

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 1, 2012**

Invocation: Rev. Linda Elford, Crestview United Methodist 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, March 1, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of February 7, 2012, and regular meeting of February 9, 2012.

The minutes from the City Council work session of February 7, 2012 and regular meeting of February 9, 2012 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 2 was set for a time certain of 6:00 p.m.

3. Approve an ordinance suspending an increase in water rates proposed by Aqua Texas, Inc. for its customers in the corporate limits of the City of Austin located in the two areas known as Rivercrest and Morningside.

Ordinance No. 20120301-003 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 4 was pulled for discussion.

5. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with WEATHERPROOFING TECHNOLOGIES INC., Beachwood, OH for the South Austin Recreation Center Roof System in the amount of \$483,491.36 plus a \$24,174.56 contingency, for a total contract amount not to exceed \$507,665.92. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. However, 39.92% WBE subcontractor participation has been met.)

The motion authorizing the execution of a construction contract through the Texas Local Government Purchasing Cooperative with Weatherproofing Technologies Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

6. Authorize funding in an amount of \$4,700,000 plus a \$235,000 contingency for a total contract amount not to exceed amount of \$4,935,000, and the negotiation and execution of a Guaranteed Maximum Price amendment, including additional professional services with FLINTCO, LLC, Austin, TX, for all remaining Design-Build services for the Asian American Resource Center. (Notes: The preliminary phase of this contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 1.90% African American; 9.00% Hispanic; 4.90% Native/Asian; and 15.80% WBE subconsultant/subcontractor participation for design and preconstruction phase services. The amendments(s) for construction phase work will be in compliance with Chapter 2-9A of the City Code (Minority Owned and Woman Owned Business Procurement Program) with 2.00% African American; 3.00% Hispanic; 1.00% Native/Asian; and 2.00% WBE subconsultant participation or through demonstration of approved Good Faith Efforts.)
- The motion authorizing the funding and negotiation and execution of a guaranteed maximum price amendment, including additional professional services with Flintco, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

Item 7 was set for a time certain of 10:30 a.m.

8. Approve a resolution adopting the City's Federal Legislative Program.
- Resolution No. 20120301-008 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
9. Approve an ordinance accepting grant funds in the amount of \$3,398 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund Ordinance No. 20110912-005 to appropriate \$3,398 for the Tuberculosis Prevention Program.
- Ordinance No. 20120301-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
10. Approve an ordinance amending Chapter 10-3 of the City Code, "Food and Food Handlers," to delete references to vending machines, identify where permits must be posted, require every employee to be a registered food handler, and clarify certain other requirements.
- Ordinance No. 20120301-010 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
11. Authorize negotiation and execution of an amendment to a legal services agreement with Thompson & Knight, L.L.P., to pay for legal services related to Cause No. D-1-GN-11-002713; The Austin Bulldog v COA, to increase funding in the amount not to exceed \$65,000, for a total contract amount not to exceed \$95,000.
- The motion authorizing the negotiation and execution of an amendment to a legal services agreement with Thompson & Knight, L.L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
12. Approve a resolution authorizing the City Manager to: (1) submit an application for access to the Texas Department of Housing and Community Affairs Housing Trust Fund 2012 - 2013 "Amy Young Barrier Removal Program" (AYBRP) funding reservation system; (2) negotiate and execute an agreement to participate in the AYBRP and receive grant funding through reimbursements in an amount not to exceed \$440,000; and (3) execute the documents associated with the administration of the AYBR Program.

Resolution No. 20120301-012 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

