



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, APRIL 26, 2012

Invocation: Rev. Cathy Norman, Church of Scientology

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 26, 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 April 10, 2012, regular meeting of April 12, 2012 and special called meeting of April 14, 2012.
The minutes from the City Council work session of April 10, 2012, regular meeting of April 12, 2012 and special called meeting of April 14, 2012 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
2. Approve issuance of a rebate to Northland Investment Corporation for performing duct diagnostics and improvements at Madison at Stone Creek Apartments in an amount not to exceed \$79,473.
The motion to approve the issuance of a rebate to Northland Investment Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
3. 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. 20120426-003 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
4. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING INC., (MBE/MH 78.85%) for the 2012 Miscellaneous Bridge Maintenance Project in an amount of \$387,854.00 plus a \$38,785.40 contingency for a total contract amount not to exceed \$426,639.40. (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) by meeting the goals with 78.85% prime participation and 6.87% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Muniz Concrete & Contracting Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

5. Authorize execution of a construction contract with MID-STATE PLUMBING, INC., (WBE/FW 44.91%), for ABIA Information Systems Building Fire Protection Improvements in the amount of \$498,000 plus a \$49,800 contingency, for a total contract amount not to exceed \$547,800. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 4.07% MBE and 7.15% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Mid-State Plumbing, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
6. Authorize execution of a construction contract with the BARR CO., for the ABIA Terminal HVAC Improvements in the amount of \$1,169,518 plus a \$116,952 contingency, for a total contract amount not to exceed \$1,286,470. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 8.07% MBE and 1.30% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with the Barr Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
7. Authorize execution of a construction contract with LANDMARK STRUCTURES I, L.P., for the Northwest C Pump Station and Elevated Storage Tank at Anderson Mill Project in the amount of \$8,184,000 plus an \$818,400 contingency, for a total contract amount not to exceed \$9,002,400. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.33% MBE and 1.62% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Landmark Structures I, L.P. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
8. Authorize execution of change order #6 to the construction contract with TEXAS STERLING CONSTRUCTION, CO., for the West Campus Water and Wastewater Improvements - Area 5 in the amount of \$100,000.00 plus a contingency of \$20,000 for a total contract amount not to exceed \$4,496,872.00. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 9.74% MBE and 0.00% WBE subcontractor participation to date.)
The motion authorizing the execution of change order number six to the construction contract with Texas Sterling Construction, Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
9. Authorize negotiation and execution of an amendment to the professional services agreement with THE BROUSSARD GROUP, INC., dba TBG Partners, a Texas Corporation, for design services for the Parks and Recreation Department for the redevelopment of the Trailhead at Auditorium Shores in the amount of \$121,834, for a total contract amount not to exceed \$2,222,076. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 11.61% MBE and 8.15% WBE subcontractor participation to date.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with The Broussard Group, Inc. doing business as TBG Partners was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
10. Authorize negotiation and execution of a professional services agreement with BROWN & GAY ENGINEERS, INC. or one of the other qualified responders to RFQ Solicitation No. CLMP107, to provide Professional Services for the Traffic Signal Retiming Analysis - Off Peak project with an amount not to exceed \$200,000.

The motion authorizing the negotiation and execution of a professional services agreement with Brown & Gay Engineers, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

11. Authorize execution of a construction contract with G. HYATT CONSTRUCTION, INC., for renovation of Pickfair Pocket Park and Recreation Center in the amount of \$289,000, plus a contingency of \$57,800, for an amount not to exceed \$346,800. (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) by meeting the goals with 6.29% MBE and 0.67% WBE subcontractor participation.)

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

12. Authorize negotiation and execution of a design and commission agreement with Sharon Engelstein for artwork for the 2nd Street Bridge and Extension (Shoal Creek to West Avenue) in an amount not to exceed \$166,000.

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

13. Authorize negotiation and execution of a 30-month contract with FRONT STEPS, INC. to provide permanent supportive housing services beginning April 1, 2012, in an amount not to exceed \$376,409, with two twelve-month extension options in the amount of \$100,000 per extension option for a total contract amount not to exceed \$576,409. Recommended by the Public Health and Human Services Committee

The motion authorizing the negotiation and execution of a contract with Front Steps, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

14. Approve an ordinance authorizing acceptance of \$532,113 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, COMMUNITY SERVICES BLOCK GRANT, and amending the Fiscal Year 2011-2012 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$532,113 for the delivery of basic needs, case management, employment support and preventive health services to low-income residents.

Ordinance No. 20120426-014 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

15. Approve an ordinance authorizing acceptance of \$163,704 in grant funds from the United States Department of Housing and Urban Development, Fair Housing Act; and amending the Fiscal Year 2011-2012 Human Resources Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$163,704 to provide additional funding to investigate and settle complaints of discrimination in housing.

Ordinance No. 20120426-015 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 16 was pulled for discussion.

17. Authorize negotiation and execution of an amendment to the legal services agreement with Smith, Robertson, Elliot, Glen, Klein & Douglass, LLP, to finalize negotiations and draft the lease agreement regarding airport land for commercial and retail purposes, by increasing funding in the amount of \$25,000, for a total contract amount not to exceed \$75,000.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Smith, Robertson, Elliot, Glen, Klein & Douglass, LLP, was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

18. Authorize negotiation and execution of bond counsel legal services agreements with the following firms (or one of the other qualified responders); Fulbright & Jaworski, LLP; Bracewell & Guiliani, LLP; McCall, Parkhurst & Horton, LLP; Andrews Kurth, LLP, for the bond counsel services for the City for a period of 3 years, with an option to extend for an additional 2 years. (Notes: As set forth in Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) no subcontracting opportunities were determined for these contracts therefore no goals were established.)

The motion authorizing the negotiation and execution of bond counsel legal services agreement with Fulbright & Jaworski, LLP; Bracewell & Guiliani, LLP; McCall, Parkhurst & Horton, LLP; and Andrews Kurth, LLP, was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

19. Approve a resolution adopting a Substantial Amendment to the City's Fiscal Year 2011-2012 Action Plan and 2011-2012 Community Development Program as required by state and federal law.

Resolution No. 20120426-019 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

20. Approve an ordinance authorizing acceptance of up to \$250,000 in grant funds from the United States Department of Health and Human Services, Administration for Children and Families, Assets for Independence Demonstration Program; and amending the Fiscal Year 2011-2012 Neighborhood Housing and Community Development Office Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate up to \$250,000 to establish a City of Austin Individual Development Accounts program to assist low-income persons achieve financial stability.

Ordinance No. 20120426-020 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 21 was pulled to be heard after the related item 135.

