

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JUNE 14, 2012**

Invocation: Reverend Steven Bell, Associate Pastor, St. Austin Catholic Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 14, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

Item 1 was pulled for discussion.

2. Authorize execution of a construction contract with G. HYATT CONSTRUCTION, INC., for renovation of the Conley-Guerrero Senior Activity Center in the amount of \$835,000, plus an \$83,500 contingency, for a total contract amount not to exceed \$918,500.(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 18.45% MBE and 8.72% 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 Spelman's second on a 7-0 vote.

3. Authorize execution of a construction contract with DENUCCI CONSTRUCTORS, LLC for the Group 17 8th Street from Congress Avenue to West Avenue Street Reconstruction and Utility Adjustments project, an ACCELERATE AUSTIN PROJECT, in the amount of \$5,363,942.25 plus \$268,197.11 contingency, for a total contract amount not to exceed \$5,632,139.36.(Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 6.02% MBE and 3.10% WBE subcontractor participation.)

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

4. Authorize negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY to provide funding and certain services for the Summer Youth Employment Program for a one-year

term beginning June 1, 2012, in an amount not to exceed \$345,000 for a total contract amount not to exceed \$345,000.

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

5. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire a temporary working space easement of 94,010 square feet, situated on Lots C and D, R.F. Bearden Subdivision, in Travis County, Texas, located at 6004 Webberville Road, from MORNINGSTAR PROJECTS, LLC, for water line repairs, in an amount not to exceed \$62,705.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire a temporary working space easement from Morningstar Projects, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 6 was pulled for discussion.

7. Approve an ordinance amending Ordinance No. 20110912-007 which adopted the 2011-2012 Fee Schedule, to increase various development fees. (Related to Item #8.)
Ordinance No. 20120614-007 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
8. Approve an ordinance amending the Fiscal Year 2011-2012 General Fund Budget of the Planning and Development Review Department (Ordinance No. 20110912-005) by increasing revenue by \$318,463, increasing expenditures by \$187,081 and adding eleven new full-time equivalent positions; and amending the Fiscal Year 2011-2012 General Fund Budget of the Fire Department (Ordinance No. 20110912-005) by increasing expenditures by \$65,104 and adding three new full-time equivalent positions; and by increasing the fund balance of the FY 2011-2012 General Fund Budget Stabilization Reserve Fund (Ordinance No. 20110912-005) by \$66,278. (Related to Item #7.)
Ordinance No. 20120614-008 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
9. Authorize the negotiation and execution of an interlocal agreement with the Texas Department of Public Safety to define respective responsibilities for significant events, maintenance, street closures, traffic enforcement, and general security in the Capitol Complex, including private property within the Capitol Complex.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
10. Authorize award and execution of a 36-month revenue contract with APAC-TEXAS INC., for the sale of salvage reclaimed asphalt pavement for the Public Works Department in an estimated annual revenue of \$75,000, with three 12-month extension options with estimated revenue of \$75,000 per extension option, for a total estimated contract revenue of \$450,000. (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 revenue contract with APAC-Texas Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
11. Authorize award and execution of a 36-month requirements service contract with SULLIVANLUALLIN, INC., or one of the other qualified bidders for IFB-BV No. EAG0606 to

provide patient satisfaction surveys for the Emergency Medical Services Department in an estimated amount not to exceed \$82,750, with one 12-month extension option in an estimated amount not to exceed \$33,275, for a total estimated contract amount not to exceed \$116,025. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

12. Authorize award and execution of a 24-month requirements supply agreement with LEOTEK ELECTRONICS USA CORPS for LED incandescent traffic signal lamps 12-inch LED traffic signal lamp units for the Transportation Department in an amount not to exceed \$111,960 with three 12-month extension options in an amount not to exceed \$55,980 for each option, for a total contract amount not to exceed \$279,900. (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 Leotek Electronics USA Corps was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

13. Authorize award and execution of a 36-month requirements supply contract with APAC-Texas Inc. to provide a primary hot mix asphaltic concrete contract for the Public Works Department, in an estimated amount not to exceed \$22,042,875 with three 12-month extension options in an estimated amount not to exceed \$7,347,625 for each extension option, for a total estimated contract amount not to exceed \$44,085,750. (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 contract with APAC-Texas, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

14. Authorize award and execution of a 36-month requirements supply contract with INDUSTRIAL ASPHALT, LLC., to provide an alternate hot mix asphaltic concrete contract for the Public Works Department, in an estimated amount not to exceed \$26,533,200 with three 12-month extension options in an estimated amount not to exceed \$8,844,400 for each extension option, for a total estimated contract amount not to exceed \$53,066,400. (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 contract with Industrial Asphalt, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 15 and 16 were pulled for a time certain of 2:00 p.m.

