



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 26, 2012**

Invocation: Rev. Steve A. Manning, Pastor, Sweet Home Missionary Baptist 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, January 26, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Pro Tem Cole called the Council Meeting to order at 10:07 a.m.

Mayor Leffingwell was absent because he was traveling on City business.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council work session of January 10, 2012, regular meeting of January 12, 2012, and special called meeting of January 17, 2012.
The minutes from the City Council work session of January 10, 2012, regular meeting of January 12, 2012 and special called meeting of January 17, 2012 were approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
2. Authorize the City Manager to negotiate and execute an amendment to the wholesale wastewater service agreement between the City of Austin and the City of West Lake Hills allowing wholesale wastewater service to be provided to new commercial development located within the City of West Lake Hills without increasing the level of service specified in the agreement.
This item was postponed on consent to February 9, 2012 on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
3. Authorize execution of a construction contract with DENUCCI CONSTRUCTORS, LLC for the Highway 290 and Airport Boulevard Wastewater Line Relocation Project, in an amount not to exceed \$165,781.17.
The motion authorizing the execution of a construction contract with Denucci Constructors, LLC was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
4. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, INC. for Anderson Mill Estates - Phase 2 in the amount of \$548,837.50 plus a \$27,441.88 contingency, for a total contract amount not to exceed \$576,279.38.
The motion authorizing the execution of a construction contract with Cash Construction Company, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

5. Authorize execution of change order #7 to the construction contract with NATIONAL POWER RODDING CORPORATION for Project 1: Canterbury, Highway and Bergstrom Shafts and Lateral Rehabilitation in the amount of \$227,461.83 for a total contract amount not to exceed \$5,192,178.57.
The motion authorizing the execution of change order number seven to the construction contract with National Power Rodding Corporation was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
6. Authorize execution of change order #1 to the construction contract with BRH-GARVER CONSTRUCTION L.P. for the Main to Montopolis Reclaimed Water Main in the amount of \$488,558, for a total contract amount not to exceed \$5,831,414.89.
The motion authorizing the execution of change order number one to the construction contract with BRH-Garver Construction L.P. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
7. Authorize negotiation and execution of an amendment to the professional services agreement with HALFF ASSOCIATES, INC. for additional engineering design and construction phase services for the Southern Walnut Creek Hike & Bike Trail in an amount not to exceed \$102,673 for a total authorization of \$1,752,210.97.
This item was postponed on consent to February 2, 2012 on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
8. Authorize execution of change order #6 to the construction contract with McLEAN CONSTRUCTION, LTD. for the Blunn Creek - Long Bow Storm Drain Improvements in the amount of \$55,000, for a total contract amount not to exceed \$3,513,446.40.
The motion authorizing the execution of change order number six to the construction contract with McLean Construction LTD was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
9. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC. for the Williamson Creek - Blarwood Storm Drain Improvements in the amount of \$5,485,443 plus a \$548,544.30 contingency, for a total contract amount not to exceed \$6,033,987.30.
The motion authorizing the execution of a construction contract with Laughlin-Thyssen, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
10. Authorize negotiation and execution of an amendment to the Construction Manager at Risk contract with HENSEL PHELPS CONSTRUCTION CO. for additional preconstruction phase services for the New Central Library and related improvements in an amount not to exceed \$450,000 for a total preconstruction authorization of \$748,339.
The motion authorizing the negotiation and execution of an amendment to the Construction Manager at Risk contract with Hensel Phelps Construction Co. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
11. Approve an ordinance amending the Fiscal Year 2011-2012 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund Ordinance 20110912-005 to appropriate funds to adopt a budget for the East Sixth Street Public Improvement District with a beginning balance of \$69,624, revenue of \$105,815, and requirements of \$105,815.
Ordinance No. 20120126-011 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Item 12 was pulled for discussion.

