

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 29, 2010**

Invocation: Pastor Sam Brannon, Messiah Lutheran Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 29, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

CONSENT AGENDA

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

1. Approve the Minutes of the Austin City Council special called meeting of April 21, 2010 and regular meeting of April 22, 2010.
The minutes from the special called meeting of April 21, 2010 and regular meeting of April 22, 2010 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
2. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 1.449 acre electric easement out of the William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas in the amount of \$38,359. The owner of the needed property interest is Willie Mae Burns. The property is located at 15712 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #3, 4, 5, & 6.
Resolution No. 20100429-002 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
3. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 1.44 acre electric easement out of the William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas in the amount of \$43,760. The owners of the needed property interest are Edna Killian and Earl Brackett. The property is located at 15000 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 4, 5, & 6.
Resolution No. 20100429-003 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
4. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 7.53 acre electric easement out of the

Alexander Walters Survey Number 67, Abstract Number 791, Travis County, Texas) in the amount of \$186,017. The owner of the needed property interest is HM Pfluger Ltd. The property is located at 14300 Immanuel Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2,3, 5, & 6.

Resolution No. 20100429-004 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

5. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 2.69 acre electric easement out of the William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas in the amount of \$69,220. The owner of the needed property interest is Mark A. Szygenda. The property is located at 15403 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 3, 4, & 6.

Resolution No. 20100429-005 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

6. Approve a resolution authorizing the filing of eminent domain proceedings for the construction of the 138 kV Gilleland to Techridge Transmission Line Project to acquire a 3.46 acre electric easement out of William Caldwell Survey Number 66, Abstract Number 162, Travis County, Texas) in the amount of \$109,266. The owners of the needed property interest are Maxine W. Whitehead, Louis G. Whitehead, Jr., Shelly Susan Collins nka Shelly Susan Robinson and Maxine W. Whitehead, individually and as Trustee of the Whitehead By-Pass Trust. The property is located at 15218 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas. Funding is available in the 2009-2010 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission. Related to Items #2, 3, 4 & 5.

Resolution No. 20100429-006 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

7. Approve an ordinance waiving certain provisions of Section 25-9-39(B) of the City Code relating to the expiration date of approval of Service Extension Request No. 2862 for water service to the development known as Heep Ranch located on the southeast corner of Interstate Highway 35 South and FM 1327. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.

Ordinance No. 20100429-007 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

8. Approve an ordinance waiving certain provisions of Section 25-9-39(B) of the City Code relating to the expiration date of approval of Service Extension Request No. 2863 for wastewater service to the development known as Heep Ranch located on the southeast corner of Interstate Highway 35 South and FM 1327. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission.

Ordinance No. 20100429-008 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

9. Authorize the negotiation and execution of an amendment to the existing developer agreement with Wandering Creek Investments, L.P., related to Service Extension Request No. 2502 to extend the expiration date of the developer agreement for cost reimbursement in wastewater system improvements to serve the Wandering Creek Subdivision. No additional fiscal impact to the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of an amendment to the existing developer agreement with Wandering Creek Investments, L.P. related to Service Extension Request No. 2502