17. Approve an ordinance amending Section 12-4-64 (D) of the City Code to establish a speed limit of 25 miles per hour on Ridgehaven Drive from Cameron Road to Berkman Drive.

Ordinance No. 20120614-017 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

18. Authorize negotiation and execution of a Roadway Improvement Agreement with Continental 248 Fund LLC, a Wisconsin limited liability company, for funding of a Texas Department of Transportation roadway safety improvement project at 1200 FM 734/Parmer Lane in the amount of \$226,439.65. (Related to Item #19.)
The motion authorizing the negotiation and execution of a roadway improvement agreement with Continental 248 Fund LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
19. Approve a resolution authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for a roadway safety improvement project at 1200 Parmer Lane in the estimated amount of \$152,606. (Related to Item #18.)
Resolution No. 20120614-019 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
20. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. (There were no appointments or waivers.)

Item 21 was pulled for a time certain of 2:00 p.m.

22. Approve a resolution supporting the Norwood Park Foundation's efforts to restore the Norwood House and directing the City Manager to (1) negotiate and execute a Park Improvement Agreement between the City and Norwood Park Foundation, and (2) present the PARD Preferred Alternative for the Norwood Estate to the Comprehensive Planning and Transportation Committee. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison)
Resolution No. 20120614-022 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
23. Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the University of Texas for assignment of three AmeriCorps VISTA members to the City of Austin. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison)
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
24. Approve a resolution directing the City Manager to work with interested parties to determine the feasibility and logistics of establishing an eruv in Austin. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Kathie Tovo CO 2: Mayor Lee Leffingwell)
Resolution No. 20120614-024 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
25. Set a public hearing regarding CenterPoint Energy's proposal to increase customer rates. (Suggested date and time: June 28, 2012, 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 28, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
26. Set a public hearing to consider an ordinance for floodplain variances requested by Mr. Adam Koransky of Jacobs Engineering Group, Inc. on behalf of the owner, the City of Austin Public Works Department, to develop a new segment of the Lady Bird Lake Hike and Bike Trail with

associated improvements, which is in the 25-year and 100-year floodplains of Lady Bird Lake of the Colorado River. (Suggested date and time: June 28, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street.)

The public hearing was set on consent for June 28, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 27 through 29 were eminent domain items.

Items 30 and 31 were briefing items set for 10:30 a.m.

Items 32 through 36 were Executive Session items.

Item 37 was a briefing item set for 2:00 p.m.

Items 38 through 47 were zoning items set for 2:00 p.m.

Item 48 was an AHFC meeting set for 3:00 p.m.

Items 49 through 60 were public hearing items set for 4:00 p.m.

BRIEFINGS

30. Update on Formula 1 Staffing.

The presentation was made by Rodney Gonzales, Assistant Director, Economic Growth and Redevelopment Services and David Carter, Assistant Chief, Austin Police Department.

31. Briefing on Airport Boulevard Form-Based Code.

The presentation was made by Jorge E. Rousselin, Development Services Process Coordinator for Planning and Development Review Department and Scott Polikov, President, Gateway Planning Group, Inc.

CITIZEN COMMUNICATIONS: GENERAL

Raul Alvarez - Eastside Affordability

Rae Nadler-Olenick - Water Fluoridation

Delia Garza - Geographic representation.

Jeff Kantoff - General City issues.

Cynthia Valadez - Central healthcare district issues & neighborhood issues in E. Austin.

Alicia Perez - Ten-one.

Jessica Deleskey - Code Enforcement Priorities. **Not present when name was called.**

John Duffy - Life in the City of Austin.

Larry Shannon Hargrove - Youth Program To Make a Difference. **Not present when name was called.**

Derrick Norris - Juneteenth Parade. **Not present when name was called.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:34 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.

32. 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.
33. Discuss legal issues related to the November 6, 2012 election. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code.)
34. Discuss legal issue related to AT&T's property damages claim against the City (Private consultation with Attorney-Section 551.071).
35. Evaluate the performance of and consider the compensation and benefits for the City Clerk (Personal Matters Section 551.074)
36. Evaluate the performance of and consider the compensation and benefits for the Municipal Court Clerk (Personnel Matters Section 551.074)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:20 p.m.