13. Authorize the negotiation and execution of a twelve (12) month lease renewal with Glenn and Britta M. Herzog of Manor, Texas, for horse stable and arena facilities located at 8011 Boyce Lane, Manor, Texas, for use by the Austin Police Department's Mounted Patrol Unit, in an amount not to exceed \$54,000.
The motion authorizing the negotiation and execution of a lease renewal with Glenn and Britta M. Herzog was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
14. Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell an approximately 0.1516-acre parcel of land, located on Lot 2, Block 29, Rosedale "G", in Austin, Travis County, Texas, and locally known as 4602 Shoalwood Avenue, in Austin, Travis County, Texas, to Celeste M. and Patrick Hill in the amount of \$320,520 for the land and improvements, which include an approximately 1,824 square foot home.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell a parcel of land to Celeste M. and Patrick Hill was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
15. Authorize negotiation and execution of a co-sponsorship agreement with the RunTex Foundation to produce the Trail of Lights.
The motion authorizing the negotiation and execution of a co-sponsorship agreement with the RunTex Foundation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
16. Approve an interlocal agreement regarding the release of extraterritorial jurisdiction ("ETJ") to the Village of Volente. Approximately 637 acres will be released from Austin's ETJ to Volente's ETJ.
The motion authorizing an interlocal agreement with the Village of Volente was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
17. Approve an Interlocal Agreement regarding the release of extraterritorial jurisdiction ("ETJ") to the City of Jonestown. Approximately 66 acres will be released from Austin's ETJ to Jonestown's ETJ.
The motion to approve an interlocal agreement with Jonestown was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
18. Authorize award and execution of a 36-month requirements supply contract with FIRE SUPPLY INC., to provide firefighter gloves for the Austin Fire Department in an estimated amount not to exceed \$102,028, with three 12-month extension options in estimated amounts not to exceed \$37,465 for the first extension option, \$39,339 for the second extension option, and \$41,306 for the third extension option, for a total estimated contract amount not to exceed \$220,138.
The motion authorizing the award and execution of a requirements supply contract with Fire Supply Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
19. Authorize award and execution of Amendment No. 3 to a contract with GENERAL CHEMICAL PERFORMANCE PRODUCTS, LLC, for liquid alum for the Austin Water Utility to be used at the Harris Branch and Northeast package plants to precipitate phosphates out of wastewater to extend the contract for one 12-month period in an estimated amount not to exceed \$50,000, with one additional 12-month extension option in an estimated amount not to exceed \$50,000, for a revised total estimated amount not to exceed \$246,120.
The motion authorizing the award and execution of amendment number three to a contract with General Chemical Performance Products, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

20. Authorize award and execution of a 24-month requirements supply agreement with MUELLER SYSTEMS, LLC, for repair parts for Hersey water meters for the Austin Water Utility in an amount not to exceed \$288,000.
The motion authorizing the award and execution of a requirements supply agreement with Mueller Systems, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
21. Authorize award and execution of a contract through Texas Multiple Award Schedule (TXMAS) with HILL COUNTRY ELECTRIC SUPPLY for the purchase of 15kv/480v distribution transformers and breakers for the Austin Water Utility to be installed at the South Austin Regional Plant Secondary Sludge Building A, in an amount not to exceed \$55,824.
The motion authorizing the award and execution of a contract through Texas Multiple Award Schedule (TXMAS) with Hill Country Electric Supply was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
22. Authorize award and execution of a contract with BIO FILTER SOLUTIONS, LLC., for the purchase of a vapor phase bio filter odor control system for the Austin Water Utility to be installed at the Texas Plume Lift Station in an amount not to exceed \$115,445.
The motion authorizing the award and execution of a contract with Bio Filter Solutions, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 23 was pulled for discussion.

24. Authorize award and execution of a 36-month requirements service contract with SAFEWARE INC., for gas-monitoring equipment maintenance, repair, and supplies used to identify potentially hazardous gases for the Austin Fire Department in an estimated amount not to exceed \$46,446, with three 12-month extension options in an estimated amount not to exceed \$15,482 per extension option, for a total estimated contract amount not to exceed \$92,892. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service contract with Safeware Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
25. Authorize award and execution of a 36-month requirements supply contract with STATEWIDE MATERIALS TRANSPORT LTD., for dolomite limestone crushed aggregate for the Street and Bridge Division of Public Works and the Aviation Departments used to minimize ice/snow build-up on streets in an estimated amount not to exceed \$120,000, with three 12-month extension options in an estimated amount not to exceed \$40,000 per extension option, for a total estimated contract amount not to exceed \$240,000.
The motion authorizing the award and execution of a requirements supply contract with Statewide Materials Transport Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 26 was pulled for discussion.

27. Authorize award, negotiation and execution of a 12-month supply contract with PARADIGM TRAFFIC SYSTEMS, INC., for EtherWAN ethernet switches to support a new traffic management software system including a seven year warranty for the Austin Transportation Department in an amount not to exceed \$408,784.

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

Item 28 was pulled for discussion.

29. Approve an ordinance suspending an increase in customer gas rates proposed by Atmos Energy Corporation, Mid-Tex Division; requiring reimbursement of related rate review expenses; and providing notice to Atmos Energy.
Ordinance No. 20120301-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 30 through 32 were pulled for discussion.

33. 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 Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

Downtown Commission

Richard MacKinnon

(representative of the Urban Transportation Commission)

Joah Spearman

(representative of the Austin Music Commission)

Council Member Tovo

Mayor Pro Tem Cole

Early Childhood Council

Laura Koenig

Mayor Leffingwell

Ethics Review Commission

Peter Einhorn

Council Member Riley

Nominations to Intergovernmental Bodies

Board/Nominee

Nominated by

Housing Authority

Chuck Bailey

Carl Richie, Jr.

Mayor Leffingwell

Mayor Leffingwell

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for D'Ann Johnson's service on the Austin Airport Advisory Commission. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Mark Lind's service on the Comprehensive Plan Citizens Advisory Task Force. The waiver includes absences through today's date.

