employees (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

2:00 PM - Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

49. NPA-2011-0025.01 – 6804 Covered Bridge Drive – Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill 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 6804 Covered Bridge Drive (Williamson Creek Watershed) from Higher

Density Single Family and Mixed Use to Multifamily land use. Staff Recommendation: To grant the FLUM change to Multifamily. Planning Commission Recommendation: To be heard June 14, 2011. Applicant/Owner: Covered Bridge Assisted Living, L.P. Agent: A. Ron Thrower. City Staff: Maureen Meredith, 974-2695.

50. C814-96-0003.09 – Pioneer Crossing PUD Amendment #9 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2405 East Yager Lane (Harris Branch Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant the PUD amendment. Zoning and Platting Commission Recommendation: To grant the PUD amendment. Owner/Applicant: City of Austin/Austin Energy Public Involvement & Property (Sonny Poole). City Staff: Sherri Sirwaitis, 974-3057.
51. C14-2011-0032 – Time Warner Cable Hub - K Station – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 801 ½ South 1st Street from unzoned (UNZ) district zoning to single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning. Staff Recommendation: To grant single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning. Applicant: Texas School for the Deaf (Gary Bego). Agent: Axiom Engineers, Inc. (Nicole Folta Findeisen). City Staff: Stephen Rye, 974-7604.
52. C14-2011-0023 –1601 Cedar Bend Drive – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Cedar Bend Drive (Walnut Creek Watershed) from rural residence (RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on June 7, 2011. Owner/Applicant: Jack Cearley. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Sherri Sirwaitis, 974-3057.
53. C14-2011-0022 – Toungeate 6 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13653 Rutledge Spur (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Owner/Applicant: Mark Toungeate. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
54. C14-2010-0200 – Lankford/Schirpik-5 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13635 and 13641 Rutledge Spur (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining

district zoning with conditions. Owner/Applicant: Janice Lankford, Frank Schirpik. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

55. 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.

4:00 PM - Public Hearings and Possible Actions

56. Conduct a public hearing and 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 properties have interim zoning or are unzoned, and (2) waive zoning application fees for one year from the time of annexation for certain properties where the interim zoning does not permit the existing use.
57. Conduct a public hearing to receive citizen input and consider approving an ordinance regarding the proposed street name change of EAST 48th 1/2 STREET to GENE JOHNSON STREET.
58. Conduct a public hearing and consider an ordinance to add the North Lamar Neighborhood Planning Area to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code.
59. Conduct a public hearing and consider an ordinance amending the map indicating areas with additional regulations applying to Mobile Food Establishments to include the Summit Oaks Neighborhood Association, in accordance with Section 25-2-812 of the City Code.

5:30 PM - Live Music

Mike Milligan

5:30 PM - Proclamations

Certificates of Congratulations -- Small Business Development Program Business Success Class Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- Men's Health Month -- to be presented by Mayor Lee Leffingwell and to be accepted by representatives from Urology Austin

Certificate of Congratulations -- LBJ Student Newspaper Staff for national award -- to be presented by Council Member Randi Shade and to be accepted by the honorees


Certificate of Appreciation -- Casis Leadership Students -- to be presented by Council Member Randi Shade and to be accepted by the honorees

Distinguished Service Award (retirement) -- Randy Moreno, Fire Department -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by the honoree

Proclamation -- Barr Mansion Reopening -- to be presented by Council Member Laura Morrison and to be accepted by Melanie McAfee

Adjourn

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance please call 974-2210 OR 974-2445 TDD.*

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.