22. Authorize a one-time exemption to City Code 10-6-2, which prohibits smoking in City parks, by approving two Temporary Designated Smoking Areas, one at Auditorium Shores and one at Republic Square Park, for April 27-29, 2012, for the Austin Food and Wine Festival.

The motion authorizing a one-time exemption to City Code 10-6-2 for the Austin Food and Wine Festival was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

23. Authorize a one-time exemption to City Code §10-6-2, which prohibits smoking in City parks, by authorizing a Temporary Designated Smoking Area at Pease District Park for April 28, 2012, for Eeyore's Birthday Party.

The motion authorizing a one-time exemption to City Code 10-6-2 for Eeyore's Birthday Party was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

24. Approve an ordinance amending the Fiscal Year 2011-2012 Parks and Recreation Department Capital Budget (Ordinance No. 20110912-006) to appropriate \$306,800 in Parkland Dedication Fees for the renovation of Wooldridge Square.

Ordinance No. 20120426-024 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

25. Approve a resolution authorizing the issuance by North Austin Municipal Utility District ("District") of Unlimited Tax and Revenue Bonds, Series 2012, in an amount not to exceed \$11,360,000; and approving a substantial draft of the District's Bond Resolution and the Preliminary Official Statement.
Resolution No. 20120426-025 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
26. Approve a resolution authorizing the application for \$762,242 in grant funding from the Texas Automobile Burglary and Theft Prevention Authority, to implement the Austin Police Department project entitled APD Auto Burglary and Theft Interdiction Project.
Resolution No. 20120426-026 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
27. Authorize award and execution of a 24-month requirements supply contract with BADGER METER, INC., for the purchase of water meters for the Austin Water Utility to be installed within the water distribution system in an estimated amount not to exceed \$244,166, with two 12-month extension options in and estimated amount not to exceed \$140,396, per extension option, for a total estimated contract amount not to exceed \$524,958. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements supply contract with Badger Meter, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
28. Authorize award and execution of a 36-month requirement supply contract with BRENTAG SOUTHWEST, INC., for sodium carbonate for the Austin Water Utility to be used at the package plants for water softening in an estimated amount not to exceed \$32,400 with three 12-month extension options in an estimated amount not to exceed \$10,800 per extension option, for a total estimated contract amount not to exceed \$64,800. (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 requirement supply contract with Brentag Southwest, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
29. Authorize Amendment No. 6 to a contract with SUMMUS INDUSTRIES, INC., (MBE/MB) for a Microsoft Enterprise License Agreement to add \$203,079 for a Department of Information Resources (DIR) contract increase, \$506,840 for additional requested Microsoft products for the current fiscal year, and \$2,557,979 in contingency spending authority for annual license true up for the remaining four years of the contract period, for a total amendment amount not to exceed \$3,267,898, for a total contract amount not to exceed \$18,865,334.
The motion authorizing amendment number six to a contract with Summus Industries, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
30. Authorize award, negotiation, and execution of a 12-month contract through the State of Texas Department of Information Resources cooperative purchasing program with VERDTEK, LLC (MBE/FH) for security staffing services to assist with responding to public information requests, to supplement staff for implementation of the Enterprise Security Access System, for design and engineering related to the implementation of the NetMotion Wireless product for network security and to perform security audits in an estimated amount not to exceed \$430,000. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award, negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Verdtek, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

31. Authorize award and execution of Amendment No. 2 to a contract through the Cooperative Purchasing Network (TCPN) with GRAINGER, INC., for industrial supplies and equipment to increase the current contract period in an estimated amount not to exceed \$1,400,000, and increase extension options three and four in estimated amounts not to exceed \$3,149,250 and \$3,212,235 respectively, for a revised total estimated contract amount not to exceed \$11,558,361. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of amendment number two to a contract through the Cooperative Purchasing Network (TCPN) with Grainger, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

32. Authorize award and execution of a 24-month requirements supply agreement with A.W. CHESTERTON/ CHESTERTON TEXAS, for SXCF grease to lubricate rollers and seals for the Austin Water Utility in an estimated amount not to exceed \$100,486, with two 12-month extension options in an estimated amount not to exceed \$50,243 per extension option, for a total estimated contract amount not to exceed \$200,972. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply agreement with A.W. Chesterton/Chesterton Texas was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

33. Authorize award and execution of a 24-month requirements supply agreement with AOC WELDING SUPPLY, for liquid sulfur dioxide for the Austin Water Utility in an estimated amount not to exceed \$338,800, with two 12-month month extension options in an estimated amount not to exceed \$169,400 per extension option, for a total estimated contract amount not to exceed \$677,600. (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 supply agreement with AOC Welding Supply was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

34. Authorize award and execution of a 24-month requirements supply agreement with SHANNON CHEMICAL CORP., for liquid phosphate for the Austin Water Utility to treat drinking water at the treatment plants in an estimated amount not to exceed \$1,222,640, with two 12-month month extension options in an estimated amount not to exceed \$611,320 per extension option, for a total estimated contract amount not to exceed \$2,445,280. (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 supply agreement with Shannon Chemical Corp. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

35. Authorize award and execution of a contract through the Texas Multiple Award Schedule with ALL BUSINESS MACHINES, INC. for the purchase of a gas chromatograph and a mass spectrometer for the Austin Police Department to be used in the identification of narcotic substances in an amount not to

exceed \$88,383.94. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule with All Business Machines, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

36. Authorize award and execution of a 24-month service requirements contract with KEEP AUSTIN BEAUTIFUL (KAB), or one of the other qualified bidders for IFB-BV No SDC0173, to provide educational services for youth in grades kindergarten through the 12th, introducing students to Zero Waste concepts including reuse, recycling and composting for the Austin Resource Recovery Department, in an estimated amount not to exceed \$274,890, with four 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$674,890. (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 service requirements contract with Keep Austin Beautiful (KAB) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

37. Authorize award, negotiation, and execution of 12-month requirements service contract with SECURITY DESIGN, INC. dba EO INTEGRATED SYSTEMS, INC. for airport security system software and hardware maintenance, support services, and training at the Austin-Bergstrom International Airport in an estimated amount not to exceed \$105,000, with three 12-month extension options in an estimated amount not to exceed \$109,000, \$113,200, and \$118,000 respectively, for a total estimated contract amount not to exceed \$445,200. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of a requirements service contract with Security Design, Inc. doing business as EO Integrated Systems, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

