AUSTIN CITY COUNCIL **REGULAR MEETING**
MINUTES **THURSDAY, NOVEMBER 1, 2012**

Invocation: Pastor Gerald Johnson, Faith Culture 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, November 1, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:09 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session meeting of October 16, 2012 and regular meeting of October 18, 2012.
The minutes from the City Council work session of October 16, 2012 and regular meeting of October 18, 2012 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Authorize execution of an interlocal agreement between the City and the Travis County Healthcare District to provide ground emergency medical services to District's eligible Medical Assistance Program beneficiaries for a fee of $696,822 for an initial term of one year beginning on October 1, 2012, with an option to renew for three additional one-year terms.
The motion authorizing the execution of an interlocal agreement between the City and the Travis County Healthcare District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

4. Authorize execution of an interlocal agreement between the City and Austin Community College to provide classes for college credit to Austin Fire Department employees for cadet and advanced firefighting training.
The motion authorizing the execution of an interlocal agreement between the City and Austin Community College was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

5. Authorize execution of a 12-month interlocal agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, BUREAU OF VITAL STATISTICS, for remote certification of vital records for a

one-year term beginning October 1, 2012 in an amount not to exceed $100,000, with four 12-month extension options not to exceed $120,000 per extension option.
This item was postponed to November 8, 2012 on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 6 was pulled to be heard after the staff presentation.

Item 7 was pulled to be heard after related item #56.

8. Approve five temporary designated smoking areas at Auditorium Shores in accordance with City Code Chapter 10-6 for the Fun Fun Fun Fest event on November 2-4, 2012.
The motion to approve five temporary designated smoking areas at Auditorium Shores was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

9. Authorize 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 standup paddle board concession agreement between HI-USA and EpicSUP.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

10. Approve an ordinance adopting the Marbella Annexation and Development Agreement for approximately 114 acres in southern Travis County east of IH 35 South approximately 3,400 feet north of the intersection of IH 35 and Slaughter Lane.
Ordinance No. 20121101-010 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

11. Authorize negotiation and execution of an interlocal agreement between the City and Travis County to cover the cost of temporary personnel and multiple programming options for juvenile offenders and their families in an amount not to exceed $68,000.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

12. Authorize the negotiation and execution of an interlocal agreement with Texas State University - San Marcos to reimburse costs of law enforcement services for the Fiscal Year 2013 Texas Tobacco Enforcement Program for a total reimbursement not to exceed $26,025.
The motion authorizing the negotiation and execution of an interlocal agreement with Texas State University was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 13 was pulled for discussion.

14. Authorize award and execution of a 36-month service contract with ALTEC, INC., to provide original equipment manufacturer parts and repair services for utility equipment for the Fleet Services Department in an amount not to exceed $360,050 with three 12-month extension options in estimated amounts not to exceed $168,910 for the first extension option, $201,742 for the second extension option, and $241,141 for the third extension option, for a total estimated contract amount not to exceed $971,843. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

15. Authorize award, negotiation, and execution of a 24-month requirements supply contract with SIEMENS ENERGY, INC., or the other qualified offeror to RFP No. GAL0007, for the purchase of 145kV dead tank circuit breakers for use at Austin Energy substations in an estimated amount not to exceed $2,593,952, with three 12-month extension options in an estimated amount not to exceed $1,296,976 per extension option, for a total estimated contract amount not to exceed $6,484,880. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements supply contract with Siemens Energy, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

16. Authorize award, negotiation, and execution of a 24-month requirements supply contract with CONTROL PANELS USA, INC., or the other qualified offeror to RFP No. GAL0008, for the purchase of relay panels for use at Austin Energy substations in an estimated amount not to exceed $2,524,254, with three 12-month extension options in an estimated amount not to exceed $1,262,127 per extension option, for a total estimated contract amount not to exceed $6,310,635. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements supply contract with Control Panels USA, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

17. Authorize award, negotiation, and execution of a contract with BARON USA, INC. for the refurbishment and upgrade of an oil processor for Austin Energy substation equipment in an estimated amount not to exceed $185,000. (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, negotiation and execution of a contract with Baron USA, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