Item 34 was pulled for discussion.

35. Approve an ordinance waiving certain fees and requirements for the Violet Crown Community Works 2012 Spring Festival which is to be held Saturday, May 5, 2012 at Brentwood Park. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Ordinance No. 20120301-035 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
36. Approve an ordinance waiving certain fees and requirements for the 2012 Bengali and South Asian New Year Festival event sponsored by Texas Bengali Cultural Alliance which is to be held Saturday, April 14, 2012 at Zilker Hillside Theater. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)
Ordinance No. 20120301-036 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Approve an ordinance waiving certain fees and requirements for the People Organized in the Defense of Earth and her Resources (PODER) 6th Annual Cesar Chavez "Si Se Puede" Awards Dinner which is to be held on Saturday, March 31, 2012 at the Conley-Guerrero Senior Activity Center. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
38. Approve an ordinance waiving certain fees and requirements for the Women of the Year Awards Celebration sponsored by the Young Women's Christian Association which is to be held on Friday, June 15, 2012 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)
Ordinance No. 20120301-038 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
39. Approve an ordinance waiving certain fees and requirements for the 2012 Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin which is to be held Saturday, April 21, 2012 at Fiesta Gardens. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Mayor Lee Leffingwell)
Ordinance No. 20120301-039 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
40. Approve an ordinance waiving certain fees and requirements for the Texas General Land Office's softball team Multiple Sclerosis Society Fundraiser which is to be held on Saturday, March 17, 2012 at Krieg Fields. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)
Ordinance No. 20120301-040 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 41 was pulled for discussion.

42. Approve an ordinance waiving certain additional fees for the 2012 Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin which is to be held on Saturday, April 21, 2012 at Fiesta Gardens. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)
Ordinance No. 20120301-042 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

43. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the Celebrate Texas Incorporated and City co-sponsored Texas Independence Day 5K Run and Parade which is to be held Saturday, March 3, 2012. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole)
The motion to approve the waiver of certain fees and requirements and authorizing the payment of certain costs for the Celebrate Texas Incorporated and City co-sponsored Texas Independence Day 5K Run and Parade was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
44. Approve an ordinance waiving certain fees and requirements for the Lady Bird Lake Fest which is to be held Tuesday, May 22, 2012 at Fiesta Gardens. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20120301-044 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
45. Approve an ordinance waiving certain fees and requirements for the 2012 Mother Earth Day Festival which is to be held on Friday, May 11, 2012 at the Springs in Zilker Park. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)
Ordinance No. 20120301-045 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
- Item 46 was set for a time certain of 6:00 p.m.**
- Item 47 was pulled for discussion.**
- Item 48 was pulled to be heard after the related Executive Session item.**
49. Approve a resolution directing the City Clerk and the City Manager to take the necessary steps to develop a standard system that ensures City Council receives all board and commission recommendations and resolutions on a timely basis. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)
Resolution No. 20120301-049 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
- Item 50 was pulled to be heard after the related Executive Session item.**
- Item 51 was pulled for discussion.**
52. Approve the waiver of certain additional fees, deadline requirements, and the closure notice requirement that allows affected individuals and neighborhood associations to object to the closure under City Code Chapter 14-8 for the Nosotros Los Tejanos Parade which is to be held on Saturday, March 31, 2012 on Congress Avenue from the Ann Richards Bridge to the Capitol Building. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)
The motion to approve the waiver of certain additional fees, deadline requirements and the closure notice requirement for the Nosotros Los Tejanos Parade was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
53. Approve an ordinance authorizing the waiver of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the City co-sponsored 2012 South by Southwest Conferences and Festivals, to be held March 9-18, 2012. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Ordinance No. 20120301-053 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

54. Discussion and possible action on transition issues related to the change in staffing configuration of the Austin-Travis County Emergency Medical Services Department. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole)

This item was postponed on consent to March 8, 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

55. Set a public hearing to consider an ordinance for floodplain variances requested by Mr. Hermann Vigil of Vigil & Associates on behalf of the owners, Highland Ventures I, Ltd. and McDonald Signet Limited, to develop a commercial bank building with surface parking at 8225 Highway 71 West, which is in the 100-year floodplain of Williamson Creek. (Suggested date and time: March 8, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street.)

The public hearing was set on consent for March 8, 2012 at 4:00 p.m., City Hall at 301 W. Second Street on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 56 and 57 were briefing items set for 10:30 a.m.

Items 58 and 59 were Executive Session items.

Item 60 was a bond sale item set for 2:00 p.m.

Items 61 through 67 were zoning items set for 2:00 p.m.

Items 68 through 78 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

Items 30 and 31 were acted on in a combined motion

30. Approve second reading of an ordinance amending Ordinance number 20070517-064 that awarded a taxicab franchise to Lone Star Cab Company to allow additional taxicab permits, and deleting Part 4 of Ordinance 20070517-064 relating to taxicab franchise owner requirements.