Items 37, 38, 40 through 45, 47, 52 through 57, 59, and 60, were acted on in a combined motion

BRIEFING ON PLANNED UNIT DEVELOPMENT ASSESSMENTS

37. CD-2012-0001 - Development Assessment of Easton Planned Unit Development, located east and southeast of the intersection of William Cannon Drive and McKinney Falls Parkway, within the North Fork Dry Creek, South Fork Dry Creek, Cottonmouth Creek and Marble Creek Watersheds.
This item was postponed to June 28, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

ZONING ITEM (HEARINGS CLOSED)

38. C14-2012-0006 - Eco-9 - Approve second/third readings of 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 (GR) district zoning. First Reading approved on May 24, 2012 for community commercial-conditional overlay (GR-CO) combining district zoning. Vote:7-0. Owner/Applicant: ECO Resources. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to June 28, 2012 at the neighborhood's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

40. C14-2012-0041 - Uptown Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 813 West North Loop Boulevard (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Applicant: Neelley Family Trust (Gordon Neelley). Agent: Mike McHone Real Estate (Mike McHone). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 201206014-040 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

41. 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 and 808 West 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 June 26, 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 August 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

42. 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 June 26, 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 August 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.

43. 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 West 34th Street, 3205 and 3207 Grandview Street, and 3206 West Avenue (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 June 26, 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 August 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.**
44. 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 West 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 June 26, 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 August 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.
45. C814-90-0003.17 - Harris Branch PUD Amendment #17 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12045 1/2 Cameron Road (Harris Branch Watershed, Gilleland Creek Watershed, Decker Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To deny the PUD amendment, to change a condition of zoning. Zoning and Platting Commission Recommendation: To deny the PUD amendment, to change a condition of zoning. Owner/Applicant: Austin HB Residential Properties (John McCullough). Agent: CSF Civil Group, LLC (Charles Steinman). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to September 27, 2012 at the applicant's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
47. C14-2011-0165 - Randerson Creekside Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3108 E. 51st Street (Fort Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Owner/Applicant: CNB Austin (Mark Kalish). Agent: Central Texas Development Assessments (Mike Wilson). City Staff: Heather Chaffin, 974-2122.
This item was postponed on consent to June 28, 2012 at the applicant's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

52. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 (Zoning) to create the Central Austin - University Area Zoning Overlay District (CAUA) in which a group residential land use is a conditional use in the multi-family residence moderate-high density (MF-4) base zoning district.
This item was postponed on consent to August 16, 2012 on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.

53. Conduct a public hearing and consider an appeal by Mary and Bill Ley regarding the decision to issue an Outdoor Music Venue permit for Home Slice Pizza, located at 1415 S. Congress Avenue. **This item was postponed on consent to August 2, 2012 on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.**
54. Conduct a public hearing and consider an appeal by Elliott Mitchell regarding the decision to issue an Outdoor Music Venue permit for Lucy's Fried Chicken, located at 2218 College Avenue. **This item was withdrawn on consent on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote..**
55. Conduct a public hearing and consider an ordinance amending Section 25-2-587 (Requirements for Certain Uses in a Neighborhood Commercial (LR) District) of the City Code to amend the regulations applying to a restaurant General Use. **The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120614-055 was approved on consent on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.**
56. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to make outdoor amphitheaters and similar structures a conditional use in all zoning districts, even if the amphitheater or similar structure is associated with a civic or residential use. **This item was postponed on consent to August 2, 2012 on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.**
57. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to define a new land use "Pedicab Storage and Dispatch" and to identify the zoning districts in which the use is permitted. **This item was postponed on consent to August 2, 2012 on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.**
59. Conduct a public hearing and consider an ordinance amending Ordinance No. 20080515-030 by amending the map indicating areas with additional regulations applying to Mobile Food Establishments to include the North Lamar Neighborhood Planning Area and the Stone Gate Neighborhood Association in accordance with Section 25-2-812 of the City Code. **This item was postponed on consent to June 28, 2012 on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.**
60. Conduct a public hearing and consider an ordinance amending Ordinance No. 020829-58 to add the Northeast Walnut Creek Neighborhood Association and the Stone Gate Neighborhood Association to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. **This item was postponed on consent to June 28, 2012 on Mayor Pro Tem Coles motion, Council Member Spelman's second on a 7-0 vote.**

EMINENT DOMAIN

Items 27 through 29 were taken on a combined motion. This vote applies to all units of property (Items 27 through 29) to be condemned.

