



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, APRIL 12, 2012**

**Invocation:** Cantor Yitzhak Ben Moshe, Congregation Beth El

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 12, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special work session of March 27, 2012, work session of April 3, 2012, special work session of April 3, 2012 and regular meeting of April 5, 2012.  
**The minutes for the City Council special work session of March 27, 2012, work session of April 3, 2012, special work session of April 3, 2012 and regular meeting of April 5, 2012 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
2. Approve an ordinance regarding the revised rates and tariff proposed by Aqua Texas, Inc. in its Statement of Intent dated December 21, 2011 for water service provided to its customers in two areas within the City of Austin known as Rivercrest and Morningside. Recommended by the Water and Wastewater Commission.  
**Ordinance No. 20120412-002 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
3. Authorize execution of a construction contract with CS ADVANTAGE USAA, Inc., for roof replacement at Austin Energy's Town Lake Center facility, in the amount of \$598,000 plus a \$89,700 contingency, for a total contract amount not to exceed \$687,700. ( Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 1.67% MBE and 11.54% WBE subcontractor participation. )  
**The motion authorizing the execution of a construction contract with CS Advantage USAA, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
4. Authorize execution of a construction contract with ZACHRY CONSTRUCTION CORPORATION, for the Waller Creek Tunnel's Waller Beach Site Improvements Outlet Facility Project in the amount of \$13,162,313 plus a \$350,000 contingency, for a total contract amount not to exceed \$13,512,313. ( Notes:

This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 10.76% MBE and 1.55% WBE subcontractor participation. )

**The motion authorizing the execution of a construction contract with Zachry Construction Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

5. Authorize negotiation and execution of an amendment to the professional services agreement with CDM SMITH, INC., for engineering services for the Austin-Bergstrom International Airport (ABIA) Stormwater Drainage Master Plan Update project in the amount of \$115,000, for a total contract amount not to exceed \$668,000. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 18.47% MBE and 10.67% WBE sub-consultant participation to date. )

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with CDM Smith, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

6. Authorize execution of change order #6 to the construction contract with BARECKY CONSTRUCTION COMPANY, for the Emergency Medical Station No. 33 in the amount of \$104,000, for a total contract amount not to exceed \$2,040,125. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 0.15% MBE and 11.41% WBE subcontractor participation to date.)

**The motion authorizing the execution of change order number six to the construction contract with Barecky Construction Company was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

7. Authorize the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP, to provide legal services related to the City's Minority-Owned/ Women-Owned Business Enterprise Program (MBE/WBE), to increase funding in the amount of \$115,000 for a total contract amount not to exceed \$315,000.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

8. Approve a resolution to apply for and accept \$74,986 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled APD Central Records Project. Related to Item #9.

**Resolution No. 20120412-008 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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

**Ordinance No. 20120412-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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

**The motion authorizing the negotiation and execution of an agreement between the City of Austin and AboveNet Communications, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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

**The motion authorizing the award and execution of a requirements service contract with Entech Sales & Service Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

12. Authorize award, negotiation, and execution of a 12-month requirements service contract with BICKMORE RISK SERVICES, or one of the other qualified offerors to RFP No. JSD0109Rebid for the workers' compensation third party administrator claims management audit services for the City of Austin in an estimated amount not to exceed \$48,130 with three 12-month extension options in an estimated amount not to exceed \$48,130 for the first extension option, \$50,562 for the second extension option, and \$50,562 for the third extension option, for a total estimated contract amount not to exceed \$197,384. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

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

13. Authorize award and execution of a 12-month requirements service contract with AUS-TEX PRINTING & MAILING, INC. for printing of the PowerPlus newsletter for Austin Energy in an estimated amount not to exceed \$74,736, with two 12-month extension options in an estimated amount not to exceed \$74,736 per extension option, for a total estimated contract amount not to exceed \$224,208. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

**The motion authorizing the award and execution of a requirements service contract with Aus-Tex Printing & Mailing, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

14. Authorize award and execution of a 36-month requirements service contract with ARTHUR W. BELL dba KIL-A-BUG PROFESSIONAL PEST CONTROL, or one of the other qualified bidders for IFB-BV No. PAX0216, to provide pest and termite control services for various City Departments at various City locations, in an estimated amount not to exceed \$830,700, with three 12-month extension options in an estimated amount not to exceed \$395,280 for the first extension option, \$474,336 for the second extension option, and \$569,203 for the third extension option, for a total estimated contract amount not to exceed \$2,269,519. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

**The motion authorizing the award and execution of a requirements service contract with Arthur W. Bell doing business as Kil-A-Bug Professional Pest Control was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

15. Authorize award and execution of a contract with HOWARD INDUSTRIES, INC, for the purchase and installation of two isolation power transformers for Austin Energy in an amount not to exceed \$992,436. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )  
**The motion authorizing the award and execution of a contract with Howard Industries, Inc was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
16. Approve an ordinance authorizing (i) the replacement of the Letter of Credit and Reimbursement Agreement between the City of Austin (City) and KBC Bank related to the \$236,300,000 currently outstanding City of Austin, Airport System Variable Rate Revenue Refunding Bonds, Series 2005 with a Letter of Credit and Reimbursement Agreement issued by State Street Bank and Trust Company (State Street), and (ii) all necessary related documents actions, and fees.  
**Ordinance No. 20120412-016 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
17. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**No appointments or waivers were made.**
18. Authorize the City Manager to issue a street closure permit under City Code Chapter 14-8-3(B) (3) for the VIVA STREETS! event which is to be held on East Sixth Street on May 20, 2012. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)  
**The motion authorizing the City Manager to issue a street closure permit for the Viva Streets! event was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
19. Approve execution of a co-sponsorship agreement between the City and Capital Area Statues, Inc. to sponsor the event dedicating the Willie Nelson statue to be held on April 20, 2012. ( Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez )  
**The motion to approve execution of a co-sponsorship agreement between the City and Capital Area Statues, Inc. to sponsor the event dedicating the Willie Nelson statue was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Items 20 through 22 were pulled for discussion.**

23. Approve a resolution directing the City Manager to prepare and post ordinances for consideration on the April 26, 2012 meeting agenda of the City Council to achieve certain recommendations of the Charter Review Committee regarding expanding the jurisdiction of the Ethics Review Commission to include campaign finance violations, requiring special reporting of campaign contributions made in the last 9 days before an election, enhancing reporting of independent expenditures in City elections, creating a campaign finance database, enhancing required reporting regarding bundlers of campaign contributions; and creating limits on the amounts of campaign contributions that may be bundled by lobbyists. ( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo )  
**Resolution No. 20120412-023 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 24 was pulled for discussion.**

25. Approve an ordinance amending the Fiscal Year 2011-2012 schedule of fees, fines, and other charges (Ordinance No. 20110912-007) for the Renaissance Market Vendor's License Fees. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Kathie Tovo CO 2: Council Member William Spelman )  
**Ordinance No. 20120412-025 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
26. Set a public hearing to consider an ordinance amending Title 30 of the City Code related to provisions for the authority of the County Executive for subdivisions in the Travis County extra-territorial jurisdiction (ETJ) (C2O-2010-0016). (Suggested date and time: May 24, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
27. Set a public hearing to receive public comment and consider approval of an ordinance adopting the sixth plan modification to the East 11th and 12th Streets Urban Renewal Plan. (Suggested date and time: April 26, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)  
**The public hearing was set on consent for April 26, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
28. Set a public hearing to consider an ordinance approving amendments to the Seaholm Power Plant Redevelopment Tax Increment Financing (TIF) #18 Project and Financing Plan. (Suggested date and time: April 26, 2012, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for April 26, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

Item 29 was a briefing item set for 10:30 a.m.

Item 30 was an Executive Session item.

Items 31 through 40 were public hearing items set for 4:00 p.m.

