

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 13, 2010**

Invocation: Major John Carter, Salvation Army

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, May 13, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 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 28, 2010 and regular meeting of April 29, 2010.
The minutes from the special called meeting of April 28, 2010 and the regular meeting of April 29, 2010 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
2. Approve an ordinance authorizing acceptance of \$450,000 in stimulus grant funding from the U.S. Department of Energy and amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$450,000 to promote the use of solar energy as part of a special project in partnership with the Department of Energy's Solar America Cities program. Funding is available from the U.S. Department of Energy. Austin Energy will fund an in-kind match in the amount of \$375,000 available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. The Austin Independent School District will fund an in-kind match in the amount of \$75,000. Recommended by the Electric Utility Commission and Resource Management Commission. Related to Item #3.
Ordinance No. 20100513-002 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
3. Authorize negotiation and execution of a 24-month Interlocal Agreement with the Austin Independent School District for work associated with the U.S. Department of Energy's Solar America Cities Special Project, "Solar Curriculum Development and Demonstration Projects," including the installation of solar photovoltaic systems at 21 schools, in an amount not to exceed \$825,000. Funding in the amount of \$450,000 is available from the U.S. Department of Energy. Austin Energy will fund an in-kind match in the amount of \$375,000 available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. The Austin Independent School District will fund an in-kind match in the amount of \$75,000. Recommended by the Electric Utility Commission and Resource Management Commission. Related to Item #2.

The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

4. Approve an ordinance authorizing negotiation and execution of a cost reimbursement agreement with ONION ASSOCIATES, LTD., for Fox Hill Subdivision, providing terms and conditions for the reimbursement of the engineering and design costs of a 42-inch water main and appurtenances to provide water service to the Fox Hill Subdivision located east of South IH-35, south of Onion Creek and west of Bradshaw Road with City cost reimbursement for an overall total amount not to exceed \$310,000; waiving the requirements of Sections 25-9-61, 25-9-63, 25-9-66, and 25-9-67 of the City Code relating to cost reimbursement and repealing Ordinance No. 20081218-006 relating to construction of the 42-inch water main. The 42-inch water main has been identified as part of the South IH-35 Water and Wastewater Infrastructure Improvements Program and will be constructed under the Program. Funding is available in the amount of \$310,000.00 in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

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

5. Authorize execution of a construction contract with PRISM DEVELOPMENT INC.(MBE/MH - 29.06%), Austin, TX, for a BMX and Skate Park project in the amount of \$972,640, plus a contingency amount of \$48,632, for a total amount not to exceed \$1,021,272. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. (FDU 8603 8607 6306) Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 11.07% MBE and 4.50% WBE subcontractor participation.

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

Items 6 through 8 were pulled for discussion.

9. Approve an ordinance accepting \$117,640 in Fire Prevention and Safety Grant funds from the Federal Emergency Management Agency (FEMA); and amending the Fiscal Year 2009-2010 Fire Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$117,640 for a Mobile Inspection Data-Collection program, a Juvenile Firesetter program, and a Cooking Fire Safety educational program. Funding is available from FEMA Fiscal Year 2009 Assistance to Firefighters Grant program (\$117,640). An in - kind match of \$29,410 is available from the Fire Miscellaneous Donations. The grant period is April 19, 2010 to April 18, 2011.

Ordinance No. 20100513-009 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

10. Approve an Ordinance authorizing acceptance of \$607,209 in American Recovery and Reinvestment Act grant funds from the U.S. Department of Energy through the Texas Comptroller of Public Accounts' State Energy Conservation Office programs; amending the Fiscal Year 2009-2010 Fleet Services Revenue Fund of Ordinance 20090914-002 to appropriate these funds; and amending the Fiscal Year 2009-2010 Fleet Services Capital Budget of Ordinance 20090914-003 to appropriate these grant funds for an emissions reduction project. Funding in the amount of \$607,209 is available from the Department of Energy through the Texas Comptroller of Public Accounts as a result of the American Recovery and Reinvestment Act of 2009 with a project completion date of December 31st 2011. The City will provide matching funds in the amount of \$151,802.

Ordinance No. 20100513-010 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

11. Authorize negotiation and execution of Amendment No. 1 to the Agreement for Social Services with ANY BABY CAN OF AUSTIN, INC. to increase funding for parent education and family support services for the period May 1-July 31, 2010, in an amount not to exceed \$95,000, for a total contract amount for the current term (January 1-September 30, 2010) not to exceed \$328,985, and a total contract amount not to exceed \$640,966. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. 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 one to the agreement for social services with Any Baby Can of Austin, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

12. Authorize negotiation and execution of an Interlocal Agreement with WORKSOURCE - GREATER AUSTIN AREA WORKFORCE BOARD d/b/a WORKFORCE SOLUTIONS - CAPITAL AREA WORKFORCE BOARD for child care quality improvement services for the initial term May 1-September 30, 2010, in an amount not to exceed \$331,098 and with a 12-month renewal option in an amount not to exceed \$513,215, for a total contract amount not to exceed \$844,313. Funding in the amount of \$314,304 is available in the Fiscal Year 2009- 2010 Operating Budget of the Health and Human Services Department. Funding in the amount of \$16,794 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department Certification Special Revenue Fund. The period of the contract is May 1, 2010 through September 30, 2010. Funding for the renewal option is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of an interlocal agreement with Worksource – Greater Austin Area Workforce Board doing business as Workforce Solutions – Capital Area Workforce Board was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 13 was pulled for discussion.

14. Authorize negotiation and execution of a legal services agreement with the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., for legal services and representation regarding the design and implementation of revised electric rates, in an amount not to exceed \$250,000. Funding in the amount of \$60,000 is available in the fiscal year 2009-2010 Operating Budget of Austin Energy. Funding for the remainder is contingent upon available funding in future budgets.

The motion authorizing the negotiation and execution of a legal services agreement with the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

15. Authorize negotiation and execution of an Interlocal Cooperation Agreement between Travis County and the City of Austin regarding construction, maintenance and operation of sidewalks and signaling along RM 1826 in the vicinity of Slaughter Lane. The County will reimburse the City in the amount of \$300,000 and the City will contribute \$175,000 of local match. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.

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

16. Authorize negotiation and execution of an Advance Funding Agreement between the Texas Department of Transportation and the City of Austin regarding construction, maintenance and operation of sidewalks and signaling along RM 1826 in the vicinity of Slaughter Lane.

The motion authorizing the negotiation and execution of an advance funding agreement between the Texas Department of Transportation and the City of Austin was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

17. Authorize award and execution of a contract with OLYMPUS NDT, INC., Waltham, MA, for the purchase of a video borescope for use on gas turbine engines for Austin Energy in an amount not to exceed \$68,715. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid of three 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. **The motion authorizing the award and execution of a contract with Olympus NDT, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
18. Authorize award and execution of a 12-month requirements supply contract with POWER SUPPLY INC., Austin, TX, for 115kV and 138kV transformer bushings for Austin Energy in an estimated amount not to exceed \$258,150, with four 12-month extension options in an estimated amount not to exceed \$258,150 per extension option, for an estimated total contract amount not to exceed \$1,290,750. Funding in the amount of \$107,563 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. 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 Electric Utility Commission. **The motion authorizing the award and execution of a requirements supply contract with Power Supply Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
19. Authorize award and execution of a 36-month requirements supply contract with PRIESTER-MELL & NICHOLSON, Austin, TX, for the purchase of sulfur hexafluoride gas (SF6) padmount switchgear for Austin Energy in an estimated amount not to exceed \$7,177,179, with three 12-month extension options in an estimated amount not to exceed \$2,392,393 per extension option, for a total estimated contract amount not to exceed \$14,354,358. Funding in the amount of \$797,464 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two 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 Electric Utility Commission. **The motion authorizing the award and execution of a requirements supply contract with Priester-Mell & Nicholson was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.**
20. Authorize award, negotiation, and execution of a 24-month requirements service contract with SIMGENICS, CORP., Grand Junction, CO, for operator simulator training services for Austin Energy in an estimated amount not to exceed \$236,800, with two 12-month extension options in an estimated amount not to exceed \$118,400 per extension option, for a total estimated contract amount not to exceed \$473,600. Funding in the amount of \$39,466 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 20 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals 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.

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

Item 21 was pulled for discussion.

22. Authorize award, negotiation, and execution of Amendment No. 2 to a contract through the U.S. General Services Administration Cooperative Purchasing Program with HEALTHCARE TECHNOLOGY SOLUTIONS INTERNATIONAL, New Braunfels, TX, for the purchase of additional software licenses and maintenance in an amount not to exceed \$250,737.85 for a revised total contract amount not to exceed \$292,104.74. Funding in the amount of \$50,737.85 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department. Funding for the remaining 15 months of the original contract period is contingent upon available funding in future budgets. Contract Amendment. 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 a Cooperative Purchase; 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 award, negotiation and execution of amendment number two to a contract through the U.S. General Services Administration Cooperative Purchasing Program with Healthcare Technology Solutions International was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

23. Authorize award and execution of an 11-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX for the purchase of emergency response jackets for the Austin Fire Department in an estimated amount not to exceed \$300,000. Funding in the amount of \$150,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Fire Department. Funding for the remaining six months of the original contract period is contingent upon available funding in future budgets. 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.

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

24. Authorize award and execution of a 36-month requirements supply contract with COVERT CHEVROLET-OLDSMOBILE, Bastrop, TX to provide captive repair parts and repair services for Chevrolet sedans and light-duty vehicles in an estimated amount not to exceed \$436,800, with three 12-month extension options in estimated amounts not to exceed \$207,360 for the first extension option, \$248,832 for the second extension option, and \$298,598 for the third extension option, for a total estimated contract amount not to exceed \$1,191,590. Funding in the amount of \$40,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification 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.

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

25. Authorize award and execution of a 12-month requirements supply contract with INGRAM LIBRARY SERVICES, Austin, Texas for the purchase of miniature Playaway digital audiobooks in an estimated amount not to exceed \$50,000, with two 12-month extension options in an estimated amount not to exceed \$50,000 per extension option, for a total estimated contract amount not to exceed \$150,000. Funding in the amount of \$20,834 is available in the Fiscal Year 2009-2010 Operating Budget for the Austin Public Library Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid 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.

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

26. Authorize the execution of an Interlocal Agreement with LONE STAR RAIL DISTRICT to share staff and consultant resources toward the research, analysis, and presentation of planning and funding information necessary to the development of an Urban Rail Circulator and the LSTAR Passenger Rail Service in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Transportation Department.

The motion authorizing the execution of an interlocal agreement with Lone Star Rail District was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

27. 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 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

Community Development Commission

George Morales
(representative - Dove Springs neighborhood)

Mayor Leffingwell

Early Childhood Council

Jacqueline Porter
(representative - Austin Independent School District)

Mayor Leffingwell

28. Approve an ordinance repealing section 2-1-188 (B) related to the expiration of the Zoning and Platting Commission. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez Council Member Chris Riley)

Ordinance No. 20100513-028 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

29. Approve a resolution supporting certain requirements for posting "Items From Council" agenda items. (Mayor Lee Leffingwell Council Member Randi Shade Mayor Pro Tem Mike Martinez)
Resolution No. 20100513-029 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 30 was pulled for discussion.

31. Approve a resolution changing the date for the annual Barton Springs Pool Free Swim Day from the second Saturday in July to the first Saturday in June. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Mayor Lee Leffingwell)
Resolution No. 20100513-031 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
32. Approve a resolution directing the City Manager to waive certain requirements and allocate \$890 from Holly Good Neighbor "After School" projects to fund the Lady Bird Lake Fest. (Mayor Pro Tem Mike Martinez Council Member Laura Morrison)
Resolution No. 20100513-032 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
33. Approve a resolution directing the City Manager to coordinate the City's participation in partnership with the Board of Directors for the Rebecca Baines Johnson (RBJ) complex on Lady Bird Lake and the community stakeholder group to evaluate the future use of City property and the potential to participate in the development of a master plan for the 26.78 contiguous acres surrounding the RBJ complex. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell and Council Member Sheryl Cole)
Resolution No. 20100513-033 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
34. Approve a resolution endorsing the University Medical Center at Brackenridge's ProTECT and Erythropoietin Research and Experimental Clinical Treatments for Traumatic Brain Injury as part of the community consent process for this study. (Council Member Randi Shade Council Member Laura Morrison Mayor Pro Tem Mike Martinez)
Resolution No. 20100513-034 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 35 was pulled for discussion.

36. Approve a resolution directing the City Manager to expedite any Request for Applications and contract approvals for the re-allocation of funding for child care and family services. (Council Member Randi Shade Mayor Pro Tem Mike Martinez Council Member Laura Morrison)
Resolution No. 20100513-036 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
37. Approve a resolution relating to the compensation and benefits for the City Manager. Related to Item #48. (Council Member Randi Shade Mayor Lee Leffingwell)
This item was postponed to May 27, 2010 on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
38. Approve the waiver of certain fees for the July 3rd North Shoal Creek Neighborhood Association Independence Day Parade sponsored by the North Shoal Creek Neighborhood Association which is to be held Saturday, July 3, 2010 beginning at Pillow Elementary School. (Council Member Randi Shade Council Member Laura Morrison Council Member Chris Riley)

The motion to approve the waiver of certain fees for the North Shoal Creek Neighborhood Association Independence Day Parade was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

39. Approve the reimbursement of certain fees and waive certain requirements for the 2010 Bengali and South Asian New Year Festival event that was held Saturday, April 10, 2010 at Zilker Hillside Theater. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez Council Member Sheryl Cole)
The motion to approve the reimbursement of certain fees and waive certain requirements for the 2010 Bengali and South Asian New Year Festival event was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Item 40 was pulled for discussion.

41. Approve a resolution naming the Martin Luther King, Jr. Boulevard bridge over IH-35 the "JJ Seabrook Bridge (Council Member Sheryl Cole Council Member Laura Morrison Mayor Pro Tem Mike Martinez) Resolution No. 20100513-041 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
42. Set a public hearing to consider a request by Walgreen Company for a waiver from the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school, for Walgreen's #06189, located at 12550 Metric Blvd. (Suggested date and time: June 10, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.)
The public hearing was set on consent for 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.
43. Set a public hearing to consider an ordinance amending City Code sections 25-10-3 and 25-10-103 and adding a new section 25-10-157 authorizing the placement of memorial markers in the public right-of-way. (Suggested date and time: June 10, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). To be Reviewed by the Planning Commission on June 8, 2010.
The public hearing was set on consent for 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.

Items 44 through 46 were briefing items set for 10:30 a.m.

Items 47 and 48 were Executive Session items.

Items 49 through 60 were zoning items set for 2:00 p.m.

Item 61 was a public hearing item set for 4:00 p.m.

Item 62 was a public hearing item set for 6:00 p.m.

DISCUSSION ITEMS

6. Authorize negotiation and execution of an Agreement with LAUGHLIN-THYSSEN, INC., Austin, TX for the Waller Creek Tunnel - Lady Bird Lake Hike and Bike Trail Bridge Improvements for an amount not to exceed \$575,000. Funding is available in the Fiscal Year 2009 - 2010 Capital Budget of the Watershed Protection Department. Best Value to the City of Austin of four (4) Proposals 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 1.65% MBE and 1.99% WBE subcontractor participation.

The motion authorizing the negotiation and execution of an agreement with Laughlin-Thyssen, Inc. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to ensure proper outreach efforts are made with all of the minority contractors.

Items 7 and 8 were acted upon in a combined motion.

7. Approve an ordinance authorizing the City Manager to execute a Master Development Agreement with CONSTRUCTIVE VENTURES, INC. and TC AUSTIN DEVELOPMENT, INC. for redevelopment of the property currently occupied by the Austin Energy Control Center; adopting building access and area of refuge requirements; and approving a managed growth agreement. No unanticipated financial impact. Related to Item #8.

This item was postponed until after Council has made a decision on what to do with the Austin Energy Control Center on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

8. Approve an ordinance amending the Fiscal Year 2009-2010 Economic Growth and Redevelopment Services Office Capital Budget of Ordinance No. 20090914-003 to appropriate \$1,350,000 for improvements in conjunction with revenues received from the Energy Control Center Redevelopment Project. Funding in the amount of \$1,350,000 is available in developer contributions in conjunction with the Energy Control Center Master Agreement. Related to Item #7.

This item was postponed until after Council has made a decision on what to do with the Austin Energy Control Center on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

BRIEFINGS

44. Mayor's Mental Health Task Force Committee Annual Report
Presentation was made by Susan Stone, Executive Coordinator for the Mayor's Mental Health Task Force.

DISCUSSION ITEMS CONTINUED

30. Approve a resolution directing the City Manager to take steps to cease employee business-related travel to the State of Arizona and to investigate all current and potential City of Austin business with, and investments in, the State of Arizona and report back to Council with a plan to cease such business dealings. (Mayor Pro Tem Mike Martinez Council Member William Spelman Mayor Lee Leffingwell)
Resolution No. 20100513-030 was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0. Direction was given to the Government Relations Office staff to work with the Texas Municipal League and the National League of Cities to develop a policy that addresses Texas' immigration issues.

BRIEFING ITEMS CONTINUED

45. Water Conservation Marketing and Outreach Plan
Presentation was made by Rudy Garza, Assistant City Manager; Kevin Tuerff, President and Principal of EnviroMedia; and Greg Meszaros, Director of Austin Water Utility.

DISCUSSION ITEMS CONTINUED

21. Authorize award and execution of Amendment No. 2 to a contract with ENVIROMEDIA SOCIAL MARKETING, Austin, TX to increase the contract amount for additional water conservation marketing, planning, and outreach assessment services for the Austin Water Utility in an estimated amount not to exceed \$175,000, for a revised total estimated contract amount not to exceed \$224,500. Funding in the amount of \$175,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Professional Service. 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. To be reviewed by the Water & Wastewater Commission on May 12, 2010. Recommended by the Water and Wastewater Commission

The motion authorizing the award and execution of amendment number two to a contract with Enviromedia Social Marketing was approved on Council Member Shade's motion, Mayor Leffingwell's second on a 7-0 vote. Direction was given to staff to ask the Resource Management Commission how often they would like to have updates on this effort and provide them with an update on the timeline they requested.

CITIZEN COMMUNICATION: GENERAL

Linda Greene - Austin scene is not so green re: fluoride and dillo dirt

John Goldstone - ARA and 12th Street

Tim Lucas - Illegal immigration and limiting ties to Arizona

Dr. Elliott Eagan - Arizona immigration issues and the City's response

Kenneth Synder - North Ridge acres subdivision

Robert MacDonald - City policy clarifications

Rae Nadler-Olenick - Water fluoridation

Ronnie Reefersseed - Peace and freedom generally speaking

Douglas Riley - The city budget and where the tax money goes

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:37 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.

47. Discuss legal issues related to the November 2, 2010 election (Private Consultation with Attorney - Section 551.071).
48. Evaluate the performance of and consider compensation and benefits for the City Manager. (Personnel Matters-Section 551.074). Related to Item #37.
This item was postponed to May 27, 2010.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:44 p.m.

DISCUSSION ITEMS CONTINUED

35. Approve a resolution adopting recommendations made in the March 2010 final report of the Citizens Water Conservation Implementation Task Force, endorsing water conservation goals, and directing the City Manager to continue analysis of the recommendations and develop a 10 year conservation action plan. (Council Member Chris Riley Council Member Randi Shade Mayor Lee Leffingwell)
Resolution No. 20100513-035 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote. The following direction was given:
- When staff reports on their quantification of over 100 recommendations, they should provide a report on what would be necessary to achieve the goal of reducing total per capita potable water production to an average of 140 gallons per day so Council can make a realistic assessment on whether or not it is an achievable goal.
 - Resource Management Commission should provide Council a status update on the 2007 task force recommendations.
13. Approve a settlement related to Shane Roberts v. City of Austin, No. C-1-CV-09-012681, County Court at Law # 2, Travis County, Texas.
The motion to settle the above referenced lawsuit by the City paying \$62,500 to Shane Roberts was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote. In exchange for the settlement the City will be released from the case.
40. Approve a resolution directing the City Manager to recommend options for achieving the City's regional multi-modal transportation goals being discussed as part of the City's on-going transportation planning while preserving debt capacity for a general obligation bond election in 2013, adhering to all City financial policies, and maintaining a consistent tax rate. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Chris Riley)
This item was postponed to May 27, 2010 on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote to have more time to prepare revised language that is more acceptable to Council.

BRIEFINGS CONTINUED

46. Material Recovery Facility Short-Listed Proposal Presentations
Presentation was made by Howard Lazarus, Director of Public Works Department and Byron Johnson, Purchasing Officer. Each company was allowed to make a 20 minute presentation. Representing the Balcones Resources company was Kerry Getter, Joe Sloan, Sara Koeninger and Cloteal Davis-Haynes. Representing the Resource Management company was Patrick DeRueda, Michael Timpane, and Jaime Beaman. Representing the Allied Waste company was Lee Kuhn and Steve Shannon.

ZONING CONSENT ITEMS

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

49. C14-2009-0102(PART) - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 3, 11, 13, 15, 17, 19, 21 and 22 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and

Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. First reading approved on March 11, 2010. Vote: 5-1, Martinez-Nay, Shade-Abstain. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.

Ordinance No. 20100513-049, with the following provisions, was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. Tracts 11, 13, 15, 17, 19, 21 and 22 were excluded from the vertical mixed use building (V) designation. Tract 3 was postponed to May 27, 2010.

50. C14-2009-0157 - Albert Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201-7207 Albert Road and 1305-1407 Matthews Lane (South Boggy Creek; Williamson Creek Watersheds) from single family residence large lot-conditional overlay (SF-1-CO) combining district zoning to single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading approved on April 8, 2010. Vote: 7-0. Owner/Applicant: Stone Properties (Jacqueline P. Stone). Agent: Austin Civil Engineering, Inc. (Brent Hammond). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20100513-050 for single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning with amendments per the copy distributed to Council was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING CONSENT ITEMS

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

51. C14-2010-0021 - 12104 N Lamar Blvd - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 12104 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) district zoning. Applicant: Don Keeling. City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and Ordinance No. 20100513-051 for neighborhood commercial-conditional overlay (LR-CO) district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

52. 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 June 24, 2010 at the owner's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

54. C14-98-0150(RCT) - HW Tosca Restrictive Covenant Termination - Conduct a public hearing to delete a public restrictive covenant on property locally known as East Wells Branch Parkway (Harris Branch Watershed). Staff Recommendation: To approve the restrictive covenant termination. Zoning and Platting Commission Recommendation: To approve the restrictive covenant termination. Applicant: HW Tosca

Investments LP (Shannon Martinez). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to May 27, 2010 at the owner's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

55. C14-2009-0135 - HW Tosca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as East Wells Branch Parkway (Harris Branch Watershed) from community commercial (GR) district zoning and multi-family residence-low density (MF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: HW Tosca Investments LP (Shannon Martinez). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to May 27, 2010 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

56. C14-2010-0017 - Great Hills Country Club - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 5914 Lost Horizon Drive (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Great Hills Golf Club of Austin, Inc. (Larry Harper). Agent: Randall Jones & Associates Engineering, Inc. (R. Brent Jones). City Staff: Sherri Sirwaitis, 974-3057.

This item was withdrawn on consent by staff for re-notification on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

57. C14-2010-0028 - Capital Produce L.L.C.- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 9514 Anderson Mill Road (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to warehouse/limited office (W/LO) combining district zoning. Staff Recommendation: To grant warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning. Applicant: Monarcha Investment Group, Ltd. (Luis Valencia, Sandra Valencia). Agent: A.E.C. Inc. (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and Ordinance No. 20100513-057 for warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

59. C14-2010-0020 - 12108 N Lamar Blvd - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 12108 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Don Keeling. City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and Ordinance No. 20100513-059 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

60. C14-2010-0010 - Storage Depot - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5810 N. MoPac S. B. (Shoal Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services- conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning & Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Austin Storage, Inc. (James Lederer) Agent: Applicant: Austin Storage, Inc. (James Lederer) City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to May 27, 2010 at the neighborhood's request on Council Morrison's motion, Council Member Spelman's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

53. C14-2010-0030 - 12500 Limerick Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 12500 Limerick Avenue (Walnut Creek Watershed) from neighborhood office-mixed use (NO-MU) combining district zoning to general office (GO) district zoning. Staff Recommendation: To deny general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: J. B. Phillips. City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and a motion to deny the zoning and rezoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.
58. 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.
The public hearing was closed and a motion to deny the rezoning was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 3:50 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:00 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

61. Conduct a public hearing and consider an appeal of the Planning Commission's decision to approve a four-year site plan extension for Western Oaks Retail Center, located at 4625 W. William Cannon Drive (SPC-2007-0439C(XT2)).
This item was postponed to May 27, 2010 at the staff's request without objection.

Mayor Leffingwell recessed the Council Meeting at 4:02 p.m.

LIVE MUSIC

Tortilla Factory

PROCLAMATIONS

Certificate of Congratulations -- Kealing Middle School Fearless Foodies -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Distinguished Service Award (Retirement) -- Chuck Morrison, EMS -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- National Public Works Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Howard Lazarus and PWD employees

Certificate of Appreciation -- Tory Pylypec -- to be presented by Council Member Chris Riley and to be accepted by the honoree

Proclamation -- Breast Cancer Awareness and "Get a Mammogram" Campaign -- to be presented by Council Member Laura Morrison and to be accepted by Mark Washington and HR staff

Proclamation -- Asian Pacific American Heritage Month -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Phil Hoang

Proclamation -- River City Youth Recognition Day -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Mona Gonzales and children from RCYF

Mayor Pro Tem Martinez called the Council Meeting back to order at 6:25 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

62. Conduct a public hearing and consider an appeal of the Zoning and Platting Commission's decision to deny a Conditional Use Site Plan application for a Hospital Services General (Jefferson Rehabilitation Hospital), located at 1600 W. 38th Street

This item was postponed to June 10, 2010 on Council Member Cole's motion, Council Member Morrison's second on a 4-0 vote. Mayor Leffingwell and Council Members Shade and Spelman were off the dais.

Mayor Pro Tem Martinez adjourned the meeting at 6:28 p.m. without objection.

The minutes for the regular meeting of May 13, 2010 were approved on this the 27th day of May 2010 on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.