13. Authorize negotiation and execution of Amendment No.1 to the Agreement for Social Services with THE SALVATION ARMY, INC. to increase funding to provide for replacement of the air conditioning system, telephone system and plumbing repairs at the Women and Children's Shelter, in an amount not to exceed \$261,450 for a total contract amount not to exceed \$4,899,916.
The motion authorizing the negotiation and execution of amendment number one to the agreement for social services with The Salvation Army, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
14. Authorize negotiation and execution of an amendment to an Interlocal Agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to increase the contract amount by \$200,000 for a total contract amount not to exceed \$400,000 for purchasing human immunodeficiency virus medication for eligible clients under the City's Ryan White Part A HIV Emergency Relief Project grant, for a seven-month term from August 1, 2011 through February 29, 2012
The motion authorizing the negotiation and execution of an amendment to an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
15. Approve an ordinance authorizing acceptance of \$10,629 in grant funds from the AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA), New York, NY; and amending the Fiscal Year 2011-2012 Health and Human Services Operating Budget Special Revenue Fund Ordinance No. 20110912-005 to appropriate \$10,629 to provide identification tags for as many pets as possible.
Ordinance No. 20120126-015 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
16. Approve an amendment of the outside counsel contract with Robert Icenhauser-Ramirez for legal representation in connection with Bryon Carter, Sr. et al v. Nathan Wagner, et al; Cause No. A-11-CA-887-LY, in an amount not to exceed \$300,000 for a total contract amount not to exceed \$350,000.
The motion to approve an amendment of the outside counsel contract with Robert Icenhauser-Ramirez was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Item 17 was set for a time certain of 3:00 p.m.

18. Approve an ordinance amending Ordinance No. 20111103-019 to change the date for the February retreat appearing in the Council Meeting Schedule for calendar year 2012 to February 29, 2012.
Ordinance No. 20120126-018 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
19. Approve a resolution directing the City Manager to identify the City's legal basis for eminent domain authority and execute the necessary documents to comply with Chapter 2206 of the Texas Government Code (SB 18) as required by state law.
Resolution No. 20120126-019 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Item 20 was pulled for discussion.

21. Authorize award and execution of a 36-month requirements supply contract with HARD ROCK TRANSPORTATION dba AUSTIN EQUIPMENT COMPANY to provide one-inch river rock for the Austin Water Utility to be used in pipeline repair in an estimated amount not to exceed \$512,850, with three 12-month extension options in an estimated amount not to exceed \$170,950 per extension option, for a total estimated contract amount not to exceed \$1,025,700.

The motion authorizing the award and execution of a requirements supply contract with Hard Rock Transportation doing business as Austin Equipment Company was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

22. Authorize award and execution of a 12-month requirements service contract with INTERNATIONAL BUILDING SERVICES for janitorial services at the Balcones Wildland Conservation Division of the Austin Water Utility in an estimated amount not to exceed \$13,148, with four 12-month extension options in an estimated amount not to exceed \$13,148 per extension option, for a total estimated contract amount not to exceed \$65,740.

The motion authorizing the award and execution of a requirements service contract with International Building Services was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

23. Authorize award and execution of a 12-month requirements service contract with TRUGREEN LANDCARE, or one of the other qualified bidders for IFB-BV No. KDW0065, to provide landscaping services for various Austin Energy locations in an estimated amount not to exceed \$51,380 with three 12-month extension options in an estimated amount not to exceed \$51,380 per extension option, for a total estimated contract amount not to exceed \$205,520.

The motion authorizing the award and execution of a requirements service contract with Trugreen Landcare was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

24. Authorize award and execution of Amendment No. 5 to a contract with ADS, LLC, for Insta-Valve, Hydra-Stop fittings and cutters for the Austin Water Utility for repair work to the City's water distribution system, to extend the contract for one 12-month period in an estimated amount not to exceed \$20,000, for a revised total estimated amount not to exceed \$110,000.