The second reading of the ordinance was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Riley voted nay.

31. Approve second reading of an ordinance amending Ordinance number 20100527-047 that renewed a taxicab franchise to Austin Cab Company to allow additional taxicab permits.

The second reading of the ordinance was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Riley voted nay.

4. Approve an ordinance repealing and replacing Exhibits A through E of Ordinance No. 20111007-001 calling the May 12, 2012 Municipal Election to adopt changes to election day polling place locations, early voting locations, and election personnel.

Ordinance No. 20120301-004 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

23. Authorize award and execution of a 24-month requirements supply contract with TECHLINE, INC., for the purchase of precast concrete manholes for Austin Energy in an estimated amount not to exceed \$461,730 with three 12-month extension options in an estimated amount not to exceed \$230,865 per extension option, for a total estimated contract amount not to exceed \$1,154,325.

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

26. Authorize award and execution of a 24-month requirements service contract with AMERICAN FACILITY SERVICES, or one of the other qualified bidders for IFB-BV No. KDW0070, to provide janitorial services at various Austin Energy locations in an estimated amount not to exceed \$1,057,024, with three 12 month extension options in an estimated amount not to exceed \$581,363 for the first extension option, \$634,214 for the second extension option and \$687,066 for the third extension option, for a total estimated contract amount not to exceed \$2,959,667.

This item was postponed to March 8, 2012 with the following direction on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. Direction was given to staff to:

- **Meet with Building Services to see what their expenses would be to provide these services;**
- **Compare the contractor's benefits for their employees verses the benefits offered by the City; and**
- **Breakdown potential infrastructure cost to see if the resources are already in Austin Energy's fleet.**

28. Authorize execution of a revenue concession contract with AUSTIN ROWING CLUB for the management and operation of a boathouse on Lady Bird Lake. Not recommended by the Parks and Recreation Board.

The motion authorizing the execution of a revenue concession contract with Austin Rowing Club was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Riley was off the dais.

7. Approve a resolution to nominate US Farathane Corporation for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act").

Resolution No. 20120301-007 was approved on Mayor Pro Cole's motion, Council Member Martinez' second on a 7-0 vote.

BRIEFINGS

57. Update on the Waller Creek Design Competition.

The presentation was made by Sue Edwards, Assistant City Manager, and Don Stastny of Stastny Brun Architects.

CITIZEN COMMUNICATIONS: GENERAL

Michael King- Homelessness

Azzurra Crispino- TBA

James O'brien- Apology

Christopher Ringstaff- City permitting mistake cover up by dishonesty and open records request omission

Brian Harris- TBA

Wendy Jack- Austin American Heroes Parade for returning Iraq Vets and other deployments

Ronnie Reefersseed- Peace, freedom and fluoride

John Duffy- Organics and genetically modified foods

Lainie Duro-Policies and procedures of the City of Austin and City property

Alana Farley- The kind of Austin I want to grow up in

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:35 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.

59. Discuss legal issues related to Reagan National Advertising of Austin, Inc., d/b/a Reagan National Advertising v. City of Austin, 1:10-CV-275-LY; in the U.S. District Court for the Western District of Texas, Austin Division. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

The Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:09 p.m.

DISCUSSION AND POSSIBLE ACTION ON BOND SALES

60. Approve an ordinance authorizing the issuance of City of Austin Convention Center/Waller Creek Venue Project Refunding Bonds, Series 2012, in an amount not to exceed \$20,280,000, authorizing related documents, and approving related fees. These funds will be used to refund City of Austin Convention Center/Waller Creek Venue Project Bonds, Series 1999A. Refunding these obligations is intended to result in present value savings exceeding the City's target guideline of 4.25%.
Ordinance No. 20120301-060 in the amount of \$20,185,000 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 2:12 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.

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

The Mayor announced Council would discuss item numbers 2, 46, 48, and 50 on the regular agenda during Executive Session.

The Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:12 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 68 to 77 were acted on in a combined motion.

68. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Southeast Travis County Municipal Utility District 1 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
69. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Southeast Travis County Municipal Utility District 2 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
70. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Southeast Travis County Municipal Utility District 3 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
71. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Southeast Travis County Municipal Utility District 4 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
72. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Pilot Knob Municipal Utility District 1 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
73. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Pilot Knob Municipal Utility District 2 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
74. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Pilot Knob Municipal Utility District 3 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
75. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Pilot Knob Municipal Utility District 4 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

76. Conduct a public hearing and approve an ordinance that adopts a consent agreement between the City and the Pilot Knob Municipal Utility District 5 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.
This item was postponed to March 8, 2012 on Council Member Riley's motion, Council Member second Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
77. Conduct a public hearing to consider public comments and amendments to the North Burnet Gateway Regulating Plan to allow certain legal non conforming uses to continue or change in the Neighborhood Residential Subdistrict for a set period of time.
This item was postponed to March 22, 2012 on Council Member Riley's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

BRIEFINGS CONTINUED

56. 11th and 12th Street Redevelopment Study.
The presentation was made by Rebecca Giello, Assistant Director of Neighborhood Housing, and Darin Smith Principal at Economic and Planning Systems. Council Member Spelman recused himself from this discussion.

DISCUSSION ITEMS CONTINUED

32. Authorize negotiation and execution of an Interlocal Agreement between the Capital Metropolitan Transportation Authority (CMTA) and the City of Austin to fund additional rail service along the MetroRail Red Line route within the City of Austin with funds, to be reimbursed to the City through Capital Metro funds paid to the City under the Quarter Cent Program.
The motion authorizing the negotiation and execution of an interlocal agreement between the Capital Metropolitan Transportation Authority (CMTA) and the City of Austin in an amount not to exceed \$5,718,583, was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-1 vote. Council Member Tovo voted nay.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamations at 5:46 p.m.

LIVE MUSIC

Chris Brecht

PROCLAMATIONS

Proclamation -- Women's Veterans Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Tammy Figueroa and Lil Serafine

Proclamation -- Red Cross Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Sara Kennedy

Proclamation -- National Week of Prayer for the Healing of AIDS -- to be presented by Mayor Lee Leffingwell and to be accepted by Sam Price and area church representatives

Proclamation -- 84th Annual Zilker Park Kite Festival -- to be presented by Council Member Chris Riley and to be accepted by Dorsey and Bunnie Twidwell

Mayor Leffingwell called the Council Meeting back to order at 6:57 p.m.

DISCUSSION ITEMS CONTINUED

34. Approve an ordinance amending Ordinance No. 20111215-051 relating to interim city council meeting procedures, extending the expiration date, and directing the City Manager to present recommended code amendments regarding city council meeting procedures to Council on or before April 26, 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman)
Ordinance No. 20120301-034 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
41. Approve a resolution authorizing the negotiation of a Multiple Use Agreement between the City and the Texas Department of Transportation regarding improvements to the Johnson Creek Trailhead. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)
Resolution No. 20120301-041 was approved with the following direction on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote. Direction was given to staff to include the Neighborhood Connectivity division of the Public Works in the discussions with the Texas Department of Transportation (TXDOT). Before the agreement comes back to Council for approval, it should go to the Neighborhood Connectivity for input to see if they have any suggestions to help improve the working relationship with TXDOT or additional improvements along the creek, specifically signage.
2. Discussion and possible action on revenue implications of potential electric rate scenarios.
The discussion was held.
46. Approve a resolution directing the City Manager to prepare an ordinance that, if adopted, would implement a system-wide electric rate revenue increase based on the existing rate structure; directing the City Manager to retain an independent residential, low-income, and small business consumer advocate; adopting a rate-related work session schedule; and requiring the use of 2011 test year data for a final rate proposal. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
There was a motion made by Council Member Morrison and seconded by Council Member Riley to approve the resolution with the following amendments and direction.

The amendments were:

- Delete the first paragraph under the "BE IT RESOLVED" of the resolution.
- Amend the Consumer Advocate wording to read,
 "The Austin Energy rate process will include a Consumer Advocate to represent residential and low-income customers, and small businesses including nonprofit organizations and houses of worship.

The Consumer Advocate will have the following minimum qualifications:

- Be knowledgeable in rate-making concepts and have demonstrated experience in state utility rate-making proceedings representing residential, low-income, and small business customers;
- Be knowledgeable in rate design and low-income assistance, energy efficiency, and renewable energy programs;
- Work in collaboration with consumer experts and advocates in the rate review process;
- Diligently represent in the rate review process the interests of residential, low-income, and small business customers."

Direction was given to the City Manager to work as quickly as possible to bring Council a final rate plan as soon as Council has finished working through the policies.

There was a friendly amendment made by Mayor Pro Tem Cole to insert a new WHEREAS to read, "WHEREAS, The City Auditor is evaluating the revenue requirement needed by Austin Energy and will not complete this work until approximately late April" and to have the new first paragraph in the BE IT RESOLVED read, "the City Council adopts the schedule described in Attachment A, leading to projected Council action on a final rate design on May 24, 2012." This was accepted by the maker of the motion and Council Member Riley who seconded the motion.

There was a friendly amendment made by Council Member Tovo to the draft schedule for Council work session on Austin Energy rates to change Session 9 to be held on Saturday, April 14 with the out of city rate payers, the session will held in the Lakeway City Hall and renumber the sessions on April 23-27 to Sessions 10 and 11. This was accepted by the maker of the motion and Council Member Riley who seconded the motion.

There was a substitute motion made by Council Member Martinez and seconded by Council Member Tovo to approve the original resolution with direction to the City Manager to bring the interim rate proposal back on March 22, 2012 along with previous changes to the attached schedule. This included taking the 2009 data and tweaking it to reflect 2011. The motion failed on a 3-4 vote. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman.

The motion to adopt Resolution No. 20120301-046 including the friendly amendments shown above was approved on Council Member Morrison's motion, Council Member Riley's second on a 6-1 vote. Council Member Martinez voted nay.

47. Approve a resolution directing the City Manager to allocate \$80,900 from the Holly Good Neighbor Program Cultural Arts Projects fund and \$10,000 from the Holly Good Neighbor Program After School fund in FY 2010-2011 Austin Energy operating budget to fund various programs. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)
Resolution No. 20120301-047 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Riley's motion, Council Member Spelman's second on a 5-0 vote. Mayor Leffingwell and Council Member Martinez were off the dais.

48. Approve a resolution directing the City Manager to review the city's current banking policies and make recommendations on changes to give preference to banks that support community reinvestment goals. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)
Resolution No. 20120301-049 was approved with the following amendments on Council Member Morrison's motion, Council Member Tovo's second on a 6-0 vote. Mayor Leffingwell was off the dais.

The amendment was to have the first WHEREAS read, "WHEREAS, investment practices and subprime lending policies by major national banks contributed to a global downturn in the economy and influenced a massive wave of foreclosures throughout the country, including in Austin; and . . ."

Item 3 should read, "As assessment of the capacity of alternative banks, such as credit unions, to maintain and manage the city's banking needs."

50. Approve a resolution directing the City Manager to extend the use agreement with Hostelling International - Austin for the use of public park land and facilities located at 2201 S. Lakeshore Boulevard. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)

There was a motion made by Council Member Martinez and seconded by Council Member Morrison to approve the resolution.

There was a friendly amendment made by Council Member Spelman to include in the first BE IT RESOLVED of the resolution, "Initiate a Chapter 26 hearing to allow Hostelling International to continue to occupy the building at 2200 S. Lakeshore Drive for a period of at least ten years with terms similar to the current agreement; and." This was not accepted by the maker of the motion.

There was an amendment made by Council Member Spelman and seconded by Mayor Pro Tem Cole to include in the first BE IT RESOLVED of the resolution, "Initiate a Chapter 26 hearing to allow Hostelling International to continue to occupy the building at 2200 S. Lakeshore Drive for a period of at least ten years with terms similar to the current agreement; and." The amendment passed on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Martinez, Morrison and Tovo.

The motion made by Council Member Martinez and seconded by Council Member Morrison to adopt Resolution No. 20120301-050 with the amendment as shown above was approved on a 7-0 vote.

51. Approve a resolution endorsing the recommendations made by the Urban Parks Stakeholder Group in its October 2011 Urban Parks Workgroup Report and directing the City Manager to implement certain recommendations of that report. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Mayor Pro Tem Sheryl Cole)

Resolution No. 20120301-051 was approved with the following amendment on Council Member Morrison's motion, Council Member Tovo's second on a 6-0 vote. Council Member Spelman was off the dais. The amendment was to change the wording on number 4 to read, "Make recommendations on a process and funding for a family-friendly play feature at City Hall, such as on the Dan H. Davidson Plaza, and ensure that the feature respects the original design, landscape and architectural integrity of the proposed location."

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

64. 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 East 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: To grant 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. Planning Commission Recommendation: To grant 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. 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 22, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

65. C14-2011-0148 - 620 JMJ Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14926 North FM 620 Road (Lake Creek Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: 620 JMJ, Ltd. (John Barizza). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120301-065 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.
67. C14-2011-0168 - Dean's 524 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2101 West Slaughter Lane (Slaughter Creek Watershed) from neighborhood office-conditional overlay (NO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Owner/Applicant: Eddie Dean. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120301-067 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

ZONING DISCUSSION ITEMS

66. C14-2011-0158 - Ethos Riverside - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2117-2129 and 2209-2225 Maxwell Lane (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan-conditional overlay (SF-6-NP-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-neighborhood plan-conditional overlay (SF-6-NP-CO) combining district zoning. Applicant: Marbella Development, LP (Mitchell Kalogridis). Agent: Granite Development Services (Keith Parkan). City Staff: Stephen Rye, 974-7604.
The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for townhouse and condominium residence-neighborhood plan-conditional overlay (SF-6-NP-CO) combining district zoning allowing access to Maxwell Lane was approved on Council Member Riley's motion, Council Member Martinez' second on a 6-0 vote. Council Member Tovo recused herself. Direction was given to staff to work with the property owner on a public restrictive covenant requiring bike pedestrian access from the southwest corner of the property to Maxwell Lane and to the southern edge of the property.
61. NP-2011-0029 - St. John/Coronado Hills Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the St. John/Coronado Hills Combined Neighborhood Plan, generally bounded by U.S. Highway 183 on the north, U.S. Highway 290 on the southeast, and Middle Fiskville Road to East Huntland Drive to Twin Crest Drive to East Croslin Street and generally along the lot line to U.S. Highway 183 on the west