38. Authorize award and execution of a 36-month requirements service agreement with DENVER KOKEL TOWING, for towing services for the Public Works Department in an estimated amount not to exceed \$814,500 with three 12-month extension options in an estimated amount not to exceed \$271,500 for each option, for a total estimated contract amount not to exceed \$1,629,000. (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 agreement with Denver Kokel Towing was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

39. Authorize award and execution of a contract through The Cooperative Purchasing Network (TCPN) Contract, with AUDIO VISUAL INNOVATIONS, INC., for the purchase and installation of audio and video equipment, and a one year maintenance warranty, to provide audio and visual recordings at various meetings conducted at the Waller Creek Center by the Austin Water Utility, in an amount not to exceed \$146,560. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a contract through the Cooperative Purchasing Network contract with Audio Visual Innovations, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

40. Authorize award and execution of a 60-month requirements contract to provide passenger boarding bridge maintenance support and repair parts in an estimated amount not to exceed \$1,000,000; and authorize award and execution of a contract for the purchase and installation of 24 loading bridge preconditioned air units in an estimated amount not to exceed \$1,825,367, with JBT AEROTECH/JETWAYS SYSTEMS for the Aviation Department. JBT AeroTech/Jetway Systems is the sole source provider for these products. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements contract with JBT AeroTech/Jetways Systems was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

41. Authorize award and execution of a 36-month requirement service contract for vehicle cleaning and washing services for the Fleet Services Department with H2O CAR EXPRESS, LLC, in an estimated amount not to exceed \$393,120 with three 12-month extension options in an estimated amount not to exceed \$186,624 for the first extension option, \$223,949 for the second extension option, and \$268,739 for the third extension option, for a total estimated contract amount not to exceed \$1,072,432. (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 requirement service contract with H2O Car Express, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 42 was pulled for discussion.

43. Authorize award and execution of a contract with OSHKOSH CORPORATION to provide an aircraft rescue and fire fighting vehicle in an amount not to exceed \$711,320. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Oshkosh Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 44 was pulled for discussion.

45. Authorize award and execution of a 36-month requirements service contract with ASPLUNDH TREE EXPERT CO. for transmission utility line clearance services in an estimated amount not to exceed \$6,000,000, with two 12-month extension options in an estimated amount not to exceed \$2,000,000 per extension option, for a total estimated contract amount not to exceed \$10,000,000. (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) through the achievements of Good faith Efforts with 9.28% MBE and 5.72% WBE subcontractor participation.)

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

46. Authorize award and execution of a 24-month requirements supply contract with OLDCASTLE APG TEXAS, INC. DBA CUSTOM CRETE for the purchase of ready-mix concrete for use by Austin Energy for electrical installation and maintenance projects in an estimated amount not to exceed \$1,166,560, with three 12-month extension options in an estimated amount not to exceed \$583,280 per extension option, for a total estimated contract amount not to exceed \$2,916,400. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements supply contract with Oldcastle APG Texas, Inc. doing business as Custom Crete was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
47. Authorize award, negotiation, and execution of Amendment No. 3 to the contract with SCHNEIDER ELECTRIC USA, INC., dba SQUARE D COMPANY, to expand the existing Energy Profiler Online (EPO) web portal to include the Load Curtailment module for Austin Energy and increase the contract in an estimated amount not to exceed \$109,000 for the current option and in an estimated amount not to exceed \$25,800 for each of the three remaining options, for a total estimated contract amount not to exceed \$861,484. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of amendment number three to the contract with Schneider Electric USA, Inc. doing business as Square D Company was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
48. Authorize award and execution of Amendments to three contracts with AMERICAN FACILITY SERVICES to allow for the continuation of janitorial services for Austin Energy at various locations on a month-to-month basis for a maximum of 12 months, and to increase the current contracts in estimated amounts not to exceed \$352,200, \$110,200, and \$141,000, for total revised estimated contract amounts not to exceed \$1,987,948, \$613,861, and \$686,008. (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 amendments to three contracts with American Facility Services was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
49. Authorize award and execution of Amendment No. 2 to a requirements service contract with THE EDWARDS FIRM, for court reporting services for administrative hearings and civil service proceedings for the Law Department to add funds for the second 12-month extension option in an estimated amount not to exceed \$30,000, with one additional 12-month extension option in an estimated amount not to exceed \$30,000, for a total estimated revised contract amount not to exceed \$180,000. (Notes: The Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of amendment number two to a requirements service contract with The Edwards Firm was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
50. Authorize negotiation and execution of an Interlocal Agreement with the NATIONAL JOINT POWERS ALLIANCE, a public corporation and agency, to allow the City of Austin to participate in this agency's cooperative purchasing program to purchase various types of goods and services offered on contracts available to the City. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This

exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

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

51. Authorize award and execution of a 5-month requirements supply contract through BuyBoard with STAPLES CONTRACT & COMMERCIAL, INC., for purchase of office supplies in an estimated amount not to exceed \$1,100,000. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a requirements supply contract through BuyBoard with Staples Contract & Commercial, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

52. Authorize award and execution of a contract through the US Communities Government Purchasing Alliance with KOMPAN, INC., for the purchase and installation of playground and outdoor exercise equipment for the Parks and Recreation Department at Gus Garcia Recreation Center in an amount not to exceed \$167,628.98 (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a contract through the US Communities Government Purchasing Alliance with Kompan, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

53. Authorize award and execution of a 12-month requirements supply contract with CAPITOL SCIENTIFIC, INC. for laboratory chemicals and supplies to be used in the operation of Austin Energy Lab Services in an estimated amount not to exceed \$40,000, with four 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 \$200,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

54. Authorize award, negotiation, and execution of a 12-month requirements supply and service agreement with BRAZOS TECHNOLOGY, or one of the other qualified offerors to RFP No. MSO0052REBID, for Phase I of a project to provide electronic citation software, hardware, and hosting services for the Austin Police Department in an estimated amount not to exceed \$742,855. (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). Although no goals were established for this solicitation, 1.80% MBE and 1.20% WBE subcontractor participation has been met.)

The motion authorizing the award, negotiation and execution of a requirements supply and service agreement with Brazos Technology was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

55. Authorize award and execution of Amendment No. 1 to add the fourth and fifth year of funding for two lease agreements through the Texas Cooperative Purchasing Network (TCPN) with XEROX CORPORATION, to provide for the lease of multi-function document imaging machines for the Parks and Recreation at various locations in estimated amounts not to exceed \$35,059 and \$35,371, for revised

total estimated contract amounts not to exceed \$87,647 and \$111,772. (Notes: The Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of amendment number one to add the fourth and fifth year of funding for two lease agreements through the Texas Cooperative Purchasing Network with Xerox Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 56 was pulled for discussion.

