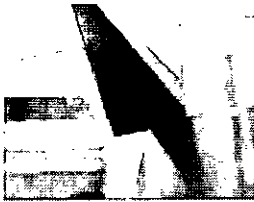


AGENDA



Thursday, February 4, 2010

The Austin City Council will convene at 10:00 AM on
Thursday, February 4, 2010 at Austin City Hall
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK
POSTING: DATE/TIME
2010 JAN 29 PM 3 22



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

Mark Washington, Pastor, Vision of Hope AME Church

10:00 AM -- City Council Convenes

Approval of Minutes

1. Approve the Minutes of the Austin City Council regular meeting of January 14, 2010, special called meeting of January 26, 2010, and regular meeting of January 28, 2010.

Austin Energy

2. Approve an ordinance authorizing acceptance of \$7,492,700 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE), and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$7,492,700 for Energy Conservation Measures to be implemented in City of Austin facilities and the addition of four Full Time Equivalents (FTE) employees for implementing Energy Conservation measures in City of Austin facilities. Funding is available from the Department of Energy (DOE) through the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of December 28, 2009 to December 27, 2012. No match is required. Recommended by the Resource Management Commission and the Electric Utility Commission.
3. Approve a resolution authorizing the City Manager to establish and administer a residential solar rebate program and a performance-based solar incentive program for commercial and multi-family facilities. Recommended by the Resource Management Commission the Electric Utility Commission.
4. Approve ratification of the issuance of 18 letters of intent for rebates to ACERO CONSTRUCTION, Austin, TX, for the installation of solar energy systems designed to serve 18 new construction residential condominiums at 2301 South 5th Street, in the total amount not to exceed \$203,796. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.

5. Approve ratification of the issuance of 31 letters of intent for rebates to FORTIS DEVELOPMENT, Austin, TX, for the installation of solar energy systems designed to serve 31 new construction residential condominiums and three commercial buildings at 904 West Avenue, in the total amount not to exceed \$365,108. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
6. Approve ratification of the issuance of 12 letters of intent in the total amount of \$102,408 and authorize issuance of six additional letters of intent in the total amount of \$44,288 for rebates to PERRY EQUITY PARTNERS, Austin, TX, for the installation of solar energy systems designed to serve 18 new construction homes in the SOL subdivision located at 127 Perry Road, for a total amount not to exceed \$146,696. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
7. Authorize the acquisition of a 2.96 acre permanent electric easement from Sun Communities Texas LP, out of the Alexander Walters Survey Number 67, Abstract Number 791, Travis County, Texas, located on Killingsworth Lane, for construction of the 138 kV Gilleland to Techridge Transmission Line Project, in an amount not to exceed \$80,842.80. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Item #8.
8. Authorize the acquisition of a 6.22 acre permanent electric easement from Sun Secured Financing Houston LP, out of the Alexander Walters Survey Number 67, Abstract Number 791, Travis County, Texas, located on Killingsworth Ln., for construction of the 138 kV Gilleland to Techridge Transmission Line Project, in an amount not to exceed \$160,918.80. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Item #7.

Contract and Land Management

9. Approve a resolution authorizing the filing of eminent domain proceedings for the Waller Creek Tunnel Project to acquire an 11,285 square foot exclusive drainage easement and a 16,461 square foot temporary working space easement, in the amount of \$226,408. The owner of the needed property interest is STENGER REAL ESTATE HOLDINGS, LTD. The property is located at 0 East Avenue. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
10. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY INC., Pflugerville, TX, for the Lady Bird Lake / East 4th Street Storm Drain Improvements project in the amount of \$5,488,396.00 plus a \$548,839.60 contingency, for a total contract amount not to exceed \$6,037,235.60. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Lowest bid of ten (10) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 5.56% MBE and 1.69% WBE subcontractor participation. Use of parkland at Metz Park and Holly Shores recommended by Parks and Recreation Board.

Convention Center

11. Authorize negotiation and execution of an amendment to the professional services agreement with R. Mendoza & Co., PC (MBE/FH) for accounting services, in an amount not to exceed \$90,000, with the option of three extensions at \$50,000 per extension, for a total contract amount not to exceed \$240,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Convention Center Department. 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. However, the prime contractor is certified MBE/FH.