The motion authorizing the award and execution of amendment number five to a contract with ADS, LLC for Insta-Valve, Hydra-Stop was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

25. Authorize award and execution of Amendment No. 1 to a requirements supply contract with HD SUPPLY WATER WORKS in an estimated amount not to exceed \$30,490 each for the second and third years of the original 36-month term, with three 12-month extension options in an estimated amount not to exceed \$10,163 per extension option, for a total estimated contract amount not to exceed \$60,981, and with MUNICIPAL WATER WORKS SUPPLY in an estimated amount not to exceed \$44,384 each for the second and third years of the original 36-month term, with three 12-month extension options in an estimated amount not to exceed \$14,794 per extension option, for a total estimated contract amount not to exceed \$88,768 and with ACT PIPE & SUPPLY, INC. in an estimated amount not to exceed \$15,113 each for the second and third years of the original 36-month term, with three 12-month extension options in an estimated amount not to exceed \$5,037 per extension option, for a total estimated contract amount not to exceed \$30,227, for water fittings and accessories for the Austin Water Utility.

The motion authorizing the award and execution of amendment number one to the requirements supply contract with HD Supply Water Works, Municipal Water Works Supply and Act Pipe & Supply, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

26. Authorize award and execution of a 36-month requirements supply contract with HD SUPPLY WATERWORKS to provide clamps and couplings used for repairs of existing water lines for the Austin Water Utility in an estimated amount not to exceed \$214,373 with three 12-month extension options in an estimated amount not to exceed \$71,458 per extension option, for a total estimated contract amount not to exceed \$428,746.

The motion authorizing the award and execution of a requirements supply contract with HD Supply Waterworks was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

27. Authorize award and execution of a 24-month requirements supply contract with VWR INTERNATIONAL, LLC, to provide laboratory chemicals used for water quality testing for the Austin Water Utility in an estimated amount not to exceed \$190,000, with two 12-month extension options in an estimated amount not to exceed \$95,000 per extension option, for a total estimated contract amount not to exceed \$380,000.
The motion authorizing the award and execution of a requirements supply contract with VWR International, LLC was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
28. Authorize award and execution of a contract with HYUNDAI HEAVY INDUSTRIES for the purchase of a three-phase autotransformer to be installed at the newly developed Dunlap Station for Austin Energy in an amount not-to-exceed \$4,318,559.
The motion authorizing the award and execution of a contract with Hyundai Heavy Industries was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
29. Authorize award, negotiation, and execution of a 13-month requirements service contract with CYTEL GROUP, INC., to provide assistance in the preparation and execution of the Austin Urban Area Security Initiative training exercise for the Office of Homeland Security and Emergency Management in an estimated amount not to exceed \$350,000.
The motion authorizing the award, negotiation and execution of a requirements service contract with Cytel Group, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
30. Authorize award and execution of a contract through Texas Procurement and Support Services Cooperative Purchasing Program (TPASS) administered by the State of Texas Comptroller of Public Accounts (CPA) with TOTER INCORPORATED for the purchase of 32-, 64-, and 96-gallon residential garbage carts and single-stream recycling carts for the Austin Resource Recovery Department in an amount not to exceed \$1,678,961.
The motion authorizing the award and execution of a contract through Texas Procurement and Support Services Cooperative Purchasing Program (TPASS) administered by the State of Texas Comptroller of Public Accounts (CPA) with Toter Incorporated was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
31. Authorize award and execution of a contract with TOTER INCORPORATED for the purchase of 21-gallon residential garbage carts for the Austin Resource and Recovery Department in an amount not to exceed \$127,944. Toter Incorporated is the sole manufacturer and supplier of this product.
The motion authorizing the award and execution of a contract with Toter Incorporated was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
32. Authorize award, negotiation, and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with EMA INC. for Maximo software customization for spill investigation and site inspection for the Watershed Protection Department in an estimated amount not to exceed \$309,400.
The motion authorizing the award, negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with EMA Inc. was

approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

33. Authorize award, negotiation, and execution of a 12-month agreement through U.S. Communities IT Products Services and Solutions Cooperative with INSIGHT PUBLIC SECTOR, INC., for the purchase of equipment, installation, hardware and software support services, commissioning, and online hosting for new mobile communication services for Emergency Medical Services ambulances in an amount not to exceed \$156,695.