57. Authorize award and execution of a 36-month requirements service contract with RUSH TRUCK CENTER OF TEXAS, LP dba RUSH TRUCK CENTER-AUSTIN to provide parts and repair services for medium and heavy duty UD trucks for the Fleet Services Department in an amount not to exceed \$363,360 with three 12-month extension options in estimated amounts not to exceed \$172,072 for the first extension option, \$206,287 for the second extension option, and \$247,344 for the third extension option, for a total estimated contract amount not to exceed \$989,063. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with Rush Truck Center of Texas, LP doing business as Rush Truck Center-Austin was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

58. Authorize award, negotiation, and execution of a 60-month services agreement through the State of Texas Department of Information Resources cooperative purchasing program with INSIGHT NETWORKING, for SMARTnet network maintenance for the City's Local and Wide Area Networks in an estimated amount not to exceed \$5,059,321. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award, negotiation and execution of a services agreement through the State of Texas Department of Information Resources cooperative purchasing program with Insight Networking for SMARTnet was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

59. Authorize award, negotiation and execution of four six-month contracts, each with two 12-month extension options, with TLI ENVIRONMENTAL, WATSON CONSOLIDATED, SISK-ROBB INCORPORATED and VALDEZ REMODELING & WEATHERIZATION, or one of the other qualified offerors to RFP No. 20120123RFP-LBRG, for the LeadSmart Program, for an estimated amount not to exceed \$650,000 each and combined with two 12-month extension options in an estimated amount not to exceed \$1,100,000 for the first option, and \$386,800 for the second option, each and combined, for a total estimated contract amount not to exceed \$2,136,800, each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of four contracts with TLI Environmental, Watson Consolidated, Sisk-Robb Incorporated, and Valdez Remodeling & Weatherization was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

60. Approve an ordinance suspending the effective date of CenterPoint Energy's proposed Gas Reliability Infrastructure Program interim customer charge.

Ordinance No. 20120426-060 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

61. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of West Gate Boulevard to the table of streets having a maximum speed limit of 35 mph; and adding a portion of West Gate Boulevard and Kentish Drive to the table of streets as having a maximum speed limit of 20 mph at certain times for students attending Cowan Elementary School; and to provide emergency passage.

Ordinance No. 20120426-061 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 62 was pulled for discussion.

63. Approve an ordinance amending City Code Section 13-2-3 to require compliance with Chapter 13 of the City Code regardless of pick-up location; adding a new subsection (B) to City Code Section 13-2-103 regarding chauffeur permit requirements; amending City Code Section 13-2-202 relating to limousine vehicle requirements; amending City Code Section 13-2-203 increasing the limousine minimum fare; and amending City Code Section 13-2-204 relating to limousine trip ticket requirements.

Ordinance No. 20120426-063 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

64. Approve third reading of an ordinance amending Ordinance No. 20100527-047 that renewed a taxicab franchise to Austin Cab Company to allow additional taxicab permits; and discuss the annual calculation of necessary franchise permits, also known as the "formula".

Ordinance No. 20120426-064 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 6-1 motion. Council Member Riley voted nay.

65. Approve third reading of an ordinance amending Ordinance No. 20070517-064 that awarded a taxicab franchise to Lone Star Cab Company to allow additional taxicab permits, and deleting Part 4 of Ordinance No. 20070517-064 relating to taxicab franchise owner requirements; and discuss the annual calculation of necessary franchise permits, also known as the "formula".

Ordinance No. 20120426-065 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 6-1 motion. Council Member Riley voted nay.

66. 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 Riley's second on a 7-0 vote.

Board/Nominee

Nominated by

Commission for Women
Mary "Katie" Naranjo

Mayor Leffingwell

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Keith Jackson's service on the Residential Design and Compatibility Commission. The waiver includes absences through today's date.

67. Approve an ordinance encouraging support of the Lemonade Day Austin 2012 event on Sunday, May 6, 2012 taking place City-wide, waiving the requirement and fees for a temporary food permit under City Code Chapter 10-3 and waiving the requirement and fees for a license agreement under City Code

Chapter 14-11. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole)

Ordinance No. 20120426-067 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Items 68 and 69 were pulled for Executive Session.

70. Approve an ordinance waiving certain fees and requirements for the Let's Go Govalle Fest fundraiser sponsored by the East Austin Conservancy which is to be held on Saturday, May 19, 2012 at Govalle Park. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20120426-070 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
71. Approve an ordinance reimbursing certain fees to Latinitas for the Fotos de Mi Alma annual fundraiser event which was held on Thursday, March 29, 2012 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)
Ordinance No. 20120426-071 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
72. Approve an ordinance waiving certain fees and requirements for the Giving Austin Labor Support (GALS) fundraising event which is to be held on Friday, June 1, 2012 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Laura Morrison)
Ordinance No. 20120426-072 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
73. Approve a resolution directing the City Manager to provide recommendations for a comprehensive air quality ordinance to control and abate air pollution and emissions of air contaminants, an enforcement mechanism, an implementation timeline, and any necessary funding requirements needed to ensure proper implementation; to consult with stakeholder groups; and to make his recommendations, including a draft ordinance, to the City Council by August 16, 2012. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee Leffingwell CO 2: Council Member Laura Morrison)
This item was postponed on consent to May 24, 2012 on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
74. Approve a resolution initiating amendments to Title 25 (*Land Development*) of City Code to reduce or eliminate minimum parking requirements in the CBD and DMU zoning districts. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20120426-074 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
75. Approve a resolution in support of schematic design of a shared-use bicycle and pedestrian facility in the MoPac corridor in conjunction with the managed lanes project. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman)
Resolution No. 20120426-075 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
76. Approve a resolution directing the city manager to work with city staff and the Urban Forestry Board to develop a pilot program using the Urban Forest Replenishment Fund to identify, maintain, and preserve prominent trees along transit corridors and in the urban core. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo)

Resolution No. 20120426-076 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

77. Approve a resolution directing the City Manager to include bicycle detours within the scope of work for certain capital improvement projects that affect bicycle routes and multi-use trails. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member William Spelman)

Resolution No. 20120426-077 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

78. Approve an ordinance reimbursing certain fees for the Casa Marianella event which was held on Thursday, March 29, 2012 at the Fiesta Gardens. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Riley)

Ordinance No. 20120426-078 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 79 was pulled for discussion.

80. Approve a resolution endorsing the East 51st Vision Plan in principle and directing the City Manager to bring forward a list of potential action items to implement its recommendations. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Chris Riley)

Resolution No. 20120426-080 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Item 81 was pulled for discussion.

