

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

## AGENDA



### **Thursday, August 04, 2011**

The Austin City Council will convene at 10:00 AM on  
Thursday, August 04, 2011 at Austin City Hall  
301 W. Second Street, Austin, TX



**Mayor Lee Leffingwell**  
**Mayor Pro Tem Sheryl Cole**  
**Council Member Chris Riley, Place 1**  
**Council Member Mike Martinez, Place 2**  
**Council Member Kathie Tovo, Place 3**  
**Council Member Laura Morrison, Place 4**  
**Council Member William Spelman, Place 5**

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**

Fr. Isidore Ndagizimana, Pastor, St. Albert the Great Catholic Church

## **10:00 AM – City Council Convenes**

### **Consent**

### **Approval of Minutes**

1. Approve the minutes of the Austin City Council work session of July 26, 2011, budget work session of July 27, 2011, and regular meeting of July 28, 2011.

### **Austin Energy**

2. Approve issuance of a rebate to CJUF II STRATUS BLOCK 21 LLC for the installation of energy efficient equipment in an amount not to exceed \$63,475.
3. Approve the issuance of a Letter of Intent for a rebate to LENNAR HOMES, Austin, TX, for the installation of solar energy systems designed to serve 12 new construction residential homes in the BRADSHAW CROSSING, COLORADO CROSSING, and STONEY RIDGE CROSSING SUBDIVISIONS, for a total amount not to exceed \$120,000.
4. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the fee simple acquisition of a 12.62-acre tract of land out of Lot 4, Block H, Interport Planned Development, Travis County, Texas, located on Fallwell Lane, Austin, Texas, from New Interport, Ltd., a Texas Limited Partnership, to increase the land buffer and to support the planned expansion of Austin Energy's Sand Hill Energy Center in an amount not to exceed \$998,000.

### **Contract and Land Management**

5. Authorize execution of a construction contract with PIATRA INC. (WBE/FW - 81.66%), Austin, TX for Austin Energy's Mueller Substation Security Enclosure in an

amount not to exceed \$199,897.50.

### **Economic Growth and Redevelopment Services**

6. Approve a resolution nominating Gila, LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act"). The qualifying project consists of a renovation and expansion of its new facility located at 8325 Tuscany Way, Building 4, Austin, Texas.

### **Law**

7. Authorize the negotiation and execution of amendment to the outside counsel contract with Thompson & Knight, LLP for legal services relating to the redevelopment of the Green Water Treatment Plant property, in the amount of \$75,000, for a total contract amount of \$267,000.
8. Approve an Ordinance amending City Code Chapters 12-4, 25-1, and 25-2 to correct typographical errors.
9. Approve a settlement in Dominic Chavez et al v. City of Austin et al. Cause No. D-1-GN-11-001063, In the 419th Judicial District Court of Travis County, Texas; and - to effectuate the settlement - approve an Ordinance amending City Code Chapter 11-1 relating to partial exemptions from ad valorem taxes for Historic Landmarks, and approve changes to the application form for historic property tax exemptions.
10. Authorize the negotiation and execution of an amendment to the legal services agreement Andrews Kurth, L.L.P., Austin, TX, to provide legal services related to the City's Minority-Owned Business Enterprise Program (MBE/WBE), to increase funding in the amount of \$100,000, for a total contract amount not to exceed \$200,000. Partial funding of \$50,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Small & Minority Business Resources Department. Funding for the remaining contract term is contingent upon available funding in future fiscal years.

### **Office of Real Estate Services**

11. Approve a resolution authorizing the filing of eminent domain proceedings for the Group 11 Phase 2 Southeast Residential Collector Streets Project for 736 square feet of land for a permanent drainage easement, situated in the Santiago Del Valle Grant, and being a portion of Lot 1, Block A, Douglas Landing Subdivision, a subdivision according to the Plat of Record in Volume 102, Pages 188-189 of the Plat Records of Travis County, Texas, in the amount of \$1,095. The owners of the needed property interests are DOUGLAS STREET LANDINGS, LTD., A TEXAS LIMITED PARTNERSHIP. The property is located at 2347 Douglas Street, Austin, Travis County, Texas.

### **Planning and Development Review**

12. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with CRVI Loop 360 LP, for the 16.24 acre tract located at 2500 Walsh Tarlton, known as the Tarlton 360 Townhomes site plan, SPC-2010-0071C.MGA, to

extend the time for which the approved site plan can be constructed. Related to Item #48.

#### **Purchasing Office**

13. Authorize award and execution of a 12-month requirements supply contract with S&C ELECTRIC COMPANY, Chicago, IL for the purchase of circuit switchers for Austin Energy in an estimated amount not to exceed \$798,085, with four 12-month extension options in an estimated amount not to exceed \$798,085 per extension option, for a total estimated contract amount not to exceed \$3,990,425.
14. Authorize award, negotiation, and execution of a 28-month professional services agreement with GATEWAY PLANNING GROUP, Fort Worth, TX, to provide planning and implementation services related to the Sustainable Communities Analytical Tool in an amount not to exceed \$83,040.
15. Authorize award, negotiation, and execution of a contract with ELECTRONIC DATA INC. (EDI), St. Petersburg, FL for the Phase II implementation of Maximo software, including technical and training services, as the EnterpriseAsset Management (EAM) System for the Department of Aviation in an amount not to exceed \$319,500. EDI is the single source provider for these services.
16. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with MOTOROLA SOLUTIONS, INC. for hardware and related services, support, and training to replace the 9-1-1 recording system at the Combined Transportation Emergency Communications Center in an amount not to exceed \$864,286.
17. Authorize award and execution of a 12-month requirements service contract with ABB, INC., Raleigh, NC for support and maintenance of Austin Energy's STATCOM System in an estimated amount not to exceed \$100,000, with four 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$500,000.
18. Authorize award, negotiate, and execution of a 1-year revenue concession contract with BRIGHT BLUE MARKETING INCORPORATED DBA BRIGHT BLUE COMBO PLATTER, Austin, TX, for the City of Austin Annual Holiday Festival with five 12-month extension options.
19. Approve the ratification of a contract with ALFRED CONHAGEN, INC., OF TEXAS, La Marque, TX, to rebuild a water circulating pump at Austin Energy's Sand Hill Energy Center in an estimated amount not to exceed \$86,790.

#### **Item(s) from Council**

20. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
21. Approve a resolution directing the City Manager to develop a city ordinance providing a comprehensive phase-out of single-use retail plastic bags offered at retail checkouts within the city limits.

( Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Memeber Mike Martinez CO 2: Council Member Chris Riley )

22. Approve a resolution directing the City Manager to work with residents of the East Cesar Chavez Neighborhood to pursue recognition of the Tejano Healthy Walking and Tejano Music Legends Trails as a National Recreational Trail by the United States Secretary of the Interior  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Laura Morrison )
23. Approve a resolution recognizing the National Association of City Transportation Officials' Urban Bikeway Design Guide as a resource for guidance on the development of bicycle facilities in Austin.  
( Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez )
24. Approve a resolution directing the City Manager to work with City staff and community stakeholders and to recommend to Council amendments to the Code of Ordinances and the City's National Wildlife Federation Community Wildlife Habitat program in order to resolve conflicts that exist between the provisions of the Code and the program.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell )
25. Approve a resolution directing the City Manager to transmit copies of this resolution supporting federal legislation to regulate conditions for egg laying hens to federal officials.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison )
26. Approve a resolution directing the City Manager to identify options and related costs for administration of a May 2012 city election.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole )
27. Approve a resolution directing the City Manager and Austin Energy General Manager to report back to Council on the strategy related to reaching adopted policy goals for solar generation in Austin.  
( Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Lee Leffingwell )
28. Approve a resolution establishing the Charter Revision Committee to gather public input and provide council with recommendations regarding proposed charter amendments and districting plans.  
( Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell )
29. Approve a resolution initiating amendments to City Code Title 25 and Chapter 11-1 and directing the City Manager to develop an ordinance, make recommendations, and take other actions relating to the City's historic preservation program.
30. Approve a resolution directing the City Manager to delay implementation of Ordinance

20110303-025 as it pertains to extended parking meter hours in the area bounded by Lady Bird Lake, IH-35, 10th Street and Lamar Boulevard until January 1, 2012, and to conduct a public process to allow stakeholders the opportunity to provide input and express concerns regarding extended parking meter hours in this area.

