

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 2, 2012**

Invocation: Dr. Jacquelyn Donald-Mims, Pastor, Imani Community Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 2, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called meeting of June 25, 2012, work session of June 26, 2012 and regular meeting of June 28, 2012.
The minutes from the City Council special called meeting of June 25, 2012, work session of June 26, 2012 and regular meeting of June 28, 2012 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
2. Approve issuance of a rebate to Lakeway Regional Medical Center, LLC for the installation of energy efficient equipment in an amount not to exceed \$200,000.
The motion to approve the issuance of a rebate to Lakeway Regional Medical Center, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
3. Approve issuance of a rebate to Samsung Semiconductor, LLC for the installation of energy efficient equipment in an amount not to exceed \$154,848.
The motion to approve the issuance of a rebate to Samsung Semiconductor, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
4. Approve issuance of a rebate to the U.S. General Services Administration for the installation of energy efficient equipment in an amount not to exceed \$109,851.
The motion to approve the issuance of a rebate to the U.S. General Services Administration was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
5. Approve issuance of a rebate to Dell Computers, Inc. for the installation of energy efficient equipment in an amount not to exceed \$127,158.

The motion to approve the issuance of a rebate to Dell Computers, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

6. Approve issuance of a rebate to The University of Texas for the installation of energy efficient equipment in an amount not to exceed \$200,000.
The motion to approve the issuance of a rebate to the University of Texas was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
7. Authorize negotiation and execution of an agreement for payment of a Performance Based Incentive to HOLT CAT for the generation of solar energy at their facility located at 9601 S. Interstate 35 in Austin, Texas, for an estimated \$44,670 per year with the total amount not to exceed \$446,700 over the 10-year agreement.
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
8. Approve a one-year membership in the AMERICAN PUBLIC POWER ASSOCIATION, Washington, D.C., the nonprofit, non-partisan, service organization for the nation's community-owned electric utilities including Austin Energy, in an amount not to exceed \$95,540.
The motion to approve a membership in the American Public Power Association was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
9. Approve an ordinance amending the Austin Energy Strategic Reserve Fund (Ordinance No. 20110912-005) by increasing transfers out of the Austin Energy Operating Fund in the amount of \$25,000,000; and amending the Fiscal Year 2011-2012 Austin Energy Operating Budget (Ordinance No. 20110912-005) to increase transfers from the Austin Energy Strategic Reserve Fund in the same amount in order to increase the Operating Fund cash balance to fund day-to-day operations and maintenance activities.
Ordinance No. 20120802-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 10 through 13 were pulled for discussion.

14. Approve an ordinance amending Chapter 2-1 of the City Code related to the use of electronic mail by City boards and commissions.
Ordinance No. 20120802-014 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Approve an ordinance giving the name "RIVERS EDGE WAY" to an unnamed street located south of E. Riverside Drive and 732 feet east of Faro Drive.
Ordinance No. 20120802-016 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
17. Approve an ordinance amending the Fiscal Year 2011-2012 Communications and Technology Management Capital Budget (Ordinance No. 20110912-006) to appropriate \$2,060,000 in funds from the issuance of contractual obligations for the purchase of a Multiplexing Optical Network System, hardware components, supporting devices, optical network management and network design modeling software, integration and implementation services. Related to Items #18 and 46.
Ordinance No. 20120802-017 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
18. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Contractual Obligations in the amount of \$2,060,000 for the purchase of a Multiplexing Optical Network System,

hardware components, supporting devices, optical network management and network design modeling software, integration and implementation services. Related to Items # 17 and 46.

Resolution No. 20120802-018 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

19. 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 16, 2012 on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
20. Authorize execution of a construction contract with JERDON ENTERPRISE, L.P., for Presidential Boulevard Roadway Safety and Security Improvements at the Austin-Bergstrom International Airport (ABIA) in an amount not to exceed \$3,690,112, plus a \$369,011 contingency for a total contract amount not to exceed \$4,059,123. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 17.11% DBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Jerdon Enterprise, L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
21. Authorize execution of a construction contract with VIKING CONSTRUCTION, INC., for Presidential Boulevard Pavement Rehab and Resurfacing - Rebid project in the amount of \$885,790.18 plus a \$44,289.51 contingency, for a total contract amount not to exceed \$930,079.69. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 13.08% DBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Viking Construction, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
22. Authorize execution of a construction contract with DENUCCI CONSTRUCTORS, LLC, for the Pedernales Street Reconstruction and Utility Adjustment from East 6th Street to Webberville Road (Group 7) project, an ACCELERATE AUSTIN PROJECT, in the amount of \$1,769,198 plus an \$88,459.90 contingency, for a total contract amount not to exceed \$1,857,657.90. (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 achievements of Good Faith Efforts with 5.36% MBE and 1.71% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Denucci Constructors, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
23. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., for Fort Branch Creek Reach 6&7 Channel Rehabilitation - Truelight and Eleanor Street Area in the amount of \$2,482,630.20 plus a \$248,263.02 contingency, for a total contract amount not to exceed \$2,730,893.22. (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 15.43% MBE and 2.84% WBE subcontractor participation.)

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

24. Authorize execution of a construction contract with AUSTIN MATERIALS, LLC dba RAMMING PAVING CO., Austin, TX, for 2012 Miscellaneous Streets Minor Rehabilitation Project in an amount not to exceed \$954,310.20. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Woman Owned Business Owned Enterprise Procurement Program) by meeting the goals with 7.55% MBE and 2.80% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Austin Materials, LLC doing business as Ramming Paving Co. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
25. Approve an ordinance authorizing acceptance of \$5,000 in Injury Prevention grant funds from the Dell Children's Medical Center, and amending the Fiscal Year 2011-2012 Emergency Medical Services Operating Budget Special Revenue Fund of Ordinance 20110912-005 to appropriate \$5,000 for supplies related to the Emergency Medical Service's Child Passenger Safety Seat Program. The General Fund will not be required to contribute to this grant.
Ordinance No. 20120802-025 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
26. Authorize execution of an Automatic Aid Agreement between the City of Austin and Travis County Emergency Service District No. 9, Westlake Fire Department, to provide additional fire protection and emergency service response resources for both City and County areas in the Western portion of the City. The initial term is one year and the parties may renew for up to four (4) additional one-year terms.
The motion authorizing the execution of an automatic aid agreement between the City of Austin and Travis County Emergency Service District No. 9, Westlake Fire Department was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
27. Authorize negotiation and execution of Interlocal Agreements with the following nine school districts to authorize the City's Health and Human Services Department to use space at specific schools for public health immunizations {or prophylaxis} in the event of a health emergency: Austin, Del Valle, Eanes, Leander, Lago Vista, Lake Travis, Manor, Pflugerville, and Round Rock. Each agreement will be for a term of one year, to be effective on September 1, 2012, with up to 4 one-year renewal options.
The motion authorizing the negotiation and execution of Interlocal Agreements with the following school districts: Austin, Del Valle, Eanes, Leander, Lago Vista, Lake Travis, Manor, Pflugerville, and Round Rock was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
28. Approve an ordinance authorizing acceptance of \$62,914 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$62,914 for the Ryan White Part C HIV Early Intervention Services Grant Program.
Ordinance No. 20120802-028 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
29. Approve a resolution supporting participation in the federal 1115 Medicaid Waiver Program.
Resolution No. 20120802-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 30 and 31 were pulled for discussion.