82. Approve a resolution directing the City Manager to assess implementation of bicycle parking at City sponsored events. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Mayor Lee Leffingwell)

Resolution No. 20120426-082 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

83. Approve an ordinance waiving certain fees and requirements for the 3rd annual Barton Springs Pool Treeathlon event which is to be held on Saturday, April 28, 2012 at Barton Springs Pool. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)

Ordinance No. 20120426-083 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

Items 84 through 88 were pulled for Executive Session.

89. Set a public hearing to consider adoption of the Imagine Austin Comprehensive Plan. (Suggested date and time: May 24, 2012, at 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).

The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

90. Set a public hearing regarding Texas Gas Service's proposal to increase customer gas rates. (Suggested date and time: May 24, 2012, 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX).

The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

91. Set a public hearing regarding Atmos Energy Corporation's proposal to increase customer rates. (Suggested date and time: May 24, 2012, 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX).
The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
92. Set a public hearing to be conducted in accordance with Section 26.001 of the Texas Parks and Wildlife Code to consider a resolution authorizing the use of approximately 4,455 square feet of land for permanent drainage and 4,713 square feet for temporary workspace, staging and spoils storage site area in connection with the construction, use, maintenance, repair and replacement of a storm drain and appurtenances for the South Shore Storm Drain Improvement Project, which is located on dedicated parkland known as International Shores at Town Lake. (Suggested date and time: May 24, 2012 at 4:00 pm, at City Hall, 301 West Second Street, Austin, TX)
The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
93. Set a public hearing to consider a resolution regarding a request by Speedy Shop Food Store #407, located at 1320 E Oltorf St., 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 public school. (Suggested date and time: May 24, 2012, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX)
The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
94. Set a public hearing to consider a resolution regarding a request by Speedy Shop Food Store #409, located at 6707 Cameron Rd., 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 public school. (Suggested date and time: May 24, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
140. Approve a resolution directing the City Manager to allocate funds from the Holly Good Neighbor Program "CIP/Miscellaneous Projects" fund to support events associated with Fiestas Patrias activities in an amount not to exceed \$30,000. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)
Resolution No. 20120426-140 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
141. Approve a resolution setting the public hearing to consider an amendment to the Land Development Code regarding the requirements for short-term rental of residential units. (Suggested date and time: May 24, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)
Resolution No. 20120426-141 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.
142. Set a public hearing to consider an ordinance amending Ordinance 20110912-007 to close the Large Primary Service - Special Contract Rider II electric rate tariff to new customers. (Suggested date and time: May 24, 2012, 4:00 PM at Austin City Hall, 301 West Second Street, Austin, TX).
The public hearing was set on consent for May 24, 2012 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

DISCUSSION ITEMS

16. Approve an ordinance amending City Code Chapter 2-5 relating to council meeting procedures and declaring an emergency.

Ordinance No. 20120426-016 was approved with the following amendments and friendly amendment on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

The amendments are as follows.

Section 2-5-33

(A)(2)(b) A council item of interest may be placed on the agenda by the mayor or a council member.

Section 2-5-33

(B) Council members should submit preselected council items to the Agenda Office by noon on the Monday before the work session.

Section 2-5-34

(D) The mayor or a council member may request that a person or entity having information relevant to Council provide a briefing to Council.

(E) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

NOTE: It was later determined the amendments were in conflict with (B) and (C) in the draft ordinance. To reconcile this, (B) and (C) were deleted and (D) and (E) shown above were re-lettered to (B) and (C) and incorporated in the final version.

Section 2-5-36

(A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.

(B) Citizen participation is permitted on any item on which Council will vote under Section 2-5-35 (Council Action).

(C) Council may vote to allow citizen participation during a work session or for any work session item.

Section 2-5-24

(E) Except as otherwise provided in this section, a councilmember may request that an agenda item or hearing be set at a time certain if the councilmember receives the approval of one additional councilmember. A councilmember may, without the approval of another councilmember, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.

There was a friendly amendment made by Mayor Leffingwell to replace "council" with "agenda" in section 2-5-33(B) so it reads as follows, "Council members should submit preselected agenda items to the Agenda Office by noon on the Monday before the work session." The amendment was accepted by the maker of the motion and by Council Member Spelman, who made the second.

BRIEFINGS

95. Briefing on the draft Imagine Austin Comprehensive Plan.
The presentation was made by Greg Guernsey, Director, Garner Stoll, Assistant Director, and Greg Claxton, Planner II, Planning and Development Review Department; Judge Margaret Cooper, Chair of the Comprehensive Plan Citizens Advisory Task Force; Dave Sullivan, Chair of the Planning Commission; and David Rouse, Principal, Wallace Roberts & Todd (WRT).
96. Recommendations from the Leadership Committee on Permanent Supportive Housing Finance.

This item was postponed to May 24, 2012 without objection.

DISCUSSION ITEMS CONTINUED

42. Authorize award, negotiation, and execution of a contract with EMA INC., for the purchase of software, implementation and training of the Maximo Work Order and Maintenance Management System in Public Works Street & Bridge Operations in an estimated amount not to exceed \$1,551,860. (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) by meeting the goals with 6.13% MBE and 3.85% WBE subcontractor participation.)

This item was postponed to May 24, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.

62. Approve conceptual design for Phase I of the IH 35 / 51st Street interchange improvements to the IH 35 Northbound Frontage Road from Barbara Jordan Boulevard to 53rd Street.

The motion to approve a conceptual design for phase one of the IH 35/51st Street interchange improvements was approved on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote.

Items 95 and 96 were briefing items set for 10:30 a.m.

Items 97 and 98 were Executive Session items.

Item 99 was a briefing item set for 2:00 p.m.

Items 100 through 119 were zoning items set for 2:00 p.m.

Item 120 was a TIF #18 meeting set for 3:00 p.m.

Items 111 through 139 were public hearing items set for 4:00 p.m.

Items 140-142 were addendums.

CITIZEN COMMUNICATIONS: GENERAL

Michael Perez -- Apple coming to Austin. **Not present when name was called.**

Aaron Rochlen -- Downtown family residents

Eliza May -- Geographic Representation for Council Elections

Kathy Vale -- Austinites for Geographic Representation 10:1

Leslie Aisenman -- General City issues. **Not present when name was called.**

Jose Quintero -- Contact teams under the law of City of Austin

James O'Brien -- Importance of dialogue

Dennis Paddie -- The condition of the downtown library. It has been appropriated by the Homeless and they have the support of the librarian

Drew Williamson -- Chief Acevedo and the Austin Police Department. **Not present when name was called.**

Paul Robbins -- City Issues

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.

