

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

## AGENDA



### AUSTIN CITY COUNCIL WORK SESSION

Tuesday, April 10, 2012

The Austin City Council will convene at 9:00 AM on  
Tuesday, April 10, 2012 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.**

**9:00 AM – City Council Convenes**

A. Executive Session

A.1 Discuss legal issues relating to electric utility revenue regulation and decoupling.

B. Briefings

B.1 NONE SUBMITTED.

C. Pre-Selected Agenda Items

C.1 NONE SUBMITTED.

D. Council Items of Interest

D.1 NONE SUBMITTED.

Regular Agenda

**Approval of Minutes**

1. Approve the minutes of the Austin City Council special work session of March 27, 2012, work session of April 3, 2012, special work session of April 3, 2012 and regular meeting of April 5, 2012.

**Austin Water Utility**

2. Approve an ordinance regarding the revised rates and tariff proposed by Aqua Texas, Inc. in its Statement of Intent dated December 21, 2011 for water

service provided to its customers in two areas within the City of Austin known as Rivercrest and Morningside.

### **Contract Management**

3. Authorize execution of a construction contract with CS ADVANTAGE USAA, Inc., for roof replacement at Austin Energy's Town Lake Center facility, in the amount of \$598,000 plus a \$89,700 contingency, for a total contract amount not to exceed \$687,700.  
( Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 1.67% MBE and 11.54% WBE subcontractor participation. )
4. Authorize execution of a construction contract with ZACHRY CONSTRUCTION CORPORATION, for the Waller Creek Tunnel's Waller Beach Site Improvements Outlet Facility Project in the amount of \$13,162,313 plus a \$350,000 contingency, for a total contract amount not to exceed \$13,512,313.  
( Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 10.76% MBE and 1.55% WBE subcontractor participation. )
5. Authorize negotiation and execution of an amendment to the professional services agreement with CDM SMITH, INC., for engineering services for the Austin-Bergstrom International Airport (ABIA) Stormwater Drainage Master Plan Update project in the amount of \$115,000, for a total contract amount not to exceed \$668,000.  
( Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 18.47% MBE and 10.67% WBE sub-consultant participation to date. )
6. Authorize execution of change order #6 to the construction contract with BARECKY CONSTRUCTION COMPANY, for the Emergency Medical Station No. 33 in the amount of \$104,000, for a total contract amount not to exceed \$2,040,125.  
( Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 0.15% MBE and 11.41% WBE subcontractor participation to date. )

### **Law**

7. Authorize the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP, to provide legal services related to the

City's Minority-Owned/ Women-Owned Business Enterprise Program (MBE/WBE), to increase funding in the amount of \$115,000 for a total contract amount not to exceed \$315,000.

## **Police**

8. Approve a resolution to apply for and accept \$74,986 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled APD Central Records Project. Related to Item #9.
9. Approve an ordinance accepting \$74,986 in grant funds from the State of Texas, Office of Governor, Criminal Justice Division; and amending the Fiscal Year 2011-2012 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$74,986 for the Police Department project entitled APD Central Records Project. Related to Item #8.

## **Public Works**

10. Authorize negotiation and execution of an agreement between the City of Austin and AboveNet Communications, Inc. (AboveNet) for the relocation of existing AboveNet fiber optic lines in connection with roadway/intersection improvements within the State Highway 71 (East) at Riverside Road Project (CSJ: 0113-13-149) in the amount of \$94,893.56 plus an \$18,978.71 contingency, for a total contract amount not to exceed \$113,872.27.

## **Purchasing Office**

11. Authorize award and execution of a 60-month requirements service contract with ENTECH SALES & SERVICE INC., to provide maintenance and repair services for the security control systems for the Austin Police Department in an estimated amount not to exceed \$87,748 with five 12-month extension options in estimated amounts not to exceed \$16,149 for the first extension option, \$16,957 for the second extension option, \$17,805 for the third extension option, \$18,695 for the fourth extension option, and \$19,630 for the fifth extension option, for a total estimated contract amount not to exceed \$176,984.  
( Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. )
12. Authorize award, negotiation, and execution of a 12-month requirements service contract with BICKMORE RISK SERVICES, or one of the other qualified offerors to RFP No. JSD0109Rebid for the workers' compensation

third party administrator claims management audit services for the City of Austin in an estimated amount not to exceed \$48,130 with three 12-month extension options in an estimated amount not to exceed \$48,130 for the first extension option, \$50,562 for the second extension option, and \$50,562 for the third extension option, for a total estimated contract amount not to exceed \$197,384.

( Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

13. Authorize award and execution of a 12-month requirements service contract with AUS-TEX PRINTING & MAILING, INC. for printing of the PowerPlus newsletter for Austin Energy in an estimated amount not to exceed \$74,736, with two 12-month extension options in an estimated amount not to exceed \$74,736 per extension option, for a total estimated contract amount not to exceed \$224,208.

( Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

14. Authorize award and execution of a 36-month requirements service contract with ARTHUR W. BELL dba KIL-A-BUG PROFESSIONAL PEST CONTROL, or one of the other qualified bidders for IFB-BV No. PAX0216, to provide pest and termite control services for various City Departments at various City locations, in an estimated amount not to exceed \$830,700, with three 12-month extension options in an estimated amount not to exceed \$395,280 for the first extension option, \$474,336 for the second extension option, and \$569,203 for the third extension option, for a total estimated contract amount not to exceed \$2,269,519.

( Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

15. Authorize award and execution of a contract with HOWARD INDUSTRIES, INC, for the purchase and installation of two isolation power transformers for Austin Energy in an amount not to exceed \$992,436.

( Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

### **Treasury Office**

16. Approve an ordinance authorizing (i) the replacement of the Letter of Credit

and Reimbursement Agreement between the City of Austin (City) and KBC Bank related to the \$236,300,000 currently outstanding City of Austin, Airport System Variable Rate Revenue Refunding Bonds, Series 2005 with a Letter of Credit and Reimbursement Agreement issued by State Street Bank and Trust Company (State Street), and (ii) all necessary related documents actions, and fees.

**Item(s) from Council**

17. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
18. Authorize the director to issue a street closure permit under City Code Chapter 14-8-3(B)(3) for the VIVA STREETS! event which is to be held on East Sixth Street on May 20, 2012.  
( Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole )
19. Approve execution of a co-sponsorship agreement between the City and Capital Area Statues, Inc. to sponsor the event dedicating the Willie Nelson statue to be held on April 20, 2012.  
( Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez )
20. Approve an ordinance placing a charter amendment on the November 2012 ballot to permit the members of the city council and the city council's appointees to hire and manage their own staffs.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole )
21. Approve an ordinance amending City Code Chapter 13-2 (Ground Transportation Passenger Services) to adopt regulations for the operation of pedicabs.  
( Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman )
22. Approve a resolution directing the City Manager to create and implement a system of street markings designating pedicab staging areas.  
( Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman )
23. Approve a resolution directing the City Manager to prepare and post ordinances for consideration on the April 26, 2012 meeting agenda of the City Council to achieve certain recommendations of the Charter Review Committee regarding expanding the jurisdiction of the Ethics Review Commission to include campaign finance violations, requiring special

reporting of campaign contributions made in the last 9 days before an election, enhancing reporting of independent expenditures in City elections, creating a campaign finance database, enhancing required reporting regarding bundlers of campaign contributions; and creating limits on the amounts of campaign contributions that may be bundled by lobbyists.

( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo )

24. Approve a resolution initiating amendments to the City Code Chapter 25-2 (Zoning) and directing the City Manager to develop a proposed ordinance making outdoor amphitheatres or similar structures a conditional use in all zoning districts, even if an amphitheatre or similar structure is associated with a civic or residential use.

( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo )

25. Approve an ordinance amending the Fiscal Year 2011-2012 schedule of fees, fines, and other charges (Ordinance No. 20110912-0077) for the Renaissance Market Vendor's License Fees.

( Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Kathie Tovo CO 2: Council Member William Spelman )

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

26. Set a public hearing to consider an ordinance amending Title 30 of the City Code related to provisions for the authority of the County Executive for subdivisions in the Travis County extra-territorial jurisdiction (ETJ) (C2O-2010-0016). (Suggested date and time: May 24, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
27. Set a public hearing to receive public comment and consider approval of an ordinance adopting the sixth plan modification to the East 11th and 12th Streets Urban Renewal Plan. (Suggested date and time: April 26, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
28. Set a public hearing to consider an ordinance approving amendments to the Seaholm Power Plant Redevelopment Tax Increment Financing (TIF) #18 Project and Financing Plan. (Suggested date and time: April 26, 2012, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

#### **Non-Consent**

##### **Morning Briefings**

29. Re-entry Roundtable Annual Update.

## **Executive Session**

30. Discuss legal issues related to Open Government matters. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).


## **Public Hearings and Possible Actions**


31. Conduct a public hearing to receive citizen input on a Substantial Amendment to the City's Fiscal Year 2011-2012 Action Plan and the Community Development 2011-2012 Program as required by Texas Local Government Code Chapter 373.
32. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 1 ("MUD") and limited purpose and full purpose annexation of approximately 188 acres.
33. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 2 ("MUD") and limited purpose and full purpose annexation of approximately 475 acres.
34. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 3 ("MUD") and limited purpose and full purpose annexation of approximately 563 acres.
35. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 4 ("MUD") and limited purpose and full purpose annexation of approximately 378 acres.
36. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility Districts 1 ("MUD") and limited purpose and full purpose annexation of approximately 340 acres.
37. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility Districts 2 ("MUD") and limited purpose and full purpose annexation of approximately 557 acres.
38. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility Districts 3 ("MUD") and limited purpose and full purpose annexation of approximately 644 acres.



39. Conduct a public hearing regarding a Strategic Partnership Agreement (“SPA”) between the City of Austin and the Pilot Knob Municipal Utility Districts 4 (“MUD”) and limited purpose and full purpose annexation of approximately 346 acres.
40. Conduct a public hearing regarding a Strategic Partnership Agreement (“SPA”) between the City of Austin and the Pilot Knob Municipal Utility Districts 5 (“MUD”) and limited purpose and full purpose annexation of approximately 327 acres.

## 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.