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

10. Authorize the negotiation and execution of the fee simple acquisition of Lot 3, Block 1, of BERGSTROM DOWNS NO. 1, locally known as 818 Patton Avenue, from ELOISE E. BURNS for the Airport Noise Mitigation Program, in the amount of \$125,000 for the land and improvements and closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$135,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
The motion authorizing the negotiation and execution of the fee simple acquisition from Eloise E. Burns was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
11. Approve a resolution authorizing the filing of eminent domain proceedings for the Airport at Chesterfield Project to acquire a 17,311 square foot permanent wastewater easement, a 13,067 square foot temporary working space easement, and a 28,945 square foot temporary staging area and material storage site out of 6.65 acres of land, more or less, out of the James P. Wallace League, in the City of Austin, Travis County, Texas, in the amount of \$386,664.00. The owner of the needed property interests is 51st LIVING, LTD. The property is located in Austin, Travis County, Texas in the area bound by W. 51st Street, and West 47th Street to the north and south and by Rowena Street and UT Intramural Fields to the east and west. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.
This item was withdrawn on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
12. Authorize execution of a supplemental amendment to the professional services agreement with WESTON SOLUTIONS, INC., Austin, TX, for construction phase services for the Holly Street Power Plant Decommissioning Project in an amount not to exceed \$4,255,497.99 for a total contract amount not to exceed \$7,007,347.39. Funding in the amount of \$4,255,497.99 is available in the Fiscal Year 2009 - 2010 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 26.34% MBE and 8.49% WBE subconsultant participation to date. Recommended by the Electric Utility Commission.
The motion authorizing the execution of a supplemental amendment to the professional services agreement with Weston Solutions, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
13. Authorize negotiation and execution of an amendment to the professional services agreement with the following firms: TERRACON CONSULTANTS, INC., Austin, TX and RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, TX, for the 2008-2011 Asbestos and Lead Based Paint Consultant Services, Rotation List for the years 2008 through 2011 or until available funding authorization is expended, in the amount of \$150,000 in additional authorization, for a total contract amount not to exceed \$550,000, divided between the two firms. This additional authorization will be used to provide continuity of the asbestos and lead based paint related services for all City Departments for which these services are needed while a new Rotation List is being solicited. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the various departments for which these services are needed. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 4.67% MBE and 3.98% WBE subconsultant participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Terracon Consultants, Inc. and Raba-Kistner-Brytest Consultants, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 14 was pulled for discussion.

15. Authorize execution of a construction contract with INSITUFORM TECHNOLOGIES, INC., Chesterfield, MO for Annual Service Agreement for Rehabilitation of Wastewater Lines Through Trenchless Process - Indefinite Delivery/ Indefinite Quantity in the amount of \$3,323,865 for the first year with two 12 month extension options in an amount not to exceed \$4,021,876 for the first extension, and in an amount not to exceed \$4,424,064 for the second extension for a total contract amount not to exceed \$11,769,805. Funding in the amount of \$3,323,865 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding for the extension options are contingent upon available funding in future budgets. Lowest bid of four (4) 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) by meeting the goals with 1.25% MBE and 0.74% WBE subcontractor participation. Recommended by Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Insituform Technologies, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
16. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING INC., (MBE/MH - 38.29%), Austin, TX, for the Retired Pump Station Decommission project in the amount of \$354,064 plus a \$35,406.40 contingency, for a total contract amount not to exceed \$389,470.40. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five (5) bids received. This contract will be awarded in compliance of Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 53.60% MBE and 2.96% WBE subcontractor participation. Recommended by Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Muniz Concrete & Contracting Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
17. Authorize execution of a construction contract with LEWIS CONTRACTORS, INC., Bertram, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program Segment 11/12 - South Pleasant Valley Extension at Legends Way, 42-Inch Water Main project in the amount of \$1,320,233 plus \$66,011.65 contingency, for a total contract amount not to exceed \$1,386,244.65. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) 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) by meeting the goals with 8.96% MBE and 2.40% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Lewis Contractors, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
18. Authorize execution of a construction contract with INTERSTATE SEALANT & CONCRETE, INC., (DBE/FW - 93.33%) Waukesha, WI, for the PCC Joint Sealant Rehabilitation project at the Austin Bergstrom International Airport in the amount of \$1,966,716 plus a \$196,672 contingency, for a total contract amount not to exceed \$2,163,388. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Lowest bid of seven (7) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 93.33% DBE prime participation. Recommended by Austin Airport Advisory Commission.

The motion authorizing the execution of a construction contract with Interstate Sealant & Concrete, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