The Mayor announced that Council would discuss items number 68 and 69 on the regular agenda during Executive Session.

The Mayor announced that Council would discuss items number 84 through 88 on the regular agenda during Executive Session.

97. Discuss legal issues related to Open Government matters (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn without objection.
98. Discuss potential acquisition of land for park purposes along Lady Bird Lake. (Real Property - Section 551.072)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:55 p.m.

DISCUSSION ITEMS CONTINUED

44. Authorize award and execution of 36-month requirements service contract with each vendor: ASPLUNDH TREE EXPERT CO. and WRIGHT TREE SERVICE, INC. for distribution utility line clearance services in an estimated amount not to exceed \$48,000,000 combined, with two 12-month extension options in an estimated amount not to exceed \$16,000,000 per extension option combined, for a total estimated contract amount not to exceed \$80,000,000 combined. (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) by meeting the goals with 7.07% MBE and 1.57% WBE subcontractor participation for Asplundh; and through the achievements of good faith efforts with 1.40% MBE and 0.16% WBE subcontractor participation for Wright.)
The motion authorizing the award and execution of a requirements service contract with Asplundh Tree Expert Co. and Wright Tree Service, Inc. was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
56. Authorize award and execution of a 36-month interlocal agreement with THE UNIVERSITY OF TEXAS, PROFESSIONAL DEVELOPMENT CENTER (UTPDC), to develop and deliver training to small business owners in an amount not to exceed \$470,250 with two additional 12 month extension options in an amount not to exceed \$156,750, for a total agreement amount not to exceed \$783,750. (Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of an interlocal agreement with the University of Texas Professional Development Center in the amount of \$43,000 for the remainder of this fiscal year was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

68. Approve an ordinance placing a charter amendment on the November 2012 ballot to move the City's general election date from May to November. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
Ordinance No. 20120426-068 was approved on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.
69. Approve an ordinance for the November 2012 ballot to provide for the appointment of the City Attorney by the City Council. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
Ordinance No. 20120426-069 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
79. Approve a resolution establishing an advisory task force on drawing geographical districts for city council elections and directing the city auditor to initiate a process of selection and appointment. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)
This item was withdrawn without objection.
81. Approve a resolution creating the Austin Local Solar Advisory Committee and directing the City Manager to negotiate and execute a Memorandum of Understanding with Pecan Street Inc. to provide committee support. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)
Resolution No. 20120426-081 was approved with the following amendments on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote. The first amendment was to add two members: John Sutton (Commercial Building Owners and Managers) and Sunshine Mathon (Multifamily Residential Owners and Managers; Non Profits) to the list of members appointed. The second amendment was to change the first sentence after the, "Be it resolved by the City Council of the City of Austin:" to read, "That the Austin Local Solar Advisory Committee is created, consisting of up to 20 members . . ." Council agreed to provide staff the names of any citizens interested in serving who would increase the diversity of this advisory committee.
84. Approve an ordinance to achieve the recommendation of the Charter Revision Committee regarding expanding the jurisdiction of the Ethics Review Commission to include campaign finance violations. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Ordinance No. 20120426-084, with an effective date of August 1, 2012, was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
85. Approve an ordinance to achieve the recommendation of the Charter Revision Committee regarding requiring special reporting of campaign contributions made in the last 9 days before an election. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
This item was postponed to May 24, 2012 on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
86. Approve an ordinance to achieve the recommendation of the Charter Revision Committee regarding enhancing reporting of independent expenditures in City elections. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

This item was postponed to May 24, 2012 on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

87. Approve an ordinance to achieve the recommendation of the Charter Revision Committee regarding creating a campaign finance database. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Ordinance No. 20120426-087 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.
88. Approve an ordinance to achieve the recommendation of the Charter Revision Committee regarding enhancing required reporting regarding bundlers of campaign contributions and creating limits on the amounts of campaign contributions that may be bundled by lobbyists. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Ordinance No. 20120426-088 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Tax Increment Financing Board #18 to order at 4:39 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:43 p.m.

BRIEFING ON PLANNED UNIT DEVELOPMENT ASSESSMENTS

99. CD-2011-0010 - Development Assessment of Covered Bridge Planned Unit Development, located at S.H. 71 West and Covered Bridge Road, within Williamson Creek Watershed - Barton Springs Zone
Presentation was made by Jerry Rusthoven, Manager of Planning and Development Review.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

103. C14-2011-0111 - Naser Rezoning - Approve second/third readings of 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. First Reading: Approved December 8, 2011. Vote: (6-0, Council Member Cole-off the dais). Owner/Applicant: Faris Properties (Nasib Nasar). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20120426-103 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning, to change a condition of zoning was approved on Council Member Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

104. NPA-2012-0025.01 - 4806 1/2 Trail West Drive (Estates of Travis Country) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4806 1/2 Trail West Drive (Barton Creek Watershed - Barton Springs Zone) from Civic to Single Family land use. Staff Recommendation: To grant the change in the FLUM to Single Family land use. Planning Commission Recommendation: To be reviewed on May 8, 2012. Owner: Austin Independent School District (Paul Turner). Applicant: Independent Realty, L.L.C. (Nick Dean and Misha Spiridonov). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to May 24, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

105. C14-2012-0016 - Estates of Travis Country - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4806 1/2 Trail West Drive (Barton Creek Watershed - Barton Springs Zone) from public-neighborhood plan (P-NP) combining district to single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning. Staff Recommendation: To grant single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May 8, 2012. Applicant: Austin Independent School District (Paul Turner). Agent: Independent Realty (Nicholas Dean). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to May 24, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

106. C14-84-361(RCT) - Tillery Street - Conduct a public hearing and approve a restrictive covenant termination for property locally known as 2200 Tillery Street (Boggy Creek Watershed, Tannehill Branch Watershed) to terminate a Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant the Restrictive Covenant termination. Planning Commission Recommendation: To grant the Restrictive Covenant termination. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to May 24, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

107. C14-2011-0088 - Tillery Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2200 Tillery Street (Boggy Creek Watershed, Tannehill Branch Watershed) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, with conditions. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt on first reading the ordinance for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

108. C14-2011-0160 - Capital City Salvage (L.K.Q.) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7600-7900 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To deny limited industrial service-conditional overlay (LI-CO) district zoning, with conditions. Owner/Applicant: RDO Properties, LLC (Rob Ormand). Agent: Enabler Design Group (DeVon Wood). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to May 24, 2012 at the applicant's request on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

109. C14-2011-0131 - West 34th St. Redevelopment, Tract "A" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 & 808 W. 34th Street (Shoal Creek Watershed, Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district

zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May, 22, 2012. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to June 14, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Tovo recused herself.

