

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JUNE 28, 2012**

Invocation: Rev. Tony Roebuck, Downtown Unity Circle

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 28, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 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 June 12, 2012 and regular meeting of June 14, 2012.
The minutes from the City Council work session of June 12, 2012 and regular meeting of June 14, 2012 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
2. Authorize reimbursement of costs to ADHP, LLC, a Delaware Limited Liability Company, for the purchase and installation of heat exchangers and associated piping necessary to interconnect the Hyatt Place Hotel to the Austin Energy District Cooling System, in an amount not to exceed \$550,000.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
3. Authorize reimbursement of costs to Domain Parkside I, LP, a Delaware Limited Partnership, for the purchase and installation of heat exchangers and associated piping needed to interconnect the Parkside III residential complex to the Austin Energy District Cooling System, in an amount not to exceed \$475,264.
The motion authorizing the reimbursement of costs to Domain Parkside I, LP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
4. Authorize reimbursement of costs to Domain Parkside I, LP, a Delaware Limited Partnership, for the purchase and installation of heat exchangers and associated piping needed to interconnect the Parkside IV residential complex to the Austin Energy District Cooling System, in an amount not to exceed \$324,864.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
5. Approve the issuance of a Letter of Intent for a Performance Based Incentive to Luby's Fuddruckers Restaurants, LLC, for the generation of solar energy at their facility located at 13817 U.S. Highway 183

North in Austin, Texas, for an estimated \$18,000 per year with the total amount not to exceed \$193,000 over the 10-year agreement.

The motion authorizing the issuance of a letter of intent for a performance based incentive to Luby's Fuddruckers Restaurants, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

6. Approve the issuance of a Letter of Intent for a Performance Based Incentive to Luby's Fuddruckers Restaurants, LLC, for the generation of solar energy at their facility located at 8175 North MoPac Expressway in Austin, Texas, for an estimated \$46,200 per year with the total amount not to exceed \$465,000 over the 10-year agreement.

The motion authorizing the issuance of a letter of intent for a performance based incentive to Luby's Fuddruckers Restaurants, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

7. Approve the issuance of a Letter of Intent for a Performance Based Incentive to Luby's Fuddruckers Restaurants, LLC, for the generation of solar energy at their facility located at 5200 Brodie Lane in Austin, Texas, for an estimated \$23,000 per year with the total amount not to exceed \$268,000 over the 10-year agreement.

The motion authorizing the issuance of a letter of intent for a performance based incentive to Luby's Fuddruckers Restaurants, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

8. Approve the issuance of a Letter of Intent for a Performance Based Incentive to Luby's Fuddruckers Restaurants, LLC, for the generation of solar energy at their facility located at 1401 East Anderson Lane in Austin, Texas, for an estimated \$32,000 per year with the total amount not to exceed \$338,000 over the 10-year agreement.

The motion authorizing the issuance of a letter of intent for a performance based incentive to Luby's Fuddruckers Restaurants, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

9. Approve the issuance of a Letter of Intent for a Performance Based Incentive to Luby's Fuddruckers Restaurants, LLC, for the generation of solar energy at their facility located at 1616 East Oltorf in Austin, Texas, for an estimated \$46,000 per year with the total amount not to exceed \$470,000 over the 10-year agreement.

The motion authorizing the issuance of a letter of intent for a performance based incentive to Luby's Fuddruckers Restaurants, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

10. Approve issuance of a rebate to IMT Capital Monterey Ranch, LP, for performing duct diagnostics and improvements at IMT Monterey Ranch Apartments in an amount not to exceed \$141,260.

The motion to approve the issuance of a rebate to IMT Capital Monterey Ranch, LP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

11. Approve an ordinance authorizing acceptance of \$413,935 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as the administering agency, and amending the Fiscal Year 2011-2012 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20110912-005 to appropriate \$413,935 for administrative and programmatic support associated with the City's ARRA home weatherization program.

Ordinance No. 20120628-011 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 12 was pulled for discussion.

13. Authorize the negotiation and execution of a developer agreement with First Continental Investment Company, Ltd. to reimburse costs associated with the design and construction of an oversized 15-inch gravity wastewater line, an 18-inch gravity wastewater line, and appurtenances related to Service Extension Request No. 3007 to provide wastewater service to the Bellingham Meadows Subdivision development located at 7413 Boyce Lane for a total cost reimbursement not to exceed \$2,130,813.
The motion authorizing the negotiation and execution of a developer agreement with First Continental Investment Company, Ltd. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 14 was pulled for discussion.

15. Approve the appointment of Elaine Hart to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc. to replace Robert Goode.
The motion to approve the appointment of Elaine Hart to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
16. Approve an ordinance calling an election to be held on November 6, 2012 on a proposition to adopt the emergency medical services personnel civil service law.
Ordinance No. 20120628-016 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
17. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., for the Boardwalk Trail at Lady Bird Lake in the amount of \$20,682,324.30 plus a \$1,034,116 contingency, for a total contract amount not to exceed \$21,716,440.30. Related to Item #46.(Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 1.63% MBE and 20.80% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Jay-Reese Contractors, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
18. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 86.14%), for ADA Sidewalk & Ramp Improvements Group 13 City Wide in the amount of \$3,177,137 plus a \$317,713.70 contingency, for a total contract amount not to exceed \$3,494,850.70.(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 86.14% prime participation and 2.61% MBE and 3.36% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
19. Authorize execution of a construction contract with FORSYTHE BROTHERS INFRASTRUCTURE, LLC, for Barton Springs Pool Bypass Inlet Grate and Outlet Gate in an amount not to exceed \$148,000. (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 5.78% MBE and 1.89% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Forsythe Brothers Infrastructure, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

20. Authorize execution of a construction contract with PEPPER-LAWSON WATERWORKS, LLC for the Chemical Feed Improvements Package 1 at the Albert R. Davis Water Treatment Plant Project in the amount of \$817,000, plus an \$81,700 contingency, for a total contract amount not to exceed \$898,700. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 5.21% MBE and 24.23% WBE subcontractor participation.)

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

Item 21 was pulled for discussion.

Item 22 was pulled to be heard after related Executive Session item.

23. Authorize negotiation and execution of an amendment to the professional services agreement with CAS CONSULTING AND SERVICES, INC (MBE/MA-94.36%), for additional engineering services for the Airport at Chesterfield Wastewater Improvements project in the amount of \$26,708, for a total contract amount not to exceed \$1,099,669. (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 25.93% MBE and 15.09% WBE subconsultant participation to date.)

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

24. Authorize negotiation and execution of an amendment to the professional services agreement with LAKEFLATO ARCHITECTS INC. / SHEPLEY BULFINCH RICHARDSON AND ABBOTT INCORPORATED, A JOINT VENTURE for architectural services for the New Central Library in the amount of \$1,300,000 for a total contract amount not to exceed \$8,500,000. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program) with 13.19% MBE and 11.56% WBE subconsultant participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with LakeFlato Architects, Inc./Shepley Bulfinch Richardson and Abbott Incorporated, a joint venture was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 25 was pulled for discussion.

26. Authorize execution of a construction contract with AUSTIN MATERIALS, LLC, formerly ASPHALT PAVING COMPANY OF AUSTIN, INC. for 2012 Miscellaneous Streets Overlay Project in an amount not to exceed \$3,829,715.45.

The motion authorizing execution of a construction contract with Austin Materials, LLC, formerly Asphalt Paving Company of Austin, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

27. Approve an ordinance amending the Fiscal Year 2011-2012 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund (Ordinance 2011912-005) to create the Section 108 Family Business Loan Program Fund, to receive revenue in the amount of \$3,000,000 from the U.S. Department of Housing and Urban Development Section 108 and appropriate \$3,000,000 to fund the Family Business Loan Program.

Ordinance No. 20120628-027 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

28. Approve a resolution repealing and replacing Resolution No. 20080724-041 and authorizing the City Manager and other city officers to negotiate and execute all documents necessary to execute a U.S. Department of Housing and Urban Development (HUD) loan in an amount not to exceed \$3,000,000 under Section 108 of the Housing and Community Development Act of 1974, as amended, to finance the Family Business Loan Program (FBLP).
Resolution No. 20120628-028 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
29. Approve an ordinance authorizing acceptance of \$5,848 in grant funds from the Capital Area Trauma Regional Advisory Council, and amending the Fiscal Year 2011-2012 Emergency Medical Services Operating Budget Special Revenue Fund Ordinance 20110912-005 to appropriate \$5,848 for supply costs related to the Emergency Medical Service's Child Passenger Safety Seat Program.
Ordinance No. 20120628-029 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
30. Authorize negotiation and execution of an Interlocal Agreement with THE UNIVERSITY OF TEXAS AT AUSTIN HealthPoint Wellness Program that will assist the Health and Human Services Department in fulfilling the Community Transformation Grant federal initiative to implement evidence-based community, systems, environmental, programmatic, and infrastructure changes through a Farm-to-Work program for full- and part-time employees at the UT-Austin campus, for a three-month period beginning July 1, 2012, in an amount not to exceed \$30,000, with two annual options to renew, in an amount not to exceed \$50,000 per annual renewal option, for a total contract amount not to exceed \$130,000.
The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas at Austin HealthPoint Wellness Program was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 31 was pulled to be heard after staff presentation.

32. Authorize negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY for the implementation of a two year intervention pilot program for juvenile Class C cases for a two-year term, in an amount not to exceed \$150,000.
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.

Item 33 was pulled to be heard after related Executive Session item.

34. Approve an ordinance designating Blackland Community Development Corporation, Chestnut Neighborhood Revitalization Corporation, and Guadalupe Neighborhood Development Corporation as Community Land Trusts and granting those corporations property tax exemptions.
Ordinance No. 20120628-034 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 35 through 38 were pulled for discussion.

39. Approve a resolution directing the Planning Commission to consider a neighborhood plan for the following combined neighborhood planning area: Westgate/South Manchaca/Garrison Park. The boundaries for Westgate/South Manchaca/Garrison Park Combined Neighborhood Planning Area are W. Ben White Boulevard on the north, W. William Cannon Drive on the south, South First Street on the East, and Deatonhill Drive and generally along the lot line and Westgate Boulevard to the West.
Resolution No. 20120628-039 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

40. Approve a resolution authorizing the relocation of portions of the Lady Bird Lake shoreline between Tom Miller Dam and Longhorn Dam in order to complete abutments and level trails for the Boardwalk Trail at Lady Bird Lake project (SPC-2011-0327C).
Resolution No. 20120628-040 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 41 was pulled for discussion.

Item 42 was pulled for a 2:00 p.m. time certain.

43. Approve a resolution authorizing Travis County to construct an approximately .55 mile segment of Vertex Boulevard and associated water quality and detention facilities in southeast Austin to serve the Austin Independent School District and Goodnight Ranch subdivision.
Resolution No. 20120628-043 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 44 and 45 were pulled for discussion.

46. Approve an ordinance amending the Fiscal Year 2011-2012 Public Works Department Capital Budget (Ordinance No. 20110912-006) to accept and appropriate \$3,000,000 in donated funds from the Trail Foundation for the Boardwalk Trail at Lady Bird Lake Project, and to reallocate and appropriate \$5,800,000 from the 2010 Bond Street Reconstruction Program to the 2010 Pedestrian/Americans with Disabilities Act/Bikeways Program, which includes the Boardwalk Project. Related to Item #17. (Notes: Related to item 14203)
Ordinance No. 20120628-046 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

47. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation that awards the City \$1,500,000 in Transportation Enhancement Funds to establish a Bike Share/Bike Safety Program; accepting Transportation Enhancement funds in the amount of \$1,500,000 from the Texas Department of Transportation; amending the Fiscal Year 2011-2012 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$1,500,000; and amending the Fiscal Year 2011-2012 Public Works Department Capital Budget (Ordinance No. 20110912-006) to transfer in and appropriate \$1,500,000 from the Public Works Department Operating Budget Special Revenue Fund for the establishment of the Bike Share/Bike Safety program.
Ordinance No. 20120628-047 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

48. Authorize award and execution of a contract with SMITH PUMP COMPANY to rehabilitate a 2-stage vertical turbine pump and base at Ullrich Low Service (raw water) Pump Station for the Austin Water Utility in an amount not to exceed \$205,400. (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 contract with Smith Pump Company was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

49. Authorize award and execution of a contract with ELXSI INC., D.B.A. CUES TV for the purchase of camera assemblies for the Austin Water Utility to inspect pipes in an amount not to exceed \$97,813. (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 Elxsi Inc., doing business as Cues TV was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

50. Approve ratification of Amendment No. 1 to the contract with EXCEL CONSTRUCTION SERVICES, LLC, for emergency repairs to the Ullrich Water Treatment Plant raw water header of the Austin Water Utility in an amount not to exceed \$89,619 for a revised total contract amount not to exceed \$460,619. (Notes: This contract was 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 to ratify amendment number one to the contract with Excel Construction Services, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

51. Authorize award and execution 24-month requirements supply contract with HD SUPPLY WATERWORKS, for the purchase of cast iron casings and lids for the Austin Water Utility in an estimated amount not to exceed \$94,870, with two 12-month extension options in an estimated amount not to exceed \$47,435 per extension option, for a total estimated contract amount not to exceed \$189,740. (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 HD Supply Waterworks was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

52. Authorize award and execution of a 36-month requirement supply contract with GULF COAST PAPER COMPANY, or one of the other qualified bidders for IFB-BV No. CB30070, to provide custodial supplies for all City of Austin Departments in an estimated amount not exceed \$5,040,000, with three 12-month extension options in an estimated amount not to exceed \$1,680,000 per extension option, for a total estimated contract amount not to exceed \$10,080,000. (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 supply contract with Gulf Coast Paper Company was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

53. Authorize award, negotiation and execution of a service contract with CHEMWARE INC., or one of the other qualified offerors of RFP No. MSO0062, for the purchase of a Laboratory Information Management System (LIMS) including software, implementation services, training and maintenance and support services for the Austin Water Utility in an estimated amount not to exceed \$718,777. (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 service contract with ChemWare Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

54. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with each of the following vendors for the Fleet Services Department: CALDWELL COUNTRY CHEVROLET for the purchase of 35 light-duty service vehicles in an amount

not to exceed \$820,932; GRAPEVINE DODGE, CHRYSLER, JEEP for the purchase of two 7-passenger minivans and one police sedan in an amount not to exceed \$67,408.25; ONE STOP BUS STOP, INC. for the purchase of three propane powered small passenger buses in an amount not to exceed \$209,894; PHILPOTT MOTORS, LTD. for the purchase of 70 light-duty vehicles in an amount not to exceed \$1,951,054.79. (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). This is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of a contract through the Texas Local Government Purchasing Cooperative with: Caldwell Country Chevrolet; Grapevine Dodge, Chrysler, Jeep; One Stop Bus Stop, Inc.; and Philpott Motors, Ltd. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

55. Authorize award and execution of a 12-month requirements supply contract with AIR LIQUIDE INDUSTRIAL U.S. LP., for the purchase of bulk liquid nitrogen to be used at Austin Energy's Decker Creek Power Station in an estimated amount not to exceed \$28,100, with five 12-month extension options, in an estimated amount not to exceed \$28,100 per extension option, for a total estimated contract amount not to exceed \$168,600. (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 Air Liquide Industrial, U.S. LP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

56. Authorize award, negotiation and execution of a contract with TELVENT USA, LLC., or one of the other qualified offerors to RFP No. AAA0033, to provide Advanced Distribution Management System (ADMS) - Supervisory Control and Data Acquisition (SCADA) software, hardware, implementation services, training and software maintenance and support services for Austin Energy, in an estimated amount not to exceed \$4,500,000, with four 12-month extension options for maintenance and support services, in an estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed \$5,700,000. (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, negotiation and execution of a contract with Telvent USA, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

57. Authorize award and execution of a supply contract with TECHLINE, INC. for the purchase of transmission and distribution steel poles to be installed by Austin Energy for the Manor Expressway Project in an amount not to exceed \$1,189,893. (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 supply contract with Techline, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

58. Authorize award, negotiation, and execution of a 60-month supply and service agreement with INVENSYS SYSTEMS, INC. to provide power plant control system parts and maintenance services for Austin Energy, in an estimated amount not to exceed \$1,207,404. (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 supply and service agreement with Invensys Systems, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

59. Authorize award and execution of a 36-month requirements supply agreement with RUGID COMPUTER, INC., for programmable logic controllers, for the Watershed Protection Department to gather data and move it to the City's Flood Early Warning System (FEWS), in an estimated amount not to exceed \$107,565, with three 12-month extension options in an estimated amount not to exceed \$35,855 per extension option, for a total estimated contract amount not to exceed \$215,130. (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 Rugid Computer, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

60. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with STERLING MCCALL FORD for the remount and refurbish of a command truck for the Fleet Services Department in an amount not to exceed \$85,850. (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). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with Sterling McCall Ford was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

61. Authorize award and execution of a contract with PRIESTER-MELL & NICHOLSON INC for the purchase of SF6 pad-mounted automatic transfer switchgear for Austin Energy in an amount not to exceed \$369,000. (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 contract with Priester-Mell & Nicholson Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

62. Authorize award, negotiation, and execution of a contract with AUTOMATED LOGIC CORPORATION for the purchase and installation of new Heating Ventilating and Air Conditioning controls in eighteen City of Austin facilities in an estimated amount not to exceed \$149,785. (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, negotiation and execution of a contract with Automated Logic Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

63. Authorize award and execution of a 12-month service contract with OVERSEAS PARTS DISTRIBUTING, INC. dba ALAMO BMW to provide repairs and associated parts for BMW motorcycles for the Fleet Services Department in an amount not to exceed \$259,050 with one 12-month extension option in estimated amount not to exceed \$310,860, for a total estimated contract amount not to exceed \$569,910. (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 service contract with Overseas Parts Distributing, Inc. doing business as Alamo BMW was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

64. Authorize award and execution of a 36-month requirements service contract with HYPERCLEAN AIR PURIFICATION SYSTEMS, for Tuberculosis Lab Maintenance for the Health and Human Services Department, in an estimated amount not to exceed \$45,000, with three 12-month extension options in an estimated amount not to exceed \$15,000 per extension option, for a total estimated contract amount not to exceed \$90,000. (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 contract with Hyperclean Air Purification Systems was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
65. Authorize award and execution of a 24-month service requirements agreement with WASTE MANAGEMENT OF TEXAS, INC., or one of the other qualified bidders to IFB-BV No. SDC0174, for residential refuse dumpster collection services for the Austin Resource Recovery Department in an estimated amount not to exceed \$644,648, with three 12-month extension options in an estimated amount not to exceed \$322,324 per extension option, for a total estimated contract amount not to exceed \$1,611,620. (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 service requirements agreement with Waste Management of Texas, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 66 was set for a 2:00 p.m. time certain.

67. Authorize award, negotiation, and execution of a 12-month requirements services contract with TREEFOLKS, INC., to provide management and implementation of the NeighborWoods Program for the Parks and Recreation Department, in an estimated amount not to exceed \$166,080, with four 12-month extension options in an estimated amount not to exceed \$166,080 per extension option for a total estimated contract amount not to exceed \$830,400. (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, negotiation and execution of a requirements services contract with Treefolks, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
68. Authorize award and execution of a contract with FERGUSON ENTERPRISES, INC., dba FERGUSON WATERWORKS, for the purchase of a Polyvinyl Chloride Pipe (PVC) for the Hancock Golf Course for the Parks and Recreation Department in an amount not to exceed \$62,723. (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 Ferguson Enterprises, Inc., doing business as Ferguson Waterworks was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

69. Authorize award and execution of Amendment No. 5 to a contract with SECURITY MANAGEMENT SERVICES, LLC, for installation, expansion, and maintenance of Austin Energy's Integrated Security Management System (ISMS), to add one additional 24-month extension option in an estimated amount not to exceed \$3,902,400 for a revised total contract amount not to exceed \$13,211,752. (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 amendment number five to a contract with Security Management Services, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
70. Authorize award and execution of a contract with APPLIED BIOSYSTEMS LLC, dba APPLIED BIOSYSTEMS, for the purchase of a human identification (HID) genetic analyzer for the DNA Laboratory of the Austin Police Department (APD) in an amount not to exceed \$78,764. (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 Applied Biosystems LLC doing business as Applied Biosystems was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
71. Authorize award and execution of a contract with LONE STAR BMW TRIUMPH for the purchase of 12 police motorcycles for the Fleet Services Department in an amount not to exceed \$290,092.56. (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 Lone Star BMW Triumph was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
72. Authorize award and execution of a 5-month requirement supply contract through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing with BUSCH SYSTEMS INTERNATIONAL INC., for indoor recycling containers for the Austin Resource Recovery Department in an estimated amount not to exceed \$106,605, with two 12-month extensions in an estimated amount not to exceed \$106,605 per extension option, for a total estimated contract amount not to exceed \$319,815. (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 requirement supply contract through the Houston-Galveston Area Council (HGAC) cooperative purchasing with Busch Systems International Inc., was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 73 was pulled for discussion.

74. Authorize award and execution of a contract with LONGHORN INTERNATIONAL TRUCKS for the purchase and installation of roof-mounted air conditioning units for refuse collection trucks for the Fleet Services Department to be used by the Austin Resource Recovery Department in an amount not to exceed \$122,775.35.
The motion authorizing the award and execution of a contract with Longhorn International Trucks was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 75 was pulled for discussion.

Action was taken on item 76 but was reconsidered later in the meeting. See below.

Item 77 was pulled for discussion.

78. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Newark Cultural Education Facilities Finance Corporation's loan to Austin Children's Museum in an amount not to exceed \$12,000,000 to finance the costs of acquiring, constructing and equipping an approximate 36,304 square foot, 2-story museum facility to be located at 1830 Simond Avenue, Austin, Texas.
Resolution No. 20120628-078 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
79. Approve a resolution directing the publication of an Official Notice of Intention to Issue \$40,890,000 City of Austin, Texas, Certificates of Obligation, Series 2012.
Resolution No. 20120628-079 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
80. Approve an ordinance authorizing the defeasance and redemption of all outstanding Airport System Variable Rate Revenue Notes, Series A; amending the Fiscal Year 2011-2012 Airport Capital Fund Operating Budget of the Aviation Department (Ordinance No. 20110912-005) by increasing transfers out by \$28,000,000 to the Airport Variable Rate Bond Debt Service Fund, amending the Airport Variable Rate Bond Debt Service Fund (Ordinance No. 20110912-005) increasing transfers in by \$28,000,000, and appropriating these funds and authorizing all other actions to be taken for the defeasance and redemption of all outstanding Airport System Variable Rate Revenue Notes, Series A. Recommended by the Austin Airport Advisory Commission.
Ordinance No. 20120628-080 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
81. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Nominations

Board/Nominee

Lake Austin Task Force

Ernest Gonzalez
Linda Guerrero
Andrew Hawkins
Ben Hodges
Carol Lee
Jared Mathews
Pam Murfin
Mary Ann Neely
Kenneth Pfluger
Jane Rivera (Parks and Recreation Board representative)
Alan Roddy
Ellen Witt
Nick Wiersema

Nominated by

Council Member Spelman
Mayor Pro Tem Cole
Council Member Tovo
Council Member Morrison
Council Member Tovo
Council Member Spelman
Council Member Morrison
Council Member Martinez
Council Member Riley

Mayor Pro Tem Cole
Council Member Martinez
Council Member Riley

Planning Commission
Stephen Oliver

Council Member Riley

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Pam Murfin's service on the Lake Austin Task Force.

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

82. Approve a resolution giving Eleventh Street between Guadalupe Street and San Antonio Street the honorary name of Roy Q. Minton Street. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez)
Resolution No. 20120628-082 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 83 and 84 were set for a 4:00 p.m. time certain

85. Approve an ordinance waiving certain fees and requirements, and authorizing payment of certain costs for the City co-sponsored Austin Symphony July 4th Concert and Fireworks event which will be held on July 4, 2012 at Auditorium Shores. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez)
Ordinance No. 20120628-085 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
86. Approve an ordinance amending Chapter 2-1 (City Boards) of the City Code relating to the Downtown Commission. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
87. Approve a resolution directing the City Manager to support the City Council in hosting a Youth Summit, the purpose of which is to provide an opportunity for City partners, educators, and nonprofit organizations to participate in collaborative planning and prioritization regarding programming available to youth and families. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)
Resolution No. 20120628-087 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
88. Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the University of Texas for assignment of AmeriCorps VISTA and VISTA VetCorps members to the City of Austin. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison: CO 2: Council Member Mike Martinez)
Resolution No. 20120628-088 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 89 through 91 were set for a 4:00 p.m. time certain

92. Approve an ordinance repealing and replacing Chapter 4-6 of the City Code regarding pawnshops and dealers in secondhand goods. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)
This item was postponed on consent to August 16, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

93. Set a public hearing regarding a proposed November 2012 bond election. (Suggested date and time: August 2, 2012, 4:00 pm at City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 2, 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.
94. Set a public hearing to consider an ordinance amending Title 25 of the City Code to designate the Planning Commission as the Land Use Commission responsible for the Old Enfield neighborhood planning area. (Suggested date and time: August 2, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).
The public hearing was set on consent for August 2, 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.

Item 95 was an eminent domain item.

Items 96 and 97 were briefing items set for 10:30 a.m.

Items 98 through 100 were Executive Session items.

Item 101 was a bond item set for 2:00 p.m.

Items 102 through 131 were zoning items set for 2:00 p.m.

Items 132 through 135 were briefing items set for 2:00 p.m.

Items 136 through 143 were public hearing items set for 4:00 p.m.

BRIEFINGS

96. Austin Water Joint Subcommittee financial recommendations.
The presentation was made by Greg Meszaros, Director, and David Anders, Assistant Director, Business Support Services, Austin Water Utility and Mickey Fishbeck, Austin Water Joint Subcommittee.
Mayor Leffingwell directed staff to:
- **Research cost to the water utility to operate and maintain the proposition two lands and the Balcones Canyonlands Conservation Plan (BCCP) lands and other costs that the water utility subsidizes.**
 - **Provide an analysis of reclaimed water.**
 - **Regarding the tiered rate structure – consider the unintended consequences of having a drastic progressive structure such as encouraging people to drill wells in the City of Austin.**
- Council Member Spelman directed staff to bring back information regarding the type of discounts being offered by other jurisdictions in Travis County and elsewhere in the metropolitan area.**
97. Update on the Mueller Redevelopment Project.
This item was withdrawn.

CITIZEN COMMUNICATIONS: GENERAL

Julian Gonzalez- Thank you follow up for South Austin Multipurpose Center Seniors and questions about the new Meals on Wheels contract **Not present when name was called.**

Ora Houston- What is the vision for Austin?

Michael King- Code compliance

Ronnie Reefersed- Austin City Council of criminals and the on going kill grid. **Not present when name was called.**

Jenn Studebaker- Citizen districting 10-1

Rob Gorr- Affordable housing

Kris Bailey- Single member district

Linda Greene- The high and hidden cost of adding fluorosilicic acid waste to our water supply

Roy Marshall- Homeless. **Not present when name was called.**

Guadalupe Sosa- Single member districts

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:44 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.

98. 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.

100. Discuss legal issues related to the November 6, 2012 election. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:19 p.m.

DISCUSSION AND POSSIBLE ACTION ON BOND SALES

101. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2012, in an amount not to exceed \$375,000,000 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees. These funds will be used to refund tax-exempt commercial paper and certain outstanding Water and Wastewater Revenue Refunding Bonds including Variable Rate Revenue Refunding Bonds. Refunding these obligations is intended to free a significant portion of the commercial paper credit line for future borrowing needs as well as result in present value savings exceeding the City's target guideline of 4.25%.
Ordinance No. 20120628-101 in the amount of \$341,460,000 was 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 Executive Session at 2:24 p.m.

EXECUTIVE SESSION CONTINUED

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 22 and 33 on the regular agenda during Executive Session.

99. Evaluate the performance of and consider the compensation and benefits for the City Auditor (Personnel Matters Section 551.074)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:59 p.m.

DISCUSSION ITEM CONTINUED

76. Approve third 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.
Ordinance No. 20120628-076 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

A motion to reconsider item 76 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

There was a motion made by Council Member Martinez and seconded by Council Member Morrison to approve the ordinance with an amendment to Part 2. Fleet Size to read, "The Franchise Holder must maintain an active fleet of at least 25 not more than 108 taxicabs. The City Council may amend this taxicab allocation during the course of the franchise." The motion failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell, Council Members Martinez and Morrison. Those voting nay were: Mayor Pro Tem Cole and Council Members Riley, Spelman and Tovo.

Ordinance No. 20120628-076 was approved on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was off the dais. Direction was given to staff to come back with phase II distribution in August.

DISCUSSION ITEMS CONTINUED

12. Approve an ordinance amending City Code Chapter 15-6, relating to private solid waste collection service; reporting of solid waste, recyclables, and organic materials; vehicle and container licensing; and education.
Ordinance No. 20120628-012 was approved with the following amendment and friendly amendments on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

The amendment from Council Member Tovo was to delete the last sentence of (F) and add a new (G) to 15-6-59 to have them read, "(F) The Code Compliance Director's decision may be appealed to the City Manager not later than thirty days after the decision of the Code Compliance Director. (G) "The City Manager's decision may be appealed to the City Council not later than sixty days after the decision of the City Manager. The City Council's decision regarding this appeal shall be final."

The following friendly amendments were made by Mayor Leffingwell. The amendments were accepted by the maker of the motion and Council Member Martinez who made the second.

Part 13 of Section 15-6-58(B) should read, “Code Compliance shall provide the licensee with written notice and opportunity to protest and appeal before the license revocation. Such license revocation will not be effective until ninety (90) days after the resolution of a person’s appeal under this Chapter.”

Part 14 of Section 15-6-59(A), should read, “(A) If Code Compliance denies the issuance of a license, revokes a license, or refuses to renew a license, Code Compliance must provide written notice of this action to the licensee with a copy of the procedures to protest and to appeal the Code Compliance decision.”

Section 15-6-3(B) should read, “Before the director may adopt or amend a rule under this chapter, the director shall present the proposed rule to the Zero Waste Advisory Commission for consideration and recommendation to City Council and the City Council will approve, modify or disapprove of the proposed rule.”

14. Approve an ordinance adopting a new Master Development Plan for Austin-Bergstrom International Airport; granting variances to specific code provisions; establishing a review and amendment process; and repealing Ordinance 94-1117-L.
Ordinance No. 20120628-014 as amended was approved on Council Member Morrison’s motion, Council Member Martinez’ second on a 7-0 vote. The ordinance was amended to include language stating that Council approval is required to approve a major revision or amendment to the master development plan or any of the attachments to the Ordinance.

ZONING CONSENT ITEMS

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

102. 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.
Ordinance No. 20120628-102 for community commercial-conditional overlay (GR-CO) combining district was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.
103. C14-2011-0088 - Tillery Street - Approve second/third readings of 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. First Reading: On April 26, 2012, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, with conditions was approved. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20120628-103 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.
104. 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.

The public hearing was conducted and the motion to close the public hearing and grant the restrictive covenant termination was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

105. NPA-2011-0012.01 - 4020 Airport Blvd. - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4020 Airport Boulevard (Boggy Creek Watershed) from Mixed Use/Office to Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Neighborhood Mixed Use land use. Owner/Applicant: Airport Boulevard Trust (Betty Terrell). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-105 to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use land use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

106. C14-2011-0085 - 4020 Airport - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4020 Airport Boulevard (Boggy Creek Watershed) from limited office-vertical mixed use building-neighborhood plan (LO-V-NP) combining district zoning to neighborhood commercial-mixed use- vertical mixed use building-neighborhood plan (LR-MU-V-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning. Applicant: Airport Boulevard Trustee (Betty Terrell). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691. 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 approve Ordinance No. 20120628-106 for neighborhood commercial-mixed use vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

107. C14-83-307(RCT) - 4020 Airport - Conduct a public hearing to approve termination of a restrictive covenant for the property locally known as 4020 Airport Boulevard (Boggy Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Applicant: Airport Boulevard Trustee (Betty Terrell). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and approve the restrictive covenant termination was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

108. NPA-2012-0025.03 - 6000 Mountain Shadows - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6000 Mountain Shadows Drive (Williamson Creek Watershed-Barton Creek Zone) from Single Family land use to Neighborhood Mixed Use land use. Staff Recommendation: To grant the change in the FLUM to Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant the change in the FLUM to Mixed Use land use.

Owner/Applicant: Coastal Science Leasing (Kenneth Winters). Agent: Kenneth Winters. City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-108 to change the future land use designation on the future land use map (FLUM) to Neighborhood Mixed Use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

109. C14-2012-0024 - 6000 Mountain Shadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6000 Mountain Shadows Drive (Williamson Creek Watershed-Barton Springs Zone) from rural residence-neighborhood plan (RR-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Owner/Applicant: Coastal Science Leasing (Kenneth Winters). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120628-109 for limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

110. NPA-2012-0025.02 - Covered Bridge Assisted Living FLUM - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6804 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) from Multifamily land use to Mixed Use land use. Staff Recommendation: To grant the change in the FLUM to Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Covered Bridge Assisted Living, L.P. Agent: Ron Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120628-110 to change the future land use designation on the future land use map (FLUM) to Mixed Use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

113. NPA-2012-0019.01 - West 34th Street Redevelopment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-056, the Central Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3206 West Avenue, 3205 and 3207 Grandview Street (Shoal Creek Watershed; Waller Creek Watershed) from Single Family land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To be reviewed on June 26, 2012. Owner/Applicant: B & G Partners, L.P. (Richard D. Stilovich). Agent: Armbrust & Brown, PLLC (Amanda Morrow); McCann Adams Studios (Jana McCann). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to August 2, 2012 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.

114. NPA-2012-0013.01 - 603 West Johanna Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 603 West Johanna Street (Bouldin Creek Watershed) from Single Family land use to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To deny Mixed Use land use. Owner/Applicant: Jose Linares. Agent: Moncada Consulting (Phil Moncada). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to August 16, 2012 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

115. C14-2012-0021 - Polvo's Parking Offsite - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 603 West Johanna Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Staff Recommendation: To deny neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Planning Commission Recommendation: To deny neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Owner/Applicant: Jose Linares. Agent: Moncada Consulting (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to August 16, 2012 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
116. NPA-2012-0018.02 - George Shia NPA - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 828, 836, 900 and 902 Houston Street, and 5527 Sunshine Drive (Waller Creek Watershed) from Higher Density Single Family and Mixed Use/Office to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To be reviewed on June 26, 2012. Owner/Applicant: George Shia. Agent: Coats, Rose, Yale Ryman & Lee (John M. Joseph). City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to August 2, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
117. NPA-2012-0018.01 - Texas State Troopers Association NPA - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland 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 826 Houston Street and 5538 North Lamar Boulevard (Waller Creek Watershed) from Mixed Use land use to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To be reviewed on June 26, 2012. Owner/Applicant: Texas State Troopers Association. Agent: Coats, Rose, Yale Ryman & Lee (John M. Joseph). City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to August 2, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
120. C14-2012-0038 - Rezoning of 11012 Georgian Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11012 Georgian Drive (Walnut Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-neighborhood plan combining (CS-NP) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan combining (CS-CO-NP) district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan combining (CS-CO-NP) district zoning. Owner/Applicant: The Perry Company (Ryan Perry). Agent: Stansberry Engineering Co. (Blayne E. Stansberry). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120628-120 for general commercial services-conditional overlay-neighborhood plan combining (CS-CO-NP) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
121. NPA-2012-0013.02 - 900 South 1st Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on

property locally known as 900, 904 and 908 South 2nd Street, 1000 and 1002 South 2nd Street, 705 Christopher Street and Christopher Street (Lots 4-7, Block 2, Oak Cliff Addition, 0.553 acres) (East Bouldin Creek Watershed) from Single Family land use and Mixed Use land use to Higher Density Single Family land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on July 10, 2012. Owner/Applicant: Margaret C. Quadlander. Agent: PSW Homes, L.L.C. (J. Ryan Diepenbrock). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to August 16, 2012 at the staff's request on a 6-0 vote. Council Member Tovo recused herself.

122. C14-2012-0031 - 900 S. 1st (Part 1) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900-908 South 2nd Street and unaddressed Christopher Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on July 10, 2012. Owner/Applicant: Margaret C. Quadlander. Agent: PSW Homes, LLC (J. Ryan Diepenbrock). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to August 16, 2012 at the staff's request on a 6-0 vote. Council Member Tovo recused herself.

123. C14-2012-0033 - 900 S. 1st (Part 2) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1000-1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on July 10, 2012. Owner/Applicant: Margaret C. Quadlander. Agent: PSW Homes, LLC (J. Ryan Diepenbrock). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to August 16, 2012 at the staff's request on a 6-0 vote. Council Member Tovo recused herself.

124. C14-04-0181.SH (RCA) - Shire's Court - Conduct a public hearing to amend a restrictive covenant for the property locally known as 1910 1/2 Wickshire Lane (Country Club East Creek Watershed). Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on June 26, 2012. Owner/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 August 16, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

125. NPA-2012-0018.08 - Woodrow Zoning - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 5806 Woodrow Avenue (Shoal Creek) from Single Family to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use/Office land use. Owner/Applicant: TAJ 5806 Woodrow, L.L.C. (Tatiana Jitkoff). Agent: Permit Partners (David Cancialosi). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-125 to change the land use designation on the future land use map (FLUM) to Mixed Use/Office was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

126. C14-2012-0025 - Woodrow Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5806 Woodrow Avenue

(Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use- conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Applicant: TAJ 5806 Woodrow, LLC (Tatiana Jitkoff). Agent: Permit Partners (David Cancialosi). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120628-126 for neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

129. C14-2012-0040 - Radam .38 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605 and 607 Radam Lane (Williamson Creek Watershed) from family residence (SF-3) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: 605 Radam LLC; Cabot Chase, Ltd. (Jimmy Nassour). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-129 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

131. 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 August 2, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Items 138 through 141 and 143 were acted on in a combined motion.

138. 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.

Ordinance No. 20120628-138 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

139. 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.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-139 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

140. 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).

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20120628-140 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

141. Conduct a public hearing and 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 which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

This item was postponed to August 16, 2012 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

143. Conduct a public hearing and consider an appeal by Paul Linehan of the Planning Commission's disapproval of an extension of a released site plan [Reagan National, SP-2007-0560C(XT)] located at 1640 S IH 35.

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

DISCUSSION ITEMS CONTINUED

21. Authorize the negotiation and execution of a professional services agreement with BRANDSTETTER CARROLL, INC., or one of the other qualified responders to RFQ Solicitation No. CLMP101A, to provide professional services for the Aquatic Facilities Strategic Master Plan project with an amount not to exceed \$250,000. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.)

This item was postponed to August 2, 2012 on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.

31. Approve a settlement related to AT&T's property damages claim.

The motion to settle the above referenced claim, by the City paying \$75,000 to AT&T, was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second, on a 7-0 vote. In exchange for the payment, the City will receive a full and final release from AT&Tf14..

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

136. Approve second reading of an ordinance renewing a non-emergency medical transfer franchise to Acadian Ambulance Service, Inc. under Chapter 10-2 of the City Code.

The second reading of the ordinance was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

35. Approve an ordinance vacating 42,264 square feet of Right-of-Way, located out of Division "O", Original City of Austin, Travis County, Texas, as shown on the Government Outlots on file in the Texas General Land Office, and being a portion of East Avenue bounded on the north by River Street, the east by

Interstate 35 and a portion of the west line of Block 1, Elm Grove Subdivision, on the south by Lambie Street/East Avenue and on the west by a remainder portion of East Avenue, to Austin Energy.

Ordinance No. 20120628-035 was approved on Council Member Riley's motion, Council Morrison's second on a 7-0 vote. Direction was given to staff to come back to Council once the design has been completed and prior to the construction beginning.

33. Approve a resolution appointing Elaine Hart, Chief Financial Officer, Greg Canally, Deputy Chief Financial Officer, and Rudy Garza to the Board of Directors of Austin Convention Enterprises, Inc. and removing Michael Trimble, Capital Planning Officer, from the Board of Directors.
Resolution No. 20120628-033 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Riley voted nay.

25. Authorize execution of a professional services agreement with GRAEBER SIMMONS & COWAN, INC. D/B/A GSC ARCHITECTS, Austin, TX, for architectural services for repair of Turner Roberts Recreation Center in an amount not to exceed \$125,000. (Notes: This contract will be awarded in compliance with Chapter 2-9B 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 execution of a professional services agreement with Graeber Simmons & Cowan, Inc. doing business as GSC Architects was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 7-0 vote.

36. Authorize the negotiation and execution of a 120-month lease renewal for 26,456 square feet of office space and associated parking for the City of Austin Neighborhood Housing and Community Development Department, located at 1000 East Eleventh Street (Street Jones Building) from Austin Revitalization Authority (ARA) Inc., in an amount not exceed \$11,230,132.82.
The motion authorizing the negotiation and execution of a lease renewal for office space and associated parking was approved on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote. Direction was given to staff by Mayor Pro Tem Cole to make sure conversations with the area business owners are conducted and a user agreement with the area businesses for after hour uses is executed.

37. Approve an ordinance amending Ordinance No. 830421-Q, which vacated excess right-of-way in West Eleventh Street, Austin, Texas, to modify restrictions affecting the use of the vacated right-of-way.
Ordinance No. 20120628-037 was approved on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 5:28 p.m.

LIVE MUSIC

Akina Adderley

PROCLAMATIONS

Certificate of Congratulations -- Jose Guerrero, Engineer of the Year -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Distinguished Service Awards -- Planning Commission Members Dave Sullivan, Mandy Dealey and Sandra Kirk -- to be presented by Council Member Chris Riley, Mayor Lee Leffingwell and Mayor Pro Tem Sheryl Cole and to be accepted by the honorees

Proclamation -- Matt's El Rancho Day -- to be presented by Council Member Mike Martinez and to be accepted by Gloria Reyna and Janie Martinez

Mayor Leffingwell called the Council Meeting back to order at 6:32 p.m.