19. Authorize execution of a construction contract with YANTIS COMPANY, San Antonio, TX, for the Davis/Deer from Corran Ferry to Brodie Lane project in the amount of \$2,968,727.75, plus a \$148,435.60 contingency, for a total contract amount not to exceed \$3,117,163.35. Funding in the amount of \$3,082,513.35 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department and funding in the amount of \$34,650 is available in the in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of twelve (12) 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) by meeting the goals with 13.39% MBE and 4.26% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Yantis Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
20. Authorize execution of a construction contract with McLEAN CONSTRUCTION, INC., Killeen, TX, for the Fletcher Euclid Reroute Project in the amount of \$284,337 plus a \$14,216.85 contingency, for a total contract amount not to exceed \$298,553.85. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five (5) 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) by meeting the goals with 12.91% MBE and 4.64%% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with McLean Construction, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
21. Authorize execution of a construction contract with TRCU, LTD., Houston, TX, for the South IH-35 Water/Wastewater Infrastructure Improvements Program, Segment 20.1 & 21, William Cannon from McKinney Falls to Pilot Knob, 48-Inch Water Main in the amount of \$2,295,724.05, plus a \$115,000.00 contingency, for a total contract amount not to exceed \$2,410,724.05. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of seven (7) 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 the achievements of Good Faith Efforts with 1.92% MBE and 2.12% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with TRCU, LTD. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
22. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, INC., Killeen, TX for the South IH-35 Water/Wastewater Infrastructure Improvements Program - Segment 9.1, 42-Inch Water Main project in the base bid amount of \$2,145,021, plus a contingency amount of \$107,251.05, for a total contract amount not to exceed \$2,252,272.05. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) 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) by meeting the goals with 8.94% MBE and 3.50% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with McLean Construction, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

23. Authorize execution of change order #2 to the construction contract with BENITEZ CONSTRUCTION INC., Manor, TX (MBE/MH - 60.34 %), for the West Campus Water Line Improvements Areas 1-4 project in the amount of \$279,950 for a total contract amount not to exceed \$2,209,301.76. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. 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 68.43% MBE prime and subcontractor participation and 3.76% WBE subcontractor participation to date. Recommended by the Water and Wastewater Commission.

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

Item 24 pulled for discussion.

25. Authorize negotiation and execution of an agreement with PAPE-DAWSON ENGINEERS, INC., Austin, TX, for purchase of the approved construction plans for the South I-35 Water/Wastewater Infrastructure Improvements Program, Segment 11/12, South Pleasant Valley Extension at Legend's Way, 42-Inch Water Main in amount not to exceed \$388,289. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Developer Agreement. 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.

The motion authorizing the negotiation and execution of an agreement with Pape-Dawson Engineers, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

26. Authorize negotiation and execution of agreements with Mexic-Arte Museum, a Texas non-profit corporation, for improvements to the cultural facility used by the public and located at 419 Congress Avenue, Austin, Texas; the improvements will be funded from the 2006 Bond Program, Proposition 4, in an amount not to exceed \$5,000,000. Funding of \$1,000,000 is available in the 2009-2010 Capital Budget of the Financial and Administrative Services Department. Funding for future appropriation of \$4,000,000 is contingent upon approval in future budgets and will come from funds approved in Proposition 4 of the 2006 Bond Program.

The motion authorizing the negotiation and execution of agreements with Mexic-Arte Museum was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

27. Authorize negotiation and execution of Amendment No. 2 to the Agreement for Social Services with CHILD, INC. to increase funding for the remainder of the initial term, May 1-July 31, 2010, by an amount not to exceed \$141,884 for child care voucher services for an initial term contract amount not to exceed \$393,022, for a total contract not to exceed \$797,872. Funding in the amount of \$91,884 is available in the Fiscal Year 2009-2010 Operating Budget of the Neighborhood Housing and Community Services Office through the Community Development Block Grant (CDBG), and \$50,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Community Services Block Grant (CSBG) Recovery Act Fund. The CSBG grant period is August 1, 2009 to September 30, 2010. The period of the contract is January 1, 2010 through September 30, 2010. Funding for the renewal option is not increased, and is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of amendment number two to the agreement for Social Services with Child, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

28. Approve an ordinance amending Chapter 10-3, Article 2 of the City Code relating to temporary food establishments and sampling of food products at certified farmers markets. It is estimated that the new permitting requirements of this ordinance change will generate an additional \$17,120 in revenue per year. Recommended by the Public Health and Human Services Committee.
Ordinance No. 20100429-028 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
29. Approve an ordinance authorizing acceptance of \$300,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, FAMILY AND COMMUNITY HEALTH SERVICES DIVISION, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$300,000 to implement a program of priority initiatives related to the U.S. Centers for Disease Control Community Evidence-Based Strategies for Obesity, and to add one full-time equivalent position. Funding is available from the Texas Department of State Health services, Family and Community Health Services Division. The grant period is April 15, 2010 through August 31, 2011. A City in-kind match of \$30,000 is required.
Ordinance No. 20100429-029 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
30. Approve the use of Lady Bird Lake for registered participants and other approved persons for the following public water events: the Cap 2K open water swim to be held on May 2, 2010, the Capital of Texas Triathlon to be held on May 30 and 31, 2010, and the Austin Triathlon to be held on September 5 and 6, 2010. There is no unanticipated fiscal impact. A fiscal note is not required.
The motion to approve the use of Lady Bird for the following public water events: the Cap 2K, the Capital of Texas Triathlon and the Austin Triathlon was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
31. Approve an ordinance amending the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget of Ordinance No. 20090914-003 to transfer \$500,000 to the Planning and Development Review Department Capital Budget; and amending the Fiscal Year 2009-2010 Planning and Development Review Department Capital Budget of Ordinance No. 20090914-003 to appropriate the \$500,000 transfer from the Capital Improvement Program (CIP) Contingency Program for the IH-35 Makeover Project. Funding is available in the Fiscal Year 2009-2010 Financial and Administrative Services Department Capital Budget - Capital Improvements Program Contingency. Related to Item #24.
Ordinance No. 20100429-031 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
32. Approve an ordinance establishing classifications and positions in the classified service of the Austin Police Department, eliminating and creating certain positions; and repealing Ordinance No. 20100114-024 relating to Police Department classifications and positions. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.
Ordinance No. 20100429-032 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
33. Approve an ordinance accepting \$69,190 in supplemental grant funds from the State of Texas, Automobile Burglary and Theft Prevention Authority; and amending the Fiscal Year 2009-2010 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$69,190 to purchase equipment for the APD Auto Burglary and Theft Interdiction Project. Funding is available from the State of Texas, Automobile Burglary and Theft Prevention Authority for the project period September 1, 2009 to August 31, 2010. A match is not required.
Ordinance No. 20100429-033 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

34. Authorize award and execution of a 36-month requirements supply contract with J&B AVIATION SERVICES, INC., Vacaville, CA for PC Aire A/C and Heating Ducts in an estimated amount not to exceed \$130,665, with two twelve-month extension options in an estimated amount not to exceed \$43,555 per extension option, for a total estimated contract amount not to exceed \$217,775. Funding in the amount of \$18,148 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Sole bid 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 Austin Airport Advisory Commission.
The motion authorizing the award and execution of a requirements supply contract with J&B Aviation Services, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
35. Authorize award and execution of a 36-month requirements service contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, INC. (TIBH), Austin, TX for temporary personnel services in an estimated amount not to exceed \$600,000, with three 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$1,200,000. Funding in the amount of \$83,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Convention Center Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. General Exemption This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is authorized through Chapter 122, Title 8 of the Human Resources Code, and no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Texas Industries for the Blind and Handicapped, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
36. Authorize award and execution of a 36-month requirements supply contract with AUSTIN WHITE LIME COMPANY, Austin, TX for the supply of quicklime for the Austin Water Utility in an estimated amount not to exceed \$12,177,000, with three 12-month extension options in an estimated amount not to exceed \$4,059,000 per extension option, for a total estimated contract amount not to exceed \$24,354,000. Funding in the amount of \$1,691,250 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid 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.
The motion authorizing the award and execution of a requirements supply contract with Austin White Lime Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
37. Authorize award and execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) Cooperative Purchasing program with HILL COUNTRY ELECTRIC SUPPLY, Austin, TX, for the purchase of Square D padmount transformers for the Austin Water Utility in an amount not to exceed \$53,608. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. 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 Water & Wastewater Commission.

The motion authorizing the award and execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) Cooperative Purchasing program with Hill Country Electric Supply was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

38. Authorize award and execution of a 36-month requirements supply contract with MUNICIPAL WATER WORKS, Royse City, TX for the purchase of copper and polyethylene pipe in an estimated amount not to exceed \$423,555, with three 12-month extension options in an estimated amount not to exceed \$141,185 per extension option, for a total estimated contract amount not to exceed \$847,110. Funding in the amount of \$58,827 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding for the remaining 31 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 & Wastewater Commission.

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

39. Authorize award and execution of two contracts through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with CALDWELL COUNTRY CHEVROLET, Caldwell, TX, for the purchase of 16 light-duty vehicles in an amount not to exceed \$454,767, and DALLAS DODGE, Dallas, TX, for the purchase of three light-duty vehicles in an amount not to exceed \$58,478. Funding in the amount of \$413,486 is included in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$99,759 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. 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 Electric Utility Commission.

The motion authorizing the award and execution of two contracts through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with Caldwell Country Chevrolet and Dallas Dodge was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

40. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 86 light-duty vehicles in an amount not to exceed \$2,242,025.81. Funding in the amount of \$480,339.14 is included in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$750,560.58 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$339,096.49 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Water Utility. Funding in the amount of \$184,773.55 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Funding in the amount of \$27,722 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$83,166 is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Funding in the amount of \$80,019.63 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$296,348.42 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection 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 Water & Wastewater Commission and the Electric Utility Commission.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, LTD was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

41. Authorize award and execution of a 36-month requirements service contract with ST. DAVID'S OCCUPATIONAL HEALTH SERVICES, Austin, TX to provide inoculation and immunization services at various City facilities in an estimated amount not to exceed \$414,180, with three 12-month extension options in an estimated amount not to exceed \$165,672 for the first extension option, \$198,806 for the second extension option, and \$238,568 for the third extension option, for a total estimated contract amount not to exceed \$1,017,226. Funding in the amount of \$57,525 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of four 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.

The motion authorizing the award and execution of a requirements service contract with St. David's Occupational Health Services was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

42. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County, providing for financial cooperation to facilitate the City and County's participation in a feasibility study conducted by the National Center for Arts and Technology. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Management Services Department. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is an Interlocal Agreement; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

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

Item 43 was pulled to be heard after the related briefing item.

44. Approve issuance of a closure permit under City Code Section 14-8-3(B)(3) for the Longhorn Run10K and 2 Mile Mosey and right-of-way event sponsored by Run Tex, Inc. which is to take place Saturday, May 1, 2010. No unanticipated fiscal impact. A fiscal note is not required. Recommended by the Urban Transportation Commission

The motion to approve the issuance of a closure permit for the Longhorn Run10K and 2 Mile Mosey and right-of-way event sponsored by Run Tex, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

45. Authorize negotiation and execution of a one year Interlocal Agreement with the University of Texas at Austin for bacteria source tracking and strontium isotopic source water analysis services with three 12-month extensions in an amount not to exceed \$46,875 for the first year and \$46,875 per extension for a total amount not to exceed \$187,500. Funding in the amount of \$3906.25 per month is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department.

The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas at Austin was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. Council Member Spelman recused himself.

46. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. The following appointments and waivers were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Downtown Commission

Beth Atherton

Council Member Shade

waiving the residency requirement in Section 2-1-21 of the City Code

Impact Fee Advisory Committee

John Lewis

Council Member Shade

MBE/WBE and Small Business Enterprise Advisory Committee

Andrew Ramirez

Mayor Leffingwell

Item 47 was pulled to be heard after the related Executive Session item.

Item 48 was pulled for discussion.

49. Approve a resolution establishing an advisory group for development and implementation of a form-based code to facilitate pedestrian and transit-oriented development along Airport Boulevard between IH-35 and North Lamar Boulevard; and directing the City Manager to implement the recommendations of the Planning and Development Review Department. (Council Member Chris Riley Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
Resolution No. 20100429-049 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

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

51. Approve the reimbursement of certain fees for the 12th annual Dragon Boat Festival and Races which were held on Saturday April 24, 2010 at Festival Beach. (Mayor Lee Leffingwell Council Member Randi Shade Council Member Sheryl Cole)
The motion to approve the reimbursement of certain fees for the twelfth annual Dragon Boat Festival and Races was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
52. Approve the waiver of certain fees and certain requirements for the Hispanic Austin Leadership (HAL) graduation sponsored by the Greater Austin Hispanic Chamber of Commerce which is to be held on Thursday, April 29, 2010 at the Mexican-American Cultural Center (MACC). (Mayor Pro Tem Mike Martinez Council Member Chris Riley)
The motion to approve the waiver of certain fees and certain requirements for the Hispanic Austin Leadership (HAL) graduation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
53. Approve the waiver of certain fees and requirements for the 2010 ATX Juneteenth Music Festival to be held on Saturday, June 19, 2010 at Waterloo Park. (Council Member Sheryl Cole Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell)

The motion to approve the waiver of certain fees and requirements for the 2010 ATX Juneteenth Music Festival was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

54. Approve the waiver of certain fees and requirements for the retirement banquet for the Principal of LBJ High School, Mr. Patrick Patterson, which is to be held on May 21, 2010 at the Turner-Roberts Recreation Center gym. (Council Member Sheryl Cole Council Member Laura Morrison)
The motion to approve the waiver of certain fees and requirements for the retirement banquet for the principal of LBJ High School, Mr. Patrick Patterson, was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
55. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central West Austin Combined Neighborhood Plan. The combined planning area is bounded to the north by 35th Street and 38th Street, to the south by Lady Bird Lake (west of MoPac) and 24th Street (east of Mopac), to the east by Lamar Boulevard, and to the west by Lady Bird Lake. (Suggested date and time: June 10, 2010, 2:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent on June 10, 2010 at 2:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
56. Set a public hearing to consider an ordinance authorizing the addition of a new neighborhood to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: May 27, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent on May 27, 2010 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
57. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to create a new residential use, Conservation Single-Family Residential. (Suggested date and time: June 10, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent on June 10, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
58. Set a public hearing to consider an ordinance authorizing additional distance requirements for mobile food establishments in certain areas in accordance with Section 25-2-812 of the City Code. (Suggested date and time: May 27, 2010 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent on May 27, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Items 61 through 66 were Executive Session items.

Items 67 through 74 were zoning items set for 2:00 p.m.

Items 75 and 76 were addendum items

DISCUSSION ITEMS

24. Authorize execution of a construction contract with CHASCO CONSTRUCTORS, LTD., LLP, Round Rock, TX, for the IH-35 Makeover Re-Bid in the amount of \$2,027,880, plus a \$101,395 contingency, for a total contract amount not to exceed \$2,129,275. Funding is available in the Fiscal Year 2009-2010

Capital Budget of the Planning and Development Review Department. Lowest bid of four (4) 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 the achievements of Good Faith Efforts with 61.90% MBE and 2.10% WBE subcontractor participation. Related to Item #31.

The motion authorizing the execution of a construction contract with Chasco Constructors, LTD, LLP was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 75 and 76 were acted upon in a combined motion. A friendly amendment was made by Council Member Spelman to hear the third reading of the two items on May 27, 2010. The amendment was accepted by the maker of the motion and Mayor Pro Tem Martinez, who made the second. The friendly amendment was later withdrawn by Council Member Spelman.

75. Approve an ordinance on second reading only to renew the Austin Cab I, Incorporated d.b.a. Austin Cab taxicab franchise. Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue, \$63,600. Recommended by the Urban Transportation Commission.
The second reading of the ordinance was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Spelman voted nay.
76. Approve an ordinance on second reading only to renew the Greater Austin Transportation Company d.b.a. Yellow Cab Company taxicab franchise. Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue, \$182,000. Recommended by the Urban Transportation Commission.
The second reading of the ordinance was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Spelman voted nay.
48. Approve a resolution directing the City Manager to reassess eligibility requirements for City home repair and weatherization programs with respect to past-due balances owed to the City by program applicants. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Laura Morrison)
Resolution No. 20100429-048 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.
14. Authorize negotiation and execution of amendments as required for construction phase services with DPR Construction, Inc., Austin, TX (Construction Manager at Risk) for Austin Energy's System Control Center for an estimated construction budget not to exceed \$67,000,000. Funding in the amount of \$64,500,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$2,500,000 for the related warranty agreements (an operating budget expenditure) for the remainder of the contract is contingent upon available funding in future budgets. This contract and future amendments will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Recommended by the Electric Utility Commission.
This item was postponed to May 27, 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff:
- To have the contract reviewed by MBE/WBE Advisory Committee and the MBE/WBE Council Subcommittee;
 - Prior to Council making a decision, staff will re-evaluate the project scope and work with the contractor and trade associations to perform additional outreach to increase opportunities for MBE/WBE subcontractors; and
 - Council requested that each phase of the project be brought back to review the goals and for Council approval.

BRIEFINGS

59. Project Prioritization Process and Strategic Mobility Plan Timeline. Related to Item #43.
The presentation was made by Rob Spillar, Director of Transportation. Direction was given to staff to:
- Provide demographic data
 - Perform a validation of the system
 - Create sample scenarios and check on the outcomes as it might lead to some refinements of the weights applied to the criteria
 - Involve the Urban Transportation Commission and the Citizen's Task Force in the validation process.

DISCUSSION ITEM CONTINUED

43. Approve staff recommended Evaluation Criteria for Transportation Investment Projects as part of the Austin Strategic Mobility Plan. Related to Item #59.
The motion to approve staff's recommended evaluation criteria for transportation investment projects as part of the Austin Strategic Mobility Plan was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

CITIZEN COMMUNICATION: GENERAL

Ronnie Reefersseed - Peace and freedom and the constitution

Gavino Fernandez - Keep Palm Pool open for this summer, given that we had 98 hot days of 100 degrees last year, one would think, why close a swimming pool? Where will our kids go? Approve \$56,000 of Holly program funds to keep Palm Pool open and extend pool hours at Metz and Martin Pools, alike Northwest Pool operating hours

Michael Kaid - Working conditions at the Austin Bergstrom Airport He was not present when his name was called.

Frances Martinez - Boycott Pachanga fest @ Fiesta Gardens for the safety of our neighborhood. Keep Palm pool open this summer. We had over 98 days of 100 degrees last summer and you would think, why close a swimming pool/ where will our children go?

Douglas Riley - Capital metro and city issues

Rae Nadler-Olenick - Water fluoridation

CarolAnneRoseKennedy - HOMETHEHAUSLESS KENNEDYS

Gus Peña - City issues He was not present when his name was called.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:29 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

61. Discuss real estate development options related to the sale or lease of the Austin Energy Control Center site (Real Property - Section 551.072).
62. Discuss legal issues related to grandfathering rights under Chapter 245 of the Texas Local Government Code (Private Consultation with Attorney - Section 551.071).
63. Evaluate the performance of and consider compensation and benefits for the City Clerk. (Personnel Matters-Section 551.074). Related to Item #50.
64. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Personnel Matters-Section 551.074). Related to Item #47.
65. Discuss legal issues related to Shane Roberts v. City of Austin, No. C-1-CV-09-012681, County Court at Law # 2, Travis County, Texas (Private Consultation with Attorney - Section 551.071).
66. Discuss legal issues related to City of Austin v. Harry M. Whittington, et al, Cause No D-1-GV-07-00942, in the 353rd Judicial District, Travis County, Texas (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:59 p.m.

BRIEFINGS CONTINUED

60. Citizens Water Conservation Implementation Task Force Presentation
The presentation was made by Susan Butler, Chair of Citizens Water Conservation Implementation Task Force.

DISCUSSION ITEMS CONTINUED

47. Approve an ordinance establishing compensation and benefits for the Municipal Court Clerk. Related to Item #64. (Council Member Randi Shade Mayor Lee Leffingwell and Mayor Pro Tem Mike Martinez)
Ordinance No. 20100429-047 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote. The benefit package for the Municipal Court Clerk remains the same as last year with a 2.5% pay raise.
50. Approve a resolution relating to the compensation and benefits for the City Clerk. Related to Item #63. (Council Member Randi Shade Mayor Lee Leffingwell and Mayor Pro Tem Mike Martinez)
Resolution No. 20100429-050 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote. The benefit package for the City Clerk remains the same as last year with a 2.5% pay raise effective the first pay period following adoption of the resolution.

ZONING CONSENT ITEMS

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

68. C14-2008-0220 - Double Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10200 - 10614 South IH-35 Service Road Southbound (Slaughter and Onion Creek Watersheds) from interim rural-residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: Postponed Indefinitely. Applicant: Sterling/Babcock & Brown Double Creek LP (Drew M. Ireland). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent indefinitely on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

69. C14-2009-0078 - Limerick - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) 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. Applicant: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to May 13, 2010 at the applicant's request on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

71. C14-2010-0014 - Leija Villa - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3306 East 5th Street (Boggy Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions. Applicant: The Lunaire Group, LP (Dr. Graciela Leija). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr., P.E.). City Staff: Joi Harden, 974-2122.

The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

73. NPA-2009-0016.01 - Leija Villa - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace 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 3306 East 5th Street (Colorado River Watershed) from commercial and single family (a portion of) land use to mixed Use land use. Staff Recommendation: To grant mixed use land use designation. Planning Commission recommendation: To grant mixed use land use designation. The Lunaire Group, L.P. (Dr. Graciela Leija). Cuatro Consultants, Ltd. (Hugo Elizondo, Jr. P.E.). Maureen Meredith, 974-2695.

The public hearing was closed and the first reading of the ordinance to change the land use designation to mixed use land use was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

67. C14H-2010-0003 - Fitzgerald-Upchurch Wilkerson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1710 Windsor Road (Shoal Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Staff

Recommendation: To grant single family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Historic Landmark Commission Recommendation: To grant single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning. Applicants: Dean and Andrea McWilliams, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.

The public hearing was closed and Ordinance No. 20100429-067 for single-family residence-standard lot-Historic Landmark (SF-2-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

70. C14-2009-0156 - Los Comales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2136 East 7th Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Staff Recommendation: To deny commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Applicant: Merced and Graciela Benitez. Agent: Evergreen Global Group, LLC (Roger Chan). City Staff: Joi Harden, 974-2122.

There was a motion made by Mayor Pro Tem Martinez and seconded by Council Member Shade to close the public hearing and approve on first reading the ordinance with direction to staff to explore the feasibility alternative solution by means such as a restrictive covenant to address concerns with CS-1 adjacent to neighbors and single family. The motion was later withdrawn by Mayor Pro Tem Martinez.

The public hearing was closed and this item was postponed to May 13, 2010 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

72. C14-72-015(RCA) - 1517 E. Anderson Lane Restrictive Covenant Amendment - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 1517 East Anderson Lane (Buttermilk Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To deny the restrictive covenant amendment. Applicant/Owner: ZIF Holdings, Inc. (Iniyat Fidai). Agent: DCI Permitting and Land Consulting (David Cancialosi). City Staff: Joi Harden, 974-2122

The public hearing was closed and the staff's recommendation to amend the restrictive covenant by deleting Item (1) (e) was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Riley voted nay.

74. C14H-2009-0065 - Judge David J. and Birdie Pickle House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1515 Murray Lane (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-Historic Landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-Historic Landmark (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny family residence-Historic Landmark (SF-3-H) combining district zoning. Applicants: Jordan Steiker and Lori Holleran, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.

The public hearing was closed and Ordinance No. 20100429-074 with staff recommendation for family residence-Historic Landmark (SF-3-H) combining district zoning was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 5:41 p.m. without objection.

LIVE MUSIC

Erin Ivey

PROCLAMATIONS

Proclamation -- Bike Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Nadia Barrera

Proclamation -- Internal Audit Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Darrell Carter

Certificates of Appreciation -- Public Service Recognition Week -- to be presented by Mayor Lee Leffingwell and City Manager Marc Ott and to be accepted by City Department representatives

Certificates of Appreciation -- Google Project Participants -- to be presented by Council Member Laura Morrison and to be accepted by the honorees

Certificates of Appreciation -- GTOPS Reviewers -- to be presented by Council Member Laura Morrison and to be accepted by the honorees

The minutes for the Regular Meeting of April 29, 2010 were approved on this the 13th day of May 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.