110. C14-2011-0132 - West 34th St. Redevelopment, Tract "B" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3316 Grandview Street (Shoal Creek Watershed, Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May, 22, 2012. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to June 14, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Tovo recused herself.

111. C14-2011-0133 - West 34th St. Redevelopment, Tract "C" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 W. 34th Street (Shoal Creek Watershed, Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May, 22, 2012. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to June 14, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Tovo recused herself.

112. C14-2011-0134 - West 34th St. Redevelopment, Tract "D" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 715 W. 34th Street (Shoal Creek Watershed, Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May, 22, 2012. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to June 14, 2012 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Tovo recused herself.

114. C14-85-178(RCA) - Lakeline Boulevard Multi Family - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 2801 and 2829 South Lakeline Boulevard (Buttercup Creek Watershed) to amend a restrictive covenant to remove the requirement for the construction of a "Recharge Pond" and replace it with equivalent water quality controls. Staff Recommendation: To grant the Restrictive Covenant Amendment. Zoning and Platting Commission Recommendation: To grant the Restrictive Covenant Amendment. Owner/Applicant: NAP Lakeline, LP (Mark Morris). Agent: Bury + Partners, Inc. (Steven J. Bertke, P.E.). City Staff: Sherri Sirwaitis, 974-3057.

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 Riley's second on a 7-0 vote.

115. C14-2012-0013 - Jollyville Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11602 Jollyville Road (Bull Creek Watershed) from limited office (LO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Owner/Applicant: George Kissinger. Agent: Permit Partners (David Cancialosi). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120426-115 for neighborhood commercial (LR) district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

116. C14-2012-0006 - Eco-9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9511 North FM 620 Road (Bull Creek Watershed) from public-conditional overlay (P-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on May 15, 2012. Owner/Applicant: ECO Resources. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to May 24, 2012 at the applicant's request on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

117. C14-2012-0017 - San Felipe Boulevard Re-Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8007 San Felipe Boulevard (Rattan Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Owner/Applicant: SDI 2012 Urban, Ltd. (Randy Ziehe). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120426-117 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

118. C14-2012-0019 - James Martin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10812 North FM 620 Road (Bull Creek Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: James Martin. City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120426-118 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

119. C14-04-0181.SH(RCA) - Shire's Court - Conduct a public hearing to approve a restrictive covenant amendment for the property locally known as 1910 1/2 Wickshire Lane (Country Club East Watershed). Staff Recommendation: To deny the restrictive covenant amendment. Planning Commission

Recommendation: To be reviewed on May 8, 2012. Applicant: Shire's Court, Ltd. (David Mahn). Agent: Benchmark Development (Myra Goepp). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to May 24, 2012 at the applicant's request on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

100. NP-2011-0029 - St. John/Coronado Hills Combined Neighborhood Plan - Approve second/third readings of 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). First Reading for all tracts except Tracts 108, 113 and 114 approved on March 1, 2012. Vote: 7-0. First Reading for Tracts 108 and 114 approved on April 5, 2012. Vote: 7-0. First Reading for Tract 113 approved on April 5, 2012. Vote: 6-1, Council Member Tovo voted nay. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509.

The public hearing was closed and Ordinance 20120426-100 adopting the St. John/Coronado Hills Combined Neighborhood Plan, as recommended by the Planning Commission, with the exception of tracts 108 and 114 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The motion to change the designation on the future land use map (FLUM) to office for Tract 108 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

The motion to change the designation on the future land use map (FLUM) to higher density single family for Tract 114 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

101. C14-2011-0115 - St. John Neighborhood Planning Area Rezoning - Approve second/third readings of 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 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; multifamily 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. First Reading approved on March 1, 2012. Vote: 7-0. Agent: Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509; Wendy Rhoades, 974-7719.

Ordinance No. 20120426-101 for the St John Neighborhood Plan Combining District, as recommended by the Planning Commission for all tracts, was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

102. C14-2011-0116 - Coronado Hills Neighborhood Planning Area Rezoning - Approve second/third readings of 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 16 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 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; multifamily 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. First Reading for all tracts except Tracts 108, 113 and 114 approved on March 1, 2012. Vote: 7-0. First Reading for Tracts 108 and 114 approved on April 5, 2012. Vote: 7-0. First Reading for Tract 113 approved on April 5, 2012. Vote: 6-1, Council Member Tovo voted nay. 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 by the property owner in opposition to Tract 108 of this rezoning request.

Ordinance No. 20120426-102 rezoning property locally known as the Coronado Hills Neighborhood Plan Combining District, as recommended by Planning Commission, with the exception of tracts 108 and 114 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

The motion to rezone E 7424 US Hwy 290 (Tract 108) to general office-neighborhood planning (GO-NP) combining district zoning was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

The motion to rezone E 7100 US HWY 290 (Tract 114) to adopt townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamation at 5:30 p.m.

LIVE MUSIC

Wendy Colonna

PROCLAMATIONS

Proclamation -- Keep Austin's Air Clean Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Tom DeCoster

Proclamation -- National Children's Mental Health Awareness Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Christy Kuehn and the Child and Youth Mental Health Planning Partnership

Distinguished Service Award -- Ray Windsor, WPDR -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by the honoree

Proclamation -- Girl Scouts' 100th Anniversary -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Girl Scout Troops

Proclamation -- National Infant Immunization Week -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Coleen Christian

Proclamation -- National Bicycling Month, Bike to School Day, Bike to Work Day -- to be presented by Council Member Chris Riley and to be accepted by Annick Beaudet

Distinguished Service Award -- David Smith, Hill Country Ride for AIDS -- to be presented by Chris Riley and to be accepted by the honoree

PR -- Blair Woods Education Program at Norman Elementary School -- to be presented by Council Member Kathie Tovo and to be accepted by Nancy Manning, Judy Walther, Karen Schmutz and 4th and 5th graders at Norman Elementary

Mayor Leffingwell called the Council Meeting back to order at 6:50p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

123. Conduct a public hearing and consider an ordinance adopting local standards of care for the Parks and Recreation Department's Youth Recreation Program for 2012.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120426-123 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
124. Conduct a public hearing and consider an ordinance amending City Code Section 25-1-21 and Chapter 25-4 relating to requirements for flag lots.
This item was postponed to May 24, 2012 on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.
125. Conduct a public hearing and consider an ordinance adopting the sixth plan modification to the East 11th and 12th Streets Urban Renewal Plan (Ordinance No. 20081120-104) to increase the allowable floor to area ratio (F.A.R.) from 0.7:1 to 1:1 for the property at 1123 E. 11th Street.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120426-125 was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman recused himself.

Items 126 through 130 were acted on in a combined motion.

126. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 1 ("MUD"); and limited purpose and full purpose annexation of approximately 340 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
127. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 2 ("MUD"); and limited purpose and full purpose annexation of approximately 557 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
128. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 3 ("MUD"); and limited purpose and full purpose annexation of approximately 644 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
129. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 4 ("MUD"); and limited purpose and full purpose annexation of approximately 346 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

130. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 5 ("MUD"); and limited purpose and full purpose annexation of approximately 327 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

Items 131 through 134 were acted on in a combined motion.

131. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 1 ("MUD"); and limited purpose and full purpose annexation of approximately 188 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
132. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 2 ("MUD"); and limited purpose and full purpose annexation of approximately 475 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
133. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 3 ("MUD"); and limited purpose and full purpose annexation of approximately 563 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
134. Conduct a public hearing regarding a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 4 ("MUD"); and limited purpose and full purpose annexation of approximately 378 acres.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
136. Conduct a public hearing and consider amendments to the Tax Increment Financing (TIF) Reinvestment Zone No. 18 (Seaholm Redevelopment Project) to increase its geographic boundaries, revise the Project and Finance Plan, and revise board appointments.
The public hearing was conducted and the motion to close the public hearing and approve the amendments to the Tax Increment Financing (TIF) Reinvestment Zone No. 18 (Seaholm Redevelopment Project) was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
137. Conduct a public hearing and consider an ordinance amending Chapter 30-3-161 of the City Code related to provisions for joint access driveways for subdivisions in the Travis County ETJ (C20-2011-015).
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120426-137 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
121. Conduct a public hearing to consider an appeal by Kerri and Max Krupp (appellant), along with David Cancialosi (appellant's agent) of a decision by the Residential Design and Compatibility Commission (RDCC) denying a modification request for an addition of a second story dwelling unit above an existing detached garage located at 3700 Lawton Avenue to increase the floor-to-area ratio (FAR) by 5.2%.
This item was postponed to May 24, 2012 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

135. Conduct a public hearing and consider a resolution directing the City Manager to amend the temporary license agreement between the City of Austin and Austin Pets Alive relating to Austin Pets Alive's use of the Town Lake Animal Center site, located at 1156 West Cesar Chavez, which is a portion of dedicated parkland known as Lamar Beach at Town Lake Park, in accordance with Sec. 26.001 of the Texas Parks and Wildlife Code.
The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20120426-135 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
21. Authorize negotiation and execution of an amendment to the temporary license agreement between the City of Austin and Austin Pets Alive relating to Austin Pets Alive's use of the Town Lake Animal Center located at 1156 W. Cesar Chavez, Austin, Texas.
The motion authorizing the negotiation of the agreement based on the Temporary Lease Agreement provided by Pets Alive but with instructions to bring the execution back for Council approval on May 24, 2012 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
Direction was given to staff to start work on a long term agreement with Pets Alive to include the following provisions:
- 1) APA commits to saving all healthy and treatable bottle-baby kittens, parvo puppies, and small dogs on the City's kill list during the term of the agreement.
 - 2) APA commits to saving an additional five behaviorally challenged large dogs per month during the term - which is more than city staff is currently reporting as the last category of animals being unnecessarily euthanized.
 - 3) APA commits to developing a program to rehabilitate the additional behaviorally challenged dogs that it commits to save.
 - 4) APA commits to refurbishing the kennels and cages to meet Texas State Animal Shelter standards.
139. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 (Zoning) relating to regulation of the location and use of buildings and land for alternative financial services businesses.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120426-139 with the following amendment was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote. The friendly amendment from Council Member Morrison was to have Part 3, 25-2-816-(B)(2) read, "within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located." This was accepted by the maker of the motion and Council Member Martinez who seconded it.
113. C14-2011-0141 - Peaceful Hill Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8107 Peaceful Hill Lane and 501 Hubach Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) district zoning, with conditions. Owner/Applicant: Kristopher Alsworth, Delton Hubach, Jim Bula and Catherine Christopherson. Agent: The Moore Group (Mike Moore). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition this rezoning request.
The motion to keep the public hearing open and approve the ordinance on first reading for townhouse and condominium residence-conditional overlay (SF-6-CO) district zoning, with the following conditions was approved on Council Member Riley's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Member Tovo. There was a friendly amendment from Council Member Morrison to add a

constraint that the impervious cover be limited to 45%. The amendment was accepted by the maker of the motion and by Council Member Spelman, who made the second.

The conditions were:

- a maximum of 60 units
- A public restrictive covenant for the conditions of neighborhood traffic analysis
- Prohibit the use of gating
- Require a connection to Shallot Way
- Require at least a six foot sidewalk on the street connecting Shallot Way to Mairo

The following directions were given to staff:

- Insure that everything reasonably necessary is done to ensure that kids can be dropped off, picked up, and walk safely to school.
- Investigate carefully the ordinance that was previously passed that may pose some restrictions on the access between Shallot and Mairo

122. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1 and 25-2 relating to requirements for the issuance, notification, and appeal of zoning use determinations.

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Riley to postpone this item to May 24, 2012. This motion was withdrawn by the maker.

There was a substitute motion made by Council Member Tovo and seconded by Council Member Morrison to approve this item on first reading.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120426-122 with the following amendments was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote. The amendments were:

- Change Subsection (F) to read, "(F) The director may not make a decision on an application that is dependent upon a use determination."
- Change Subsection (E)(3)(a) to read, "(3) Within 14 days after receiving a request for a non-project use determination, the director shall provide notice of the determination: (a) to the applicant and to registered environmental and neighborhood organizations, if the determination is not associated with a specific address; or"
- Change Subsection (H) to read, "(H) A use determination is not subject to further notification or appeal under this section if it has been considered by the Board of Adjustment in response to an appeal or notice of the determination was previously provided under this section and no appeal was filed."
- Change Subsection (I) (4) to read, "(I) A use determination issued by the director under this section must: (4) describe any special characteristics of the use determination, including limitations on the size, scale, location or intensity, of the use."

138. 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 (Siddha Yoga Meditation Center).

This item was postponed to June 28, 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

Mayor Leffingwell adjourned the meeting at 10:01 p.m. without objection.

The minutes for the regular meeting of April 26, 2012 were approved on this the 24th day of May 2012 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote