

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 11, 2012**

Invocation: Pastor Mark Friesen, Koenig Lane Christian 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, October 11, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called street dedication and homeless meetings of September 22, 2012, work session of September 25, 2012 and regular meeting of September 27, 2012.
The minutes from the City Council special called street dedication and homeless meetings of September 22, 2012, working session of September 25, 2012 and regular meeting of September 27, 2012 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
2. Approve the issuance of a performance based incentive to Foundation Communities Austin One Housing Corporation for the generation of solar energy at its facility located at 2501 S. IH 35, Austin, Texas, for an estimated \$21,060 per year with the total amount not to exceed \$210,600 over a 10-year period.
The motion to approve the issuance of a performance based incentive to Foundation Communities Austin One Housing Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
3. Approve the issuance of a performance based incentive to Journeyman Austin Holdings Inc. for the generation of solar energy at its facility located at 7701 North Lamar Blvd., in Austin, Texas, for an estimated \$8,850 per year with the total amount not to exceed \$88,500 over a 10-year period.
The motion to approve the issuance of a performance based incentive to Journeyman Austin Holdings Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

4. Authorize negotiation and execution of a 36-month agreement between the City of Austin and AutoGrid for the implementation of a Demand Response Optimization and Management Server platform to evaluate the potential for consolidating Austin Energy's demand response strategies under a single automated platform.

The motion authorizing the negotiation and execution of an agreement between the City of Austin and AutoGrid was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 5 was set for a time certain of 2:00 p.m.

Items 6 through 9 were pulled for discussion.

10. Authorize negotiation and execution of interlocal contracts with Hays County and Williamson County for election services, each in an amount not to exceed \$25,000.

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

11. Approve an ordinance amending Exhibits A through E of Ordinance No. 20120802-013 calling the November 6, 2012 Municipal Special Election to adopt election day polling place locations, early voting locations and election personnel.

Ordinance No. 20121011-011 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 12 was set for a time certain of 4:00 p.m.

13. Authorize award and execution of a 24-month advertising contract with PROFESSIONAL CONVENTION MANAGEMENT ASSOCIATION for the purpose of positioning the Austin Convention Center as a premier destination site for hosting National and International Conventions and Trade Shows in an amount not to exceed \$345,000.

The motion authorizing the award and execution of an advertising contract with Professional Convention Management Association was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

14. Approve the ratification of payment to the Texas Comptroller of Public Accounts under an Event Trust Funds Use Agreement with USA Football in an amount of \$81,797.

The motion to ratify payment to the Texas Comptroller of Public Accounts was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

15. Authorize negotiation and execution of a design and commission agreement with 220 DESIGNS INC. for artwork for the Art Bollard Sleeves 2nd Street Bridge and Extension (West Avenue to Shoal Creek) Art in Public Places Project in an amount not to exceed \$65,000.

The motion authorizing the negotiation and execution of a design and commission agreement with 220 Designs Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 16 was pulled to be heard after the related item #115.

17. Approve negotiation and execution of three social services contracts for child care services: (1) a 12-month contract with CHILD, INC. in an amount not to exceed \$84,928, with three 12-month extension options in amounts not to exceed \$84,928 per extension option, for a total contract amount not to exceed \$339,712; (2) a 12-month contract with AUSTIN INDEPENDENT SCHOOL DISTRICT in an amount not to exceed \$179,644, with three 12-month extension options in amounts not to exceed \$179,644 per extension option, for a total contract amount not to exceed \$718,576; and, (3) a 12-month contract with GENERATIONS CHILD DEVELOPMENT CENTERS, INC. in an amount not to exceed \$102,156, with three 12-month extension options in amounts not to exceed \$102,156 per extension option, for a total contract amount not to exceed \$408,624; for a total amount of all three contracts not to exceed \$1,466,912.

The motion authorizing the negotiation and execution of a three social services contracts with Child, Inc., Austin Independent School District, and Generations Child Development Centers, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

18. Approve negotiation and execution of contracts for community-based housing placement services with two providers of HIV services under the U.S. Department of Housing and Urban Development Housing Opportunities for Persons with AIDS grant: AIDS SERVICES OF AUSTIN, INC, for a 12-month term beginning October 1, 2012 with four 12-month renewal options in an amount not to exceed \$766,445 for the initial 12-month term and each renewal option, for a total contract amount not to exceed \$3,832,225; and PROJECT TRANSITIONS, INC., for an initial 12-month term beginning October 1, 2012 with four 12-month renewal options in an amount not to exceed \$300,767 for the initial 12-month term and each renewal option, for a total contract amount not to exceed \$1,506,800.

The motion authorizing the negotiation and execution of contracts with AIDS Services of Austin, Inc. and Project Transitions, Inc. 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 an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, P.C., for legal counsel provided to the Austin Urban Renewal Agency, by increasing funding in the amount of \$17,500 for a total contract amount not to exceed \$57,500. Funding is available in the Fiscal Year 2012-2013 Operating Budget of the Housing Fund.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, P.C. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

20. Authorize negotiation and execution of an amendment to a legal services contract with Thompson & Knight, LLP, for services related to Cause No. D-1-GN-11-000639; The Austin Bulldog v. Lee Leffingwell, Mayor, Chris Riley, Council Member Place 1, Mike Martinez, Mayor Pro Tem Place 2, Randi Shade, Council Member Place 3, Laura Morrison, Council Member Place 4, Bill Spelman, Council Member Place 5, Sheryl Cole, Council Member Place 6 and the City of Austin; in the 250th Judicial District; Travis County, Texas, in the amount of \$50,000 for a total contract amount not to exceed \$160,000. Funding is available in the Fiscal Year 2012-2013 Operating Budget of the Liability Reserve Fund.

The motion authorizing the negotiation and execution of an amendment to a legal services contract with Thompson & Knight, LLP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 21 was pulled to heard after the related Executive Session item.

22. Approve a resolution appointing Elaine Hart, City of Austin Chief Financial Officer, to the Waller Creek Local Government Corporation Board of Directors.
Resolution No. 20121011-022 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
23. Authorize the negotiation and execution of a one-year contract with PeopleFund to administer the Community Development Bank program and to support job creation and expansion of small businesses by providing loan services through PeopleFund's Small Business Development program in an amount not to exceed \$150,000.
The motion authorizing the negotiation and execution of a one-year contract with PeopleFund was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 24 through 26 were set for a time certain of 4:00 p.m.

27. Approve an ordinance amending City Code Chapter 14-1, relating to the naming or renaming of park facilities.
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
28. Authorizing an extension of time and execution of necessary documents to allow the Umlauf heirs and representatives to access City property at 506 Barton Blvd. through March 12, 2013.
The motion authorizing an extension of time and execution of necessary documents 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 authorizing negotiation and execution of an amendment to the warranty deed conveying certain Umlauf sculptures to the City, and other necessary documents in order to dispose of City property and acquire ownership of an alternate sculpture piece.
Resolution No. 20121011-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 30 was pulled for discussion.

31. Authorize payment of membership fees to the Greater Austin-San Antonio Corridor Council in an amount not to exceed \$50,000.
The motion authorizing the payment of membership fees to the Greater Austin-San Antonio Corridor Council was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
32. Authorize payment of the City's annual membership dues in the Lone Star Rail District for Fiscal Year 2012-2013, in an amount not to exceed \$49,500.
The motion authorizing the payment of the City's annual membership dues in the Lone Star Rail District was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

33. Approve an ordinance amending Ordinance No. 20120802-108, to correct the zoning category for the property known as 1168 Angelina Street to modify the zoning category shown in the caption and Part 1 of the zoning ordinance to reflect the correct zoning category.
Ordinance No. 20121011-033 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 34 was pulled for discussion.

35. Authorize negotiation and execution of an Amendment to the Community Facilities and Cost Reimbursement Agreement between the City of Austin and 3rd & Brazos, LP, a Texas limited partnership for the 3rd Street Right of Way Improvements in the amount of \$829,892.56, for a total contract amount not to exceed \$2,329,892.56.
The motion authorizing the negotiation and execution of an amendment to the Community Facilities and Cost Reimbursement agreement between the City of Austin and 3rd & Brazos, L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
36. Authorize award and execution of two 24-month requirement supply contracts for the supply of miscellaneous utility supplies for the Austin Water Utility with MUNICIPAL WATER WORKS SUPPLY, in an estimated amount not to exceed \$48,884, with two 12-month extension options in an estimated amount not to exceed \$24,442 per extension option, for a total estimated contract amount not to exceed \$97,768; and with FERGUSON WATERWORKS, in an estimated amount not to exceed \$28,126, with two 12-month extension option in an estimated amount not to exceed \$14,063 per extension option, for a total estimated contract amount not to exceed \$56,252. (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 two requirement supply contracts with Municipal Water Works Supply and Ferguson Waterworks was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Authorize award and execution of a 12-month requirements service contract with SYNAGRO OF TEXAS - CDR, INC., to provide biosolids hauling and land application for the Austin Water Utility in an estimated amount not to exceed \$1,667,000 with two 12-month extension options in an estimated amount not to exceed \$1,667,000 per option period, for a total estimated contract amount not to exceed \$5,001,000. (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 Synagro of Texas – CDR, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
38. Authorize award and execution of a 36-month requirements service contract with AAA FIRE & SAFETY EQUIPMENT CO., INC., for the maintenance, inspection, repair and replacement of fire extinguishers in an amount not to exceed \$375,750, with three 12-month extension options in an amount not to exceed \$125,250 per extension option, for a total contract amount not to exceed \$751,500. (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 AAA Fire & Safety Equipment Co., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

39. Authorize award and execution of a 24-month requirements supply contract with AIRGAS SPECIALTY PRODUCTS, for the purchase of anhydrous ammonia for the Austin Water Utility in an estimated amount not to exceed \$760,000, with one 24-month extension option in an estimated amount not to exceed \$760,000, for a total estimated contract amount not to exceed \$1,520,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

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

40. Authorize award and execution of a 24-month requirements service contract with KAPPA MAP GROUP, LLC, for the purchase of wall and street guide directories for various City departments in an amount not exceed \$140,000, with two 12-month extension options in an amount not to exceed \$70,000 per extension option, for a total contract amount not to exceed \$280,000. (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 service contract with Kappa Map Group, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

41. Authorize award and execution of a 24-month requirements supply contracts with TECHLINE PIPE LP for the purchase of gate valves of various types and sizes for the Austin Water Utility in an estimated amount not to exceed \$399,054, with two 12-month extension options in an estimated amount not to exceed \$199,527 per extension option, for a total estimated contract amount not to exceed \$798,108. (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 Techline Pipe, LP 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 24-month requirements supply contract with FUQUAY INC., (WBE/FW), for the purchase of erosion control materials for the Austin Water Utility in an estimated amount not to exceed \$36,570 with two 12-month extension options in the estimated amount not to exceed \$18,285 each for a total contract amount estimated not to exceed \$73,140. (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 Fuquay Inc. 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 two 24-month requirements supply contracts for the supply of fire hydrant repair parts with FERGUSON ENTERPRISES, INC. dba FERGUSON WATERWORKS, in an estimated amount not to exceed \$134,742, with one 24-month extension option in an amount not to exceed \$134,742, for a total estimated contract amount not to exceed \$269,484; and with MUNICIPAL WATER WORKS in an estimated amount not to exceed \$29,296, with on 24-month extension option in an amount not to exceed \$29,296, for a total estimated contract not to exceed \$58,592. (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 two requirements supply contracts with Ferguson Enterprises, Inc. doing business as Ferguson Waterworks and Municipal Water Works 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 a 36-month requirements supply contract with SIEMENS WATER TECHNOLOGIES CORP, for the purchase of bioxide salt for the Austin Water Utility in an estimated amount not to exceed \$600,000, with three 12-month extension options in estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$1,200,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Siemens Water Technologies Corp. 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 12-month requirements service contract with ALL POINTS INSPECTION SERVICES, INC. (WBE/FB) to provide cleaning, televising and point repair of sanitary sewer collection system pipes for the Austin Water Utility in the downtown area in an estimated amount not to exceed \$357,923 with two 12-month extension options in an estimated amount not to exceed \$357,923 per extension option, for a total estimated contract amount not to exceed \$1,073,769. (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 All Points Inspection Services, Inc. (WBE/FB) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

46. Authorize award and execution of a contract with HILL COUNTRY FENCE, INC., for the purchase and installation of fencing within the Water Quality Protection Lands of the Austin Water Utility in an amount not to exceed \$147,619. (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 contract with Hill Country Fence, Inc. 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 24-month requirements supply contract with JAE CONSTRUCTION, INC., for the purchase of sandy loam and topsoil for the Austin Water Utility in an estimated amount not to exceed \$184,900, with a 24-month extension option in an estimated amount not to exceed \$184,900, for a total estimated contract not to exceed \$369,800. (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 JAE Construction, Inc. 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 12-month requirements supply contract with EAGLE ENERGY, INC., to provide cameras with pole adapters and mounting arms for traffic signal monitoring for the Transportation Department, in an estimated amount not to exceed \$390,000, with two 12-month extension options in estimated amounts not to exceed \$390,000 for each extension option, for a total estimated contract amount not to exceed \$1,170,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Eagle Energy, 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 NORFOXX REFRIGERATION INC. for refrigerator and freezer maintenance and repair for the Austin Police Department Evidence and Forensics Unit in an estimated amount not to exceed \$48,300, with three 12-month extension options in an estimated amount not to exceed \$16,100 per extension option, for a total estimated contract amount not to exceed \$96,600. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

50. Authorize award and execution of a contract with ELASTEC AMERICAN MARINE for the purchase of a skimmer system craft to be used by the Watershed Protection Department in an amount not to exceed \$102,352. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

51. Authorize award and execution of Amendment No. 2 to the contract with BUTLER BROADCASTING COMPANY LTD, for the lease of, access to, and space on the Butler Radio Tower, located on Trail of the Madrones Drive for the mounting of communications for the City and the Greater Austin-Travis County Regional Radio System partners, to increase the contract in an estimated amount not to exceed \$576,000 for years 12 through 15 of the lease, for a total revised contract amount not to exceed \$3,456,000. (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 amendment number two to the contract with Butler Broadcasting Company Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

52. Authorize award and execution of a 12-month requirements service contract with JOHN L. WORTHAM AND SON, L.P. for Public Employee Blanket Bond and Commercial Crime Insurance in an estimated amount not to exceed \$15,707, with five 12-month extension options in an estimated amount not to exceed \$17,278, \$19,006, \$20,907, \$22,998 and \$25,298 respectively, for a total estimated contract amount not to exceed \$121,194. (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 John L. Wortham and Son, L.P. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

53. Authorize award, negotiation, and execution of Amendment No. 1 to the Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro), to increase the contract amount for the current term and the remaining three extension options for continued use of Capital Metro's transportation services to City employees, in amounts not to exceed \$25,000, \$50,000, \$75,000, and \$100,000 respectively, for a revised total contract amount not to exceed \$1,000,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of amendment number one to the interlocal agreement with Capital Metropolitan Transportation Authority (Capital Metro) 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 12-month requirements supply contract with RICKY B. TURNER, dba 4-T RANCH, to provide hay for the Austin Police Department Mounted Patrol Unit horses in an estimated amount not to exceed \$32,400, with four 12-month extension options in estimated amounts not to exceed \$35,640 for the first extension option, \$37,422 for the second extension option, \$39,293 for the third extension option, and \$41,258 for the fourth extension

option, for a total estimated contract amount not to exceed \$186,013. (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 Ricky B. Turner doing business as 4-T Ranch was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

55. Authorize award and execution of a 36-month requirements supply contract with POTTERS INDUSTRIES LLC, to provide glass traffic beads for the Transportation Department, in an estimated amount not to exceed \$705,000, with three 12-month extension options in estimated amounts not to exceed \$235,000 for each extension option, for a total estimated contract amount not to exceed \$1,410,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

56. Authorize award and execution of a 36-month requirements supply contract with FLINT TRADING INC., to provide thermoplastic pavement marking materials for the Transportation Department, in an estimated amount not to exceed \$780,000, with three 12-month extension options in estimated amounts not to exceed \$260,000 for each extension option, for a total estimated contract amount not to exceed \$1,560,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

57. Authorize award, negotiation, and execution of a 5-month contract with GROUP SOLUTIONS RJW (WBE/FB), or the other qualified offeror to RFP No. EAG0107, to provide marketing research and message development services for the Public Works Department's safe bicycling and walking campaign, in an amount not to exceed \$87,800. (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.) Funded from the Capital Budget .

The motion authorizing the award, negotiation and execution of a contract with Group Solutions RJW (WBE/FB) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

58. Authorize award and execution of a 24-month supply agreement with ZERO WASTE USA, for pet waste management bags and their dispensers and mounted waste receptacles for the Watershed Protection Department, in an amount not to exceed \$129,650 with three 12-month extension options each in an amount not to exceed \$64,825 for a total contract amount not to exceed \$324,125.(Notes: This contract will be awarded in compliance with Chapter 2-9D of the

City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

59. Authorize award and execution of a 36-month requirements service agreement with ACP INTERNATIONAL dba SA-SO, to provide indoor and outdoor decals for the Austin Resource Recovery Department's Strategic Initiatives Division in the amount not to exceed \$120,600, with three 12-month extension options in an amount not to exceed \$40,200 per extension for a total contract amount not to exceed \$241,200. (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 agreement with ACP International doing business as SA-SO was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

60. Authorize award and execution of a 8-month requirements contract through the Cooperative Purchasing Network with AUTOZONE for the purchase of automotive batteries and parts for the Fleet Services Department in an estimated amount not to exceed \$150,000, with four 12-month extension options in estimated amounts not to exceed \$270,000 for the first extension option, \$324,000 for the second extension option, \$388,800 for the third extension option and \$466,560 for the fourth extension option, for a total estimated contract amount not to exceed \$1,599,360. (Notes: This contract 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 requirements contract through the Cooperative Purchasing Network with AutoZone was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

61. Authorize award and execution of a 36-month requirements supply contract with RIDGWAYS LLC DBA ARC, to provide blueline printing and duplication services for the Public Works Department and the Parks and Recreation Department, in an estimated amount not to exceed \$795,000, with three 12-month extension options in an estimated amount not to exceed \$265,000 for each extension option, for a total estimated contract amount not to exceed \$1,590,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Ridgways LLC doing business as ARC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

62. Authorize award and execution of a 12-month requirements supply contract with LIBRARY IDEAS, LLC to provide downloadable licensed-content from the Sony Music Entertainment catalog for the Austin Public Library Department in an estimated amount not to exceed \$69,650, with five 12-month extension options in an estimated amount not to exceed \$69,500 per

extension option, for a total estimated contract amount not to exceed \$417,150. (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 Library Ideas, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

63. Authorize award and execution of a 12-month requirements supply contract with MATHESON TRI-GAS INC. for the purchase of bulk liquid nitrogen to be used at Austin Energy's Decker Creek Power Station in an estimated not to exceed \$26,900, with four 12-month extension options in an estimated amount not to exceed \$26,900 per extension option, for a total estimated contract amount not to exceed \$134,500. (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 Matheson Tri-Gas Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

64. Authorize award and execution of a 36-month requirements supply contract with ADK ENVIRONMENTAL INC., or one of the other qualified bidders for IFB-BV No. SDC0179, for vegetation control of creek buffer ponds for the Watershed Protection Department in an amount not to exceed \$162,000, with three 12-month extension options in an amount not to exceed \$54,000 for each option, for a total contract amount not to exceed \$324,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

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

65. Authorize award and execution of Amendment No. 1 to the contract with TRANE U.S., INC., for the purchase and installation of a centrifugal chiller at the John Henry Faulk Library, to increase the contract in an amount not to exceed \$61,449 for a revised total estimated contract amount not to exceed \$264,678. (Notes: This Cooperative Contract 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). Although no goals were established for this amendment, 0.00% MBE and 20.20% WBE subcontractor participation was identified.)

The motion authorizing the award and execution of amendment number one to the contract with Trane U.S., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

66. Approve second reading of an ordinance amending Ordinance No. 20070517-064, regarding the franchise to Lone Star Cab Company, to allow for additional franchise permits.

The second reading of the ordinance was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell,

Mayor Pro Tem Cole and Council Members Martinez, Morrison and Spelman. Those voting nay were: Council Members Tovo and Riley.

Item 67 was pulled for discussion.

68. 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.
The second reading of the ordinance was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Morrison and Spelman. Those voting nay were: Council Members Tovo and Riley.
69. Approve an ordinance amending Ordinance 20120412-021 relating to pedicabs, by extending the moratorium on new pedicab permits until April 23, 2014
Ordinance No. 20121011-069 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
70. Approve an ordinance amending the Fiscal Year 2012-2013 Austin Transportation Department Capital Budget (Ordinance No. 20120910-002) to accept and appropriate \$370,000 for the Capital Metropolitan Transportation Authority MetroRapid project.
Ordinance No. 20121011-070 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 71 was pulled to be heard after the staff presentation.

72. 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 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

Commission on Immigrant Affairs

Angela-Jo Touza-Medina

Council Member Spelman

Downtown Commission

Joah Spearman (representative, Austin Music Commission)

Mayor Pro Tem Cole

Library Commission

Lynne Wiggins

Mayor Leffingwell

Mexican American Cultural Center Advisory Board

Blanca Valencia

Council Member Spelman

Residential Design and Compatibility Commission

Karen McGraw

Council Member Spelman

Water and Wastewater Commission

Christianne Castleberry

Council Member Spelman

Waterfront Planning Advisory Board

Tyler Zickert

Mayor Leffingwell

Zoning and Platting Commission

Rahm McDaniel

Mayor Leffingwell

Nominations to Intergovernmental Bodies**Board/Nominee****Nominated by**Austin-Travis County EMS Advisory Board

Mark Clayton

Susan Pascoe

Mayor Leffingwell

Mayor Leffingwell

73. Approve an ordinance authorizing the reimbursement of certain fees and payment of certain costs for the City co-sponsored 2012 Fiesta del Grito de Independencia Celebration which was held on September 15, 2012. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)

Ordinance No. 20121011-073 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

74. Approve an ordinance amending Section 2-1-141 of the City Code relating to the membership and duties of the Downtown Commission. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)

Ordinance No. 20121011-074 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

75. Approve a resolution directing the City Manager to prepare a written report regarding options to reduce vehicle mileage of routes for trash disposal. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole)

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

Item 76 was pulled for discussion.

77. Approve a resolution directing the City Manager to identify a funding source for FY 2012-2013 and an ongoing funding source to support the Summer Musical Program at Zilker Hillside Theater. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

Resolution No. 20121011-077 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

78. Approve a resolution directing the City Manager to negotiate and execute an amended Parkland Improvement Agreement between the City of Austin and Core Health Foundation to construct a wheelchair accessible pier adjacent to the boardwalk at International Shores on Lady Bird Johnson Lake. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)

Resolution No. 20121011-078 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

79. Approve a resolution amending Council Resolution 20120524-092 to extend the term of the Council Special Committee on Economic Incentives to November 30, 2012. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)
Resolution No. 20121011-079 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
80. Approve a resolution directing the City Manager to include certain unfunded projects in the City's 1115 Medicaid Waiver application and to report back to the City Council within 90 days with a fiscal analysis and funding strategy for those projects. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
Resolution No. 20121011-080 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
81. Approve a resolution directing the City Manager to dedicate staff resources from relevant departments to help facilitate and oversee the planning process and be prepared to preliminarily report to Council no later than April 30, 2013 to ensure a comprehensive approach to capital improvements within the study area, provide bimonthly reports and provide a presentation to the Parks and Recreation Board prior to reporting to Council. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)
Resolution No. 20121011-081 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
82. Approve an ordinance waiving certain temporary vending permit fees required under City Code Chapter 10 for the 14th Annual Green Corn Project Fundraiser which is to be held on Sunday, October 28, 2012 at Boggy Creek Farm. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
Ordinance No. 20121011-082 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
83. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 to create the East Riverside Corridor (ERC) zoning district and establish associated use and site development regulations, amend Subchapter E: Design Standards & Mixed Use to exempt the ERC zoning district, and approve a collector street plan for the purposes of City Code Chapter 25-6 for the East Riverside Corridor Area. (Suggested date and time: November 8, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX.)
The public hearing was set on consent for November 8, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
84. Set a public hearing to consider an ordinance amending Chapter 25-2 relating to the granting of special exceptions. (Suggested date and time: November 1, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 1, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 85 and 86 were briefings set for 10:30 a.m.

Items 87 through 90 were Executive Session items.

Items 91 through 103 were zoning items set for 2:00 p.m.

Item 104 was a briefing set for 2:00 p.m.

Items 105 through 116 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

71. Approve an ordinance granting variances to TXI Operations, LP to allow construction of an internal haul road or conveyor in the critical water quality zone and regarding site plan expiration and project regulations.

There was a motion made to approve the ordinance on Council Member Spelman's motion, Council Member Martinez' second.

The motion to amend Part 1, section (D)(3) and Part 2, section (C) of the ordinance to read as follows was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

Part 1, (D)(3), should read, "the ability of TXI to conduct sand and gravel mining on the properties described in EXHIBIT A under the regulations in effect on October 30, 2008."

Part 2, (C), should read, "The variance in this Subsection (C) applies to site plan revision applications for the mining of sand and gravel on the properties described in EXHIBIT A. The variance is effective only after TXI has met all the conditions listed in Part 3 of this ordinance

Subject to the conditions listed in Part 3 of this ordinance, a variance is granted from City Code Section 25-1-533 (General Rules) to allow the sand and gravel operations and development applications on the properties described in EXHIBIT A to comply with the regulations in effect on October 30, 2008 rather than the regulations in effect on the date the application is filed. This variance does not apply to regulations exempt from Texas Local Government Code Chapter 245 (Issuance of Local Permits).

A motion to substitute the attached map of the wetland mitigation area which includes GPS coordinates for the EXHIBIT C attached to the ordinance was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

A motion to add a new subsection (e) to Part 3, (A)(7) to the ordinance as follows was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

Part 3, (A)(7)(e) should read, "TXI shall provide funding in an amount not to exceed \$21,500 per year for up to three years of additional monitoring by Travis County."

Ordinance No. 20121011-071 including the amendments above was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

BRIEFINGS

86. Presentation by ETC Institute on the results of the 2012 City of Austin Survey
The presentation was made by Chris Tatham, Vice President, ETC Institutes. Available for questions was: Ed Van Eenoo, Deputy Chief Financial Officer.
85. Design Waller: A Competition
The presentation was made by Stephanie McDonald, Executive Director of the Waller Creek Conservancy.

CITIZEN COMMUNICATIONS: GENEERAL

Tom McDill-SW Austin- SOS- Redevelopment ordinance, Children's Courtyard @ 5811 SW Parkway

Larry Alexander, Jr. spoke in place of Rosie Darby - General information regarding the Healthfair off 969 on October 13th.

Darrell Gest- Children's Courtyard redevelopment project in SOS zone

John Goldstone- Bonds equal taxes

Betty Williamson- The condition of Governor Hogg's cemetery plot at Oakwood Cemetery

Joshua Daniel- Refuting construction at Barton Springs Pool **Not present when name was called.**

Charlene Bell Nwagboso- I call it a title I heard on T.V. Newss Channel 8 YNN. Human trafficking. Identifying homeless in public loitering. Required to register in homeless shelter. Required all homeless shelter uniforms for all. Not allowed off premises without permission. Required ID homeless card. Homeless shelter facility work for facility required unless doctor documents. Also physical required HIV STD blood test required. AIDS medicine is ready. Just need not harmful. AIDS comes from unclean STD testing will help very much specifically make sure **Not present when name was called.**

Colin Clark- Closing the dirty coal plant

Joseph Iley- TDAA- Taxi cab issue

David W. Kelley- Extra taxis

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:32 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.

87. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).
This item was withdrawn without objection.
88. Discuss legal issues related to Mike Benavides, et. al v. City of Austin, No. A-11-CA-00438 LY, in the United States District Court, Western District of Texas Austin Division (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).
89. Discuss legal issues related to SOAH Docket No. 582-09-1617 TCEQ Docket No. 2008-1858-MWD, Application of Jeremiah Venture, LP for a new TLAP permit No. WQ0014785001 (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).
90. Discuss legal issues related to rules of decorum during City Council meetings and rules and laws related to public access to City Hall (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:53 p.m.

DISCUSSION ITEMS CONTINUED

6. Authorize the negotiation and execution of an amendment to the airport concession lease agreement with Lone Star Dreams, Inc. d/b/a Auntie Anne's to extend the term, require renovations, and modify other lease terms for the operation of a pretzel concession in the Austin-Bergstrom International Airport (ABIA) terminal.
This item was postponed to October 18, 2012 without objection.
7. Authorize the negotiation and execution of an amendment to the airport concession lease agreement with Knot Anymore, LLC to extend the term, add space to the leasehold premises, require renovations, and modify other lease terms for the operation of a chair and foot massage therapy place in the Austin-Bergstrom International Airport (ABIA) terminal.
This item was postponed to October 18, 2012 without objection.
8. Authorize the negotiation and execution of an amendment to the airport concession lease agreement with Brazos Concession Company/Salt Lick Joint Venture to extend the term, add space to the leasehold premises, require renovations, and modify other lease terms for the operation of restaurants and retail stores in the Austin-Bergstrom International Airport (ABIA) terminal.
This item was postponed to October 18, 2012 without objection.
9. Authorize the negotiation and execution of an amendment to the airport concession lease agreement with HONG XING, INC. to extend the term, add space to the leasehold premises, require renovations, and modify other lease terms for the operation of a Chinese food restaurant, kiosk, and food and wine bar in the Austin-Bergstrom International Airport (ABIA) terminal.
This item was postponed to October 18, 2012 without objection.

ZONING CONSENT ITEMS

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

91. NPA-2011-0025.02 - Landscape Resources - Approve second/third readings of an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 7401 Old Bee Caves Road (Williamson Creek) from Mixed Residential to Neighborhood Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Neighborhood Mixed Use. Applicant/Owner: WEAPSA, L.L.C.. Agent: A. Ron Thrower. City Staff: Maureen Meredith, 974-2695.
Ordinance No. 20121011-091 to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
92. C14-2012-0028 - 3rd & Colorado - Approve second/third readings of 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. First reading approved on August 16th, 2012. Vote 7-0. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Stephen O. Drenner). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 8, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
93. 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 311, 301 Colorado St. & 114 W. 3rd St. (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 November 8, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
94. 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 October 9, 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 November 1, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
95. 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 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) combining district zoning and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood

plan (CS-MU-V-CO-NP) combining district zoning to commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Staff Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Planning Commission Recommendation: To be reviewed on October 9, 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 November 1, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

96. C14-2012-0052 - George Shia Zoning - 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 and 5527 Sunshine Drive (Waller Creek Watershed) from townhouse and condominium residence-neighborhood plan (SF-6-NP) and limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to multi-family residence-high density-neighborhood plan (MF-5-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-high density-conditional overlay-neighborhood plan (MF-5-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on October 9, 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 November 1, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

97. NPA-2012-0005.01 - La Estancia Del Rio - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation of the future land use map (FLUM) on property locally known as 1700 1/2 Frontier Valley Drive (Carson Creek Watershed) from Commercial to Multifamily Residential, as amended. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 9, 2012. Owner: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.). Applicant/Agent: MWM Design Group (Amelia Lopez). City Staff: Justin Golbabai, 974-6439.

This item was postponed on consent to October 18, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

98. C14-2012-0067 - La Estancia Del Rio - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 1/2 Frontier Valley Drive (Carson Creek Watershed) from general commercial services - neighborhood plan (CS-NP) combining district zoning to multifamily residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, as amended. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 9, 2012. Owner: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.). Applicant/Agent: MWM Design Group (Amelia Lopez). City Staff: Lee Heckman, 974-7604.

This item was postponed on consent to October 18, 2012 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

99. C14-2012-0032 - Del Curto Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2905 Del Curto Road and 1814 Lightsey Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. Owner/Applicant: PSW Lightsey, LP (J. Ryan Diepenbrock). City Staff: Heather Chaffin, 974-2122.
This item was postponed on consent to November 1, 2012 at the applicant's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
101. C14-2012-0075 - 2885 State Highway 71 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2885 East State Highway 71 (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Owner/Applicant: Jack W. Anderson and Helen M. Detert. Agent: Cuatro Consultants, Ltd. (Hugo Elizondo). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121011-101 for general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
102. C14-2012-0077 - 718 W. Slaughter Lane Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 718 West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning, with conditions. Owner/Applicant: Reza Rezaee. City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121011-102 for general office-conditional overlay (GO-CO) combining district zoning, with conditions was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
103. C14-2012-0098 - Crestview Station Residential - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 905 Banyon Street (Waller Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Applicant: Continental Homes (Richard Maier). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to October 18, 2012 at the applicant's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.

ZONING DISCUSSION ITEM

100. C814-2012-0071 - Broadstone at the Lake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 422 West Riverside Drive and 201 South First Street (Town Lake Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Owner/Applicant: David Dunlap (Brandon Easterling). City Staff: Heather Chaffin, 974-2122.

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Spelman to postpone this item to October 18, 2012. There was a friendly amendment made by Council Member Tovo to postpone this item to November 1, 2012. This motion was not accepted by the maker of the motion.

There was a substitute motion that was made by Council Member Tovo and seconded by Council Member Morrison to postpone this item to November 1, 2012. This motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

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

DISCUSSION ITEMS CONTINUED

5. Approve an ordinance amending the City Code to add a new Chapter 15-12 related to water wells, establishing registration requirements, and establishing penalties for violations.
Ordinance No. 20121011-005 was approved per the amended copy provided to Council during the meeting on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.
30. Approve the negotiation and execution of a temporary License Agreement with American Youth Hostels, Inc., d/b/a Hostelling International-USA ("HI-USA"), on park land located at 2200 S. Lakeshore Drive, for an initial term of five years with one five-year renewal option, in exchange for a license payment to City of \$2,000 per month, and approve a resolution waiving the requirements of the City's policy related to concessions on park land, adopted by Council Resolution No. 980312-025, for a food and beverage and stand-up paddle board concession agreement between HI-USA and EpicSUP.
The motion authorizing the negotiation of a temporary license agreement with American Youth Hotels, Inc. doing business as Hostelling International-USA ("HI-USA") was approved on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais. Direction was given to staff to take this item to the Parks Board after the negotiation is completed and return it to Council for execution.
34. Approve the execution of an amendment to an interlocal agreement regarding the release of extraterritorial jurisdiction to the City of Bee Cave.
The motion authorizing the execution of an amendment to an interlocal agreement with the following friendly amendment was approved on Council Member Martinez' motion, Mayor Leffingwell's second on a 7-0 vote. There was a friendly amendment made by Council Member Morrison to change EXHIBIT B, 3(A) to say at least 75% of the Members of the Council of the City of Austin would be required to approve the modification of the agreement. The amendment was accepted by the maker of the motion and Mayor Leffingwell who made the second.

67. Authorize negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority for receipt and administration of a federal grant from the Surface Transportation Program Metropolitan Mobility program awarded by the Capital Area Metropolitan Planning Organization to the City to perform project development studies and engineering for the Urban Rail Program in the amount of \$4,000,000.
The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Tovo was off the dais.
76. Approve a resolution directing the City Manager to develop a review process for potential real estate sales of City-owned land. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)
Resolution No. 20121011-076 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
21. Approve a settlement in SOAH Docket No. 582-09-1617 TCEQ Docket No. 2008-1858-MWD, Application of Jeremiah Venture, LP for a new TLAP permit No. WQ0014785001. Related to Item 89
The motion to deny the settlement in SOAH Docket number 582-09-1617 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to continue with litigation.

PUBLIC HEARINGS AND POSSIBLE ACTION

105. Conduct a public hearing for the full purpose annexation of the Westlake Crossroads/Loop 360 Right-of-Way annexation area (approximately 162 acres in Travis County at the southeast corner of the intersection of Loop 360 and Westbank Drive, including approximately two and a half miles of Loop 360 right of way between the intersection of Bee Caves Road and Walsh Tarlton Lane).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.
106. Conduct a public hearing for the full purpose annexation of the Estancia Hill Country/Wunneburger-Strange annexation area (approximately 619 acres in southern Travis County, west of IH 35 South and approximately eight tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 5:37 p.m.

LIVE MUSIC

Aaron Tinjum and the Tangents

PROCLAMATIONS

Parks & Recreation Department Arts & Humanities Awards -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- Public Power Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Larry Weis

Proclamation -- Arts and Humanities Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Megan Crigger

Proclamation -- Toastmasters Recruitment Month -- to be presented by TBA and to be accepted by Cindy Garcia

Proclamation -- AIDS Walk -- to be presented by Council Member Laura Morrison and to be accepted by Paul Scott

Proclamation -- Doing Time on the Outside Program -- to be presented by Council Member Kathie Tovo and to be accepted by Margo Frasier

Proclamation - National Chess Month - to be presented by Council Member Chris Riley and to be accepted by members of Austin Giant Chess

Mayor Leffingwell called the Council Meeting back to order at 7:04 p.m.

BRIEFING ON PLANNED UNIT DEVELOPMENT ASSESSMENTS

104. CD - 2012-0016 - Development Assessment of ThinkEast Austin Planned Unit Development, located at 1141 1/2 Shady Lane, within the Boggy Creek and Tannehill Branch Watershed. **The presentation was made by Jerry Rusthoven, Manager, Planning and Development Review, and Pete Dwyer, Wildhorse Development.**

DISCUSSION ITEMS CONTINUED

12. Approve a resolution making an initial determination as to whether good cause exists to believe that alleged wage violations occurred on City of Austin construction projects for prevailing wage complaints, in accordance with Section 2258.052 of the Texas Government Code, and as recommended by staff, on the following projects: 1) North West Recreation Center Expansion and Improvements; 2) Dittmar Gym Enclosure Rebid; 3) Austin Resource Center for the Homeless (ARCH) Shower Renovations; 4) African American Cultural & Heritage Facility; and 5) Austin Convention Center Concession Area Repair. **Resolution No. 20121011-012 was approved with an amended Exhibit A on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.**

PUBLIC HEARING AND POSSIBLE ACTION CONTINUED

107. Conduct a public hearing for the full purpose annexation of the Parmer Lane Luxury Apartments annexation area (approximately 71 acres in northern Travis County east of Parmer Lane and north of the intersection of Parmer Lane and Legendary Drive). **The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 5-0 vote. Council Members Martinez and Spelman were off the dais.**

108. Conduct a public hearing for the full purpose annexation of the Avaña Phase 1 annexation area (approximately 28 acres in northeastern Hays County, approximately one mile south of the intersection of State Highway 45 and Escarpment Blvd).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Members Martinez and Spelman were off the dais.
109. Conduct a public hearing for the full purpose annexation of the Greyrock Ridge annexation area (approximately 178 acres in southwestern Travis County, south of the intersection of South Mopac Expressway and State Highway 45).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Members Martinez and Spelman were off the dais.
110. Conduct a public hearing for the full purpose annexation of the Upper Bear Creek COA Parcels annexation area (approximately 1,102 acres in southwestern Travis County and northeastern Hays County, east of South Mopac Expressway at the intersection of South Mopac Expressway and State Highway 45).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 5-0 vote. Council Members Martinez and Spelman were off the dais.
111. Conduct a public hearing for the full purpose annexation of the Lynnbrook Drive annexation area (approximately 16 acres in southern Travis County north and south of Lynnbrook Drive and approximately one quarter mile west of the intersection of Old Manchaca Road and Lynnbrook Drive).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Tovo's motion, Council Member Morrison second on a 6-0 vote. Council Member Spelman was off the dais.
112. Conduct a public hearing for the full purpose annexation of the Wells Fargo Tract annexation area (approximately 161 acres in Travis County at the southwest corner of the intersection of US Highway 290 East and State Highway 130).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.
113. Conduct a public hearing for the full purpose annexation of the Dessau Business Park annexation area (approximately 151 acres in northeastern Travis County, east of the intersection of Dessau Road and Howard Lane).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
114. Conduct a public hearing for the full purpose annexation of the Marbella annexation area (approximately 114 acres in southern Travis County, east of IH 35 South and approximately 3,400 feet north of the intersection of IH 35 and Slaughter Lane).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

116. Conduct a public hearing for the full purpose annexation of the Circuit of the Americas annexation area (approximately 1,584 acres in Travis County, south of Pearce Lane and approximately one half mile east of the intersection of Pearce Lane and Ross Road).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.
115. Conduct a public hearing and consider a resolution reauthorizing the Austin Downtown Public Improvement District for a period of ten years in accordance with Chapter 372, Texas Local Government Code. Related to Item #16.
The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20121011-115 was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole abstained.

DISCUSSION ITEMS CONTINUED

16. Authorize the negotiation and execution of a management agreement with the Downtown Austin Alliance for management of public services funded by the Austin Downtown Public Improvement District for a period of ten years in an amount not to exceed \$6,000,000 per year. Related to Item #115.
The motion authorizing the negotiation and execution of a management agreement with the Downtown Austin Alliance was approved on Council Member Riley's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole abstained.
117. Approve a resolution directing the City Manager to (1) remove the parcel of land at 64 Rainey Street from consideration for sale or development; (2) develop a range of options for use of this parcel of land by the Parks and Recreation Department for specific development that would address the needs of the adjacent Emma S. Barrientos Mexican American Cultural Center (ESBMACC) and incorporate this parcel of land into the ESBMACC master plan; and (3) return to Council with options for consideration and action no later than December 1, 2012. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)
Item 117: There was a motion to approve Resolution No. 20121011-117 that was made by Council Member Martinez and seconded by Council Member Morrison. However, Mayor Pro Tem Cole made a substitute motion to approve the negotiation and execution of all documents and instruments necessary or desirable to sell a parcel of land with the understanding that there would be future Council consideration to use the proceeds from the sale to fund programs recommended in the Hispanic Quality of Life Initiative with \$200,000 of the proceeds designated for projects or events that were previously funded through the Holly Good Neighbor Program. The City Attorney determined that the substitute motion was not germane to the posted items. The Mayor Pro Tem modified her substitute motion to approve Item 25 as posted. This modified substitute motion was seconded by Council Member Riley. The substitute motion failed on a 3-4 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Members Martinez, Morrison, and Tovo. When the substitute motion failed, Council voted on the main motion and approved Resolution No. 20121011-117 on a 4-3 vote. Those voting aye were: Mayor Leffingwell and Council Members Martinez, Morrison, and Tovo. Those voting nay were: Mayor Pro Tem Cole and Council Members Riley and Spelman.

25. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell an approximate 0.2699 acre parcel of land, located on Lot A, Rainey River Addition, according to the map or plat thereof, recorded in Volume 68, Page 72, Plat Records, Travis County, Texas and locally known as 64 Rainey Street, Austin, Travis County Texas to 70 RAINEY STREET, LP for \$1,200,000. Related to Items #24, #26 and #117
This item failed as a substitute motion to Item 117 on a 3-4 vote. Mayor Pro Tem Cole made the motion. It was seconded by Council Member Riley. Those voting aye were: Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Members Martinez, Morrison and Tovo. Following approval of Item 117 this Item 25 was withdrawn without objection.
24. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell an approximate 0.2699-acre parcel of land, located on Lot A, Rainey River Addition, according to the map or plat thereof, recorded in Volume 68, Page 72, Plat Records, Travis County, Texas and locally known as 64 Rainey Street, Austin, Travis County, Texas to 70 RAINEY STREET, LP for \$100,000 plus 30 privately managed, controlled access, public parking spaces, with all revenue generated from the spaces, less cost of maintenance and management of the spaces remitted to the City at least quarterly. Related to Items #25, #26 and #117
Following approval of Item 117, this Item 24 was withdrawn without objection.
26. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell an approximate 0.2699 acre parcel of land, located on Lot A, Rainey River Addition, according to the map or plat thereof, recorded in Volume 68, Page 72, Plat Records, Travis County, Texas and locally known as 64 Rainey Street, Austin, Travis County Texas to 70 RAINEY STREET, LP for a combination of \$400,000 plus twenty (20) privately managed, controlled access, public parking spaces, with all revenue generated from the spaces, less cost of maintenance and management of the spaces remitted to the City of Austin at least quarterly. Related to Items #24, #25 and #117
Following approval of Item 117, this Item 26 was withdrawn without objection.

Mayor Leffingwell adjourned the meeting at 9:30 p.m. without objection.

The minutes for the meeting were approved on this the 18th day of October 2012 on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.