32. Approve a resolution reappointing Mayor Lee Leffingwell, Mayor Pro Tem Sheryl Cole, Council Member Mike Martinez, and Council Member Bill Spelman as Directors of the Austin Housing Finance Corporation with terms expiring on June 20, 2015.
Resolution No. 20120802-032 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
33. Authorize the negotiation and execution of a month-to-month lease renewal with funding authorization for up to 24 months for 700 square feet of climate-controlled storage space for the Austin Water Utility, located at 1213 W. 6th Street, from PUBLIC STORAGE INC., Austin, Texas, in an amount not to exceed \$22,728.
This item was postponed to August 16, 2012 on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
34. Approve an ordinance vacating to Mervyn Fatter, Jr. and Barnaby Evans approximately 3,234 square feet of land out of South Lamar Boulevard originally conveyed to the City of Austin via Street Deed, recorded in Volume 10455, Page 958, Real Property Records of Travis County, Texas.
Ordinance No. 20120802-034 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
35. Approve an ordinance vacating to Robert S. Ellis, Jr. approximately 3,254 square feet of land out of South Lamar Boulevard originally conveyed to the City of Austin via Street Deed, recorded in Volume 10455, Page 951, Real Property Records of Travis County, Texas.
Ordinance No. 20120802-035 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
36. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with Central Texas Apartments, LLC for the 3.915 acre tract located at 3400 N IH 35, known as the East Avenue Parcel 1 & 2 site plan, SP-2008-0106C(XT2).MGA
Ordinance No. 20120802-036 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with Up-32nd Street LLC for the .834 acre tract located at 1008 1/2 E 32nd St., known as the East Avenue Parcel 3 (0.834 ac) site plan, SP-2008-0071C(XT2).MGA
Ordinance No. 20120802-037 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
38. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with Up-32nd Street LLC for the 2.637 acre tract located at 3400 N IH 35, known as the East Avenue Parcel 5 site plan, SP-2008-0097C(XT2).MGA
Ordinance No. 20120802-038 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
39. Approve an ordinance accepting \$46,049 in grant funds from the Texas Automobile Burglary and Theft Prevention Authority and amending the Fiscal Year 2011-2012 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$46,049 for the Austin Police Department project entitled Auto Burglary Theft Prevention Project.
Ordinance No. 20120802-039 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
40. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TXDOT) in an amount not to exceed \$2,000,000 in Federal Funds for construction of a bicycle and pedestrian bridge over Loop 360 at MoPac;

amending the Fiscal Year 2011-2012 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$2,000,000; and amending the Fiscal Year 2011-2012 Public Works Department Capital Budget (Ordinance No. 20110912-006) to transfer in and appropriate \$2,000,000 from the Public Works Department Operating Budget Special Revenue Fund for the construction of a bicycle and pedestrian bridge over Loop 360 at MoPac.

Ordinance No. 20120802-040 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

41. Authorize the execution of an Interlocal Agreement between the City of Austin and the University of Texas Center for Transportation Research for a study on best practices in policies and codes that support sustainable, healthy lifestyles and active transportation and to recommend how the City of Austin may incorporate these practices, in an amount not to exceed \$22,292.00.

The motion authorizing the execution of an interlocal agreement between the City of Austin and the University of Texas Center for Transportation Research was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

42. Authorize award and execution of a 36-month requirements service contract with THYSSENKRUPP AIRPORT SYSTEMS, dba THYSSEN AG, to provide operational and emergency repairs for passenger boarding bridges at the Austin-Bergstrom International Airport in an estimated amount not to exceed \$878,000, with three 12-month extension options in an estimated amount not to exceed \$310,000 per extension option, for a total estimated contract amount not to exceed \$1,808,000. (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 ThyssenKrupp Airport Systems, doing business as Thyssen AG, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

43. Authorize award and execution of a 36-month requirements service contract with AUGUST INDUSTRIES, INC. to provide maintenance and repair for Bauer brand air compressor units and systems for the Austin Fire Department in an estimated amount not to exceed \$91,050, with three 12-month extension options in an estimated amount not to exceed \$30,350 per extension option, for a total estimated contract amount not to exceed \$182,100. (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 August Industries, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

44. Authorize award and execution of Amendment No. 3 to a contract with GMSL CONSULTING LLC, dba CENTEX SHRED, for confidential document destruction services for the Austin Police Department, the Emergency Medical Services Department, and the Municipal Court Department to extend the contract for three 12-month extension options in an amount not to exceed \$16,762.50 per extension option, for a revised total estimated contract amount not to exceed \$100,272.50. (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 three to a contract with GMSL Consulting LLC, doing business as Centex Shred, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

45. Authorize award and execution of a contract through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program with TWINCREST INC., dba TWINCREST TECHNOLOGIES, for Smartsensor equipment for the Austin Transportation Department to collect traffic data in an estimated amount not to exceed \$346,900. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program with Twincrest Inc., doing business as Twincrest Technologies, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
46. Authorize award, negotiation, and execution of a requirements supply and service contract with TORREY POINT GROUP, LLC., or one of the other qualified offerors to RFP No. MSO0056REBID, for the purchase of a Multiplexing Optical Network System, hardware components, supporting devices, optical network management and network design modeling software, integration and implementation services and maintenance and support for Phase I of the City of Austin Telecommunications Network (COATN) upgrade in an estimated amount not to exceed \$2,518,000. Related to Items # 17 and 18. (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 sub-contracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements supply and service contract with Torrey Point Group, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
47. Authorize award and execution of a 36-month requirements service contract with HOME INTENSIVE CARE PHARMACY, or one of the other qualified bidders for IFB-BV No. CEA0017 to provide compounded pharmaceuticals for the Emergency Medical Services Department in an estimated amount not to exceed \$199,800, with three 12-month extension options in an estimated amount not to exceed \$66,600 per extension option, for a total estimated contract amount not to exceed \$399,600. (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 service contract with Home Intensive Care Pharmacy was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
48. Authorize award and execution of a 36-month requirements service contract with COTHRON'S SAFE & LOCK, INC. to provide security locking hardware maintenance and repair for various City Departments in an estimated amount not to exceed \$525,000, with three 12-month extension options in estimated amounts not to exceed \$175,000 per extension option, for a total estimated contract amount not to exceed \$1,050,000. (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 Cothron's Safe & Lock, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
49. Authorize award and execution of a 36-month requirements service contract with TRIPLE B CLEANING, INC. to provide kitchen hood cleaning services for the Austin Convention Center Department, in an estimated amount not to exceed \$105,000 with three 12-month extension options in estimated amounts not to exceed \$35,000 per extension option, for a total estimated contract amount not to exceed \$210,000. (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 Triple B Cleaning, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 50 was pulled for discussion.

51. Authorize award and execution of a 36-month requirements service contract with SIEMENS INDUSTRY, INC. to provide maintenance and repair services for a heating, ventilation, and air conditioning (HVAC) automation system, a building electrical distribution system, and a power monitoring system for the Austin Convention Center Department, in an estimated amount not to exceed \$1,734,000, with three 12-month extension options in estimated amounts not to exceed \$612,000 for each extension option, for a total estimated contract amount not to exceed \$3,570,000. (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 Siemens Industry, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 52 was pulled for discussion.

53. Authorize award and execution of a 36-month requirements supply contract with LEXIPOL LLC, to provide a web-based law enforcement policy manual and daily training bulletins for the Austin Police Department in an estimated amount not to exceed \$155,850, with three 12-month extension options in an estimated amount not to exceed \$51,950 per extension option, for a total estimated contract amount not to exceed \$311,700. (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 Lexipol, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

54. Authorize award and execution of a 36-month requirements supply agreement with BAKER & TAYLOR, INC. to provide music compact discs for the Austin Public Library Department in an estimated amount not to exceed \$315,000, with three 12-month extension options in an estimated amount not to exceed \$105,000 per extension option, for a total estimated contract amount not to exceed \$630,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

55. Authorize award, negotiation, and execution of a 60-month requirements supply and service agreement with PUBLIC SAFETY CORPORATION, or one of the other qualified offerors to RFP No. MSO0060, to provide software, implementation services and the first year of warranty and maintenance for the purchase of a complete City-hosted Alarm Permitting/False Alarm Tracking Commercial-Off-The-Shelf (COTS) software solution for the Austin Police Department in an estimated amount not to exceed \$95,200 with four 12-month extension options for warranty and maintenance support in an estimated amount not to exceed \$9,144 for the first extension option, \$9,502 for the second extension option \$9,876 for the third extension and \$10,266 for the fourth extension option, for a total estimated contract amount

not to exceed \$133,988. (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 supply and service agreement with Public Safety Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

56. Authorize award, negotiation, and execution of a 24-month requirements service contract with SIEMENS ENERGY INC. and MECHANICAL DYNAMICS & ANALYSIS INC., or one of the other qualified offerors to RFP No. DKC0035, for maintenance and repair services for steam turbines and generators at Austin Energy's power plants in an estimated amount not to exceed \$13,000,000 each and combined with four 12-month extension options in an estimated amount not to exceed \$5,000,000 each and combined for the first 3 extension options, and \$2,000,000 each and combined for the final option, for a total estimated contract amount not to exceed \$30,000,000 each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

Items 57 through 59 were pulled for discussion.

60. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Peaceful Hill Lane to the table of streets as having a maximum speed limit of 20 miles per hour during certain times for students attending Williams Elementary School, and provide for emergency passage.
Ordinance No. 20120802-060 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
61. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Ralph Ablanedo Drive to the table of streets as having a maximum speed limit of 25 miles per hour, during certain times, for students attending Williams Elementary School, and provide for emergency passage.
Ordinance No. 20120802-061 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
62. Approve the negotiation and execution of an Interlocal Agreement with the Central Texas Regional Mobility Authority in the amount of \$100,000 to be used in support of the MoPac Improvement Project.
The motion authorizing the negotiation and execution of an interlocal agreement with the Central Texas Regional Mobility Authority was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
63. Approve the negotiation and execution of an Interlocal Agreement with the Central Texas Regional Mobility Authority to construct a sound wall within the City of Austin's right-of-way adjacent to Great Northern Boulevard. The agreement will also outline the responsibilities related to the installation of trees along Loop 1/MoPac near the Austin Memorial Park Cemetery.
The motion authorizing the negotiation and execution of an interlocal agreement with the Central Texas Regional Mobility Authority was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
64. Authorize the City Manager to negotiate and execute an Interlocal Cooperation Agreement with the Capital Metropolitan Transportation Authority (Capital Metro) for execution of Capital Metro's MetroRapid bus rapid transit project, and establish the parties' responsibilities.

The motion authorizing the City Manager to negotiate and execute an interlocal cooperation agreement with the Capital Metropolitan Transportation Authority (Capitol Metro) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 65 was pulled for discussion.

66. Approve a resolution authorizing issuance by Northtown Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2012, in a principal amount not to exceed \$3,890,000; and approving a substantial draft of the District's Bond Order and Preliminary Official Statement.
Resolution No. 20120802-066 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
67. Approve a resolution authorizing issuance by Moore's Crossing Municipal Utility District of Unlimited Tax Refunding Bonds, Series 2012, in a principal amount not to exceed \$3,835,000; and approving a substantial draft of the District's Bond Resolution and Preliminary Official Statement.
Resolution No. 20120802-067 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
68. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

African American Resource Advisory Commission

Nelson Linder

Mayor Leffingwell

Animal Advisory Commission

Babette Ellis

Mayor Pro Tem Cole

Arts Commission

Bruce Willenzik

Mayor Leffingwell

Austin Airport Advisory Commission

Rose Marie Klee

Ernest Saulmon

Mayor Pro Tem Cole

Mayor Leffingwell

Austin Community Technology and Telecommunications Commission

Melvin White

Mayor Pro Tem Cole

Austin Mayor's Committee for People with Disabilities

Tanya Winters

Mayor Leffingwell

Austin Music Commission

Joah Spearman

Brad Spies

Mayor Pro Tem Cole

Mayor Leffingwell

Board of Adjustment and Sign Review Board

Fred McGhee

Michael von Ohlen

Mayor Pro Tem Cole

Council Member Riley

Bond Oversight Committee

Beverly Silas
Dave Sullivan

Mayor Pro Tem Cole
Mayor Leffingwell

Building and Fire Code Board of Appeals

Alan Schumann

Mayor Pro Tem Cole

Building and Standards Commission

Steven Alloway
David Brown

Mayor Pro Tem Cole
Mayor Leffingwell

Commission on Immigrant Affairs

Pete Shen

Mayor Pro Tem Cole

Commission for Women

Katie Naranjo

Mayor Leffingwell

Community Development Commission

Elridge Nelson

Mayor Pro Tem Cole

Construction Advisory Committee

Calvin Williams

Mayor Pro Tem Cole

Design Commission

Jeannie Wiginton

Mayor Pro Tem Cole

Downtown Austin Community Court Advisory Commission

Lori Cervenak-Renteria
William Kelly

Mayor Pro Tem Cole
Mayor Leffingwell

Downtown Commission

Mandy Dealey

Mayor Leffingwell

Early Childhood Council

Sofia Casini
Larry Elsner
Althea Huston
Laura Koenig
Rhonda Paver
Jacqueline Porter
(representative - Austin Independent School District)

Mayor Leffingwell
Mayor Leffingwell
Mayor Leffingwell
Mayor Leffingwell
Mayor Leffingwell

Electric Board

Randy Walden
Ronny Williams

Mayor Leffingwell
Mayor Pro Tem Cole

Electric Utility Commission

Shudde Fath
Stephen Smaha

Mayor Leffingwell
Mayor Pro Tem Cole

Environmental Board

Mary Ann Neely

Mayor Leffingwell

REGULAR COUNCIL MINUTES

THURSDAY, AUGUST 2, 2012

James Schissler

Mayor Pro Tem Cole

Ethics Review Commission

Austin Kaplan

Velva Price

Mayor Leffingwell

Mayor Pro Tem Cole

Historic Landmark Commission

Dr. Mary Jo Galindo

Mayor Pro Tem Cole

Human Rights Commission

Dewayne Lofton

Paul Rhea

Mayor Pro Tem Cole

Mayor Leffingwell

Impact Fee Advisory Committee

William Moore

Mayor Pro Tem Cole

Lake Austin Task Force

Dr. Mary Gay Maxwell (Environmental Board representative)

Eric Moreland

Brian Roark

Mayor Leffingwell

Mayor Leffingwell

Library Commission

Patricia Dabbert

Mayor Pro Tem Cole

Mechanical, Plumbing and Solar Board

Thomas Combs

Mayor Pro Tem Cole

Mexican American Cultural Center Advisory Board

David Carroll

Mayor Pro Tem Cole

Parks and Recreation Board

Dale Glover

Mayor Pro Tem Cole

Planning Commission

Dave Anderson

Richard Hatfield

James Nortey

Brian Roark

Mayor Leffingwell

Mayor Leffingwell

Mayor Pro Tem Cole

Mayor Leffingwell

Public Safety Commission

Sam Holt

Dr. Michael Lauderdale

Mayor Leffingwell

Mayor Pro Tem Cole

Residential Design and Compatibility Commission

Keith L. Jackson

Mayor Pro Tem Cole

Resource Management Commission

Leo Dielmann

Mayor Pro Tem Cole

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

Michael Jones

Rick Krivoniak

Mayor Pro Tem Cole

Mayor Leffingwell

Sustainable Food Policy Board
Laura Koeb

Mayor Leffingwell

Urban Forestry Board
Patrick Brewer
Nicholas Classen

Mayor Leffingwell
Mayor Pro Tem Cole

Urban Transportation Commission
Dustin Lanier
Stanton Truxillo

Mayor Pro Tem Cole
Mayor Leffingwell

Water and Wastewater Commission
Chien Lee
J'Michael Ohueri

Mayor Leffingwell
Mayor Pro Tem Cole

Waterfront Planning Advisory Board
Eric Schultz

Mayor Pro Tem Cole

Zero Waste Advisory Commission
Rick Cofer
Dave Sullivan

Mayor Leffingwell
Mayor Pro Tem Cole

Zoning and Platting Commission
Cynthia Banks

Mayor Pro Tem Cole

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Calvin Williams' service on the Electric Board.

Approve a waiver of simultaneous service on more than one City-established board as provided in Section 2-1-21 of the City Code for Dave Sullivan's service on the Zero Waste Advisory Commission.

69. Approve an ordinance amending Chapter 2-2 of the City Code to achieve the recommendation of the Charter Revision Committee regarding enhancing reporting of independent expenditures in City elections. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Ordinance No. 20120802-069 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
70. Approve the reimbursement of certain fees and payment of certain costs for the July 4th North Shoal Creek Neighborhood Association Independence Day Parade sponsored by the North Shoal Creek Neighborhood Association which was held on Wednesday, July 4, 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)
The motion to approve the reimbursement of certain fees and payment of certain costs for the July 4th North Shoal Creek Neighborhood Association Independence Day Parade was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
71. Approve an ordinance waiving certain fees and requirements for the JUMP ON IT Back to School Community Outreach event which is to be held August 15, 2012 at Rosewood Park. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)

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

72. Approve a resolution directing the City Manager to conduct an economic impact analysis of urban agriculture and the local food system, and report back to City Council with a status update by November 1, 2012. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez and Council Member Laura Morrison)

Resolution No. 20120802-072 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Action was taken on item 73 but was reconsidered later in the meeting. See below.

74. Approve a resolution declaring August 8, 2012 as Save Our Springs Day and in recognition of Save Our Springs Day, the City Council directs the City Manager to implement a one-time free swim day at Barton Springs Pool on August 8, 2012 and waives the pool entry fee for people visiting Barton Springs Pool on that day. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member William Spelman)

Resolution No. 20120802-074 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

75. Approve an ordinance waiving closure notice and deadline requirements under City Code Chapter 14-8 which allows objections to the closure of right-of-way; approve the waiver of certain other fees relating to right-of-way events under City Code Chapter 14-8; and authorize payment of certain costs for the City co-sponsored Night of the Bat event which is to be held on August 25, 2012, at the Ann Richards Bridge on Congress Avenue. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)

Ordinance No. 20120802-075 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

76. Approve a resolution encouraging the City Manager to negotiate and execute an agreement with C3 Presents regarding an additional weekend event for the Austin City Limits Music Festival including use, maintenance, and improvements to Zilker Park and Auditorium Shores; designation of number of days; and appropriate allocation of rental fees. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)

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

77. Approve a resolution encouraging the City Manager to amend the Parks and Recreation Department policy regarding rental of Auditorium Shores to allow for the Formula Fest two-day concert in the 2012 calendar year. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)

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

78. Approve an ordinance authorizing the reimbursement of certain fees for the City of Rollingwood 4th of July neighborhood gathering sponsored by the City of Rollingwood which was held on July 4, 2012 at the Zilker Park Club House. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley)

Ordinance No. 20120802-078 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

79. Set a public hearing to receive public comment regarding the proposed increase to the drainage fee of the Watershed Protection Department as part of the Fiscal Year 2012-13 proposed budget. (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set on consent for August 23, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX.

80. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner Julia Schneider to convert a portion of the existing garage into a bedroom and a pantry room area at the single-family house at 200 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: August 16, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street.)
The public hearing was set on consent for August 16, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX.
81. Set a public hearing to receive public comment on the City of Austin Fiscal Year 2012-2013 Proposed Budget. (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 23, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX.
82. Set a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2012-2013 Proposed Budget. (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 23, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX.
83. Set a Public Hearing to receive public comment on the proposed rate and fee changes for the Austin Resource Recovery Department as part of the Fiscal Year 2012-2013 Proposed Budget. (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 23, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX.
84. Set a public hearing to consider an ordinance amending the City Code Chapter 25-2 addressing the short term rental of residential units. (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 85 through 88 were Executive Session items

Items 89 through 111 were zoning items set for 2:00 p.m.

Item 112 was an AHFC meeting set for 3:00 p.m.

Items 113 through 121 were public hearing items set for 4:00 p.m.

Item 122 was an addendum item

DISCUSSION ITEMS

Action was taken on item 57 but was reconsidered later in the meeting. See below.

10. Approve a resolution adopting the Wholesale Water Supplier Water Conservation Plan. Related to Items #11 and 12.
Resolution No. 20120802-010 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote. Mayor Leffingwell directed staff to research once the State revises

the gallons per capita per day (GPCD) goal in 2014 and sets forth specific residential goals, will the City of Austin be below the goal?

Council Member Morrison directed staff to include the number of watering days per stage in the Municipal Code.

Items 11 and 12 were acted on in a combined motion.

11. Approve an ordinance amending Chapter 6-4 of City Code relating to water use management. Related to Items #10 and 12.

This item was postponed to August 16, 2012 to allow staff time to review additional suggestions provided by a group of citizens on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.

12. Approve a resolution repealing Resolution No. 20090423-002 and adopting the new Drought Contingency Plan for Retail & Wholesale Public Water Suppliers. Related to Items #10 and 11.

This item was postponed to August 16, 2012 to allow staff time to review additional suggestions provided by a group of citizens on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.

57. Approve second reading of an ordinance amending Ordinance No. 20100527-047, regarding the franchise to Austin Cab I, Inc., DBA Austin Cab, to allow for additional franchise permits.

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.

A motion to reconsider item 57 was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

This item was postponed to October 11, 2012 on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

15. Approve an ordinance placing a petition-initiated charter amendment on the November 2012 ballot amending the city charter to provide for a city council made up of ten members elected from geographic single-member districts with a mayor elected at large, and an independent redistricting commission.

Ordinance No. 20120802-015 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

31. Approve a resolution adopting the City's Fiscal Year 2012-2013 Action Plan, as required by the United States Department of Housing and Urban Development; and the Community Development 2012-2013 Program, as required by Texas Local Government Code Chapter 373.

Resolution No. 20120802-031 was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

58. Authorize negotiation and execution of an amendment to an existing Interlocal Agreement with the Capital Metropolitan Transportation Authority to continue the Regional Transit System Plan, known as "Project Connect", and increase the funding by \$250,000, for a total not-to-exceed amount of \$750,000.

The motion authorizing the negotiation and execution of an amendment to an existing interlocal agreement with Capital Metropolitan Transportation Authority was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote. Direction was given to staff to work with Capital Metropolitan Transportation Authority to achieve the minority participation goals.

CITIZEN COMMUNICATIONS: GENERAL

Herman Dyal- Sale of lot at MLK & Colorado **Not present when name was called.**

J.B. Headrick- Dormitory at MLK and Colorado **Not present when name was called.**

Dora Salazar- Animal rights

Alex Salazar- Animal rights. **Not present when name was called**

Paul Walhus- Proposed student housing complex will block Capitol view at 18th and Lavaca **Not present when name was called.**

Steve Brensen- American campus community proposed development at MLK and Colorado. **Not present when name was called.**

Angela Williamston- MAI: Updates

Jeannie Ramirez- The Circus is coming to town

Tellmond Richter- Cambridge Tower proposed student dormitory **Not present when name was called.**

Janice Galloway- Opposing zoning change at the property on MLK and Colorado **Not present when name was called.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:14 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.

85. Evaluate the performance of and consider the compensation and benefits for the City Manager (Personnel Matters Section 551.074)
This item was postponed to August 16, 2012 without objection.
86. 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.
87. Discuss legal issues related to Ronnie R. Esparza v. City of Austin, Cause No. D-1-GN-04-003491 in the 250th District Court of Travis County, Texas and Cause No. D-1-GN-05-00132 of the 353rd District Court of Travis County, Texas (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
88. Discuss legal issues related to 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 2:05 p.m.

ZONING CONSENT ITEMS

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

89. C14-2012-0008 - Pressler Park I - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 Pressler Street (Town Lake Watershed) from limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district and commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. First reading approved on April 5, 2012. Vote: 7-0. Applicant: Parkview Partners (Jimmy Nassour), Pressler Park, L.L.C. (Larry Peel). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.
Ordinance No. 20120802-089 for general commercial services-conditional overlay-neighborhood plan (CS-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.
90. C14-2012-0015 - Pressler Park II - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 315 Pressler Street (Town Lake Watershed) from limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. First reading approved on April 5, 2012. Vote: 7-0. Applicant: Parkview Partners (Jimmy Nassour), Pressler Park, L.L.C. (Larry Peel). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.
Ordinance No. 20120802-090 for general commercial services-conditional overlay-neighborhood plan (CS-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.
91. NPA-2012-0003.01 - 1301 1/2 Chicon Street (Chicon Corridor, Phase 2) - Conduct a public hearing and approve an ordinance amending Ordinance No. 990715-113, the Chestnut 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 1301 1/2 Chicon Street (Boggy Creek Watershed) from Commercial land use to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Chestnut Neighborhood Revitalization Corporation. Agent: Sarah André. City Staff: Maureen Meredith, 974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120802-091 to change the land use designation on the future land use map (FLUM) to Mixed Use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
92. C14-2012-0044.SH - Chicon Corridor Phase 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1301 and 1301 1/2 Chicon Street (Boggy Creek Watershed) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use- conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Owner/Applicant: Chestnut Neighborhood Revitalization Corporation (Sarah André). City Staff: Heather Chaffin, 974-2122.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120802-092 for neighborhood commercial-mixed use- conditional overlay-neighborhood plan (LR-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.
93. 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 grant Mixed Use/Office land use. 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 September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.

94. C14-2011-0131 - West 34th St. Redevelopment, Tract "A" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 and 808 West 34th Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.

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

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.

96. C14-2011-0133 - West 34th St. Redevelopment, Tract "C" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West 34th Street, 3205 and 3207 Grandview Street, and 3206 West Avenue (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.

97. C14-2011-0134 - West 34th St. Redevelopment, Tract "D" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 715 West 34th Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district

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

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.

98. 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 land use and Mixed Use/Office land use to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To be reviewed on September 11, 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 September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

99. C14-2012-0052 - George Shia Zoning #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 828 Houston Street (Waller Creek Watershed) from townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning to multi-family residence-highest density-neighborhood plan (MF-6-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on September 11, 2012. Applicant: George Shia. Agent: Coats, Rose, Yale, Ryman, & Lee (John Joseph). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

100. C14-2012-0054 - George Shia Zoning #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5527 Sunshine Drive (Waller Creek Watershed) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to multi-family residence-highest density-neighborhood plan (MF-6-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on September 11, 2012. Applicant: George Shia. Agent: Coats, Rose, Yale, Ryman, & Lee (John Joseph). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

101. 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 Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 826 Houston Street and 5536 - 5540 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 September 11, 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 September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

102. C14-2012-0053 - Texas State Troopers Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 826 Houston

Street and 5536-5540 North Lamar Boulevard (Waller Creek Watershed) from commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP), general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to multi-family residence-highest density-neighborhood plan (MF-6-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on September 11, 2012. Applicant: Texas State Troopers Association (Claude Hart). Agent: Coats, Rose, Yale, Ryman, & Lee (John Joseph). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

103. C14-2011-0016 - Helms Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201 East 34th Street and 3307 Helms Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change conditions of the NCCD. Staff Recommendation: To grant family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change conditions of the NCCD. Planning Commission Recommendation: To grant family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change conditions of the NCCD. Applicant/Agent: Farzad Bozorgmehr. City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120802-103 for family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change conditions of the NCCD, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

104. C14-2008-0159(RCA) - 3rd & Colorado - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street, and 114 West 3rd Street (Town Lake Watershed) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

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.

105. C14-2012-0028 - 3rd & Colorado - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street, and 114 West 3rd Street (Town Lake Watershed) from central business district-central urban redevelopment district (CBD-CURE) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

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.

106. C14-2012-0051 - Felter Lane Hot Bodies - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4134 Felter Lane (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on August 7, 2012. Owner/Applicant: Michael Kuhn. Agent: KPP International (Eleftherios "Lefty" Karamolegkos). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to August 23, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
107. C14-2012-0042 - 1300 West Dittmar Road Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1300 West Dittmar Road (South Boggy Creek Watershed) from townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Graham Mortgage Corp. (Grant S. Morrow). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120802-107 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, to change a condition of zoning, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
108. C14-2012-0045- Hackberry - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1168 Angelina Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use- neighborhood plan (NO-MU-NP) combining district zoning. Owner/Applicant: Metropolitan AME Church (Ken Bellage). City Staff: Heather Chaffin, 974-2122.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120802-108 for neighborhood office-mixed use- neighborhood plan (NO-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.
109. C14-2012-0058 - Summer Grove Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7905 San Felipe Boulevard (Rattan Creek Watershed) from rural residence (RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To approve multi-family residence-medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To approve multi-family residence-medium density (MF-3) district zoning. Owner/Applicant: CREVI II Summer Grove, LLC (Wallace O. Sellers, Jr.). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120802-109 for multi-family residence-medium density (MF-3) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
110. 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 23, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

111. C14-2012-0046 - 135 W. Slaughter Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 135 West Slaughter Lane (Slaughter Creek Watershed; Onion Creek Watershed) from rural residence (RR) district zoning and single family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on September 4, 2012. Owner/Applicant: Lester Euers. Agent: Coats Rose (Pamela Madere). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to October 18, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

DISCUSSION ITEM CONTINUED

52. Authorize the award and execution of a 12-month requirements service agreement with RADIO FLYERS for the distribution of door hanger delivery services for Austin Energy's Power Saver Programs(tm) in an estimated amount not to exceed \$66,700, with three 12-month extension options in an estimated amount not to exceed \$66,700 per extension option, for a total estimated contract amount not to exceed \$266,800. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service agreement with Radio Flyers was approved on Council Member Martinez' motion, Council Member Tovo's second on a 7-0 vote.
59. Authorize the negotiation and execution of Amendment No. 1 to the Multiple Use Agreement between the Texas Department of Transportation and the City of Austin for the operation and maintenance of the surface parking lots under IH-35 between East 6th and East 8th Streets in Austin, Texas. Related to Item #65.
The motion authorizing the negotiation and execution of amendment number one to the multiple use agreement between the Texas Department of Transportation and the City of Austin was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. Staff was directed to use the additional funds for the pedestrian portion of the Lance Armstrong Bikeway, if permitted by Texas Department of Transportation.
65. Approve an ordinance amending the Fiscal Year 2011-2012 Austin Transportation Department IH-35 Parking Program Fund Operating Budget (Ordinance No. 20110912-005) to increase expenditures by \$83,159 and decreasing the ending balance by the same amount for increased expenditures for commodities associated with maintenance, credit card fees, and enforcement.
Ordinance No. 20120802-065 was approved by Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
50. Authorize award and execution of a 36-month requirements service contract with ALVIN E. HORN dba HORN'S CREW TRUCKING, or the following qualified bidder, consistent with local preference law,