The motion authorizing the award, negotiation and execution of an agreement through U.S. Communities IT Products Services and Solutions Cooperative with Insight Public Sector, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

34. Authorize award, negotiation, and execution of a 12-month service agreement with CSDC SYSTEMS INC., (formerly PCSS, Inc.) to purchase software maintenance, licenses, consulting, enhancements and upgrades to the Municipal Court's Judicial Enforcement Management System (JEMS) in an amount not to exceed \$595,359 with five 12-month extension options in an amount not to exceed \$457,270 for the first option, \$485,102 for the second option, \$512,711 for the third option, \$540,554 for the fourth option and \$568,639 for the fifth option, for a total contract amount not to exceed \$3,159,635. CSDC is the sole source provider for this product.

The motion authorizing the award, negotiation and execution of a service agreement with CSDC Systems Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

35. Authorize award, negotiation, and execution of a 12-month requirements service contract ARINC ENGINEERING SERVICES, LLC, to provide radio frequency engineering support at the Austin-Bergstrom International Airport in an estimated amount not to exceed \$171,026, with four 12-month extension options in an estimated amount not to exceed \$176,202 for the first option, \$181,534 for the second option, \$187,026 for the third option, and \$192,707 for the fourth option, for a total estimated contract amount not to exceed \$908,495.

The motion authorizing the award, negotiation and execution of a requirements service contract with ARINC Engineering Services, LLC was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

36. Authorize award and execution of a 5-month requirements contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas COOP-TXMAS), with STROUHAL TIRE RECAPPING PLANT, INC., for the purchase of retread tires for Fleet Services in an estimated amount not to exceed \$270,750, with two 12-month extension options in an estimated amount not to exceed \$779,761 for the first option and \$935,713 for the second option, for a total estimated contract amount not to exceed \$1,986,225.

The motion authorizing the award and execution of a requirements contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas COOP-TXMAS) with Strouhal Tire Recapping Plant, Inc. was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

37. Authorize award and execution of a 60-month secondary requirements supply contract with MILLER UNIFORMS, to provide brand-specific uniforms and related services for public safety and security department users in an estimated amount not to exceed \$2,745,330, with one 60-month extension option in an estimated amount not to exceed \$2,879,905, for a total estimated contract amount not to exceed \$5,625,235. These award amounts reflect City of Austin usage only; should other jurisdictions use this contract, their expenditures are independent of the amounts shown above.

The motion authorizing the award and execution of a secondary requirements supply contract with Miller Uniforms was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

38. Authorize negotiation and execution of an updated Multiple Use Agreement between the Texas Department of Transportation and the City of Austin for the operation, maintenance, and charging of parking fees on the surface parking lots located under IH-35 between East 6th and East 8th Streets in Austin, Texas.

The motion authorizing the negotiation and execution of an updated multiple use agreement between the Texas Department of Transportation and the City of Austin was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

39. Approve a resolution authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to provide funds received from SPG Arbor Walk, LP, a Texas limited partnership, for a roadway safety improvements project along a portion of the MoPac (Loop 1) frontage road at Arbor Walk Development in the amount of \$315,271 to be secured with a cash deposit and other fiscal security.

Resolution No. 20120126-039 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

40. Approve negotiation and execution of a Roadway Improvement Agreement with SPG Arbor Walk, LP, a Texas limited partnership, to receive funds from this company and apply them towards construction of a Texas Department of Transportation roadway safety improvements project along a portion of the MoPac (Loop 1) frontage road at Arbor Walk Development in the amount of \$315,271 to be secured with a cash deposit and other fiscal security.