27. Approve a resolution authorizing the filing of eminent domain proceedings for the Miscellaneous Water Rehabilitation 2009-10 Phase II Project for 5,550 square feet total for permanent waterline easements and 16,546 square feet total for temporary workspace easements; said permanent waterline easements being situated across ten (10) tracts of land containing 0.127 acres (5,550 square feet) of land and said temporary workspace easements being situated across two (2) tracts

of land containing 0.380 acre (16,546 square feet) of land; all easements being situated in the James P. Wallace Abstract No. 57 in Travis County, Texas and being out of Lot A, Capital Plaza Subdivision, a Subdivision of record in Volume 19, Page 1 of the Plat Records of Travis County, Texas in the amount of \$83,984. The owner of the needed property interests is CAPITAL/HIGHWAY 35, LTD. The property is located at 5407 North Interstate Highway 35, in Austin, Travis County, Texas 78723. The general route covered by this project will include the following areas: Sweet Briar Avenue from Berkman Drive to Dunbury Drive; Dunbury Drive from Sweet Briar Avenue to Briarcliff Boulevard; Dunbury Drive from Briarcliff Boulevard to Chatham Avenue; Chatham Avenue from Dunbury Drive to Berkman Drive; Capital Plaza Rear Parking Lot at Cameron Road from Larkwood Drive to Corona Drive; Northridge Drive from Berkman Drive to Delwood Drive; Westminster Drive from Northridge Drive to Rogge Lane; Loyola Lane from Creighton Lane to Drexel Drive; Arnold Drive from Northeast Drive to Carol Ann Drive; Glencrest Drive from Belfast Drive to Berkman Drive; Glencrest Drive from Cameron Road to Belfast Drive; and Brookside Drive from Wheless Lane to Glencrest Drive.

Resolution No. 20120614-027 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

28. Approve a resolution authorizing the filing of eminent domain proceedings for the Spicewood Springs Pump Station Utility Improvements Project for 5,244 square feet for a permanent waterline easement being a portion of Lot 2-A, Resub. H.S.R. Sub. II, a Subdivision of Record in Volume 67, Page 70 of the Plat Records of Travis County, Texas in the amount of \$35,397. The owners of the needed property interests are ROBERT U. MAYFIELD AND WIFE, MARION J. MAYFIELD. The property is located at 8111 Mesa Drive, in Austin, Travis County, Texas 78759. The general route covered by this project will include the following areas: Spicewood Springs Pump Station site, extending from the western boundary of the site to Mesa Drive; Myrick Drive at Mesa Drive intersection; 4210/4212 Greystone Drive; Far West boulevard from Mesa Drive to Montana Norte; and the Northwest Hills area.

Resolution No. 20120614-028 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

29. Approve a resolution authorizing the filing of eminent domain proceedings for the Spicewood Springs Pump Station Utility Improvements Project for 5,241 square feet for a permanent waterline easement being a portion of Lot 3, Spicewood Office Park, a Subdivision of Record in Volume 78, Page 182 of the Plat Records of Travis County, Texas in the amount of \$64,201. The owner of the needed property interests is MESA METRO, LLC, A TEXAS LIMITED LIABILITY COMPANY. The property is located at 8127 Mesa Drive, in Austin, Travis County, Texas 78759. The general route covered by this project will include the following areas: Spicewood Springs Pump Station site, extending from the western boundary of the site to Mesa Drive; Myrick Drive at Mesa Drive intersection; 4210/4212 Greystone Drive; Far West boulevard from Mesa Drive to Montana Norte; and the Northwest Hills area.

Resolution No. 20120614-029 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

6. Approve an ordinance amending Ordinance No. 830421-Q to remove the restrictions described in Section 2(1), (2) and (4) and to add the following new restriction with respect to the property described in the ordinance: If a new subdivision of two or more lots is created, a unified development agreement will be required at the time a site plan for any portion of the area vacated is submitted unless each lot can be developed independently of one another.