(Buttermilk Branch Watershed, Fort Branch Watershed, Tannehill Branch Watershed, Little Walnut Creek Watershed). Staff Recommendation: To grant the land use recommendations that implement the St. John/Coronado Hills Combined Neighborhood Plan. Planning Commission Recommendation: To grant the land use recommendations that implement the St. John/Coronado Hills Combined Neighborhood Plan. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509.

The motion to postpone action on Tracts 108, 113 and 114 to April 5, 2012, was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-1 vote. Council Member Spelman voted nay.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for the St. John/Coronado Hills Combined Neighborhood Plan with the exception of tracts 108, 113, and 114 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

62. C14-2011-0115 - St. John Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the St. John Neighborhood Planning Area, generally bounded by U.S. Highway 183 to the north, Cameron Road to the east, U.S. Highway 290 to the south and Middle Fiskville Road to East Huntland Drive to Twin Crest Drive to East Croslin Street and generally along the lot line to U.S. Highway 183 to the west (Buttermilk Branch Watershed, Fort Branch Watershed, Tannehill Branch Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the St. John/Coronado Hills Combined Neighborhood Plan, NP-2011-0029, on 58 tracts of land (273.6 acres). Under the proposed St. John NPCD, the following design tools are proposed to be applied area-wide: front porch setback. The following special use option is proposed to be applied area-wide: small-lot amnesty, cottage lot, urban home, secondary apartment, corner store. Other special use options proposed to be applied on a parcel specific basis include: residential infill and neighborhood urban center. The following affordable housing special use options are proposed to be applied area-wide: single family residence-standard lot (SF-2) district or single family residence (SF-3) district, duplex residential use, secondary apartment special use. Other special use options that could be recommended by Planning Commission and approved by City Council include: neighborhood mixed-use building. The following infill options will be applied to Tracts R, S, T, U and V: residential infill. The following infill options will be applied to Tracts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q: neighborhood urban center. In addition, mobile food establishment restrictions are proposed area-wide. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence-large lot (SF-1) district zoning; single family residence-standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence-small lot (SF-4A) district zoning; single family residence-condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence-limited density (MF-1) district zoning; multi-family residence-low density (MF-2) district zoning; multi-family residence-medium density (MF-3) district zoning; multi-family residence-moderate-high density (MF-4) district zoning; multi-family residence-high density (MF-5) district zoning; multi-family residence-highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; community recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; limited industrial service (LI) district zoning; major industry (MI) district zoning and public (P) district zoning. A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU), Vertical Mixed Use Building (V), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To grant rezonings that implement the land use recommendations of the St. John Neighborhood Plan. Planning Commission

Recommendation: To grant rezonings that implement the land use recommendations of the St. John Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509; 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 the St John Neighborhood Plan Combining District, as recommended by the Planning Commission, to include: small lot amnesty, cottage lot, urban home, secondary apartment, corner store, affordable housing special use options, and front porch setback and restricted mobile food vending regulations as design tools for the entire St. John NPCD and the residential infill on Tracts R, S, T, U, and V; the neighborhood urban center on Tracts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and Q was approved on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote.

63. C14-2011-0116 - Coronado Hills Neighborhood Planning Area Rezonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Coronado Hills Neighborhood Planning Area, generally bounded by U.S. Highway 183 on the north, U.S. Highway 290 on the southeast and Cameron Road on the west (Buttermilk Branch Watershed, Fort Branch Watershed, Little Walnut Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the St. John/Coronado Hills Combined Neighborhood Plan, NP-2011-0029, on 14 tracts of land (78.8 acres). Under the proposed Coronado Hills NPCD, the following design tools will be applied area-wide: parking placement and impervious cover restrictions, garage placement, and front porch setback. The following special use option is proposed to be applied area-wide: small-lot amnesty. Other special use options proposed to be applied on a parcel specific basis include: residential infill, and neighborhood urban center. The following special use options will be applied in a subdistrict: cottage lot, and urban home. The subdistrict is generally bounded by Coronado Hills Drive and the lot line (includes TCAD parcel 230586) to the north, U.S. Highway 290 to the south, Creekside Drive to the east, and Cameron Road to the west. Other special use options that could be recommended by Planning Commission and approved by City Council include secondary apartment, corner store, and neighborhood mixed-use building. The following infill options will be applied to Tracts Y, Z, and AA: residential infill. The following infill options will be applied to Tracts W and X: neighborhood urban center. In addition, mobile food establishment restrictions are proposed area-wide. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence-large lot (SF-1) district zoning; single family residence-standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence-small lot (SF-4A) district zoning; single family residence-condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence-limited density (MF-1) district zoning; multi-family residence-low density (MF-2) district zoning; multi-family residence-medium density (MF-3) district zoning; multi-family residence-moderate-high density (MF-4) district zoning; multi-family residence-high density (MF-5) district zoning; multi-family residence-highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; community recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; limited industrial service (LI) district zoning; major industry (MI) district zoning and public (P) district zoning. A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU), Vertical Mixed Use Building (V), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Coronado Hills Neighborhood Plan. Planning Commission Recommendation: To grant rezonings that implement the land use recommendations of the Coronado Hills Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton,