18. Authorize award, negotiation and execution of a 12-month requirements supply and service contract with LCG CONSULTING for the purchase of a UPLAN software license and support services for Austin Energy in an estimated amount not to exceed $178,000, with four 12-month extension options in an estimated amount not to exceed $178,000 per extension option, for a total estimated contract amount not to exceed $890,000. (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, negotiation and execution of a requirements supply and service contract with LCG Consulting was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

17. Authorize award, negotiation, and execution of a contract with Baron USA, Inc. for the refurbishment and upgrade of an oil processor for Austin Energy substation equipment in an estimated amount not to exceed $185,000. (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, negotiation and execution of a contract with Baron USA, Inc. was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 19 was pulled to be heard after the staff presentation.

20. Authorize award and execution of a 12-month service agreement with LONGHORN INTERNATIONAL TRUCKS LTD., for the lease of a heavy duty hauling truck for Austin Energy in an estimated amount not to exceed $30,220, with two 12-month extension options in an estimated amount not to exceed $30,220 per extension option, for an total estimated contract amount not to exceed $90,660. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a service agreement with Longhorn International Trucks Ltd. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

21. Authorize award and execution of a 12-month requirements service contract with PHYSIO-CONTROL, INC., to provide maintenance, repair, and supplies for the cardiac defibrillators monitors used by the Emergency Medical Services Department in an estimated amount not to exceed $270,032, with one 12-month extension option in an estimated amount not to exceed $270,032, for a total estimated contract amount not to exceed $540,064.(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 Physio-Control, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

22. Authorize negotiation and execution of a professional services contract with ESI INTERNATIONAL, for contract monitoring training and materials for all City departments for a twenty-four (24) month term in an estimated amount not to exceed $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 negotiation and execution of a professional services contract with ESI International was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Original language as approved on November 8, 2012.

23. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments with SANTEX TRUCK CENTERS, LTD for the purchase of four roll-off chassis in an amount not to exceed $484,922. (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 contract.) Recommended by the Zero Waste Advisory Commission provided the roll-off equipment is never used for commercial purposes or to provide services to property types not currently served by Austin Resource Recovery.
The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments with Santex Truck Centers, Ltd. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Amended language as approved on December 6, 2012

The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments with Santex Truck Centers, Ltd. was approved on consent including the Zero Waste Advisory Commission's Recommendation on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

24. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SIDDONS-MARTIN EMERGENCY GROUP for the purchase of the six pumper fire-trucks in an amount not to exceed $2,850,250. (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 contract.)
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Siddons-Martin Emergency Group was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Original language as approved on November 8, 2012.

25. Authorize award and execution of six contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: CHASTANG ENTERPISES, INC., dba CHASTANG'S BAYOU CITY AUTOCAR for the purchase of 11 Autocar refuse truck chassis in the amount of $1,586,979; RUSH TRUCK CENTERS OF TEXAS, L.P. for the purchase of 2 UD refuse truck chassis in an amount not to exceed $185,316; LONGHORN INTERNATIONAL TRUCKS, LTD. for the purchase of 1 Crane Carrier CNG refuse truck chassis and 6 Crane Carrier biodiesel refuse truck chassis in an amount not to exceed $1,343,434; TEXAN WASTE EQUIPMENT, INC., dba HEIL OF TEXAS for the purchase of 19 Heil refuse bodies, 4 roll-off bodies, 2 roll-off trailers and 10 roll-off containers in an amount not to exceed $3,863,705; GRANDE FORD TRUCK SALES, INC. for the purchase of 2 Mack truck chassis in an amount not to exceed $231,366 and EQUIPMENT SOUTHWEST, INC. for the purchase of 2 hydraulic loading arms and 2 sidewalk sweepers in an amount not to exceed $285,311. (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 contract.) Recommended by the Zero Waste Advisory Commission provided the roll-off equipment is never used for commercial purposes or to provide services to property types not currently served by Austin Resource Recovery.
The motion authorizing the award and execution of six contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Chastang Enterprises, Inc., doing business as Chastang's Bayou City Autocar; Rush Truck Centers of Texas, L.P.; Longhorn International Trucks, Ltd.; Texan Waste Equipment, Inc., doing business as Heil of Texas; Grande Ford Truck Sales, Inc., and Equipment Southwest, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Amended language as approved on December 6, 2012

The motion authorizing the award and execution of six contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Chastang Enterprises, Inc., doing business as Chastang's Bayou City Autocar; Rush Truck Centers of Texas, L.P.; Longhorn International Trucks, Ltd.; Texan Waste Equipment, Inc., doing business as Heil of Texas; Grande Ford Truck Sales, Inc., and Equipment Southwest, Inc. was approved on consent including the Zero Waste Advisory Commission's Recommendation on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

26. Authorize award, negotiation, and execution of a 60-month revenue contract with FREEMAN AUDIO VISUAL SOLUTIONS, INC. to provide audio visual and rigging services for the Austin Convention Center Department for a total estimated contract revenue of $2,500,000. (Notes: This contract will be awarded in

compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a revenue contract with Freeman Audio Visual Solutions, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Items 27 and 28 were set for a time certain of 2:00 p.m.

29. Authorize negotiation and execution of an agreement between the City and Travis County regarding the purchase and construction of right-of-way on Slaughter Lane from the eastern limits of Goodnight Ranch Subdivision (Old Lockhart Highway) to Thaxton Road in an amount not to exceed $300,000.
The motion authorizing the negotiation and execution of an agreement between the City and Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

30. Authorize negotiation and execution of an agreement between the City and Travis County regarding the construction and purchase of right-of-way on Tuscany Way South from US 290 East to Springdale Road in an amount not to exceed $505,917.
The motion authorizing the negotiation and execution of an agreement between the City and Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

31. Approve an ordinance amending Ordinance No. 20120910-003, Austin Transportation Department Fee Schedule, to implement fees for special event temporary vehicle and temporary chauffeur permits.
Ordinance No. 20121101-031 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

32. 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 Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Nominations

Board/Nominee	**Nominated by**
Downtown Commission	
Bruce Willenzik (representative, Arts Commission)	Mayor Leffingwell
Urban Forestry Board	
Daniel VanTreeck	Council Member Riley
Urban Transportation Commission	
Meredith Highsmith	Council Member Spelman

33. Approve an ordinance waiving certain banner fees for the Edible Austin Eat Drink Local Week sponsored by Edible Austin which is to be held on December 1-8, 2012 throughout Austin. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)
Ordinance No. 20121101-033 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

34. Approve an ordinance waiving certain banner fees for the Day of Tango Festival sponsored by the Academy of Tango-Texas which is to be held December 8-11, 2012 at the Ben Hur Shrine Temple Auditorium. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)
Ordinance No. 20121101-034 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

35. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the City co-sponsored 2012 Veteran's Day Parade with the Travis County Veterans Service Office, which is to be held on Sunday, November 11, 2012 from the Ann Richards Congress Avenue Bridge to the Capitol Building. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)
The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2012 Veteran's Day Parade with the Travis County Veterans Service Office was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

36. Approve an ordinance waiving certain fees and requirements for the Koblenz Sister City gathering to be held November 1, 2012, at the Zilker Club House. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Chris Riley)
Ordinance No. 20121101-036 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

37. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 5th annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church which is to be held on Saturday, March 30, 2013 beginning and ending at St. James Missionary Baptist Church. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)
The motion to approve the waiver of certain fees and requirements for the 5th annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

38. Approve a resolution directing the City Manager to apply for grant funding from the Texas Department of Transportation to implement a program to teach residents how to use car child safety seats correctly and to coordinate with appropriate city departments to encourage registration in the classes. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Item 39 was pulled for discussion.