There was a motion made by Council Member Morrison and seconded by Mayor Pro Tem Cole to approve the ordinance with the following addition. The addition to the ordinance was to add "3. Development of the combined vacated area and beneficiary properties may

not exceed 28 dwelling units.” This language replaces the following conditions from Ordinance 830421 as adopted in 1983: “1. There shall be no credit allowed for the vacated area as to zoning density and 2. The density of beneficiary properties is limited to forty (40) units per acre.”

There was a substitute motion made by Council Member Riley and seconded by Council Member Morrison to postpone this item to June 28, 2012. This motion passed on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors’ Meeting of the Austin Housing Finance Corporation to order at 5:00 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 5:02 p.m.

DISCUSSION ITEMS CONTINUED

1. Approve the minutes of the Austin City Council Austin Energy work session of May 29, 2012, work session of May 29, 2012 and June 5, 2012 and regular meeting of June 7, 2012.
The minutes from the City Council Austin Energy work session of May 29, 2012, work sessions of May 29, 2012 and June 5, 2012 and regular meeting of June 7, 2012 were approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamation at 5:37 p.m.

LIVE MUSIC

The Midgetmen

PROCLAMATIONS

Austin Green Business Leaders Recognition -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Mayor's Fitness Council Business Partners Recognition -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Certificates of Congratulations -- AISD Principal, Teacher and Staff Member of the Year -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Mayor Pro Tem Cole called the Council Meeting back to order at 6:57 p.m.

DISCUSSION ITEMS CONTINUED

15. Approve second reading of an ordinance renewing a franchise to ABCABCO, Inc. d.b.a. Lone Star Cab Company to operate a taxicab service in the City of Austin for three years.
The second reading of the ordinance was approved on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.
16. Approve second reading of an ordinance amending Ordinance No. 20100527-048 renewing a franchise to Greater Austin Transportation Company d.b.a. Yellow Cab Company to allow for additional taxicab permits.

The second reading of the ordinance was approved with the following friendly amendment on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. There was a friendly amendment made by Council Member Riley to restrict the permits to company owned vehicles only. This was accepted by the maker of the motion and Mayor Pro Tem Cole who seconded the motion. Direction was given to staff to create language in a form of policy direction from Council to help people who are calling for cabs and the cabs are not showing up, specifically in the case of the disabled.

21. Approve a resolution directing the City Manager to create performance measures for taxicab special permit holders and develop recommendations for a day-lease program for taxicab special permits. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Kathie Tovo) **Resolution No. 20120614-021 with the following amendments was approved on Council Member Riley's motion, Mayor Leffingwell's second on a 7-0 vote. There was a friendly amendment from Council Member Tovo to include the following language "the permits of any vehicles that do not meet this standard may be subject to becoming a regular franchise permits or Council could consider reducing the number of permits allocated to that franchise." This was accepted by the maker of the motion and Mayor Leffingwell who made the second.**

There was a friendly amendment made by Council Member Spelman to include the following language at the very end of the first BE IT FURTHER RESOLVED "alternatively the Council may consider action including but not limited to revoking permits or transferring them to another franchise." This was accepted by the maker of the motion and Mayor Leffingwell who made the second.

There was a friendly amendment made by Council Member Martinez to have the last BE IT FURTHER RESOLVED read, "The City Manager will brief Council on the performance measures and have them in place no later than September 1, 2012 and an analysis and recommendations come back to Council for final approval before implementation no later than January 1, 2013." This was accepted by the maker of the motion and Mayor Leffingwell who made the second.

ZONING DISCUSSION ITEMS

39. C14-2011-0141 - Peaceful Hill Condominiums - Approve second reading of 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. First reading approved with conditions on April 26, 2012. Vote: 5-2, Mayor Lee Leffingwell and Council Member Tovo voted nay. Owner/Applicant: Kristopher Alsworth, Delton Hubach, Jim Bula and Catherine Christopherson. Agent: The Weichert Law Firm (Glenn K. Weichert). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The public hearing was conducted and the motion to close the public hearing and adopt the second reading of the ordinance 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 Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

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
46. C14-2012-0048 - J. W. Marriott Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 106 & 110 East 2nd Street, 203 Congress Avenue and 111 East 3rd Street (Town Lake Watershed) from central business district-central urban redevelopment district (CBD-CURE) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To be reviewed on June 12, 2012. Applicant: Finley Company (Tim Finley). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.
- This item was postponed to June 28, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