974-3509; Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to Tract 108 of this rezoning request.

The motion to postpone action on Tracts 108, 113 and 114 to April 5, 2012, was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-1 vote. Council Member Spelman voted nay.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for rezonings for the Coronado Hills Neighborhood Plan Combining District as recommended by the Planning Commission including: small lot amnesty for the entire Coronado Hills NPCD; residential infill on Tracts Y, Z, and AA; neighborhood urban center on Tracts W and X, cottage lot and urban home infill as described in the Coronado Hills Drive subdistrict, and impervious cover and parking placement restrictions, garage placement and front porch setback as design tools for the entire Coronado Hills NPCD was approved on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

78. Conduct a public hearing to consider an ordinance amending Chapter 15-6 of the City Code to phase in a prohibition of single-use carryout bags within the city limits.

There was a motion to close the public hearing and approve the ordinance with staff recommended amendments 1, 2, 3, 4, 5 and 6 to read as follows that was made by Council Member Morrison and seconded by Council Member Martinez. Staff was directed to develop an emergency access plan through the rule making process.

Amendment 1, Section 15-6-121, (3) should read,

"REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:

- (a) displays the phrase "Reusable and Recyclable" in a highly visible manner on the bag exterior;
- (b) except as provided in subsection (d) below, has a handle;
- (c) is constructed out of either:
 - (i) Cloth other washable fabric, or other durable materials whether woven or non-woven;
 - (ii) Recyclable plastic, with a minimum thickness of 4.0 mil, containing only the types of plastic resin as prescribed by rule; or
 - (iii) Recyclable paper, certified by the Forest Stewardship Council; and
- (d) handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches."

Amendment 2, Section 15-6-122, should read,

"(A) Beginning on the effective date of this ordinance, the City will engage in a public education campaign to inform business establishments and citizens of the requirements regarding carryout bags.

(B) Beginning March 1, 2013, no person may provide single-use carryout bags at any City facility, City-sponsored event, or any event held on City property.

(C) Beginning March 1, 2013, a business establishment within the City limits may not provide single-use carryout bags to its customers or to any person.

(D) Beginning March 1, 2013, a business establishment within the City limits must provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and of the need to use reusable carryout bags. The language and placement of signs under this Section shall be as prescribed by rule.

(E) A business establishment within the City limits may provide or sell reusable carryout bags to its customers or any person. A person may provide or sell reusable carryout bags at any City facility, City-sponsored event, or any event held on City property."

Section 15-6-124 Temporary Surcharge was deleted.

Amendment 3, Section 15-6-121, (3), (a) should read, "displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled, as prescribed by rule;"

Amendment 4, Section 15-6-125, delete the beer and wine exemption.

Amendment 5, Section 15-6-125 (6) should read, "Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items."

Amendment 6, Section 15-6-121, (1), should read, "BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business."

There was a friendly amendment made by Council Member Spelman to eliminate staff amendment No. 2 from the original list of amendments. This was not accepted by the maker of the motion.

There was a motion made by Council Member Spelman and seconded by Council Member Riley to amend the original motion by eliminating No. 2 from the list of amendments. The motion failed on a 2-5 vote. Those voting aye were: Council Members Riley and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo.

Staff was directed to bring up funding for the education outreach efforts during the budget discussions.

There was a friendly amendment from Mayor Leffingwell to eliminate the Forest Stewardship Council (FSC) designation from Section 15-6-121, (3)(c)(iii) of the ordinance. This was accepted by the maker of the motion and Council Member Martinez who seconded the motion.

Staff was directed to research the certification options as they pertain to adding cost to the bags and report back to Council.

The main motion as amended was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote

Mayor Leffingwell adjourned the meeting at 2:06 a.m. without objection.

The minutes for the regular meeting of March 1, 2012 were approved on this the 8th day of March 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote