



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, DECEMBER 8, 2011**

Invocation: Rev. Bud Roland, Pastor, St. John Neumann Catholic 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, December 8, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:04 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of November 8, 2011 and regular meeting of November 10, 2011.

The minutes from the work session of November 8, 2011 and regular Council meeting of November 10, 2011 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Approve the issuance of a Letter of Intent for a rebate to FORTIS REALTY SERVICES, LLC, Austin, TX, for the installation of solar energy systems designed to serve 25 new construction condominium units and one new construction shared house facility in the Pease Place Condominium Complex, 1603 Enfield Road, 78703 for a total amount of \$160,253.10.

The motion to approve the issuance of a letter of intent for a rebate to Fortis Realty Services, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

4. Authorize execution of a 24-month interlocal agreement with the UNIVERSITY OF TEXAS, Austin, TX, on behalf of Clean Energy Incubator, a program of the Austin Technology Incubator, for mutual assistance in the clean energy field, in an amount not to exceed \$265,000 in the first year, and in an amount not to exceed \$265,000 in the second year, for a total amount not to exceed \$530,000.

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

Item 5 was pulled for discussion.

6. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 69.06%), Austin, TX for ADA Sidewalk & Ramp Improvements 2011 Group 11 Re-Bid, a 2010 BOND PROGRAM PROJECT, in the amount of \$5,474,220.80 plus a \$547,422.08 contingency, for a total contract amount not to exceed \$6,021,642.88.

The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

7. Authorize execution of a construction contract with TEXAS SOLAR POWER COMPANY (MBE/MH - 95.87%), Austin, Texas, for the restoration of a solar array at Austin Energy's Decker Creek Power Station in an amount not to exceed \$947,497.80.

The motion authorizing the execution of a construction contract with Texas Solar Power Company was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 8 was pulled for discussion.

9. Authorize execution of Change Order #6 to the construction contract with AUSTIN UNDERGROUND, INC. Austin, TX, (DBE/MH - 71.11%) for Lake Austin Boulevard Bikeway in the amount of \$35,200 for a total contract amount not to exceed \$993,552.60.

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

10. Authorize negotiation and execution of an amendment to the professional services agreement with LOCKWOOD, ANDREWS & NEWNAM, INC. Austin, TX, for construction phase services for the East Bouldin Euclid-Wilson Storm Drain Improvements project in the amount of \$377,158 for a total contract amount not to exceed \$1,611,833.

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

11. Authorize execution of a 12-month construction contract with FACILITIES REHABILITATION, INC., (MBE/MH - 96.4%), Taylor, TX for Small Diameter Waterline General Services in an amount not to exceed \$833,000, with two 12-month extension options in an amount not to exceed \$833,000 per extension, for a total contract amount not to exceed \$2,499,000 over a three year period.

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

12. Authorize negotiation and execution of a design and commission agreement with Sunyong Chung and Philippe Klinefelter for artwork to be displayed at the Asian American Resource Center in an amount not to exceed \$72,000.

The motion authorizing the negotiation and execution of a design and commission agreement with Sunyong Chung and Philippe Klinefelter was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

13. Approve an ordinance setting the assessment rate and proposed 2012 assessment roll for the E. 6th Street Public Improvement District (PID). Related to Items 14 & 84.

Ordinance No. 20111208-013 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

14. Approve a resolution adopting the E. 6th Street Public Improvement District (PID) Service Plan and Budget for 2012. Related to Items 13 & 84.
Resolution No. 20111208-014 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 15 and 16 were pulled for discussion.

17. Approve an ordinance accepting grant funds in the amount of \$100,500 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, HIV/STD PREVENTION AND CARE BRANCH and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$100,500 for the HIV Prevention Program to provide rapid HIV testing kits to test individuals who are at high risk of acquiring HIV/STDs.
Ordinance No. 20111208-017 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
18. Approve payment of a judgment in City of Austin v. Trudy's Texas Star, Inc., d/b/a South Congress Cafe, Cause No. D-1-GV-05-004526 in the 201st Judicial District Court of Travis County, Texas, in the amount of \$359,918.75.
The motion to approve payment of a judgment in City of Austin v. Trudy's Texas Star, Inc., doing business as South Congress Cafe was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo abstained.
19. Authorize negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP for legal advice and representation relating to development of the Boardwalk in the amount of \$35,794.00, for a total contract amount not to exceed \$110,794.00.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
20. Authorize negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP for legal advice and representation relating to the Gilliland Transmission Line Project, in the amount of \$80,000.00, for a total contract amount not to exceed \$130,000.00.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Andrews Kurth, LLP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
21. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the City of Austin to convey to the CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY fee-simple title to property described as 0.999 acre of land out of the Lucas Munos Survey No. 55, Abstract No. 513, in Austin, Travis County, Texas, such property also being described as 0.9992 acre of land in proceedings in eminent domain in Probate Court No. 1, Cause No. 1602, filed of record in Volume 10718, Page 1417, Real Property Records, Travis County, Texas, also known as "Parcel 39" and locally known as 4704 North IH-35.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the City of Austin to convey to the Central Texas Regional Mobility Authority fee-simple title was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
22. Authorize the negotiation and execution of a ten year lease with AUSTIN TRAVIS COUNTY INTEGRAL CARE, INC., for the use of a 4,350 square foot, free-standing building located at 5307 E. Riverside Drive in exchange for the provision of shelter and care to homeless individuals with special needs.

The motion authorizing the negotiation and execution of a lease with Austin Travis County Integral Care, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 23 and 24 were pulled for discussion.

25. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG), and payment of the related 2012 membership fee, in an amount not to exceed \$81,023.

Resolution No. 20111208-025 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 26 was pulled for discussion.

27. Approve an ordinance adopting the Helen Boothe Et Al Annexation and Development Agreement, concerning annexation and development of approximately 13 acres in southern Travis County south of Burleson Road approximately 870 feet east of the intersection of Burleson Road and Smith School Road.

Ordinance No. 20111208-027 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

28. Approve an ordinance annexing for full purposes and approving a service plan for the Burleson-Felter annexation area (approximately 84 acres in southern Travis County south of Burleson Road approximately 1,100 feet west of the intersection of Burleson Road and McKinney Falls Parkway).

Ordinance No. 20111208-028 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

29. Approve an ordinance annexing for full purposes and approving a service plan for the Northridge Park Section 2 annexation area (approximately 97 acres in Travis County at the northeast corner of the intersection of Manor Road and Old Manor Road).

Ordinance No. 20111208-029 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

30. Approve an ordinance annexing for full purposes and approving a service plan for the Ribelin Ranch Preserve annexation area (approximately 547 acres in Travis County north of FM 2222 approximately 900 feet north of the intersection of FM 2222 and McNeil Drive).

Ordinance No. 20111208-030 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

31. Authorize award, negotiation, and execution of a 36-month requirements service contract with RIPPNER, LLC, Austin, Texas or with the other qualified respondent to RFQS CB30003, for management and operation of Pharr Tennis Center, in an amount not to exceed \$130,500 with two 36-month option periods in an estimated amount not to exceed \$130,500 per extension period, for a total estimated contract amount not to exceed \$391,500.

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

Item 32 was pulled for discussion.

33. Authorize award and execution of Amendment No. 2 to a contract with N BUSINESS GRAPHICS, Austin, TX, for printing services for Municipal Court to add the third year funding in the amount of \$43,450, with three additional 12-month extension options in an amount not to exceed \$43,450 per option, for a revised total estimated contract amount not to exceed \$260,700.

The motion authorizing the award and execution of amendment number two to a contract with N Business Graphics was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

34. Authorize award and execution of a 12-month requirements supply contract with ALAMO IRON WORKS, San Antonio, TX, for the purchase of steel reinforcing bar (rebar) for Austin Energy in an estimated amount not to exceed \$109,653 with four 12-month extension options in an estimated amount not to exceed \$109,653 per extension option, for a total estimated contract amount not to exceed \$548,265.

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

35. Authorize award and execution of a 12-month requirements supply contract with PIONEER TRANSFORMERS LTD., Granby, Quebec, Canada, for the purchase of network transformers for Austin Energy in an estimated amount not to exceed \$1,159,012, with four 12-month extension options in an estimated amount not to exceed \$1,159,012 per extension option, for a total estimated contract amount not to exceed \$5,795,060.

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

36. Authorize award, negotiation and execution of a 12-month service contract with SAFETEC COMPLIANCE SYSTEMS, Vancouver, WA, for access to and support for a web-based materials safety data sheet management system for Austin Energy in an estimated not to exceed \$18,000, with four 12-month extensions options in an estimated amount not to exceed \$18,000 per extension option, for a total estimated contract amount not to exceed \$90,000.

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

37. Authorize award, negotiation and execution of a 24-month service contract with GE POWER & WATER, Houston, TX; TRANSCANADA TURBINES, Houston, TX; and WOOD GROUP PRATT & WHITNEY, Bloomfield, CT, for maintenance and repair services for gas turbines at Austin Energy power plants in an estimated amount not to exceed \$8,000,000 each and combined, with two 24-month extensions options in an estimated amount not to exceed \$4,000,000 each and combined per extension option, for a total estimated contract amount not to exceed \$16,000,000 each and combined.

The motion authorizing the award, negotiation and execution of a service contract with GE Power & Water, Transcanada Turbines and Wood Group Pratt & Whitney was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

38. Authorize award and execution of a 60-month requirements service contract with LEXIS/NEXIS, Miamisburg, OH, for subscription online database services for public records retrieval for Austin Energy in an estimated amount not to exceed \$400,000, with two 12-month extension options in an estimated amount not to exceed \$80,000 per extension option, for a total estimated contract amount not to exceed \$560,000.

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

39. Approve ratification of a contract with SOLAR TURBINES, INC. Houston, TX for the purchase and replacement of a gas turbine gearbox at the Mueller Energy Center in an amount not to exceed \$132,668.

The motion to ratify a contract with Solar Turbines, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 40 was pulled for discussion.

41. Authorize award and execution of Amendment No. 14 to a requirements contract with ASPLUNDH TREE EXPERT CO, Corpus Christi, TX, for transmission utility line clearance services for Austin Energy to extend the current contract period by six months and to increase the contract authorization in an estimated amount not to exceed \$750,000, for a revised estimated contract amount not to exceed \$8,622,228.66.

The motion authorizing the award and execution of amendment number 14 to a requirements contract with Asplundh Tree Expert Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

42. Authorize award and execution of a 12-month service agreement with ENTECH SALES & SERVICE, INC., Buda, TX, to provide preventative maintenance services on heating ventilation and air conditioning services for Austin Energy in an estimated amount not to exceed \$17,257, with four 12-month extension options in an estimated amount not to exceed \$17,257 per extension option, for an total estimated contract amount not to exceed \$86,285.

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

43. Authorize award and execution of a contract with ATLAS MANUFACTURING CO., INC., Monticello, MS, for the overhaul and repair of traveling water screen equipment located at Austin Energy's Decker Creek Power Station in an amount not to exceed \$152,390.

The motion authorizing the award and execution of a contract with Atlas Manufacturing Co., Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

44. Authorize award and execution of Amendment No. 15 to the requirements contracts with ASPLUNDH TREE EXPERTS CO, Corpus Christi, TX and DAVEY TREE SURGERY CO, Livermore, CA for distribution line clearance services for Austin Energy to extend the current contract period by six months and to increase the contract authorization in an estimated combined amount not to exceed \$4,000,000, for a revised estimated combined contract amount not to exceed \$64,000,000.

The motion authorizing the award and execution of amendment number 15 to the requirements contract with Asplundh Tree Experts Co. and Davey Tree Surgery Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

45. Authorize award and execution of Amendment 6 to the contract with APERTA, INC, St. Louis, MO for the purchase of Aperta software maintenance and support for Austin Energy's two Quantum 21300 remittance check processors to add an additional seven 12-month extension options in an estimated amount not to exceed \$32,216 for the first extension option, \$33,827 for the second extension option, \$35,518 for the third extension option, \$37,295 for the fourth extension option, \$39,159 for the fifth extension option, \$41,117 for the sixth extension option, and \$43,173 for the seventh extension option, for a total estimated contract amount not to exceed \$383,601.

The motion authorizing the award and execution of amendment six to the contract with Aperta, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

46. Authorize award and execution of Amendment No. 2 to exercise the second of three 12-month extension options of a services contract with PRO QUEST LLC., Ann Arbor, MI, to provide on-line digital microfilm for the Austin Public Library in an estimated amount not to exceed \$21,107.76 and add the

third 12-month extension option in an estimated amount not to exceed \$23,218.53, for a revised total estimated contract amount not to exceed \$82,704.03.

The motion authorizing the award and execution of amendment number two to a service contract with Pro Quest LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

47. Authorize award and execution of a 60-month service contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas COOP- TXMAS), with OCE NORTH AMERICA, INC. Chicago, IL for the lease of a wide format printing system and maintenance service for the Planning and Development Review Department in an estimated amount not to exceed \$103,542.

The motion authorizing the award and execution of a service contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas COOP- TXMAS) with OCE North America, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

48. Authorize award and execution of a contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), with OCE NORTH AMERICA, INC. Chicago, IL for the purchase and installation of a wide format printing system and maintenance service in an estimated amount not to exceed \$72,066.62.

The motion authorizing the award and execution of a contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (Texas Multiple Award Schedule (TXMAS) with OCE North America, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

49. Authorize award and execution of a 36-month requirements service agreement with WASHING EQUIPMENT OF TEXAS, Austin, Texas, for truck wash maintenance at the Austin Resource Recovery Department's Kenneth Gardner Service Center in an amount not to exceed \$121,747.05 with three 12-month extension options in an amount not to exceed \$40,582.35 for each option, for a total contract amount not to exceed \$243,494.10.

The motion authorizing the award and execution of a requirements service agreement with Washing Equipment of Texas was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

50. Authorize award and execution of Amendment No. 1 to a contract with TEXAS DISPOSAL SYSTEMS, INC., Austin, TX, for organic waste hauling and composting services for the Austin Convention Center Department, to add the second and third year funding in the amount of \$50,000 per year, with three additional 12-month extension options in an amount not to exceed \$50,000 per option, for a revised total estimated contract amount not to exceed \$300,000.

The motion authorizing the award and execution of amendment number one to a contract with Texas Disposal Systems, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

51. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and the Capital Area Council of Governments (CAPCOG) to acquire digital aerial imagery in an amount not to exceed \$67,073 through an existing contract between CAPCOG and Sanborn Map Company, Inc. to extend through September 30, 2012.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Capital Area Council of Governments (CAPCOG) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

52. Authorize award and execution of a 36-month requirements service contract with RZ COMMUNICATIONS, INC., Austin, TX, (MBE/MH) to provide installation and repair services of

Motorola Radios and support equipment in an estimated amount not to exceed \$1,500,000, with three 12-month extension options in an estimated amount not to exceed \$500,000 per extension option, for an total estimated contract amount not to exceed \$3,000,000.

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

53. Authorize award and execution of a 36-month requirements service contract with ACE FLOOR SOLUTIONS, LLC., San Antonio, TX and JELCO dba JELLISON, INC., Austin, TX, or one of the other qualified bidders for IFB-BV No. PAX0211, to provide flooring installation and repairs in an estimated amount not to exceed \$4,750,200 each and combined, with three 12-month extension options in estimated amounts not to exceed \$2,255,040 each and combined for the first extension option, \$2,706,048 each and combined for the second extension option, and \$3,247,258 each and combined for the third extension option, for a total estimated contract amount not to exceed \$12,958,546 each and combined.

The motion authorizing the award and execution of a requirements service contract with Ace Floor Solutions, LLC and Jelco doing business as Jellison, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 54 was pulled for discussion.

55. Authorize award, negotiation and execution of a 12-month requirements service agreement with APPLIANCE RECYCLING CENTER OF AMERICA, Minneapolis, MN to provide pick-up and recycling services of old energy inefficient appliances and the delivery and installation of new energy efficient appliances to Austin Energy customers, in an estimated amount not to exceed \$1,025,000 with three 12-month extension options in an estimated amount not to exceed \$1,025,000 per extension option, for a total estimated contract amount not to exceed \$4,100,000.

The motion authorizing the award, negotiation and execution of a requirements service agreement with Appliance Recycling Center of America was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

56. Authorize award and execution of Amendment No. 1 to a contract with ZAKARIA SIHALLA dba HYDROTECH ZS CONSULTING, Austin, TX for multi-probe instruments and repair parts for the Watershed Protection Department, to add funding for the remaining 12-months of the initial 36-month contract period in an estimated amount not to exceed \$25,000, with three additional 12-month extension options in an estimated amount not to exceed \$25,000 per extension option, for a revised total estimated contract amount not to exceed \$150,000.

The motion authorizing the award and execution of amendment number one to a contract with Zakaria Sihalla doing business as Hydrotech ZS Consulting was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

57. Authorize award and execution of a 36-month requirements supply contract with PROFESSIONAL POLISH, INC., Fort Worth, TX for preventative maintenance, repair services and parts for janitorial equipment at the Aviation and Austin Convention Center Departments in an estimated amount not to exceed \$279,000, with three 12-month extension options in an estimated amount not to exceed \$93,000 per extension option, for a total estimated contract amount not to exceed \$558,000.

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

58. Authorize negotiation and execution of Amendment No. 1 to the Interlocal Agreement between the City of Austin and the University of Texas at Austin, Lady Bird Johnson Wildflower Center ("Wildflower Center") to provide for four 12-month extensions with no additional funding for services to study the hydrologic response of green (vegetated) roofs to Austin rainfall events.

The motion authorizing the negotiation and execution of amendment number one to the interlocal agreement between the City of Austin and the University of Texas at Austin was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

59. Authorize award and execution of Amendment No. 1 to a 36-month contract with MEC ASSOCIATES OF AUSTIN, LLP, Austin, TX for medical surveillance services for the Watershed Protection Department, to add funding for the remaining 12-months of the initial 36-month contract period in an estimated amount not to exceed \$27,655 with three additional 12-month extension options in an estimated amount not to exceed \$27,655 per option, for a revised total estimated contract amount not to exceed \$165,930.

The motion authorizing the award and execution of amendment number one to a contract with MEC Associates of Austin, LLP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

60. Authorize award and execution of seven 36-month requirements supply agreements for the purchase of electrical supplies for Austin Energy with: POWER SUPPLY, INC., Austin, TX, in an estimated amount not to exceed \$522,273 with three 12-month extension options in an estimated amount not to exceed \$174,091 per extension option, for a total estimated contract amount not to exceed \$1,044,546, STUART C. IRBY CO., Austin, TX, in an estimated amount not to exceed \$266,943, with three 12-month extension options in an estimated amount not to exceed \$88,981 per extension option, for a total estimated contract amount not to exceed \$533,886, TECHLINE, INC., Austin, TX, in an estimated amount not to exceed \$196,734 with three 12-month extension options in an estimated amount not to exceed \$65,578 per extension option, for a total estimated contract amount not to exceed \$393,468, KBS ELECTRICAL DISTRIBUTORS, Austin, TX, in an estimated amount not to exceed \$157,992, with three 12-month extension options in an estimated amount not to exceed \$52,664 per extension option, for a total estimated contract amount not to exceed \$315,984, TEXAS METER & DEVICE, Waco, TX, in an estimated amount not to exceed \$38,115, with three 12-month extension options in an estimated amount not to exceed \$12,705 per extension option, for a total estimated contract amount not to exceed \$76,230, ACE 1 POWER EQUIPMENT, Austin, TX, in an estimated amount not to exceed \$33,450, with three 12-month extension options in an estimated amount not to exceed \$11,150 per extension option, for a total estimated contract amount not to exceed \$66,900, and with PRIESTER-MELL & NICHOLSON INC., Austin, TX, in an estimated amount not to exceed \$33,282, with three 12-month extension options in an estimated amount not to exceed \$11,094 per extension option, for a total estimated contract amount not to exceed \$66,564. The annual amount for all electrical supplies required under these contracts will be for a total estimated amount not to exceed \$416,263 each and combined.

The motion authorizing the award and execution of seven requirements supply agreements with Power Supply, Inc.; Stuart C. Irby Co.; Techline, Inc.; KBS Electrical Distributors; Texas Meter & Device; Ace 1 Power Equipment; and Priester-Mell & Nicholson Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 61 was pulled for discussion.

62. Authorize award and execution of a 12-month requirements supply contract TRILLIUM DEVELOPMENT LTD CO., Scottsdale, AZ for the purchase of 30,000 feet each of Traffic Signal Cable, 5 Conductor 600V, #14 Stranded Copper and 30,000 feet each of Traffic Signal Cable, 20 Conductor 600V, #14 Stranded Copper in an estimated amount not to exceed \$59,310 with one 12-month extension option in an amount not to exceed \$59,310, for a total estimated contract amount not to exceed \$118,620.

The motion authorizing the award and execution of a requirements supply contract with Trillium Development LTD Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 63 was pulled for discussion.

64. Authorize award and execution of Amendment No. 9 to a contract with ASSETWORKS, INC., Wayne, PA, for 1,000 additional licenses and software maintenance for the FleetFocus M5 fleet maintenance and management system for the Fleet Department in an amount not to exceed \$29,678 and to increase the final extension option in an amount of \$8,610, for a revised total amount not to exceed \$1,910,427.71.
The motion authorizing the award and execution of amendment number nine to a contract with Assetworks, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 65 was pulled for discussion.

66. Authorize award and execution of Amendment No. 3 to a requirements service contract with GIVENS COURT REPORTING, Austin, TX for court reporting services for the Law Department to add funds for the first 12-month extension option in an estimated amount not to exceed \$25,000, with three additional 12-month extension options in an estimated amount not to exceed \$25,000 per extension option, for a total estimated contract amount not to exceed \$155,000.
The motion authorizing the award and execution of amendment number three to a requirements service contract with Givens Court Reporting was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

67. Authorize award and execution of Amendment No. 2 to a requirements supply contract with STUART C. IRBY CO., Dallas, TX, for 362kV class dead tank circuit breakers for Austin Energy to increase the contract authorization for the current contract period and remaining two extension options in an estimated amount not to exceed \$629,365 each, for a revised total contract amount not to exceed \$5,034,920.
The motion authorizing the award and execution of amendment number two to a requirements supply contract with Stuart C. Irby Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 68 and 69 were pulled for discussion.

70. Authorize the negotiation and execution of an amendment extending the Interlocal Agreement with LONE STAR RAIL DISTRICT until December 8, 2012 regarding the coordination and sharing of staff and resources necessary for the ongoing Project Connect and other regional rail and mobility efforts.
The motion authorizing the negotiation and execution of an amendment extending the interlocal agreement with Lone Star Rail District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
71. Approve an Ordinance amending the Fiscal Year 2011-2012 Austin Transportation Department Parking Management Fund Operating Budget (Ordinance No. 20110912-005) to transfer out \$200,000, and amending the Fiscal Year 2011-2012 Austin Transportation Department Capital Budget (Ordinance No. 20110912-006) to transfer in and appropriate \$200,000 from the Parking Management Fund Operating Budget for the Lone Star Rail District Interlocal Agreement. (Notes: Item ID #11170)
Ordinance No. 20111208-071 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
72. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Board/Nominee

Austin Music Commission
 Joe Stallone

Nominated by

Council Member Spelman

Design Commission
Evan Taniguchi

Council Member Tovo

Nominations to Intergovernmental Bodies

Board/Nominee

Nominated by

Central Health Board of Managers
Dr. Tom Coopwood

Council

Travis Central Appraisal District Board of Directors

Approve a resolution reappointing Blanca Zamora-Garcia and Kristoffer Lands to the Travis Central Appraisal District Board of Directors.

Resolution No. 20111208-072 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Andrew Ramirez' service on the MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee. The waiver includes absences through today's date.

Items 73 and 74 were pulled for discussion.

75. Approve a resolution casting Council's votes in the Williamson Central Appraisal District Board of Directors election. (Notes: SPONSOR - Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)
Resolution No. 20111208-075 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 76 was pulled for discussion.

77. Approve a resolution amending Resolution No. 021003-40 to add the Kite Festival as an annual City Co-sponsored event. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell)
Resolution No. 20111208-077 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
78. Approve a resolution initiating the process to rename the Oak Springs Branch Library to the Willie Mae Kirk Branch Library, waiving requirements in City Code Section 14-1-34(D) related to process time limits, and directing the City Manager to present this item for council consideration on or before February 2, 2012. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Kathie Tovo CO 2: Council Member William Spelman)
Resolution No. 20111208-078 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
79. Authorize the City Manager to execute a co-sponsorship agreement with the River City Youth Foundation relating to the 14th Annual Merry Memories for Kids Event to be held on Saturday, December 10, 2011 at the Dove Springs Recreation Center to include a waiver of special event fees. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
The motion authorizing the City Manager to execute a co-sponsorship agreement with the River City Youth Foundation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

80. Approve the waiver of certain fees for the Silver Bell Social event sponsored by George Washington Carver Ambassadors, Inc. which is to be held on Thursday, December 15, 2011 at the George Washington Carver Museum and Cultural Center's Boyd Vance Theatre. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Kathie Tovo)
The motion to approve the waiver of certain fees for the Silver Bell Social event sponsored by George Washington Carver Ambassadors, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
81. Approve the waiver of certain fees for the 2011 Santa Special event sponsored by George Washington Carver Ambassadors, Inc. which is to be held on Saturday, December 17, 2011 at the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Kathie Tovo)
The motion to approve the waiver of certain fees for the 2011 Santa Special event sponsored by George Washington Carver Ambassadors, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
82. Set a public hearing to consider an ordinance amending Chapter 25 of the City Code pertaining to flag lot requirements for residential subdivision applications. (Suggested date and time: January 26, 2012 at 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for January 26, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
83. Set a public hearing to receive public comments and to consider a resolution adopting proposed amendments to the Neighborhood Housing and Community Development Citizen Participation Plan. (Suggested date and time: December 15, 2011, 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX.).
The public hearing was set on consent for December 15, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
84. Set a public hearing on the E. 6th Street Public Improvement District (PID) 2012 assessments. (Suggested date and time: January 12, 2012, 4:00p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Items 13 & 14.
The public hearing was set on consent for January 12, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
85. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with US Farathane Corporation. (Suggested date and time: December 15, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for December 15, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 86 and 87 were briefing items set for 10:30 a.m.

Items 88 through 92 were Executive Session items.

Items 93 through 131 were zoning items set for 2:00 p.m.

Item 132 was the AHFC meeting for 3:00 p.m.

Items 133 through 139 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

61. Authorize award and execution of Amendment No. 1 to a contract with NESTLE WATERS NORTH AMERICA, INC., Austin, TX, for drinking water delivery service to extend the contract for one 12-month period in an amount not to exceed \$25,185 with two additional 12-month extension options in an amount not to exceed \$25,185 per extension option, for a revised total estimated contract amount not to exceed \$151,110.

The motion authorizing the award and execution of amendment number one to a contract with Nestle Waters North America, Inc. was approved on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.

69. Authorize negotiation and execution of an Interlocal Agreement with the CITY OF CEDAR PARK, TEXAS and TRAVIS COUNTY, TEXAS, to allow for cooperative procurement of goods and services.

The motion authorizing the negotiation and execution of an interlocal agreement with the City of Cedar Park and Travis County was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.

2. Authorize negotiation and execution of Amendment No. 2 to the Water Sale Contract for Industrial Uses dated January 1, 2000, between the City of Austin and the Lower Colorado River Authority to increase the firm water available to Austin Energy for cooling purposes at the Fayette Power Plant from 3,500 acre-feet to 7,500 acre-feet per year through 2024.

The motion authorizing the negotiation and execution of amendment number two to the Water Sale Contract between the City of Austin and the Lower Colorado River Authority was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

BRIEFINGS

87. Staff presentation regarding a proposal to create an economic development program for US Farathane Corporation (Public comment is permitted on this staff presentation).

The presentation was made by Kevin Johnson, Director of Economic Growth and Redevelopment Services Offices (EGRSO), and Rick Knapp, CFO of US Farathane. Direction was given to staff from Council Members Spelman, Leffingwell, Martinez and Morrison to:

- Check on the extent of Austin's auto industry activity;
- Describe how Opportunity Austin and EGRSO identify the industries that are City of Austin targets of opportunity;
- Explore opportunities for ongoing programs that would ensure success for the people that are hired;
- Discover appropriate time and scope of involvement of potentially interested parties for future agreements;
- Between now and the next step in the process, sit down with Mr. Knapp and go through the current draft of the proposed third party agreement and see if US Farathane can agree to what is presented.

86. Guiding Principles and Funding Criteria for the Bond Development Process

The presentation was made by Mike Trimble, Officer, Capitol Planning Office.

DISCUSSION ITEMS CONTINUED

15. Approve staff recommended Bond Guiding Principles and Funding Criteria for use in planning a future bond proposal.
The motion to approve staff recommended bond guiding principles and funding criteria was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
8. Authorize execution of a construction contract with JERDON ENTERPRISE, L.P., San Antonio, TX for the Colorado Street Reconstruction and Utility Adjustment from 3rd Street to 7th Street Project, a 2010 BOND PROGRAM and ACCELERATE AUSTIN PROJECT, in the amount of \$5,766,645.20 plus a \$288,332.26 contingency, for a total contract amount not to exceed \$6,054,977.46.
The motion authorizing the execution of a construction contract with Jerdon Enterprise, L.P. was approved on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.
26. Approve a resolution approving the relocation of a portion of the Lady Bird Lake shoreline between Tom Miller Dam and Longhorn Dam in order to complete the outlet structure for the Waller Creek Tunnel Flood Control Project.
Resolution No. 20111208-026 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
54. Authorize award, negotiation and execution of a 24-month service contract with NAES CORP., Houston, TX, and THIELSCH ENGINEERING INC., Del Valle, TX, for maintenance and repair services for Austin Energy's power plants and district cooling plants in an estimated amount not to exceed \$5,400,000 each and combined, with two 24-month extensions options in an estimated amount not to exceed \$5,400,000 each and combined per extension option, for a total estimated contract amount not to exceed \$16,200,000 each and combined.
The motion authorizing the award, negotiation and execution of a service contract with NAES Corp. and Thielsch Engineering Inc. was approved on Mayor Pro Tem Cole's motion, Council Member Martinez's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Linda Greene - Why does City Council practice medicine without a license by fluoridating our water?

Christopher Ringstaff - Code variance granted to developer critically damages Heritage Oaks

Kourtney de Haas - Update from Austin Rowing Club on logistics and construction effects and Waller Creek Boathouse construction site

Debbie Russell - The buck stops here

Paul Robbins - City issues

Richard Franklin - The Police Chief doing the right thing firing a Police Officer

Carlos León - TBA

Carnille Job - I will be giving an update on the Austin Rowing Club negotiations for the Waller Creek boathouse.

Mary Arnett - Neighborhood Watch signage **Direction was given to staff to find funding for neighborhood watch signs to encourage the Neighborhood Watch programs.**

Dennis Paddie - The Prophecy of Peace Mandala in Council Chambers Conference Room hallway

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:49 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.

88. Discuss legal issues related to K.D. Contreras, Minor Child of Deceased, By Next Friend and Mother K.M. Berron and Albert Contreras, Father of Deceased, D.R. Contreras v. James Bowen (sic), et al. Cause No. A-11-CV-973-SS; In the U.S. District Court - Western District of Texas (Austin Division). (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code.)
89. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
90. Discuss legal issues in Eddie Rodriguez, et al v. Rick Perry et al, Cause No. SA-11-CA-635-OLG-JES-XR [Consolidated case], U.S. District for the Western District of Texas, San Antonio. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
91. Discuss legal issues related to No. 10-0316; City of Austin, Petitioner v. Harry M. Whittington, et al, Respondents; In the Supreme Court of Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
92. Discuss legal issues related to development regulations applicable to One World Theatre under Chapter 245 (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was discussed during the December 6, 2011 Work Session.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:30 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.

94. NPA-2011-0019.02 - 3208 Red River - Approve second/third readings of an ordinance amending Ordinance No. 20040826-056, the Central Austin 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 3208 Red River Street (Waller Creek Watershed) from Mixed Use/Office to Mixed Use land use. First reading approved on November 10, 2011. Vote: 7-0. Applicant/Owner: River Holdings, L.T.D. Agent: Metcalfe Williams, L.L.P. (Michele Rogerson Lynch). City Staff: Maureen Meredith, 974-2695.
Ordinance No. 20111208-094 to change the land use designation on the future land use map (FLUM) to Mixed Use was approved on consent on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
95. C14-2011-0101 - 3208 Red River - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3208 Red River (Waller Creek Watershed) from general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. First reading approved on November 10, 2011. Vote: 7-0. Applicant: River Holdings, Ltd. (Gerald Kucera) Agent: Metcalfe Williams, L.L.P. (Michele Lynch). City Staff: Clark Patterson, 974-7691.

Ordinance No. 20111208-095 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on consent on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

96. C814-95-0002.10 - Four Points Centre PUD Amendment # 10 - Approve second/ third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7013 and 7318 1/2 River Place Boulevard, 11120 and 11034 Four Points Drive (Bull Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. First Reading approved with conditions on November 10, 2011. Vote: 7-0. Owner/Applicant: New TPG-Four Points, L.P. (Tom Paradise). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20111208-096 for planned unit development (PUD) district zoning, to change a condition of zoning was approved on consent on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

97. C14-2011-0049 - Pioneer Hill - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900-10324 Dessau Road (Lake Creek Watershed) from traditional neighborhood district (TND) zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. First Reading approved with conditions on August 4, 2011. Vote: 7-0. Second Reading approved with additional conditions on September 22, 2011. Vote: 5-0, Council Members Martinez and Spelman-off the dais. Owner/Applicant: Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier), Estate of Fred Morse (Scott Morse). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to December 15, 2011 at the staff's request on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

98. C14-2011-0050 - Burnet-Kramer Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11205 and 11301 Burnet Road (Walnut Creek Watershed; Shoal Creek Watershed) from North Burnet/Gateway-neighborhood plan (NBG-NP) district zoning to North Burnet/Gateway-neighborhood plan (NBG-NP) district zoning. First Reading approved with conditions on November 10, 2011. Vote: 7-0. Owner/Applicant: IBM Corporation. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20111208-098 for North Burnet/Gateway-neighborhood plan (NBG-NP) district zoning with conditions was approved on consent on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

100. C14R-85-023.01 - Kallestad Laboratories, Inc. - PDA Amendment - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10010 F.M. 2222 (West Bull Creek Watershed) from research and development-planned development area (R&D-PDA) district zoning to research and development-planned development area (R&D-PDA) district zoning, to change a condition of zoning. On October 6, 2011, the City Council approved 1st reading of research and development-planned development area (R&D-PDA) district zoning, with conditions. Owner/Applicant: Austin Baptist Church. Agent: Armbrust & Brown, LLP (Richard T. Suttle, Jr.). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20111208-100 for research and development-planned development area (R&D-PDA) district zoning with conditions was approved on consent on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

ZONING DISCUSSION ITEM

99. C14-2011-0117 - Crestview Station Residential - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 950 Banyon Street (Waller Creek Watershed) from transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to transit-oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. First reading approved on November 10, 2011. Vote 7-0. Applicant: Continental Homes (Richard Maier). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.

This item was postponed to December 15, 2011 on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

101. NPA-2010-0012.01 - 2001 & 2005 Chicon Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 20020801-91, the Upper Boggy Creek 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 2001 and 2005 Chicon Street (Boggy Creek Watershed) from Single Family to Mixed Use/Office land use. Staff Recommendation: To grant the change on the FLUM to Mixed Use/Office land use. Planning Commission Recommendation: To grant the change on the FLUM to Mixed Use/Office land use. Owner/Applicant: Youth and Family Alliance dba LifeWorks. Agent: Metcalfe Williams, LLP (Michele Rogerson Lynch). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-101 to change the land use designation on the future land use map (FLUM) to Mixed Use/Office was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

102. C14-2010-0127 - LifeWorks East Central - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2001 and 2005 Chicon Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Owner/Applicant: Youth and Family Alliance, dba LifeWorks (Susan McDowell). Agent: Metcalfe Williams, LLP (Michele Rogerson Lynch). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-102 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

105. NPA-2011-0009.01 - Wallen/Gamboa (2315 East 8th Street) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20011213-41, the Central East Austin 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 2315 East 8th Street (Town Lake Watershed) from Single Family land use to Mixed Use land use. Staff Recommendation: To deny the change on the FLUM to Mixed Use land use. Planning Commission Recommendation: To grant the change on the FLUM to Mixed Use land use. Owner/Applicant: Rick Wallen. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-105 to change the land use designation on the future land use map (FLUM) to Mixed Use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem Cole was off the dais. Council Member Martinez recused himself.

106. C14-2011-0079 - Wallen/Gamboa - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2315 E. 8th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To deny general office-neighborhood plan (GO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Applicant: Rolling RDR Properties (Rick Wallen). 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. 20111208-106 for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem Cole was off the dais. Council Member Martinez recused himself.

107. NPA-2011-0005.02 - CSK Austin Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis 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 6914, 7000, and 7016 East Ben White Boulevard. (Carson Creek Watershed) from Commercial and Industry land use to Mixed Use land use. Staff Recommendation: To grant the change in the FLUM to Mixed Use. Planning Commission Recommendation: To grant the change in the FLUM to Mixed Use. Owner, Applicant: CSK Partners, L.L.C. Agent: Garrett-Ihnen Civil Engineers, Inc. (Mike Wilson and Steven L. Ihnen). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-107 to change land use designation on the future land use map (FLUM) to Mixed Use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

108. NPA-2011-0015.01 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 of the East MLK Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 6406 Garden Drive Lane (Walnut Creek Watershed) from Mixed Residential and Mixed Use to Recreation/Open Space land use. Staff Recommendation: To grant the change on the FLUM to Recreation/Open Space land use. Planning Commission Recommendation: To grant the change on the FLUM to Recreation Open/Space land use. Owner/Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

109. C14-2011-0086 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6406 Garden View Drive (Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning.

Owner/Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

110. NPA-2011-0016.01 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5702 1/2 Jain Lane (Boggy Creek Watershed) from Single Family and Civic to Recreation/Open Space land use. Staff Recommendation: To grant the change on the FLUM to Recreation/Open Space land use. Planning Commission Recommendation: To grant the change on the FLUM to Recreation Open/Space land use. Owner/Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

111. C14-2011-0082 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5707 1/2 Jain Lane (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Owner/Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

112. NPA-2011-0016.02 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5509 - 5609 Stuart Circle (Boggy Creek Watershed) from Single Family and Water to Recreation/Open Space land use. Staff Recommendation: To grant the change on the FLUM to Recreation/Open Space land use. Planning Commission Recommendation: To grant the change on the FLUM to Recreation Open/Space land use. Owner/Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

113. C14-2011-0083 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5200 Bolm Road and 5509-5609 Stuart Circle (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

114. NPA-2011-0023.01 - 6500 Manor Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55, the University Hills/Windsor Park 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 6500 and 6502 Manor Road (Little Walnut Creek Watershed) from Office land use to Neighborhood Mixed Use land use. Staff Recommendation: To grant the change on the FLUM to Neighborhood Mixed Use land use. Planning Commission Recommendation: To be reviewed on December 13, 2011. Owner/Applicant: Kennie and Mildred Sneed. City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
115. C14-2011-0087 - 6500 Manor Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6500 Manor Road (Little Walnut Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2011. Owner/Applicant: Sneed Realtors (Mildred and Kennie Sneed). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
116. C14-05-0112(RCA) - AMLI Southshore - Conduct a public hearing to approve a restrictive covenant amendment for the property locally known as 1620 East Riverside Drive (Town Lake Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To grant the restrictive covenant amendment. Applicant: PPF 1620 East Riverside Drive, LLC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye, 974-7604.
The public hearing was conducted and the motion to close the public hearing and approve the restrictive covenant amendment was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
117. C14-2011-0081 - Platinum Slaughter Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 715 West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning with conditions. Owner/Applicant: Estate of Donald Lamar West and Alma Kay West, Gruene Commercial Property, Ltd. (Alma Kay West). Agent: Smith, Robertson, Elliott, Klein & Douglas, LLP (David Hartman). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-117 for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
118. C14-2011-0098 - San Gabriel Liquor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2408 San Gabriel Street (Waller Creek Watershed) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff

Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To forward to the City Council without a recommendation. Applicant: Yates Living Trust, Koya Holdings & Louis Kowalski. Agent: The Faust Group (Bill Faust). City Staff: Clark Patterson, 974-7691.

This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

119. C14-2011-0093 - The Grove - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3707 Manchaca Road (West Bouldin Creek Watershed) from limited office (LO) district zoning and multi-family residence-low density (MF-2) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2011. Applicant: FHB Forest Apartments, LP. Agent: WFA Austin (Scott Wuest). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

120. C14-2011-0103 - IBC Mueller View - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206, 1208, 1210, 1212, 1216 & 1218 E. 51st Street (Tannehill Creek Watershed) from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed February 14, 2012. Applicant: Tommie Bernal, Gary & Doyle Valdez, Larry Bartling, Thomas McDonald, Mueller View, L.P. & Austin Gay and Lesbian International Film Festival. Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter Cesaro) City Staff: Clark Patterson, 974-7691.

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 vote. Mayor Pro Tem Cole was off the dais.

121. C14-2011-0111 - Naser Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12030 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, to change a condition of zoning, with conditions. Owner/Applicant: Faris Properties (Nasib Naser). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning to change a condition of zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

122. C14-2011-0120 - Shops at Volente, Ltd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11416 North FM 620 Road (Lake Austin Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning for Tract 1 and commercial-liquor sales (CS-1) district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning

for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Owner/Applicant: Shops at Volente, Ltd. (Sandy P. Aron, President). Agent: Greenblum & Associates (J. Bradley Greenblum). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-122 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

123. C14-2011-0121 -13825 FM 2769 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13825 FM 2769 Road (Lake Travis Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on December 20, 2011. Owner/Applicant: Linda Carter. Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to February 9, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

125. C14-2011-0123 - Wells Branch Properties - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1215, 1301 and 1307 Wells Branch Parkway (Harris Branch Watershed) from rural residence (RR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: River City Partners, Ltd. (Lee T. Raines). Agent: The Faust Group (William M. Faust). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-125 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

126. C14-2011-0125 - 2500 and 2502 Manor Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 and 2502 Manor Road (Boggy Creek Watershed) from neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning on Tract 1, and commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning on Tract 2. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning on Tract 1, and commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning on Tract 2. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning on Tract 1, and commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning on Tract 2. Owner/Applicant: Jason Berkowitz. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-126 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning on Tract 1, and commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning on Tract 2

was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

127. C14-2011-0126 - 813 and 813 1/2 E. 13th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 813 and 813 1/2 East 13th Street (Waller Creek Watershed) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Owner/Applicant: Roger Easley. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-127 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

128. C14-2011-0127 - Bluff Springs Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7001 Bluff Springs Road (Onion Creek Watershed; Slaughter Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning, with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning, with conditions. Owner/Applicant: NL Land Holdings, Ltd. (Jimmy J. Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

129. C14-2011-0128 - 4500 East 51st Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4500 East 51st Street (Fort Branch Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To deny community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Owner/Applicant: Benjamin P. Rosas. Agent: McClendon & Associates Development Consulting (Carl McClendon). City Staff: Wendy Rhoades, 974-7719.

This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

130. C14-2011-0130.SH - 2712 E. 12th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2712 E. 12th Street (Boggy Creek Watershed) from transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to transit-oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant transit-oriented development-neighborhood plan-conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant transit-oriented development-neighborhood plan-conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning.

Owner/Applicant: South End MLK TOD, LLP. Agent: Pegasus Planning, LLC (Sean Garretson). City Staff: Heather Chaffin, 974-2122.

This item was postponed on consent to December 15, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

131. C14-2010-0206 - Arabella - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1502 West Avenue (Shoal Creek Watershed) from limited office-historic landmark (LO-H) combining district zoning to general office-historic landmark (GO-H) combining district zoning. Staff Recommendation: To grant general office-historic landmark (GO-H) combining district zoning. Historic Landmark Commission Recommendation: To grant general office-historic land mark (GO-H) combining district zoning. Planning Commission Recommendation: To forward the case to City Council without a recommendation. Applicant/Agent: William & Cynthia Baschnagel. City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

DISCUSSION ITEMS CONTINUED

5. Approve an ordinance authorizing acceptance of \$200,000 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as the administering agency, and amending the Fiscal Year 2011-2012 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 201110912-005 to appropriate \$200,000 for weatherization of homes for low-income, elderly, and disabled customers within Austin Energy's service area. Related to item #68.

Ordinance No. 20111208-005 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

68. Authorize award, negotiation and execution of Amendment No. 4 to nine requirements service contracts with A-PLUS ENERGY MANAGEMENT & A/C, Austin, TX; AMERICAN CONSERVATION & AIR, Austin, TX; APPLE ENERGY GROUP, LLC, Austin, TX; ATS ENGINEERING & INSPECTORS (WBE/FW), Austin, TX; CITY CONSERVATION, Austin, TX; MCCULLOUGH HEATING & AIR CONDITIONING, INC., Austin, TX; STANDARD RENEWABLE ENERGY, Austin, TX; THE INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY, Herndon, VA; and THE NELROD COMPANY, Fort Worth, TX, to increase the contract for weatherization test in audit services in an estimated combined amount not to exceed \$194,151, for a revised estimated combined contract amount not to exceed \$972,500. Related to item #5.

The motion authorizing the award, negotiation and execution of amendment number four to nine requirements service contracts with A-Plus Energy Management & A/C; American Conservation & Air; Apple Energy Group, LLC; ATS Engineering & Inspectors; City Conservation; McCullough Heating & Air Conditioning, Inc.; Standard Renewable Energy; The Institute for Building Technology and Safety; and The Nelrod Company was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

16. Approve an ordinance accepting grant funds in the amount of \$1,026,158 from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, Patient Protection and Affordable Care Act 2010, Public Prevention Health Fund: Community Transformation Grant Year 1, and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$1,026,158 for the first year of a 5-year grant period beginning October 1, 2011 through September 30, 2016, with a total grant amount of \$5,130,790 to implement evidence-based policy, systems, environmental, programmatic and infrastructure changes that address tobacco-free living, active

living and healthy eating, increased use of high impact quality clinical preventive services, social and emotional wellness, and healthy and safe physical environments.

Ordinance No. 20111208-016 was approved on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:27 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:28 p.m.

DISCUSSION ITEMS CONTINUED

23. Authorize the negotiation and execution of a month-to-month lease renewal with funding authorization for up to twelve months, for up to 125 parking spaces for employees of the Faulk Central Library and the Austin History Center of the Austin Public Library Department, located at 800 Lavaca, with TRAVIS COUNTY in an amount not to exceed \$150,000.

The motion authorizing the negotiation and execution of a lease renewal was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.

24. Approve an ordinance amending Chapter 10-6 of the City Code (Smoking in Public Places) by prohibiting smoking in City parks. Recommended by the Parks and Recreation Board.

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to approve the ordinance with the following amendments. The amendments were to delete the exemption for golf and to allow smoking for actors during filming only. The motion failed on a 3-4 vote. Those voting aye were: Council Members Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Spelman.

The public hearing was conducted and the motion to close the public hearing and approve the first and second reading of the ordinance was approved with the following friendly amendment on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Council Member Morrison made a friendly amendment to allow smoking for actors during filming only. This was accepted by the maker of the motion and Mayor Pro Tem Cole who seconded the motion.

Council Member Morrison made a friendly amendment to allow designated smoking areas for golf courses. This was not accepted by the maker of the motion.

Council Member Tovo directed staff to come back next week with options for golf courses.

LIVE MUSIC

Sunset

PROCLAMATIONS

Certificates of Congratulations -- Small Business Development Program's Small Business Success Skills Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- HSEM's 30th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by TBA

Distinguished Service Award -- Ben Sifuentes -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Presentation to the City -- EPA Award -- to be presented by Jerry Saunders, EPA, and to be accepted by Raj Bhattarai and other Austin Water Utility representatives

Proclamation -- Eat Local Week -- to be presented by Council Member Mike Martinez and to be accepted by Marla Camp

Distinguished Service Awards -- Green Roof Advisory Group -- to be presented by Council Member Chris Riley and to be accepted by the honorees

Proclamation -- Shop Local for the Holidays -- to be presented by Council Member Laura Morrison and to be accepted by Rebecca Melancon

Mayor Leffingwell called the Council Meeting back to order at 6:54 p.m.

DISCUSSION ITEMS CONTINUED

32. Authorize award, negotiation, and execution of a 60-month revenue contract with AMPCO SYSTEM PARKING, Austin, TX, 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.

This item was postponed to January 26, 2012 on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote. Council will work with staff in examining options for management of the facilities in a way that would generate additional revenues and address parking issues both around City Hall and the One Texas Center.

40. Authorize award and execution of Amendment No. 7 to a requirements supply contract with HYUNDAI HEAVY INDUSTRIES, Orlando, FL, to increase the contract authorization for three-phase power transformers for Austin Energy in an estimated amount not to exceed \$2,479,210, for a revised total contract amount not to exceed \$20,134,970.

The motion authorizing the award and execution of amendment number seven to a requirements supply contract with Hyundai Heavy Industries was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's motion on a 7-0 vote.

63. Authorize award and execution of a 60-month primary requirements supply contract with GALLS LLC, Lexington, KY, or one of the other qualified bidders for IFB-BV No. CEA0010REBID to provide equipment, uniforms, and related services in an estimated amount not to exceed \$21,405,638, with one 60-month extension option in an estimated amount not to exceed \$49,345,682, for a total estimated contract amount not to exceed \$70,751,320. These award amounts reflect City of Austin usage only; should other jurisdictions use this contract, their expenditures are independent of the amounts shown above. Further, the City Council reserves the right to make additional contract awards from this solicitation in the future as necessary.

The motion authorizing the award and execution of a primary requirements supply contract with Galls LLC was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

65. Authorize award, negotiation, and execution of a 36-month requirements service contract with YANEZ TENNIS, Austin, TX, for management and operation of Pharr Tennis Center, in an amount not to exceed \$138,000 with two 36-month option periods in an estimated amount not to exceed \$138,000 per extension period, for a total estimated contract amount not to exceed \$414,000.

The motion authorizing the award, negotiation and execution of a requirements service contract Yanez Tennis was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.

74. Approve a resolution affirming the City Council's commitment to Open Government and directing the City Manager to work with the Community Technology and Telecommunications Commission to develop recommendations for elements of an Open Government Framework that addresses open data, open source platforms, mobile applications, and social media. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)
Resolution No. 20111208-074 was approved with the following friendly amendment on Council Member Morrison's motion, Mayor Leffingwell's second on a 7-0 vote. There was a friendly amendment made by Council Member Spelman to amend the second resolve to read as follows. This was accepted by the maker of the motion and Mayor Leffingwell who seconded the motion. The friendly amendment reads: "Open Data: Rules and standards, based upon principles as outlined in Exhibit A, including limitations due to valid privacy, security, privilege, statutory, or administrative cost concerns; a program for setting priorities of data sets, a timeline for publication of data sets in each department, a design for user-friendly access of the data sets on the data portal, and ongoing metrics to assess progress in disclosure."
73. Approve an ordinance amending City Code Section 2-1-107 to expand the role and responsibilities of the Austin Community Technology and Telecommunications Commission. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)
Ordinance No. 20111208-073 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
76. Approve a resolution¹, directing the City Manager to notify a Neighborhood Plan Contact Team when payment of a fee is approved instead of sidewalk installation for certain projects within the team's neighborhood plan area. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)
Resolution No. 20111208-076 was approved on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

103. NPA-2010-0005.03 - McElhenney Tract - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis 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 526 and 626 Bastrop Highway (Carson Creek Watershed) from Single Family to Commercial land use. Staff Recommendation: To grant Commercial land use. Planning Commission Recommendation: To grant Commercial land use. Applicants/Owners: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada McElhenney. Agent: Winstead P.C. (John Donisi). City Staff: Maureen Meredith, 974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-103 to change the land use designation on the future land use map (FLUM) to Commercial was approved on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.
104. C14-2010-0138 - McElhenney Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 526 and 626 Bastrop Highway (Carson Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning and single family residence-standard lot- neighborhood plan (SF-2-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district

zoning. Staff Recommendation: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Applicant: Jennifer McElhenney-Bertino. Agent: Winstead, PC (Michelle Haussmann). City Staff: Stephen Rye, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-104 for general commercial services-neighborhood plan (CS-NP) combining district zoning was approved on Council Member Martinez' motion, Council Member Riley's second on a 70 vote.

93. Approve an ordinance on second and third readings amending the Austin Tomorrow Comprehensive Plan by adopting the Downtown Austin Plan, directing the City Manager to process code amendments recommended in the Downtown Austin Plan, and initiating re-zonings of properties as recommended in the Downtown Austin Plan. The planning area includes properties bounded approximately by Interstate 35 to the east, the west side of Lamar Blvd. to the west, Lady Bird Lake to the south and Martin Luther King Jr. Blvd. to the north.

The motion to approve the ordinance on second and third reading including the previous amendments and prioritization of code and ordinance writing upon adoption with the following amendments and giving direction to the City Manager to start the code work was made by Mayor Pro Tem Cole's motion, Council Member Spelman's second.

The following friendly amendments were made by Council Member Morrison. The amendments were accepted by the maker of the motion and Council Member Spelman who seconded the motion.

Amend Amendment #63 (from amendments approved on first reading) to revise Page 105 (DD-1.2, Density Bonus Program) to read, "With regard to the sustainability option (page 23):

- **Move 2-Star Austin Energy Green Building (AEGB) rating from the list of sustainability options to a "Gatekeeper" requirement. In other words, a 2-Star rating would be required for all projects that seek to participate in the Density Bonus Program.**
- **20% bonus for a 3-star rating (no change from first reading for 3-star rating).**
- **25% bonus for a 4-star rating (first reading provided no bonus for 4-star rating)**
- **30% bonuses for 5-star rating. (first reading provided no bonus for 5-star rating)"**

Direction was given to staff to (1) include within the code amendments that effectuate the Density Bonus Program a requirement that Program participants seeking a bonus for green building provide a proof of concept demonstrating the proposed approach for achieving the targeted level of green building and (2) do a calibration of the different ratings and bring changes to Council for consideration if changes are needed.

Replace Amendment #16 (from amendments approved on first reading) with the following:

Pages 105-106 (DD – 1.2, Density Bonus): Add a new bullet item at the bottom of Page 105 that reads as follows, "In developing the code amendments that put in place the proposed Downtown Density Bonus Program, City staff should modify the structure of the Program so that residential and non-residential projects must follow the same 'pathway' to achieve additional square footage. Initially, non-residential projects that comply with the Gatekeeper Requirements shall be entitled to a 50% increase in their "base" density (e.g., an increase from an FAR of 8:1 of 12:1) by paying an affordable housing fee-in-lieu that shall be set at \$0/square foot of bonused area. Non-residential projects seeking square footage beyond 50% of the base density (e.g., from base FAR of 8:1 to an FAR of 16:1), shall be required to participate in the Density Bonus Program on an equal footing as residential projects for the portion of the requested additional square footage beyond 50% of base FAR. The re-calibration to be conducted by staff (concurrent with developing the code amendments) shall include an evaluation of whether non-residential projects that seek additional density can support an increased level of fee for any additional square footage."

Modify Page 105-106 (DD-1.2 , Density Bonus): Add a new bullet item at the bottom of Page 105 that read as follows, "The 'Historic Preservation' component of the proposed Downtown Density Bonus Program shall allow for contributions towards on-site or off-site historic preservation exceeding applicable legal requirements."

There was a friendly amendment made by Council Member Tovo to read as follows. Modify Page 105 by amending density bonus and historic preservation by adding "Density bonuses shall not be permitted for projects that would substantially modify the exterior of the historic structure visible to public view, excluding historic reconstruction rehabilitation façade restoration. This was accepted by the maker of the motion and Council Member Spelman who seconded the motion. The following direction was given to staff with respect to the "visible to public view" portion of this amendment: to the extent possible and appropriate, utilize language and an approach to this issue similar to elsewhere in the Land Development Code.

There was a friendly amendment made by Council Member Tovo to read as follows. Modify Page 71 description of the tools to read "City staff should explore additional tools for preserving historic character of the warehouse district, such tools could include an overlay design standard review of permits by the Historic Landmark Commission or contact sensitive development standards. This was not accepted by the maker of the motion.

There was an amendment by Council Member Tovo, seconded by Council Member Morrison to Modify Page 71 description of the tools to read "City staff should explore additional tools for preserving historic character of the warehouse district, such tools could include an overlay design standard review of permits by the Historic Landmark Commission or contact sensitive development standards. This motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez, Riley and Spelman.

There was a friendly amendment made by Council Member Tovo to add after the last semicolon of the existing language of amendment #7 as approved on first reading, "context sensitive development standards." The amendment was accepted by the maker of the motion and Council Member Spelman who seconded the motion.

The following friendly amendments were made by Council Member Riley as follows. The amendments were accepted by the maker of the motion and Council Member Spelman who seconded the motion.

Delete from Amendment #9 (from amendments approved on first reading), second bullet, second paragraph, third sentence the phrase "... in areas like Rainey Street that are currently outside recognized entertainment districts (East 6th Street, Warehouse District, Red River between 6th and 10th Streets)."

Amend the Downtown Plan, UI-4.2, Page 164 to read "Austin Energy should develop design and location options for electric vaults, including underground and alleyway options, to better achieve goals of pedestrian-oriented, ground-floor uses and facades.

- The location of Austin Energy's required electrical vaults poses a challenge for Downtown projects. The vault must be at ground level, located within the customer's property and be accessible by AE service equipment. Also, electric transformers inside the vaults are becoming larger due to the more energy-efficient design of buildings. Vault rooms occupy ground-floor street frontages where more appealing pedestrian-oriented uses and facades are desired. To the extent possible, vaults should be located underground, within parking garages, or adjacent to alleyways, rather than within building facades fronting public streets."

Ordinance No. 20221208-093 was approved, including any amendments adopted above except as it relates specifically to the Northwest and Uptown/Capitol Districts for the Downtown planning area on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Ordinance No. 20111208-093 was approved including any amendments adopted above as it relates specifically to the Northwest District of the downtown planning area on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Riley recused himself.

Ordinance No. 20111208-093 was approved including any amendments adopted above as it relates specifically to the Uptown/Capitol District of the downtown planning area on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

The motion to waive the rules and allow Council to go past 10:00 p.m., was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was off the dais.

124. C14-2011-0122 - Atlantic-14 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 15433 FM 1325 Road (Rattan Branch Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density conditional overlay (MF-3-CO) combining district zoning with additional conditions. Owner/Applicant: Mike McCarty. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-124 for multi-family residence-medium density conditional overlay (MF-3-CO) combining district zoning with additional conditions was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-1 vote. Council Member Riley voted nay.

PUBLIC HEARINGS AND POSSIBLE ACTION

137. Conduct a public hearing and consider an ordinance amending Title 11 and Title 25 of the City Code to revise the City's historic preservation program, including changes to the criteria for designating historic landmarks, property tax exemptions for historic landmarks, and provisions relating to properties located within National Register and Local Historic Districts.

This item was postponed to December 15, 2011 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

133. Conduct a public hearing and approve an ordinance amending the GreenChoice(r) Energy Rider in Ordinance No. 20110912-007 to extend the Batch 6 subscription expiration date to December 31, 2021.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-133 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

134. Conduct a public hearing in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code and consider a resolution approving the use of approximately 274 square feet of land for permanent sidewalk purposes and approximately 1,315 square feet for temporary workspace purposes in connection with the construction, use, maintenance, repair and replacement of a sidewalk that is a portion of the Group 10 ADA Sidewalk Improvements - Brodie Lane Project through a dedicated scientific area that is

part of the Austin Water Utility's Water Quality Protection Lands known as Lot 7, Block "A", Mission Bethany Subdivision.

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20111208-134 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

135. Conduct a public hearing in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code and approve a resolution to consider the use of approximately 31,861 square feet temporary access route for the decommissioning and demolition of the Holly Street Power Plant through dedicated parkland known as Metz Park.

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20111208-135 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

136. Conduct a public hearing and consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to modify requirements for open space (C20-2010-020).

The public hearing was conducted and there was a main motion made by Council Member Morrison and seconded by Council Member Tovo to close the public hearing and adopt the ordinance with the following friendly amendments.

The following friendly amendments were made by Council Member Morrison to read as follows.

Part 3, 25.2.776, (F)(2)(a) should read, "located within ¼ mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail. In evaluating safe pedestrian travel distance, consideration shall be given to factors affecting the suitability of the area for pedestrian travel including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act."

Part 3, 25.2.776, (F)(2)(b) should be deleted.

Part 4, 25-2-780, (A)(2)(a) should read, "located within ¼ mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail. In evaluating safe pedestrian travel distance, consideration shall be given to factors affecting the suitability of the area for pedestrian travel including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act."

Part 3, 25.2.780, (A)(2)(b) should be deleted.

Part 5, 25-2.7.3, F, strike the change establishing the formula for the fee in lieu by "rules", leave as "the council" and have staff bring back a recommendation for a fee in lieu as well as criteria for when a fee in lieu should be considered.

Adopt green roof attachment G, staff attachment J, and K., and recommended incentives for above ground level and green roofs.

The amendments were accepted by Council Member Tovo, who seconded the motion.

There was a friendly amendment made by Council Member Tovo to amend Part 3, 25-2-776, (G), (1) to read "The open space must be a minimum of 5 percent of the gross site area of the property." and Part 4, 25-2-780, B, (1) to read: "The open space must be a minimum of 5 percent of the gross site area of the property." The amendment was accepted by the maker of the motion.

Council Member Morrison noted a correction to Part 2 of the ordinance, it should read, "PART 2. City Code Chapter 25-2 (Zoning is amended to repeal Section 25-2-514 (Open Space Standards) and Subsection (C) of Sections 25-2-560 (Multifamily Residence Limited Density (MF-1) District Regulations), 25-2-561 (Multifamily Residence Low Density (MF-2) District Regulations), 25-2-562 (Multifamily Residence Medium Density (MF-3) District Regulations), 25-2-563 (Multifamily

Residence Moderate Density (MF-4) and Multifamily Residence High Density (MF-5) District Regulations), and 25-2-564 (Multifamily Residence Highest Density (MF-6) District Regulations)."

There was an amendment made by Council Member Riley and seconded by Mayor Pro Tem Cole to remove CBD and DMU from the proposal, this amendment deletes attachment J. This passed on a vote of 5-2. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

There was a friendly amendment made by Council Member Morrison to delete Part 5, 2.7.3, D, 5. This was accepted by Council Member Tovo who seconded the motion.

The main motion made by Council Member Morrison and seconded by Council Member Tovo to keep the public hearing open and adopt the first and second readings of the ordinance with the above amendments and correction was approved on a 7-0 vote with the previous amendments.

138. Conduct a public hearing and consider an ordinance setting the Downtown Austin Public Improvement District (PID) 2012 assessment rate and approving its proposed 2012 assessment roll.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111208-138 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

139. Conduct a public hearing and consider a resolution regarding a request by The Market on Collier, located at 1700 South Lamar Blvd., Suite 230 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 church.

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20111208-139 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 11:41 p.m. without objection.

The minutes for the regular meeting of December 8, 2011 were approved on this the 15th day of December 2011 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.