DISCUSSION ITEMS CONTINUED

38. Approve a resolution adopting a revised public process for the review and consideration of new proposed uses for parkland that has no adopted master plan; has no identified use in an adopted park master plan; or for which the proposed uses may be inconsistent with an adopted park master plan.
Resolution No. 20120628-038 was approved with the following modification to the staff recommendations on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. The paragraph should read "For parkland that has no adopted park master plan, that has no identified use in an adopted park master plan, or for which proposed uses may be inconsistent with an adopted park master plan, the Parks and Recreation Board shall review and make a recommendation to Council and the City Council shall consider approval of projects that meet one or more of the following criteria".
41. Authorize the negotiation and execution of an interlocal agreement regarding the release of 34 acres of extraterritorial jurisdiction ("ETJ") to the City of Cedar Park.
The motion authorizing the negotiation and execution of an interlocal agreement was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
44. Approve a resolution declaring the City of Austin's official intent to reimburse itself from a Contractual Obligation in the amount of \$3,745,000 for the purchase of a helicopter. Related to Item #45. (Notes: 16323)
Resolution No. 20120628-044 was approved on Council Member Martinez' motion, Mayor Leffingwell's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Tovo. Those voting nay were: Council Members Morrison and Spelman.
- There was a substitute motion made by Council Member Spelman and seconded by Council Member Morrison to postpone this item so it could be included in the budget discussion. However, Council Member Spelman withdrew the substitute motion.**
45. Approve an ordinance amending the Fiscal Year 2011-2012 Police Department Capital Budget (Ordinance No. 20110912-006) to appropriate \$3,745,000 in funds from the issuance of contractual obligations for the purchase of a helicopter. Related to Item #44.
Ordinance No. 20120628-045 was approved 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 Tovo. Those voting nay were: Council Members Morrison and Spelman.
66. Authorize award, negotiation, and execution of a 36-month requirements service contract with ARAG SERVICES LLC., or one of the other qualified offerors to RFP No. JSD0121, to provide group pre-paid legal services for the Human Resources Department in an estimated amount not to exceed \$2,128,000, with three 12-month extension options in the estimated amount not to exceed \$818,000 for the first extension option, \$946,000 for the second extension option and \$1,093,000 for the third extension option, for a total estimated contract amount not to exceed \$4,985,000. (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 negotiation of a requirements service contract with ARAG Services LLC was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

22. Authorize execution of a construction contract with LAMBDA CONSTRUCTION, LTD. for construction of Austin Energy's new Dunlap 345 kV Substation, in the amount of \$5,150,000 plus a \$257,500 contingency, for a total contract not to exceed \$5,407,500. (Notes: This contract will be awarded in compliance, as determined by an independent hearing officer through the protest process, 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 0.10% MBE and 2.63% WBE contractor participation.)

The motion to reject all bids submitted for this item was approved on Council Member Martinez' motion, Council Member Spelman's second on a 4-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Member Tovo. Council Member Morrison was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

142. Conduct a public hearing and 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 the Boardwalk Trail at Lady Bird Lake with associated improvements, which is in the 25-year and 100-year floodplains of Lady Bird Lake of the Colorado River.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-142 was approved on Council Member Tovo's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

EMINENT DOMAIN

This vote applies to all units of property listed in Item 95 to be condemned

95. Approve a resolution authorizing the filing of eminent domain proceedings for the Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation - Truelight Area and Eleanor Drive Area Project for 1,221 square feet of land for a permanent drainage easement out of and a part of Lot 19, Block 3, Green Valley No. 1, a subdivision in the City of Austin, Travis County, Texas in the amount of \$2,835. The owner of the needed property interests is LARRY L. DAVIS. The property is located at 1112 Eleanor Street, in Austin, Travis County, Texas 78721. The Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation - Truelight Area and Eleanor Drive Area Project includes improvements for nearly 5,000 linear feet along Fort Branch Creek corridor from approximately the creek crossing at Fort Branch Boulevard to the Eleanor Street cul-de-sac. The creek parallels Fort Branch Boulevard, Lott Avenue and Eleanor Street through this area.

Resolution No. 20120628-095 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

137. Conduct a public hearing and consider an ordinance regarding CenterPoint Energy's proposal to increase customer rates.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20120628-137 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

42. Approve an ordinance on second and third readings amending Title 25 of the City Code addressing the short term rental of residential units.
This item was postponed to August 2, 2012 on Council Member Tovo's motion, Council Member Morrison's second on a 6-1 vote. Council Member Spelman voted nay. Direction was given to staff to prepare a fiscal note when this item comes back for Council consideration.
73. Authorize award, negotiation, and execution of a ten-year revenue contract with ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, LLC, or the other qualified offeror to RFP PAX0105, to provide catering and concession management services for the Austin Convention Center Department in an estimated annual net revenue amount of \$2,000,000.
There was a motion made by Council Member Martinez authorizing the award, negotiation and execution of a revenue contract with Aramark Sports and Entertainment Services of Texas, LLC.

There was a substitute motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to authorize the award, negotiation and execution of a revenue contract with Levy. This motion passed on a 5-1 vote. Council Member Martinez voted nay. Mayor Leffingwell was off the dais.
75. Authorize award, negotiation, and execution of a 24 -month requirements service contract with SIEMENS INDUSTRY, INC. to provide services to create all the interdependent system and a temporary customs and immigration processing facility at the Austin-Bergstrom International Airport for the Aviation Department, in an amount not to exceed \$5,000,000, with three 12-month extension options for repair, maintenance and additional components in an amount not to exceed \$150,000 per extension option, for a total contract amount not to exceed \$5,450,000. Recommended by the Austin Airport Advisory Commission.
There was a motion made by Mayor Pro Tem Cole to postpone this item to August 2, 2012. The motion failed for lack of a second.

The motion to disapprove this item passed on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
77. Approve third 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.
Ordinance No. 20120628-077 was approved on Council Member Riley's motion, Council Member Martinez' 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.

DISCUSSION ITEMS CONTINUED

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

84. Approve an ordinance placing a charter amendment on the November 2012 ballot to provide for council members to be elected from geographic single-member districts, to provide for the drawing of geographic districts, to provide for the length and staggering of council members' terms, and to provide for City elections to be held in even-numbered years. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20120628-084 (incorporating all the items in the Austinites for Geographical petition) was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were Mayor Pro Tem Cole and Council Members Martinez, Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Spelman.

Direction was given to the Law Department to meet with Steve Bickerstaff to discuss concerns in the Austinites for Geographic Representation ballot item.

83. Approve an ordinance placing a charter amendment on the November 2012 ballot to provide for some council members to be elected from geographic single-member districts, some council members to be elected at large, and to change the City's general election date from May to November. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley)

The first reading of the ordinance was approved on Council Member Morrison's motion, Council Member Tovo's second on a vote 4-3 vote. Those voting aye were: Mayor Leffingwell, and Council Members Morrison, Riley and Tovo. Those voting nay were: Mayor Pro Tem Cole and Council Members Martinez and Spelman.

There was a friendly amendment made by Mayor Leffingwell to include in the ballot language "If this provision and another both pass, this provision prevails." This was not accepted by the maker of the motion.

There was a friendly amendment made by Council Member Morrison to add a new section 1A and new section 2A to the ordinance and renumber accordingly.

New Section 1A should read, "If another provision of the charter addressing the composition of the Council is adopted on the same day as this section, this section supersedes, preempts and replaces that provision if the ballot proposition that adopted this section received more favorable votes than the ballot proposition that adopted the other provision. If the ballot proposition that adopted the other provision received more favorable votes than the ballot proposition that adopted this section, the other provision supersedes this section to the extent of any conflict."

New Section 2A, "If another provision of this charter addressing the drawing of council districts, redistricting, or the transition from an all at large council to a council that includes members elected from geographical single member districts is adopted on the same day as this section, this section supersedes, preempts and replaces that provision if the ballot proposition that adopted this section receive more favorable votes than the ballot proposition that adopted the other provision. If the ballot proposition that adopted the other provision received more favorable votes than the ballot proposition that adopted this section the other provision supercedes this provision to the extent of any conflict."

89. Approve an ordinance placing a charter amendment on the November 2012 ballot to reduce the number of signatures needed for a citizen initiated ordinance or referendum. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)

Ordinance No. 20120628-089 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

90. Approve an ordinance placing a charter amendment on the November 2012 ballot to allow council members to raise political funds for 30 days after an election. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley)

Ordinance No. 20120628-090 as amended was approved on Council Member Spelman's motion, Council Member Riley's motion on a 6-1 vote. Council Member Tovo voted nay.

The amendments were:

Amend Part 1, Proposition of the ordinance to read, "Shall the City Charter be amended to allow council members to raise political funds for 30 days after an election in which the council member was elected?"

Add a new paragraph 9 to section 8(F) of the City Charter to read, “A dollar limit on contributions set by subsection A applies to contributions under this subsection (F). For the purpose of a dollar limit on contributions after an election permitted by this subsection is considered a contribution in the immediately proceeding election.”

91. Approve an ordinance placing a charter amendment on the November 2012 ballot to move the City's general election date from May to November, to provide that council members serve four-year staggered terms, and to provide that council elections occur in even-numbered years. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley)
There was a motion made by Council Martinez and seconded by Mayor Pro Tem Cole to approve the ordinance.

There was a friendly amendment made by Council Member Morrison to remove the reference in section A to change the election to November as well as in the ballot language. This amendment was not accepted by the maker of the motion.

There was a substitute motion made by Council Member Morrison and seconded by Council Member Tovo to remove the reference in section A to change the election to November as well as in the ballot language. The motion failed on a 3-4 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Morrison and Tovo. Those voting nay were Mayor Leffingwell and Council Members Martinez, Riley and Spelman

Ordinance No. 20120628-091 with a friendly amendment was approved 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 Member Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. The friendly amendment from Council Member Morrison was to add a new Part 3 and renumber the remaining sections accordingly which would read, “PART 3. If proposition is approved by the majority of voters voting at the election, Article II, 3 of the Charter is amended to read as follows: 3. TERM LIMITS. (A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than two consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may not be elected to the office of Mayor more than once in succession. (B) Except as provided in Subsection (C), a person may not be elected to or serve on the City Council in a position other than Mayor for more than two consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may not be elected to a position other than Mayor more than once in succession. (C) A person subject to a term limit with respect to an office may become a candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.” This was accepted by the maker of the motion and Mayor Pro Tem Cole who seconded the motion.

ZONING DISCUSSION ITEMS

111. 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 Imagine Austin 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) from Civic to Single Family land use. Staff Recommendation: To grant the change in the FLUM to Single Family. Planning Commission Recommendation: To grant the change in the future land use map to Single Family. 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.

The public hearing was conducted and the motion to close the public hearing and deny the request to change the land use designation on the future land use map (FLUM) to Single Family was approved on Council Member Morrison'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, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Riley.

112. 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 zoning 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 grant single family residence-standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning. Applicant: Austin Independent School District (Paul Turner). Agent: Independent Realty (Nicholas Dean). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and deny the rezoning request was approved on Council Member Morrison's motion, Council Member Martinez' second on a 5 to 2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Riley.

118. NPA-2012-0026.01 - 601 West Applegate Drive - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100624-110, the North Lamar Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 601 West Applegate Drive (Little Walnut Creek Watershed) from Mixed Use/Office land use to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To deny Mixed Use land use. Owner/Applicant: Howard K. & Bobbie Nell Landrum. City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and deny the request to change the land use designation on the future land use map (FLUM) to Mixed Use was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

119. C14-2012-0023 - 601 W. Applegate Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 601 West Applegate Drive (Little Walnut Creek Watershed) from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To deny community commercial-mixed use-neighborhood plan combining (GR-MU-NP) district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-neighborhood plan combining (GR-MU-NP) district zoning. Owner/Applicant: Howard K. Landrum. City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and deny the zoning request for community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

127. C14-2012-0002 - The Domain - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) district zoning to major industrial-planned development area (MI-PDA) district zoning, to change a condition of

zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) district zoning, to change a condition of zoning. Owner/Applicant: RREEF Domain, LP (Chad Marsh); Domain Retail I, LP (Chad Marsh), Domain Parkside I, LP (Robert Shaw). Agent: Winstead PC (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120628-127 for major industrial-planned development area (MI-PDA) district zoning, to change a condition of zoning was approved on Council Member Riley's motion, Mayor Pro Tem Cole's motion on a 7-0 vote.

128. C14-2010-0087 (RCA) - The Domain Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing (Walnut Creek Watershed) to amend Section 1 of the restrictive covenant to relocate the 1-acre of zero impervious cover within the nine acre park area. Staff Recommendation: To grant the Restrictive Covenant Amendment. Planning Commission Recommendation: To grant the Restrictive Covenant Amendment. Owner/Applicant: RREEF Domain, LP (Chad Marsh); Domain Retail I, LP (Chad Marsh), Domain Parkside I, LP (Robert Shaw). Agent: Winstead PC (Michele Haussmann). 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 Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

130. 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 E. 2nd Street, 203 - 213 Congress Avenue & 111 E. 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 approve central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To approve central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Applicant: Finley Company (Tim Finley) Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120628-130 for central business district-central urban redevelopment district (CBD-CURE) combining district zoning with the following conditions was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. The conditions for the three loading spaces were: establish dock policies to ensure that the deliveries are scheduled by appointment; schedule deliveries at off-peak times to the maximum extent possible to minimize potential traffic, bike and pedestrian conflicts; and keep an employee/attendant to guide delivery trucks in the loading docks to ensure safe maneuvering in the right-of-way.

BRIEFING ON PLANNED UNIT DEVELOPMENT ASSESSMENTS

Items 132 to 135 were taken as a combined motion. The motion to reconsider these items was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote. Staff was directed to provide more details about planned unit developments in the future.

132. CD-2012-0006 - Development Assessment of Estancia Hill Country Planned Unit Development, located at 12814 Interstate Highway 35 South and FM 1327 Road (Puryear Road) at the South IH 35 Southbound Service Road, within the Onion Creek Watershed.

This item was postponed to August 2, 2012 on Council Member Martinez' motion, Council Member Spelman's second on a 5-2 vote. Mayor Pro Tem Cole and Council Member Morrison were off the dais.

Jerry Rusthoven, Assistant Director, Planning and Development Review, conducted the briefing.

133. CD-2012-0005 - Development Assessment of Southeast Travis County Planned Unit Development (to be known as Sun Chase PUD), located at 15201 Pearce Lane, 15810 Pearce Lane, 16070 Pearce Lane and 7910 Wolf Lane, within the Dry Creek East Watershed.

This item was postponed to August 2, 2012 on Council Member Martinez' motion, Council Member Spelman's second on a 5-2 vote. Mayor Pro Tem Cole and Council Member Morrison were off the dais.

Jerry Rusthoven, Assistant Director, Planning and Development Review, conducted the briefing.

134. CD-2012-0008- Development Assessment of First and Riverside Planned Unit Development, located at South First Street and Riverside Drive, within Town Lake Watershed.

This item was postponed to August 2, 2012 on Council Member Martinez' motion, Council Member Spelman's second on a 5-2 vote. Mayor Pro Tem Cole and Council Member Morrison were off the dais.

Jerry Rusthoven, Assistant Director, Planning and Development Review, conducted the briefing.

135. 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 August 2, 2012 on Council Member Martinez' motion, Council Member Spelman's second on a 5-2 vote. Mayor Pro Tem Cole and Council Member Morrison were off the dais.

Jerry Rusthoven, Assistant Director, Planning and Development Review, conducted the briefing.

Mayor Leffingwell adjourned the meeting at 3:47 a.m. without objection.

The minutes for the regular meeting of June 28, 2012 were approved on this the 2nd day of August 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.