Economic Growth & Redevelopment Services

12. Authorize negotiation and execution of a one-year contract with the Austin Asian American Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$90,000, with four additional twelve-month extension options for a total contract amount not to exceed \$450,000. Funding in the amount of \$90,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. 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. Related to Items #13 and 14.
13. Authorize negotiation and execution of a one-year contract with the Capital City African American Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$90,000, with four additional twelve-month extension options for a total contract amount not to exceed \$450,000. Funding in the amount of \$90,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. 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. Related to Items #12 and 14.
14. Authorize negotiation and execution of a one-year contract with the Greater Austin Hispanic Chamber of Commerce, Austin, TX to provide economic development recruitment and retention services in an amount not to exceed \$98,900, with four additional twelve-month extension options for a total contract amount not to exceed \$494,500. Funding in the amount of \$98,900 is available in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension option is contingent upon available funding in future budgets. 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. Related to Items #12 and 13.

Law

15. Approve an ordinance amending Ordinance No. 20090914-004 to repeal a provision related to a customer utility fee credit in the 2009-2010 fee schedule for Austin Water Utility in accordance with the settlement agreement in the matter of Northwest Austin MUD No. 1, et al. v. City of Austin, et al., No. GN203378 in the District Court of Travis County, Texas. Related to Item #16.
16. Approve an ordinance abolishing Northwest Austin Municipal Utility District No. 1 in accordance with the terms of the settlement agreement approved by Council on January 28, 2010. Related to Item #15.
17. Authorize execution of an amendment to the legal services contract with Robert Icenhauer-Ramirez, Austin, Texas, for representation of Leonardo Quintana 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 and The City Of Austin; In The United States District Court, for the Western District of Texas Austin Division; Case No. A 09 CA 426 SS, for an increase of \$250,000, with a total contract amount not to exceed \$300,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Liability Reserve Fund.

Purchasing Office

18. Authorize award and execution of a 12-month requirements service contract with NORTH HOUSTON POLE LINE L.P., Houston, TX to provide wood pole inspection and treatment services in an estimated amount not to exceed \$216,247, with two 12-month extension options in an estimated amount not to exceed \$216,247 per extension option, for a total estimated contract amount not to exceed \$648,741. Funding in the amount of \$144,165 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
19. Authorize award, negotiation, and execution of a 36-month professional service agreement with COLORADO RIVER WATCH FOUNDATION, INC., Austin, TX to provide water quality monitoring and training for At-Risk youth for the Austin Water Utility and Watershed Protection Department in an amount not to exceed \$818,000, with two 12-month extension options in amounts not to exceed \$295,000 for the first extension option and \$300,000 for the second extension option, for a total contract amount not to exceed \$1,413,000. Funding in the amount of \$124,918 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding in the amount of \$80,582 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9B 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. Recommended by the Water and Wastewater Commission.
20. Authorize award and execution of a contract with MACAULAY CONTROLS COMPANY, Austin, TX, for the purchase of American Sigma portable open-channel flow meters for the Austin Water Utility in an amount not to exceed \$131,054.45. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Sole Source. 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. Recommended by the Water and Wastewater Commission.
21. Authorize award and execution of a contract with MOTION INDUSTRIES, INC., Pflugerville, TX for the purchase of SEW-Eurodrive brand gear boxes for the Austin Water Utility in an amount not to exceed \$89,994.59. Funding in the amount of \$89,994.59 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eight bids received. 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. Recommended by the Water and Wastewater Commission.
22. Authorize award and execution of a 36-month requirements supply contract with VWR INTERNATIONAL, LLC, Suwanee, GA for the purchase of laboratory supplies in an estimated amount not to exceed \$540,000, with three 12-month extension options in an estimated amount not to exceed \$180,000 per extension option, for a total estimated contract amount not to exceed \$1,080,000. Funding in the amount of \$120,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of four bids received. 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. Recommended by the Water and Wastewater Commission.

23. Authorize award and execution of two 36-month requirements service contract with PRINTMAILPRO, Austin, TX and PRINT LOGICS, Austin, TX for flat sheet printing services in an estimated combined amount not to exceed \$1,530,000, with three 12-month extension options in an estimated combined amount not to exceed \$510,000 per extension option, for a total estimated combined contract amount not to exceed \$3,060,000. Funding in the amount of \$340,000 is available in the Fiscal Year 2009–2010 Operating Budgets of various City departments. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission and the Electric Utility Commission.
24. Authorize award and execution of a contract through the State of Texas, Comptroller of Public Accounts (CPA) with TOTER INCORPORATED, Statesville, NC for the purchase of residential garbage carts and single-stream recycling carts in an amount not to exceed \$899,763.84. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Solid Waste Services Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Solid Waste Advisory Commission.

Transportation

25. Authorize negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to activate an American Recovery and Reinvestment Act (ARRA) project for the installation of a Dynamic Message Sign (DMS) system at various locations throughout the City; and approve an ordinance accepting \$1,000,000 in grant funds and amending the Fiscal Year 2009-2010 Transportation Department Special Revenue Fund of Ordinance No. 20090914-002 and Capital Budget of Ordinance No. 20090914-003 to transfer and appropriate grant funds. Funding of \$1,000,000 will be provided by the Texas Department of Transportation. Funding of \$50,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Transportation Department to cover the administrative costs as required by the Texas Department of Transportation.

Item(s) from Council

26. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
27. Approve a resolution initiating amendments to City Code Chapter 25-2 (Sign Regulations) to authorize placement of memorial markers in the public right-of-way to honor peace officers killed in the line of duty. (Mayor Lee Leffingwell, Mayor Pro Tem Mike Martinez and Council Member Randi Shade)
28. Approve a resolution authorizing an application for funding to Preserve America in an amount up to \$250,000 in grant funds for an historic survey web tool to assist the City's historic preservation program. (Council Member Laura Morrison, Mayor Lee Leffingwell and Council Member Chris Riley)
29. Approve the waiver of certain fees and requirements for the Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin that will be held Saturday, April 17, 2010 at Waterloo Park. (Council Member Sheryl Cole, Council Member Chris Riley and Council Member Randi Shade)

Item(s) to Set Public Hearing(s)

30. Set a public hearing to consider an ordinance for floodplain variances requested by Mr. Richard Suttle of Armbrust and Brown, LLP, on behalf of Stubb's Austin Restaurant Co., L.C., to validate existing development in the form of various buildings and structures at the existing business known as Stubb's, 801 Red River Street. Portions of the property including areas where unpermitted development has occurred are within the 25-year and 100-year floodplains of Waller Creek. (Suggested date and time: February 11, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) There is no unanticipated fiscal impact.

12:00 PM -- Citizen Communications: General

John Goldstone - ARA 12th street

Tommy Eden - Immediate improvement of major arterials for bicycles

Kenneth Lewis - False arrest and compensation

Gus Peña - City issues

Debbie Bressette - 211 United Way help line

Bruce Kline - Hate crimes

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

- 31 PH. C14-2009-0127 - Austin Woodfin Suite - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7685 Northcross Drive (Shoal Creek Watershed) from community commercial-mixed use (GR-MU) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: Withdrawn by applicant. Applicant: B-H Enterprises (William Hale). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Clark Patterson, 974-7691.
- 32 PH. C14-2009-0149 - 2103 West Slaughter Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2103 West Slaughter Lane (Slaughter Creek Watershed) from single family residence-standard lot (SF-2) district zoning to general office-mixed use (GO-MU) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Owner/Applicant: Shokrollah Delaram. Agent: Sean Hildebrandt. City Staff: Wendy Rhoades, 974-7719.
- 33 PH. C814-01-0114.02 - Comanche Canyon Ranch PUD Amendment #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Comanche Trail at Monte Castillo Parkway (Lake Travis 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 planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant/Owner: Comanche Canyon East Commercial Partners, L.P. (Robert Theriot). Agent: Vision 360 (Brian Birdwell). City Staff: Sherri Sirwaitis, 974-3057.

4:00 PM -- Public Hearings and Possible Actions

- 34 PH. Conduct a public hearing for the full purpose annexation of the Harris Branch Outparcel (approximately 2 acres in eastern Travis County west of Cameron Road approximately one tenth of a mile south of the intersection of Parmer Lane and Cameron Road).
- 35 PH. Conduct a public hearing for the limited purpose annexation of the Moore's Crossing - Linda Vista Area (approximately 34 acres in southern Travis County east of FM 973 at the southeast corner of the intersection of FM 973 and Burleson Road and east of the intersection of FM 973 and Linda Vista Drive).
- 36 PH. Conduct a public hearing for the limited purpose annexation of the Greenshores on Lake Austin and Excess Capacity Area (approximately 161 acres in Travis County north and west of the intersection of Oak Shores and Pearce Road; west of Robbins Road; south of Smoky Ridge; and east of Ski Shores Terrace).
- 37 PH. Conduct a public hearing and consider an amendment to the Land Development Agreement between the City and Austin Independent School District to increase the height regulations for a structure associated with a Performing Arts Center at McCallum High School, located at 5600 Sunshine Drive. Recommended by Planning Commission.


5:30 PM -- Live Music


C.L.U.E.

6:00 PM -- Public Hearings and Possible Actions

- 38 PH. Conduct a public hearing and consider an ordinance amending Chapter 25-8, Subchapter B, Article 1, and Section 6-3-48 of the City Code relating to tree protection. Recommended by Environmental Board, Electric Utility Commission, Urban Forestry Board, and Planning Commission.

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.