49. Conduct a public hearing to receive citizen comments on the City's Draft Fiscal Year 2012-13 Action Plan, as required by the U.S. Department of Housing and Urban Development; and the Community Development 2012-2013 Program as required by Texas Local Government Code Chapter 373.
- The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
50. Conduct a public hearing and consider an ordinance on first reading regarding the application submitted by Acadian Ambulance Service, Inc. for a non-emergency medical transfer franchise under Chapter 10-2 of the City Code.
- The public hearing was conducted and the motion to close the public hearing and approve Ordinance 20120614-050 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
- A motion to reconsider item 50 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
- The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
51. Conduct a public hearing and consider an ordinance regarding ATMOS Energy Corporation's proposal to increase customer gas rates.
- The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120614-051 was approved on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.**

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

58. Conduct a public hearing and consider an ordinance adopting the Imagine Austin Comprehensive Plan pursuant to Article X of the City Charter and Chapter 213 of the Texas Local Government Code.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120614-058 was approved on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The friendly amendments from Council Member Morrison were as follows. The amendments were accepted by the maker of the motion and Mayor Pro Tem Cole who made the second.

- Chapter 5 should be amended by adding the following immediately before the last paragraph of "Planning", Page 200. "The City should continue the small area (neighborhood, corridor, and station) planning process for areas without adopted small area plans, Imagine Austin should inform but not predetermine decisions made in future small-area plans. Modifications to the growth concept map may be necessary to respond to the input from future small-area plans and reflect the more detailed discussions that can occur with site-specific analysis. New plans will have the same status and function as existing small area plans (neighborhood plans).
- Chapter 4 should be amended by adding to the end of "Growth Concept Map Definitions, Other Development within City Limits", page 99 to read, "The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas, including but not limited to the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to area identified by small area plans. This intent can be found in the building block policies:
 - "Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space." (LUT P22)
 - "Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites." (HN P11)
- Chapter 4 should be amended by adding to the language describing Figure 4.5 Growth Concept Map, page 90, "The final map in the growth concept map series ties the previous tour together, illustrating how Austin in the future should coordinate transportation features – roads, transit, and urban trails with activity centers and corridors, in such a way as to reduce degradation of Austin's environmental resources. The Growth Concept Map was also compared to and adjusted for consistency with the Future Land Use Maps in the adopted neighborhood plans. This map is followed by detailed definition of its features.
- Chapter 5 should be amended to change the name of priority program #3 (all references, including pages 168 and 175), "3. Continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs and local businesses.
- Chapter 2 should be amended by adding to the end of the fourth bullet and insert a new bullet, page 43:
 - The Austin region is consistently regarded as one of the top regions in the nation for small business. Small businesses grew by 1.5 percent between 2007 and 2008 (the most recent period for which statistics are available), at a much higher rate than any other region (no other region had a growth rate higher than 0.6 percent). Firms with fewer than 20 employees accounted for 81% of total growth in businesses in 2007.
 - Local businesses contribute three times the economic impact to Austin's economy as national merchants, according to a 2002 study.

There was a friendly amendment made by Mayor Pro Tem Cole to add the following language to Chapter 5, Page 197. The amendment was accepted by the maker of the motion.

- Actions and priority programs provide the more immediate steps to fulfill the vision statement. The actions are initiatives, programs, or regulatory changes needed to implement the policies and growth concept map. The priority programs organize the actions into related groupings and establishes a system to manage the overall implementation of the comprehensive plan.
- Work Plans – Step by Step Action – Each program also includes a starting work program with short-term, long-term, and ongoing steps. Implementing each program will require elected officials, the public, staff, and city partners to develop a more detailed work plan that creates a step-by-step timeline of activities and milestones, connects community stakeholders, and allows progress in each program to be regularly monitored and evaluated to learn from experience, achieve results, and ensure effective use of community resources.

There was a friendly amendment made by Council Member Morrison to add the following new action “LUT A46” to Land Use and Transportation/Building Block 1, page 213, “to ensure consistency between the Growth Concept Map Series and regional transportation plans by amending the Austin Metropolitan Area Transportation Plan to remove SH45 SW and requesting its removal from the Capital Area Metropolitan Planning Organization 2035 Regional Transportation Plan.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole who made the second.”

Mayor Leffingwell adjourned the meeting at 1:17 a.m. without objection.

The minutes for the regular meeting of June 14, 2012 were approved on this the 28th day of June 2012 on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.