### DISCUSSION ITEMS

20. Approve an ordinance placing a charter amendment on the November 2012 ballot to permit the members of the city council and the city council's appointees to hire and manage their own staffs. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole )  
**Ordinance No. 20120412-020 was approved on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.**
21. Approve an ordinance amending City Code Chapter 13-2 (Ground Transportation Passenger Services) to adopt regulations for the operation of pedicab. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole)  
**Ordinance No. 20120412-021 was approved on consent Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote. There was direction to staff that as future items pertaining to pedicabs are considered that the stakeholder list be broaden, that the issues be discussed by the Urban Transportation Commission and that issues of safety, pay, etc. be considered.**

22. Approve a resolution directing the City Manager to create and implement a system of street markings designating pedicab staging areas. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole)  
**Resolution No. 20120412-022 was approved with the following amendment on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote. The last sentence of the resolution should be revised to read, "The marking design should be presented to the pedicab stakeholder group and the Urban Transportation Commission for feedback and then implemented on downtown streets and intersections within 90 days."**
24. Approve a resolution initiating amendments to the City Code Chapter 25-2 (Zoning) and directing the City Manager to develop a proposed ordinance making outdoor amphitheatres or similar structures a conditional use in all zoning districts, even if an amphitheatre or similar structure is associated with a civic or residential use. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)  
**Resolution No. 20120412-024 was approved with the following amendment on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. The amendment was to add a paragraph to the resolution as follows, "BE IT FURTHER RESOLVED. Because consideration of a conditional use site plan for non-commercial venues would provide an opportunity to address the orientation of performance space and other sound mitigation methods typically addressed during the permitting process under Chapter 9-2 (Noise and Amplified Sound), the City Manager should present options for council consideration to engage the Music Office earlier to simplify and increase predictability of the permitting process."**

### BRIEFING

29. Re-entry Roundtable Annual Update.  
**The presentation was made by Jeri Houchins, Administrative Director, Austin/Travis County Reentry Roundtable.**

### CITIZEN COMMUNICATIONS: GENERAL

Jeff Kantoff - General

Will McLeod - City issues, misc.

Daniel Llanes - Geographic Representation

Howard Kells - Hardships created by lack of Fire inspector plan reviewers

Chris Scherer - Questions regarding no kill policy at the animal shelter. **Not present when name was called.**

Ronnie Reefersseed - Peace, freedom, fluoride & Clay Dafoe

CAROLANN ROSE KENNEDY - ODE 2 LESLIE: FIRE and RAIN and APRILice 2012 and HIPPAcrapLAW. **Not present when name was called.**

Paul Robbins - City issues

Carlos Leon - 1) Chem trail recent update 2) Yet to be finalized

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:30 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.

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

**Executive Session ended at 1:20 p.m.**

**Mayor Leffingwell called the Council Meeting back to order at 4:04 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

31. Conduct a public hearing to receive citizen input on a Substantial Amendment to the City's Fiscal Year 2011-2012 Action Plan and the Community Development 2011-2012 Program as required by Texas Local Government Code Chapter 373.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison second on a 7-0 vote.**

**Items 32-35 were acted on in a combined motion.**

32. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 1 ("MUD") and limited purpose and full purpose annexation of approximately 188 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

33. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 2 ("MUD") and limited purpose and full purpose annexation of approximately 475 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

34. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 3 ("MUD") and limited purpose and full purpose annexation of approximately 563 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

35. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 4 ("MUD") and limited purpose and full purpose annexation of approximately 378 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Items 36-40 were acted on in a combined motion.**

36. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility Districts 1 ("MUD") and limited purpose and full purpose annexation of approximately 340 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

37. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility Districts 2 ("MUD") and limited purpose and full purpose annexation of approximately 557 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

38. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility Districts 3 ("MUD") and limited purpose and full purpose annexation of approximately 644 acres.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 4:17 p.m. without objection.**

### LIVE MUSIC

Charlie Faye

### PROCLAMATIONS

Honorary Citizen Certificates -- Sister City Visitors from Koblenz, Germany -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- CDBG Week and Volunteer Recognition -- to be presented by Mayor Lee Leffingwell and to be accepted by Betsy Spencer and volunteers

Proclamation -- Fair Housing Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Mark Washington, Carla Scales and Betsy Spencer

Proclamation -- Barton Springs Pool Treeathlon -- to be presented by Mayor Lee Leffingwell and to be accepted by Mike Cannatti

Proclamation -- Go Local Week -- to be presented by Council Member Laura Morrison and to be accepted by Bob Tuschak

**The minutes for the regular council of April 12, 2012 were approved on this the 26th day of April 2012 on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.**