62. Approve a resolution adopting the City of Austin Fiscal Year 2012-13 Investment Policy.
Resolution No. 20121101-062 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

63. Approve a resolution directing the City Manager to apply for grant funding from the Texas Department of Transportation and other appropriate agencies to support implementation of a program to teach residents how to use car child safety seats correctly and to coordinate with appropriate city departments to encourage registration in the program's classes. (SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
Resolution No. 20121101-063 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Items 40 and 41 were briefing items set for 10:30 a.m.

Item 42 was an Executive Session item.

Items 43 through 53 were zoning items set for 2:00 p.m.

Items 54 through 61 were public hearing items set for 4:00 p.m.

Items 62 and 63 were addendum items.

DISCUSSION ITEMS

6. Approve a settlement related to Jasmin Ramirez' property and personal injury claim.
The motion to settle the above referenced lawsuit, by the City paying $250,000 to Jasmin Ramirez, was approved on Council Member Spelman's motion, Council Member Morrison's second, on a 7-0 vote. The property amount which was previously paid will be deducted from the $250,000 and in return the City of Austin will receive a release of liability.

19. Authorize award and execution of a supply contract for the purchase of dual socket meter adapters for Austin Energy with TEXAS METER & DEVICE COMPANY, LLC., in an amount not to exceed $106,986, or the following qualified bidder, consistent with local preference law, KBS ELECTRICAL DISTRIBUTORS, INC., in an amount not-to-exceed $109,718. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a supply contract with KBS Electrical Distributors, Inc., the third lowest bidder was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

BRIEFINGS

40. Staff briefing on a process to revise the City of Austin Land Development Code
The presentation was made by Garner Stoll and George Adams, Assistant Directors, Planning and Development Review Department.

41. Briefing on the East Riverside Corridor Regulating Plan
The presentation was made by Erica Leak, Planner Principal, Planning and Development Review Department. Available for questions were: Greg Guernsey, Director of Planning and Development Review Department and Betsy Spencer, Director of Neighborhood Housing.

CITIZEN COMMUNICATIONS: GENERAL

Robert Morrow- The necessity not to have a tax payer fundend medical school in Travis County

Jon Button- April Moore being assigned supervisor

Ronnie Reeferseed- Peace, freedom, fluoride and the killgrid

Dave Kelley- Taxi driver safety

Dave Passmore- Taxi issue

Carlos León- 1. Chemtrails are wrong 2. TBS

Linda Greene- Who is Pew??? and why are they hell-bent on quashing and squashing and anti-fluoride movement?

Charlene Franz- The Mseum of Fine Arts, Austin has been doing shows for 21 years benefiting international, national and local artists. Check www.freewebs.com/mtaa

Paula Harrison- 6th Street projects citizens of Austin want and closing of bars on 6th Street

Carolannrosefromthedeadkennedys- LIFE IS LIKE A BOX OF CHOCOLATES YOU NEVER KNOW WHAT YOU ARE GOING TO GIT **Not present when name was called.**

EXECUTIVE SESSION

42. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).
This item was withdrawn without objection.

Mayor Pro Tem Cole recessed the Council Meeting at 12:31 p.m.

Mayor Leffingwell called the Council Meeting back to order at 2:07 p.m.

DISCUSSION ITEMS CONTINUED

13. Approve an ordinance accepting $1,000,000 in grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; and amending the Fiscal Year 2012-2013 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate $1,000,000 for the Austin Police Department project entitled City of Austin Byrne Criminal Justice Innovation Program.
Ordinance No. 20121101-013 was approved Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

2. Authorize award and execution of a 36-month interlocal agreement with THE UNIVERSITY OF TEXAS, PROFESSIONAL DEVELOPMENT CENTER, Austin, TX, to develop and deliver training to small business owners in an amount not to exceed $470,250 with two additional 12 month extension options in an amount not to exceed $156,750, for a total agreement amount not to exceed $783,750.
The motion authorizing the award and execution of an interlocal agreement with The University of Texas, Professional Development Center was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

39. Approve a resolution directing the City Manager to seek input from interested community stakeholders regarding desirable components of an integrated emergency tenant displacement response plan for rental residents and to communicate the plan once finalized to applicable constituencies. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
Resolution No. 20121101-039 with the following amendment was approved on Council Member Martinez' motion, Council Member Tovo's second on a 7-0 vote.

The amendment should read:

"Whereas, single family residents may also be impacted by a catastrophic event such as a fire or flooding, any new policy should also help those residents get back in their homes as soon as possible and/or begin the rebuilding process; and

Be it further resolved that in the event of a fire, flood or other catastrophic event homeowners should have the opportunity to apply for "hardship" consideration to allow expedited demolition and building permitting."

27. Approve third reading of an ordinance amending Ordinance No. 20070517-064, regarding the franchise to Lone Star Cab Company, to allow for additional franchise permits.
There was a motion by Council Member Spelman and seconded by Council Member Martinez to approve the ordinance.
There was a substitute motion that was made by Council Member Tovo and seconded by Council Member Riley to postpone this item to December 6, 2012. The motion failed on a vote of 2-5. Those voting aye were: Council Members Riley and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Morrison and Spelman.

Ordinance No. 20121101-027 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Morrison and Spelman. Those voting nay were: Council Members Riley and Tovo.

28. Approve third 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.
Ordinance No. 20121101-028 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Morrison and Spelman. Those voting nay were: Council Members Riley and Tovo.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

43. 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 deny Multifamily land use. 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 November 8, 2012 at the staff and applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

44. 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 multifamily-high density-neighborhood plan (MF-5-NP) combining district zoning. Staff Recommendation: To grant multifamily-high density-neighborhood plan-conditional overlay (MF-5-NP-CO) combining district zoning. Planning Commission Recommendation: To deny multifamily-high density-neighborhood plan-conditional overlay (MF-5-NP-CO) combining district zoning. Applicant: George Shia. Agent: Coats,

Rose, Yale, Ryman, & Lee (John Joseph). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to November 8, 2012 at the staff and applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

45. C14-2009-0055.01 (formerly identified as 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 and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, 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 and general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To deny 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 change a condition of zoning. 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 8, 2012 at the staff and applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

46. C14-04-0181.SH(RCA) - Shire's Court - Conduct a public hearing to amend a restrictive covenant for the property locally known as 1910 1/2 Wickshire Lane (Country Club East Creek Watershed). Staff Recommendation: To deny the amendment to the restrictive covenant. Planning Commission Recommendation: To be reviewed on November 13, 2012. Owner/Applicant: Shire's Court, Ltd. and the Owners of Edgewick (David Mahn). Agent: Benchmark Development (Myra Goepp). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to December 13, 2012 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

47. 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 December 6, 2012 at the neighborhood's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

48. C14-2012-0094 - MAD Tillman Therapy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11007 FM 2222 (West Bull Creek Watershed; Panther Hollow Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining

district zoning, with conditions. Applicant: MAD Tillman, Inc. (Michael Tillman). Agent: LOC Consultants, Inc. (Sergio Lozano). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121101-048 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

51. C14-2012-0106 - 5th & San Jacinto Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 East 5th Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district 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: Harry Whittington, Mercedes Whittington, Sally May, Mercedes Greg, Margaret Puckett Trust, Sara May Trust, Caroline Puckett Trust, Michael May Trust, Camille May Trust, William Puckett Trust, Claire Whittington Trust. Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 8, 2012 at the staff and applicant's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

52. C14-2012-0110 - Arriaga and Maldonado Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7600 Wynne Lane (South Boggy Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: Jacqueline Arriaga and Martin Maldonado. City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121101-052 for family residence (SF-3) district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 54, 55, and 58 through 61were acted on in a combined motion.

54. Conduct a public hearing and consider an appeal by John Plyler regarding an Outdoor Music Venue permit issued for Cheer Up Charlie's, located at 1104 E 6th Street.
This item was postponed to November 8, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

55. Conduct a public hearing and consider an appeal by the owner Tamara Hoover regarding conditions placed on an Outdoor Music Venue permit issued for Cheer Up Charlie's, located at 1104 E 6th Street.
This item was postponed to November 8, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

58. 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 December 13, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

59. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district.

This item was postponed to November 8, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

60. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to the local uses, development standards, and requirements for compliance within the university neighborhood overlay (UNO) district.
This item was postponed to November 8, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

61. Conduct a public hearing and consider an ordinance amending Chapter 25-2-476, relating to the requirements for granting special exceptions from setback regulations.
This item was postponed to November 8, 2012 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

53. C14H-2012-0009 - S. Leroy and Josephine Brown House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2707 Hemphill Park (Waller Creek Watershed) from multi-family residence-high density-neighborhood conservation- neighborhood plan (MF-5-NCCD-NP) combining district zoning to multi-family residence-high density-historic landmark-neighborhood conservation-neighborhood plan (MF-5-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-high density-historic landmark-neighborhood conservation-neighborhood plan (MF-5-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-high density-historic landmark-neighborhood conservation-neighborhood plan (MF-5-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-high density-historic landmark-neighborhood conservation-neighborhood plan (MF-5-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. Owner: Purple Owl House Corporation. City Staff: Steve Sadowsky, 974-6454.
There was a motion made by Council Member Tovo and seconded by Council Member Spelman to postpone this item to November 8, 2012. The motion failed on a vote of 3-4. Those voting aye were: Mayor Pro Tem Cole and Council Members Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Martinez, Morrison and Riley.

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

49. C14-2012-0103 - Texas PTA Rezoning #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 416 West 11th Street (Town Lake Watershed) from general commercial services (CS) district zoning to downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning. Staff Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning. Applicant: Texas Congress of Parents & Teachers (Kyle Ward). Agent: Garrett-Ihnen Civil Engineers, Inc. (Mike Wilson). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121101-049 for downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

50. C14-2012-0102 - Texas PTA Rezoning #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 408 West 11th Street (Town Lake Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning. Staff Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning. Applicant: Texas Congress of Parents & Teachers (Kyle Ward). Agent: Garrett-Ihnen Civil Engineers, Inc. (Mike Wilson). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121101-050 for downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

56. Conduct a public hearing in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code and consider a resolution approving the use of approximately 130,283 square feet of land for construction, operation, maintenance, repair, and replacement of a rainwater storage and water quality system for the Seaholm Power Plant Redevelopment Project through dedicated parkland known as Shoal Beach at Town Lake Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. Related to Item #7.
The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20121101-056 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

7. Authorize the negotiation and execution of a license agreement between the City and the City's development partner, SEAHOLM POWER DEVELOPMENT LLC, to install, operate, maintain, repair and replace a rainwater storage and water quality system for the Seaholm Power Plant Redevelopment Project. Related to Item #56.
The motion authorizing the negotiation and execution of a license agreement between the City and Seaholm Power Development LLC was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

57. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to define a new land use "Pedicab Storage and Dispatch" and to identify the zoning districts in which the use is permitted.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20121101-057 was approved on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 5:20 p.m. without objection.

LIVE MUSIC

The Eggmen

PROCLAMATION

Distinguished Service Award and Installation into the Employee Memorial -- Timothy Louviere, AWU -- to be presented by Mayor Lee Leffingwell and City Manager Marc Ott and to be accepted by family members

Proclamation -- Municipal Courts Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Judge Evelyn McKee and Rebecca Stark

Proclamation -- National Diabetes Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Phil Huang and Dr. Daniel Crowe

Certificates of Appreciation -- Foundation for the Homeless Emergency Shelter for Women providers -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by representatives of area churches

Proclamation -- Workers Defense Fund's 10th Anniversary -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by WDF staff

Proclamation -- National Adoption Day -- to be presented by Council Member Kathie Tovo and to be accepted by Murray Chanow and Denise Hyde

The minutes were approved on this the 8th day of November 2012 on Mayor Pro Tem Cole's motion. Council Member Morrison's second on a 7-0 vote.

The approved minutes of November 1, 2012 were amended on December 6, 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Amendment was made to items No. 23 and 25.