MELENDREZ TRUCKING, LLC (MBE), for trucking and hauling services for the Public Works Department and Austin Resource Recovery Department in an estimated amount not to exceed \$825,000, with three 12-month extension options in estimated amounts not to exceed \$275,000 per extension option, for a total estimated contract amount not to exceed \$1,650,000. (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 Melendrez Trucking, LLC (MBE) was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

73. Approve an ordinance placing a charter amendment on the November 2012 ballot to provide a civil service system for most city employees who are not covered by a state civil service statute. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)

Ordinance No. 20120802-073 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

A motion to reconsider item 73 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 5-0 vote. Council Members Riley and Spelman were off the dais.

Ordinance No. 20120802-073 was approved with the following amendment on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais. The amendment was to have Part 2, Section 2(G)(1) read, "hear appeals and make final, binding decisions in the case of any municipal civil service employee or appointee who is discharged, suspended, demoted, denied a promotion, or put on disciplinary probation."

13. Approve an ordinance ordering a special election to be held on November 6, 2012, providing for the conduct of the election and authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election, setting the ballot order for the propositions to be presented to the voters, finalizing the wording of the propositions, and declaring an emergency.

Ordinance No. 20120802-013 was approved with the following amendment on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais. The amendment changed Part 5 to read, "Part 5. Ordinance Nos. 20120412-020, 20120426-068, 2012042-069, 20120628-016, 20120628-089, 20120628-090, 20120628-091, 20120802-015, 20120802-030, and 20120802-073 are incorporated by reference into this ordinance as if set out in full."

There was consensus that there will not be a Council meeting on August 9, 2012 and that the bond items will be posted for action on August 14, 15 and 16, if needed. This includes a waiver of Council rules to allow multiple votes on the same item in the same week.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:18 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:19 p.m. and recessed the Council Meeting immediately.

Mayor Leffingwell called the Council Meeting back to order at 4:04 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Items 114 and 115 were acted on in a combined motion.

114. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to define a new land use "Pedicab Storage and Dispatch" and to identify the zoning districts in which the use is permitted.

This item was postponed to September 27, 2012 on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

115. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to make outdoor amphitheaters and similar structures a conditional use in all zoning districts, even if the amphitheater or similar structure is associated with a civic or residential use.

This item was postponed to September 27, 2012 on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to set item 117 for a time certain of 6:00 p.m. was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

119. Conduct a public hearing and consider an ordinance amending City Code Title 25 to designate the Planning Commission as the Land Use Commission for the Old Enfield neighborhood planning area.

This item was postponed to September 27, 2012 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

The motion to set item 122 for a time certain of 6:30 p.m. was approved on Council Member Morrison's motion, Council Member Tovo's second on a 6-0 vote. Council Member Spelman was off the dais.

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

Ordinance No. 20120802-118 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

113. Conduct a public hearing and consider a resolution regarding a request by Speedy Shop Food Store #407, located at 1320 E Oltorf St., for a waiver from the distance requirement of City Code Section 4-9-4 which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

This item was withdrawn without objection.

116. Conduct a public hearing and consider an appeal by Mary and Bill Ley regarding the decision to issue an Outdoor Music Venue permit for Home Slice Pizza, located at 1415 S. Congress Avenue.

The public hearing was held and a motion to close the public hearing and deny the appeal was made by Council Member Martinez and seconded by Mayor Pro Tem Cole.

There was a substitute motion that was made by Council Member Morrison and seconded by Council Member Tovo to postpone this item to August 23, 2012 to allow staff to facilitate a meeting with the parties on both sides to come to an agreement. The motion failed on a vote of 2-4. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley. Council Member Spelman was off the dais.

The public hearing was conducted and the motion to close the public hearing and deny the appeal was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley. Those voting nay were: Council Members Morrison and Tovo. Council Member Spelman was off the dais.

120. Conduct a public hearing and consider an appeal by David Whitworth of a decision by the Residential Design and Compatibility Commission (RDCC) denying a modification request for 2.8% increase in the allowable Floor-to-Area Ratio (FAR) for a two-story duplex at 5502 Jeff Davis Avenue.
The public hearing was conducted and the motion to close the public hearing and deny the appeal was approved on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
121. Conduct a public hearing and consider an appeal by David Whitworth (appellant) of a decision by the Residential Design and Compatibility Commission (RDCC) denying a modification request for 2.6% increase in the allowable Floor-to-Area Ratio (FAR) for a two-story duplex at 5504 Jeff Davis Avenue.
This item was withdrawn by the appellant.

Mayor Leffingwell recessed the Council Meeting at 5:35 p.m.

LIVE MUSIC

Ruby Jane

PROCLAMATIONS

Proclamation-- ADA's 22nd Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Tanya Winters and presentation of the 2012 Austin Access Awards by Mayor Leffingwell and Tanya Winters to be accepted by the honorees

Distinguished Service Award, retirement -- Joseph Bousquet, EMS -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Vision is for Learning Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Emily Schottman or Dr. Mary McMains

Proclamation -- Capital City Lions Club 45th Anniversary -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Charles Akins and Club members

Proclamation -- World Breastfeeding Month -- to be presented by Council Member Laura Morrison and to be accepted by Donna Sundstrom

Mayor Leffingwell called the Council Meeting back to order at 7:02 p.m.

30. Approve an ordinance placing a charter amendment on the November 2012 ballot to provide conditions under which the city council may sell or lease a utility facility or lease parkland.
The motion to separate the utility facility and the parkland issues was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

Ordinance No. 20120802-030 pertaining to parkland with the following amendment was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais. The amendment changed the Proposition to read, "Shall the city charter be amended to permit the city council to lease parkland to an independent school district as defined by state law for a purpose that two thirds of the Council find is consistent with park purposes."

There was a motion to adopt the first and second readings of the ordinance pertaining to the utility facilities using Option 3 that was made by Mayor Pro Tem Cole and seconded by Council Member Spelman.

The first and second readings of the ordinance pertaining to the utility facilities using Option 3 with the following amendment was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Mayor Leffingwell voted no. The amendment changed the Proposition to read, "Shall the city charter be amended to permit the city council to sell and lease a utility facility that the council has found, by a two-thirds majority, is not necessary to the City's ability to provide continuing effective utility service or pursuant to an election submitting such sale or lease for approval?"

122. Approve an ordinance on second and third readings amending Title 25 of the City Code addressing the short term rental of residential units. (Public Hearing closed)
There was consensus to allow thirty minutes per side for citizen input even though the public hearing was previously closed.

There was a motion to approve the ordinance with the following amendments that was made by Council Member Morrison and seconded by Council Member Tovo. The amendments from Council Member Morrison were:

Amend Section 25-2-790 to add the following new language to Subsection (C)(4), "(c) for a Type 2 short-term rental, compliance with the applicable requirements of the Americans with Disabilities Act."

Amend Section 25-2-789 (Short-Term Rental (Type 2) Regulations) to add the following new language to Subsection (B), "(4) be less than 1,000 feet, as measured from property line to property line, from an existing short-term rental (type 2) use."

Amend Section 25-2-790 (License Requirements) to change the 3% to 1% in Subsection (C)(3).

Amend Section 25-2-789 (Short-Term Rental (Type 2) Regulations) (A) to read, "This section applies to a short-term rental use that is rented for periods of less than 30 consecutive days, and: (1) is not owner-occupied; (2) does not have a residence homestead exemption as defined under state law; or (3) is rented for periods of less than 30 consecutive days for annual total of more than 90 days." Add the following language "(C) Not more than one short-term rental (type 2) may be permitted per site."

Add a new Section 25-2-XXX, "Evidence of Violation. Advertising that offers a property as a short-term rental use shall constitute prima facie evidence of the operation of a short-term rental use in a manner consistent with the advertisement. An owner, operator, or license holder who denies that subject property is in use as a short-term rental consistent with the advertisement must carry the burden of proof."

There was a substitute motion to approve the ordinance with the following amendments that was made by Council Member Riley and seconded by Mayor Pro Tem Cole.

Change 25-2-790(A) to read "This section applies to a license required under Section 25-2-788 (Short-Term Rental (Type 1) Regulations) and Section 25-2-789 (Short-Term Rental (Type 2) Regulations)."

Change 25-2-790(C)(4)(b) to read, "been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection."

Delete 25-2-790(B)(5), “a tax identification number,” from the items included in the application.

Delete 25-2-788(A)(2), “has a residence homestead exemption as defined under state law; and,” and 25-2-788(A)(3), “is rented for periods of less than 30 consecutive days for an annual total of no more than 90 days.”

Add to 25-2-788(A), “or is associated with an owner-occupied principal residential unit” and add to 25-2-789(A), “and is not associated with an owner-occupied principal residential unit.”

Delete 25-2-789(A)(2), “does not have a residence homestead exemption as defined under state law,” and delete 25-2-789(A)(3), “is rented for periods of less than 30 consecutive days for an annual total of more than 90 days.”

Add effective date of 10/1/12.

Add 25-2-791(C), “The director shall mail notice of the contact information for the local responsible contact to all properties within 100 feet of the short-term rental use, at the owner or operator’s expense.”

Delete the word ‘zip code’ in section 25-2-790(C)(3) and replace it with ‘census tract’.

Insert as uncodified section of the ordinance: From the effective date of this ordinance through December 31, 2012, applications for a short-term rental (Type 2) use under section 25-2-790 may only be submitted for a short-term rental (Type 2) use that existed as of June 13, 2011.

Add Section 25-2-790(F), “An advertisement promoting the availability of short-term rental property in violation of city code is prima facie evidence of a violation and may be grounds for revocation of a license.”

Council Member Tovo proposed a friendly amendment to lower the percentage from 3% to 1% by amending Section 25-2-790 (License Requirements) from the 3% to 1% in Subsection (C)(3). This was not accepted by the maker of the motion.

Council Member Tovo proposed a friendly amendment to Amend Section 25-2-789 (Short-Term Rental (Type 2) Regulations) to add the following new language to Subsection (B), “(4) be less than 1,000 feet, as measured from property line to property line, from an existing short-term rental (type 2) use.” This was not accepted by the maker of the motion.

Council Member Tovo proposed a friendly amendment to add a new part to the ordinance to read, “The provisions of this ordinance relating to a short-term rental (Type 2) residential use constitute a pilot program. Council directs the City Manager to present a report on the effectiveness of the program no later than one year after the effective date of this ordinance. This report should include, but not be limited to, data on impacts to neighborhood school enrollment, the conversion of long-term housing units to short-term rental units (Type 2), and trends in the number and types of complaints made to the Code Compliance and Police Departments. If Council finds that short-term rental (Type 2) uses have had significant negative effects on the community, Council may consider termination of the short-term rental (type 2) use.” This was accepted by the maker of the motion and by Mayor Pro Tem Cole, who made the second.

Council Member Tovo proposed a friendly amendment to Section 25-2-789 (Short Term Rental (Type 2) Regulations) to replace the current Subsection B with the following language. “(B) A short term rental use under this section is prohibited unless prescribed as a permitted special use

under Section 25-2-1406 (Ordinance Requirements) in an ordinance zoning or rezoning property as a neighborhood plan (NP) combining district. This was not accepted by the maker of the motion.

Council Member Martinez proposed a friendly amendment to add the following language to 25-2-3, Part 1, (B)(10) “the use does not include a rental between parties to the sale of that residential dwelling unit.” The amendment was accepted by the maker of the motion and by Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Morrison to reinstate the homestead terminology. This was not accepted by the maker of the motion.

There was a friendly amendment made by Council Member Morrison to include information regarding ADA in the information packet. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Council Member Morrison proposed a friendly amendment to have Section 25-2-789 (Short-Term Rental (Type 2) Regulations) (A) read, “This section applies to a short-term rental use that is rented for periods of less than 30 consecutive days.” The amendment was not accepted by the maker of the motion.

Ordinance No. 20120802-122 was approved with the accepted amendments shown above on Council Member Riley’s motion, Mayor Pro Tem Cole’s motion on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

The motion to waive the rules and allow the Council to meet after 10 p.m. was approved on Mayor Pro Tem Cole’s motion, Council Member Tovo’s second on a 7-0 vote.

117. Conduct a public hearing regarding a proposed November 2012 bond election.
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 11:31 p.m. without objection.

The minutes were approved on this the 16th day of August, 2012 on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Council Member Spelman was absent.