The motion authorizing the negotiation and execution of a roadway improvement agreement with SPG Arbor Walk, LP was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

41. 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 waiver was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Waiver

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Cassandra Taylor's service on the Community Development Commission.

42. Approve a resolution directing the City Manager to provide recommendations for implementation and enforcement strategies for a \$100.00 taxicab clean-up fee and to prepare the necessary ordinance to establish the fee. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)

Resolution No. 20120126-042 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Item 43 was pulled for discussion.

44. Approve a resolution naming the oak grove found on the approximately 24-acre tract of land located east of the Montopolis Practice Fields and west of Bastrop Highway 183 that was dedicated to the City on December 31, 2011 by the McElhenney family the "McElhenney Oak Grove", and waiving the applicable

requirements of Chapter 14-1 of the City Code related to naming this feature of the property. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)

Resolution No. 20120126-044 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Item 45 was set for a time certain of 3:00 p.m.

46. Authorize the City Manager to execute a co-sponsorship agreement with the Nosotros Los Tejanos Parade Committee to waive special event fees and barricade costs not to exceed \$10,500 relating to the Nosotros Los Tejanos Parade to be held on Saturday, March 31, 2012. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)

This item was postponed on consent to February 2, 2012 on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

47. Approve a resolution directing the City Manager to work with the Graywater Working Group to make recommendations to Council on code amendments, a permitting process, a technical guidance document, and a program for staff support of graywater systems. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)

Resolution No. 20120126-047 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

48. Approve a resolution directing the City Manager to analyze progress on new contract management procedures, present options for an electronic contract management system, and assess misuse of City resources; and directing the City Auditor to conduct follow-up audit to Audit AU 10113 and directing the City Manager and City Auditor to report back to the Council's Audit and Finance Committee with findings and options. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Laura Morrison CO 2: Mayor Pro Tem Sheryl Cole)

Resolution No. 20120126-048 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

49. Approve an ordinance amending Section 2-1-182 of the City Code to change the name and revise the duties of the Solid Waste Advisory Commission (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)

Ordinance No. 20120126-049 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

50. Approve a resolution directing the City Manager to facilitate and promote the 13th Annual African American Community Heritage Festival by identifying vendor opportunities and making City departments available at the Festival to provide information and other services, and to identify and make other financial and in-kind support available to the Festival. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Resolution No. 20120126-050 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

51. Approve a resolution directing the City Manager to conduct a comprehensive review of the administrative appeals process for land development decisions and initiating amendments to Title 25 and related provisions of the City Code. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)

Resolution No. 20120126-051 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

52. Approve a resolution directing the City Manager to implement a pilot program using Quick Response Codes to provide information about City projects and operations to citizens. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
Resolution No. 20120126-052 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
53. Approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2012 Zilker Park Kite Festival which is to be held Sunday, March 4, 2012. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)
The motion approving the waiver of certain fees and requirements and authorizing payment of certain costs for the City co-sponsored 2012 Zilker Park Kite Festival was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
54. Set public hearings to consider a request for city consent to the creation of the Southeast Travis County Municipal Utility Districts 1-4 ("MUDs"). (Suggested date and time: March 1, 2012, at 4:00 p.m. at Austin City Hall, 301 W Second Street, Austin, TX)
The public hearing was set on consent for March 1, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
55. Set public hearings to consider a request for city consent to the creation of the Pilot Knob Municipal Utility Districts 1-5 ("MUDs"). (Suggested date and time: March 1, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for March 1, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
56. Set a public hearing to receive public comments and consider an ordinance amending the North Burnet Gateway Regulating Plan to allow certain legal non-conforming uses to continue or change in the Neighborhood Residential subdistrict for a set period of time. (Suggested date and time: March 1, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for March 1, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
57. Set a public hearing to consider an ordinance amending Chapter 15-6 of the City Code phasing in a prohibition of single-use carryout bags within the city limits. (Suggested date and time: March 1, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for March 1, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.
58. Set a public hearing to consider the use of approximately 2,027 square feet of land for construction, use, maintenance, repair, and replacement of the existing electric transmission lines for the Seaholm District Redevelopment and the new Central Library Project through dedicated parkland known as Town Lake Shoal Beach and the Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time, February 9, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for February 9, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

Items 59 and 60 were briefing items set for 10:30 a.m.