31. Approve the waiver of closure notice and deadline requirements under City Code Chapter 14-8 that allow objection to the closure of right-of-way; approve the waiver of certain other fees relating to right-of-way events under City Code Chapter 14-8; and authorize payment of certain costs for the City co-sponsored Austin Bat Fest and Night of the Bat event which is to be held on August 27, 2011, at the Ann Richards Bridge on Congress Avenue.  
( Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley  
CO 2: Council Member Mike Martinez )

#### **Item(s) to Set Public Hearing(s)**

32. Set a Public Hearing to receive public comment on the City of Austin Fiscal Year 2011-2012 Proposed Budget. (Suggested date and time: September 1, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
33. Set a public hearing to consider an appeal submitted by event promoter David Grice, president of Raceworks, Inc. of a decision by the Director of the Transportation Department denying a street closure application because of the proposed route for the Susan G. Komen Race for the Cure event scheduled for Sunday, November 13, 2011. (Suggested dated and time: August 18, 2011, 4:00p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

#### **Non-Consent**

##### **10:30 AM - Morning Briefings**

34. AE Quarterly Briefing

##### **12:00 PM - Citizen Communications: General**

Max Rangel - Education

Angelica Noyola - Funding for the social enterprise building at Southwest Key programs

Ronnie Reeferseed - Peace, freedom, fluoride and the spasm of war

Ora Houston - Responsiveness of City staff to the citizens of Austin

Valerie Joiner - Funding a social enterprise building

Paul Robbins - City issues

Jennifer Reed - Plastic bags

Heather Fazio - Airport security

John Bush - City issues

Carmen Tyler - Tree permit for 4808 Balcones Drive

### **Executive Session**

35. Discuss legal issues related to No. 10-0316; City of Austin, Petitioner v. Harry M. Whittington, et al., Respondents; In the Supreme Court of Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
36. Discuss legal issues related to an 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).
37. Discuss legal issues relating to districting, proposed city charter amendments, and election legislation (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
38. Discuss legal issues in Nathaniel Sanders, Sr., Individually and As Heir to the Estate of Nathaniel Sanders II, and Yulonda Sanders, Individually, and As Heir to the Estate of Nathaniel Sanders II. v. Leonardo Quintana; In the United States District Court, for the Western District of Texas - Austin Division; Case No. A 09 CA 426 SS and Sir Smith v. Leonardo Quintana and City of Austin, Case No. A-10-CA-778-SS; in the U.S. District Court for the Western District of Texas - Austin Division. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
39. Discuss legal issues related to Dominic Chavez, Alfred Stanley, and Michael Levy v. City of Austin and City Council Members, Lee Leffingwell, Mayor, Chris Riley, Place 1, Mike Martinez, Place 2, Mayor Pro Tem, Randi Shade, Place 3, Laura Morrison, Place 4, Bill Spelman, Place 5, and Sheryl Cole, Place 6. Cause No. D-1-GN-11-001063, In the 419th Judicial District Court of Travis County, Texas. (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)**

40. C14-04-0022.01 – North University NCCD Amendment – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by amending ordinance number 040826-58, the North University Neighborhood Conservation Combining District (NCCD) bounded by 38th Street to the north, San Jacinto Boulevard and 27th Street to the south, Guadalupe Street to the west and Duval Street to the east (Waller Creek Watershed, Boggy Creek Watershed, Shoal Creek Watershed) to change certain conditions of zoning. Staff Recommendation: To amend the North University Neighborhood Conservation Combining District (NCCD) to change certain conditions of zoning. Planning Commission Recommendation: To amend the North University Neighborhood Conservation Combining District (NCCD) to change certain conditions of zoning. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Clark Patterson, 974-7691.

41. C14-2011-0031 – Pour House Pub – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6701 Burnet Road (Shoal Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Applicant: Spiritual Urban Warrior, L.L.C. (Andrew Creixell). Agent: McLean & Howard, L.L.P. (Jeff Howard). City Staff: Clark Patterson, 974-7691.
42. C14-2011-0055 – Kessler Zoning Change – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 and 12504 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Owner/Applicant: Illan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.
43. C14-2011-0060 – West Gibson Commercial – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 West Gibson Street (East Bouldin Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Applicant: SC Investors, LLC. (Peter Barlin). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye, 974-7604.
44. C814-2008-0136.01 – North Austin Medical Centre Planned Unit Development Amendment #1 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12221 North Mo-Pac Expressway Northbound and 2311-2511 Park Bend Drive (Walnut Creek 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 1st amendment of the North Austin Medical Centre PUD. Zoning and Platting Commission Recommendation: To be reviewed on August 2, 2011. Owner/Applicant: St. David's Healthcare Partnership L.P., LLP (Malcolm Bellsie). Agent: City of Austin-Parks and Recreation Department (Chris Yanez), Coats Rose Yale Ryman & Lee, P.C. (John M. Joseph). Staff: Sherri Sirwaitis, 974-3057.
45. C14-2011-0043 – 753 Montopolis – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally



known as 753 Montopolis Drive (Country Club East Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Owner/Applicant: Babubhai Mohammad. Agent: Rafiq B. Mohammad. City Staff: Stephen Rye, 974-7604.

46. C14-2011-0049 – Pioneer Hill – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900-10324 Dessau Road (Lake Creek Watershed) from traditional neighborhood district (TND) zoning to multi-family residence-limited density (MF-1) district zoning for Tract 1, townhouse and condominium residence (SF-6) district zoning for Tract 2, multi-family residence-medium density (MF-3) district zoning for Tract 3, community commercial (GR) district zoning for Tract 4, and limited industrial (LI) district zoning for Tracts 5A and 5B. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. Owner/Applicant: Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier), Estate of Fred Morse (Scott Morse). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

### **3:00 PM - Austin Housing and Finance Corporation Meeting)**

47. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at <https://austin.siretechnologies.com/sirepub/mtgviewer.aspx?meetid=115&doctype=AGENDA>)

### **4:00 PM - Public Hearings and Possible Actions**

48. Conduct a public hearing to consider appeals by CRVI LOOP 360 LP (David Armbrust, Armbrust and Brown, PLLC) and South Beecave Woods Neighborhood Association (Lynn Harrison-David, Chair) of the Land Use Commission's (Zoning and Platting Commission) decision to approve a Hill Country Roadway Site Plan application with waivers for Tarlton 360 Townhomes, SPC-2010-0071C.MGA. The project is

located at 2500-2530 Walsh Tarlton. Related to Item #12.

49. Conduct a public hearing and consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to modify requirements for open space (C20-2010-020).
50. Conduct a public hearing relating to the proposed assessments on the Public Improvement District for the Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane).
51. Conduct a public hearing relating to the proposed assessments on the Public Improvement District for the Indian Hills Area (approximately 234 acres in Travis County west of SH130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road).

### **5:30 PM - Live Music**

Bill Baird

### **5:30 PM - Proclamations**


Proclamation -- World Breastfeeding Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Donna Sundstrom


Distinguished Service Award (retirement) -- Clarke Hammond -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Amala Foundation's Global Youth Peace Summit -- to be presented by Council Member Kathie Tovo and to be accepted by Vanessa Stone

Proclamation -- Texas Campaign for the Environment's 20th Anniversary -- to be presented by Council Member Laura Morrison and to be accepted by Robin Schneider

### **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.