Items 61 through 63 were Executive Session items

Items 64 through 72 were zoning items set for 2:00 p.m.

Item 73 was a public hearing item set for 4:00 p.m.

DISCUSSION ITEMS

20. Authorize award, negotiation, and execution of a 60-month revenue contract with AMPCO SYSTEM PARKING or one of the other qualified offerors to RFP No. PAX0102, to provide the operation and management of parking facilities at City Hall and One Texas Center in an estimated contract amount not to exceed \$2,250,000, with two 36-month extension options in an amount not to exceed \$1,620,000 for the first extension option and \$1,944,000 for the second extension option, for a total estimated contract amount not to exceed \$5,814,000.

The motion authorizing the award, negotiation and execution of a revenue contract with AMPCO System Parking was approved on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Mayor Leffingwell was absent.

12. Authorize execution of an Interlocal Agreement between the City of Austin and the Austin Independent School District regarding the continuation of the Fire Technology Program at Lyndon Baines Johnson High School.

The motion authorizing the execution of an interlocal agreement between the City of Austin and the Austin Independent School District was approved on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.

43. Approve an ordinance amending Ordinance 20100225-052 relating to taxicab rates of fare to establish a peak hour surcharge to be added to the initial rate of fare. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to approve the ordinance. Direction was given to staff to explore the per passenger fee option.

There was a substitute motion made by Council Member Riley and seconded by Council Member Spelman to approve the ordinance on first reading with the following amendment and direction. This motion passed on a 5-1 vote. Council Member Tovo voted nay. Mayor Leffingwell was absent.

Direction was given to staff to take this item to the Urban Transportation Commission for their consideration at their next meeting and bring comments back to Council and to include elimination of the cap on passengers in vans in the next posting.

The amendment to the substitute motion was to amend Part 1 of the ordinance to read "Between the hours of 9:00 p.m. through 4:00 a.m., a \$1.00 fee per passenger peak-hour surcharge will be added to the initial rate of fare."

Direction was given to staff to get stakeholder's perspective on the difference in a \$1.00 per passenger and a \$2.50 flat fee and determine who the riders are between 9:00 p.m. and 4:00 a.m.

BRIEFINGS

59. Austin Energy Quarterly briefing.

The presentation was made by Larry Weis, General Manager for Austin Energy.

CITIZEN COMMUNICATIONS: GENERAL

James O'Brien-tbd.

Linda Greene-The Farce and Facts of Adding Fluoride Waste to Our Water Supply.

Camille Jobe-Update on the Waller Creek boat house negotiation.

Elizabeth Gardner-Waller Creek Boathouse.

Michael Whellan-Update from Austin Rowing Club regarding negotiations with City (Waller Creek Boathouse).

Robin Trousdale-Update from Austin Rowing Club regarding Waller Creek Boathouse.

Peggy Maceo-New City Website Evaluation. **Was not present when name was called.**

Rosie Darby-Family & community health & information Fair.

Carlos Leon-1. Austin City Library Policies. 2. Chem Trail Update.

Gus Pena-Please recognize 1. small businesses like "The Pie Society" Emily Kealey Owner who are trying to make a go in the business community. 2. Please recognize Melissa Martinez of Office of Sustainability for helping educate us the community on Green initiatives. 4. Please support the Millennium Youth Center Vanessa Silas and midnight basketball. James Silas for their hard work and dedication to our community and youth and family initiatives. 5. Lets make Austin Affordable for ALL. 6. The proposed Austin energy increases will hurt us.

Mayor Pro Tem Cole recessed the Council Meeting to go into Executive Session at 12:44 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 legal issues related to Southern Walnut Creek Hike & Bike trail (Private consultation pursuant to Section 551.71 of the Government Code)
62. Discuss legal issues related to Open Government matter (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn.
63. Discuss legal issues related to approval of a zoning determination and site plan for Dream City aka Promiseland Church, at 8901 W. Highway 71 (Private consultation pursuant to Section 551.071 of the Government Code).

The Mayor Pro Tem announced that Council would discuss item number 73 on the regular agenda during Executive Session.

Executive Session ended and Mayor Pro Tem Cole called the Council Meeting back to order at 2:52 p.m.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

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

64. C14-2011-0047 - 801 S. Lamar - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 South Lamar Boulevard from family residence (SF-3) district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. First reading approved on January 12, 2012. Vote: 7-0. Applicant: 801 Ltd., (Daryl Kunik). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.
Ordinance No. 20120126-064 for general commercial services-vertical mixed use building (CS-V) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0. Mayor Leffingwell was absent.
65. C14-2011-0153 - Hanover South Lamar 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807, 809 and a portion of 811 South Lamar Boulevard from community commercial-mixed use-vertical mixed use building-conditional overlay (GR-MU-V-CO) combining district, family residence (SF-3) district, community commercial-vertical mixed use building (GR-V) combining district and rural residence district (RR) district to multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. First reading approved on January 12, 2012. Vote: 7-0. Applicant: Lamar Building Partners, LP (Thomas Rogers). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson-Lynch). City Staff: Stephen Rye 974-7604.
Ordinance No. 20120126-065 for multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0. Mayor Leffingwell was absent.
66. C14-2011-0154 - Hanover South Lamar 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 903 and 905 South Lamar Boulevard from community commercial-conditional overlay (GR-CO) combining district and family residence (SF-3) district to multifamily-highest density (MF-6-CO) combining district zoning. First reading approved on January 12, 2012. Vote: 7-0. Applicant: Fine Art Services, Inc. (John Traber), SOLA Management, LLC. (Daryl Kunik). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson-Lynch). City Staff: Stephen Rye 974-7604.
Ordinance No. 20120126-066 for multifamily residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0. Mayor Leffingwell was absent.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

67. NPA-2011-0025.03 - 7401 West U.S. 290 Hwy (Oak Hill Heights Commercial) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined 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 7401 West U.S. 290 Highway (Williamson Creek Watershed-Barton Creek Zone) from Office to Commercial land use. Staff Recommendation: To grant the change in the FLUM to Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant the change in the FLUM to Neighborhood Mixed Use land use. Owner/Applicant: Jimmy Nassour. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 974-2695.
This item was postponed to February 9, 2012 at the staff's request on Council Member Martinez' Did you confirm Martinez' motion, Council Member Tovo's second on a 6-0. Mayor Leffingwell was absent.

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

68. NPA-2011-0025.04 - 8739 & 8743 West State Highway 71 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined 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 8739 and 8743 West State Highway 71 (Williamson Creek Watershed-Barton Springs Zone) from Rural Residential to Mixed Use and Multifamily land use. Staff Recommendation: To grant the change in the FLUM to Mixed Use and Multifamily land use. Planning Commission Recommendation: To grant the change in the FLUM to Mixed Use and Multifamily land use. Owner/Applicant: CBAL Whitecrowe, LLC, a Texas Limited Liability Company. Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120126-068 to change the land use designation on the future land use map (FLUM) to Mixed Use and Multifamily land use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0. Mayor Leffingwell was absent.
69. C14-2011-0148 - 620 JMJ Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14926 North FM 620 Road (Lake Creek Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed February 7, 2012. Owner/Applicant: 620 JMJ, Ltd. (John Barizza). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to March 1, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0. Mayor Leffingwell was absent.
70. C14-2011-0054 - Alarid Residence - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8004 Two Coves Drive (West Bull Creek Watershed) from development reserve (DR) district zoning to rural residence (RR) district zoning. Staff Recommendation: To grant rural residence-conditional overlay (RR-CO) combining district zoning. Planning Commission Recommendation: To grant rural residence-conditional overlay (RR-CO) combining district zoning. Applicant: David Alarid. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120126-070 for rural residence-conditional overlay (RR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0. Mayor Leffingwell was absent.
71. C14-2011-0157 - Animal Allergy & Dermatology Center of Central Texas - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2207 Lake Austin Boulevard (Town Lake Watershed) from neighborhood office-neighborhood plan (NO-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on February 28, 2012. Applicant: Minerva, Ltd. (Doug Kadison). Agent: Animal Allergy & Dermatology Center of Central Texas (Patrick Nichols, DVM). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to March 22, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0. Mayor Leffingwell was absent.
72. C14-2011-0162 - Frazer-Merle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4406 Merle Drive (Williamson Creek Watershed) from limited office (LO) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting

Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: Karen E. Frazer, D.D.S. City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120126-072 for family residence (SF-3) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0. Mayor Leffingwell was absent.

DISCUSSION ITEMS CONTINUED

17. Approve an Ordinance repealing Chapter 10-9 of the City Code, relating to notices at limited service pregnancy centers.
Ordinance No. 20120126-017 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Leffingwell was absent.
45. Approve an ordinance amending the City Code to add Chapter 10-10, relating to limited service pregnancy centers. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Mike Martinez)
Ordinance No. 20120126-045 was approved Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Leffingwell was absent.

BRIEFINGS CONTINUED

60. New City web-site demonstration.
The presentation was made by Stephen Elkins, Chief Information Officer, CTM and Douglas Matthews, Chief Communications Officer, PIO. Spell out names of the departments.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

73. Conduct a public hearing and consider an ordinance amending City Code Section 25-1-21 and Chapter 25-4 relating to requirements for flag lots.
The public hearing was conducted and the motion to postpone this item to April 26, 2012 leaving the public hearing open with the following direction to staff was made by Council Member Morrison and seconded by Council Member Tovo. This motion failed on a vote of 3-2. Those voting aye were: Council Members Morrison, Spelman and Tovo. Those voting nay were: Mayor Pro Tem Cole and Council Member Riley. Council Member Martinez was off the dais. Mayor Leffingwell was absent.

Direction was given to staff to amend the language of the ordinance to have flag lots allowed through a variance process with approval by the Land Use Commission. The Land Use Commission would consider criteria pertaining to: fire safety (specifically distance to hydrants, water pressure, proximity to the urban wildlife interface and impact on trees); and if flag lots are prohibited by deed restrictions. As an alternative staff could propose language without referencing deed restrictions but still capture concept of the compatibility with the neighborhood that a deed restriction might impose. Staff was also directed to provide suggestions on configurations for flag lots that would be allowed and minimize the number of times needed to go through the variance process.

The public hearing was conducted and there was a motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to approve the ordinance. This motion failed on a vote of 2-3. Those voting aye were: Mayor Pro Tem Cole and Council Member Riley. Those voting nay were: Council Members Morrison, Spelman and Tovo. Council Member Martinez was off the dais. Mayor Leffingwell was absent.

The public hearing was conducted, and there was a motion made by Council Member Morrison and seconded by Council Member Spelman to postpone this item to February 2, 2012 to be heard by the full Council. This motion passed on a vote of 5-0. Council Member Martinez was off the dais. Mayor Leffingwell was absent.

Mayor Pro Tem Cole adjourned the meeting at 5:35 p.m. without objection.

LIVE MUSIC

Jonny Gray

PROCLAMATIONS

Distinguished Service Award -- Charlie McCabe -- to be presented by Council Member Chris Riley and to be accepted by the honoree

Proclamation -- National Mentoring Month -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Adrian Moore and Wes Vincik

The minutes for the regular meeting of January 26, 2012 were approved on this the 2nd day of February 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote