



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, DECEMBER 13, 2012**

Invocation: Cynthia Caruso, seminary intern, All Saints Episcopal 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, December 13, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of December 4, 2012 and regular meeting of December 6, 2012.
The minutes from the City Council work session of December 4, 2012 and regular meeting of December 6, 2012 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
2. Authorize reimbursement of costs to Domain Parkside I, LP, a Delaware Limited Partnership, for the purchase and installation of heat exchangers and associated piping needed to interconnect the Parkside IV residential complex to the Austin Energy District Cooling System, in an amount not to exceed \$326,368.
The motion authorizing the reimbursement of costs to Domain Parkside I, LP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
3. Approve a resolution repealing Resolution No. 011213-80 and approving a new Land Management Plan for the Water Quality Protection Lands located primarily in southwest Travis and northeast Hays Counties. Approved unanimously by the Water & Wastewater Commission on December 12, 2012 with a 4-0-0-3 vote.
Resolution No. 20121213-003 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
4. Approve an ordinance renumbering and rearranging the city charter to reflect recent charter amendments.
Ordinance No. 20121213-004 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
5. Authorize execution of a construction contract with RODRIGUEZ BARR, INC. dba THE BARR COMPANY, AIA, for the Austin to Manor Rail with Trail Project-Phase 1 in the amount of \$1,983,974.32 plus a \$99,198.72 contingency, for a total contract amount not to exceed \$2,083,173.04.

(Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 9.67% DBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Rodriguez Barr, Inc. doing business as The Barr Company, AIA was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

6. Authorize negotiation and execution of an amendment to the professional services agreement with THE BROUSSARD GROUP, INC., DBA TBG PARTNERS, A TEXAS CORPORATION, for architectural and engineering services for the Town Lake Metropolitan Park- Alliance Children's Garden in the amount of \$360,087, for a total contract amount not to exceed \$2,582,163.35. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 15.36% MBE and 10.17% WBE subconsultant participation to date including this amendment.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with The Broussard Group, Inc. doing business as TBG Partners, A Texas Corporation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

7. Authorize execution of Change Order #10 to the construction contract with DNT CONSTRUCTION, for Pleasant Valley Road Extension from St. Elmo to Button Bend in the amount of \$234,539.75 plus additional contingency in the amount of \$50,000, for a total contract amount not to exceed \$4,175,152.89. (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 12.85% MBE and 0.80% WBE subcontractor participation to date including this change order.)

The motion authorizing the execution of change order number ten to the construction contract with DNT Construction was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

8. Authorize negotiation and execution of a professional services agreement with FREESE AND NICHOLS, INC. (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP116, to provide engineering services for the Stormwater Criteria Updates project in an amount not to exceed \$1,000,000. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subcontractor participation.)

The motion authorizing the negotiation and execution of a professional services agreement with Freese and Nichols, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

9. Authorize negotiation and execution of professional services agreements with the following five (5) staff recommended firms (or one of the other qualified responders): TBE GROUP, INC. dba CARDNO TBE; SO DEEP, INC.; SURVEYING AND MAPPING, INC.; COBB, FENDLEY & ASSOCIATES, INC.; and, THE RIOS GROUP, INC. for professional services for the 2012 Subsurface Utility Engineering Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$3,000,000 divided among the 5 firms. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.83% MBE and 6.87% WBE subconsultant participation.)

The motion authorizing the negotiation and execution of professional services agreements with TBE Group, Inc. doing business as Cardno TBE; So Deep, Inc.; Surveying and Mapping, Inc.; Cobb, Fendley & Associates, Inc.; and The Rios Group, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

10. Authorize negotiation and execution of Change Order #3 to the construction contract with CHASCO CONSTRUCTORS LTD., LLP, for the Repair of Turner Roberts Recreation Center in the amount of \$2,324,279 plus contingency in the amount of \$232,427.90, for a total contract amount not to exceed \$4,914,807.90. Related to Item #19.
The motion authorizing the negotiation and execution of change order number three to the construction contract with Chasco Constructors Ltd., LLP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
11. Authorize the execution of a professional services agreement with BRANDSTETTER CARROLL, INC., for RFQ Solicitation CLMP101A, to provide professional services for the Aquatic Facilities Strategic Master Plan project in the amount of \$250,000.
The motion authorizing the execution of a professional services agreement with Brandstetter Carroll, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
12. Authorize the negotiation and execution of a furniture, fixtures, equipment and working capital loan to 11E5, LLC in an amount not to exceed \$1,081,101 under the Family Business Loan Program, for redevelopment of the property at 1100 East 5th Street as a multi-purpose event venue.
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
13. Approve an ordinance establishing classifications and positions in the classified service of the Emergency Medical Services Department; creating certain positions in the classified service of the Emergency Medical Services Department; and declaring an emergency.
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
14. Approve an ordinance authorizing acceptance of \$70,517 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, and amending the Fiscal Year 2012-2013 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$70,517 and an additional one FTE for programs authorized under the Texas Health and Safety Code: HIV Surveillance Control Program, Sexually Transmitted Disease Control, Refugee Health Screening Program, Tuberculosis (TB) Prevention and Control Federal Program, TB Prevention and Control State Program, Public Health Emergency Preparedness Program, Immunization Program, Office of Public Health Practice programs, and Influenza Incidence Surveillance project.
Ordinance No. 20121213-014 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
15. Authorize the negotiation and execution of any and all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 55 acres in Travis County, Texas, located at 12110 Old San Antonio Road from HEADHUNTERS INVESTMENTS, L.P., A TEXAS LIMITED PARTNERSHIP, for a total amount not to exceed \$1,650,000.
The motion authorizing the negotiation and execution of any and all documents and instruments necessary or desirable to purchase in fee simple land from Headhunters Investments, L.P., A Texas Limited Partnership was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
16. Authorize the negotiation and execution of any and all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 46.149 acres in Travis County, Texas, located on Dalton Lane from SHUMAKER ENTERPRISES, INC., A TEXAS CORPORATION, and WADE SHUMAKER, in an amount not to exceed \$2,200,000. Related to Item #27.

The motion authorizing the negotiation and execution of any and all documents and instruments necessary or desirable to purchase in fee simple land from Shumaker Enterprises, Inc., a Texas Corporation and Wade Shumaker was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

17. Authorize negotiation and execution of an agreement with the West Austin Youth Association (WAYA) in which WAYA will improve and maintain City-owned ball field facilities and provide youth recreation programs at Lamar Beach in Town Lake Metropolitan Park, 1200 West Cesar Chavez Street, in exchange for priority use of these City-owned ball fields and utility charges for 25 years.
The motion authorizing the negotiation and execution of an agreement with the West Austin Youth Association (WAYA) was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
18. Approve negotiation and execution of a Parkland Improvement Management and Operations Agreement with the Norwood Park Foundation for the rehabilitation of the Norwood House and grounds, and management and operations of the completed facility by Norwood Park Foundation as a community meeting space and revenue-generating event facility.
The motion authorizing the negotiation and execution of a parkland improvement management and operations agreement with the Norwood Park Foundation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
19. Approve an ordinance amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to accept and appropriate \$3,355,000 in insurance settlement proceeds for the repair of the Turner Roberts Recreation Center. Related to Item #10
Ordinance No. 20121213-019 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
20. Approve an ordinance amending City Code Chapter 8-1, Article 7 and City Code Chapter 10-6 to clarify the authority of the director of the Parks and Recreation Department, terminology, and fine ranges related to prohibitions on fire hazard activity and smoking on parkland for increased public health and safety protection from smoking and fire hazard activity in parks during burn ban orders or prohibitions on outdoor cooking and grilling; and declaring an emergency.
Ordinance No. 20121213-020 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
21. Approve an ordinance amending the Fiscal Year 2012-2013 Schedule of Fees, Fines, and other charges included in Ordinance No. 20120910-003 to add service fees for the Austin Police Department Forensic Science Division. Related to Item #22.
Ordinance No. 20121213-021 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
22. Approve negotiation and execution of an interlocal agreement between the City of Austin, the City of San Marcos through its police department, Hays County through its Criminal District Attorney's Office and Hays County Sheriff's Department for forensic laboratory analysis services related to law enforcement cases. Related to Item #21.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin, the City of San Marcos Police Department, Hays County Criminal District Attorney's Office and Hays County Sheriff's Department was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
23. Authorize negotiation and execution of an agreement between the City of Austin and the Center for Child Protection to fund reimbursement for program expenses related to the protection of abused children, in an amount not to exceed \$369,396.

The motion authorizing the negotiation and execution of an agreement between the City of Austin and the Center for Child Protection was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

24. Authorize negotiation and execution of an interlocal agreement between the City and the Texas Department of Transportation for relocation of existing water and wastewater lines in conflict with the US 290 Intersection Improvements at Texas State Highway 71, William Cannon Drive, and Joe Tanner Road in the amount of \$777,485 plus a \$194,371 contingency, for a total contract amount not to exceed \$971,856.

The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Texas Department of Transportation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

25. Approve an ordinance authorizing negotiation and execution of an amendment to the interlocal cooperation agreement with Capital Metropolitan Transportation Authority (Capital Metro) regarding construction of bus stop and associated ADA pedestrian improvements throughout the City; accepting funds in the amount of \$10,000,000 from Capital Metro and amending the Fiscal Year 2012-2013 Public Works Department Capital Budget (Ordinance No. 20120910-002) to appropriate \$10,000,000 to construct bus stop and associated ADA pedestrian improvements throughout the City.

Ordinance No. 20121213-025 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

26. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement between the City and the Texas Department of Transportation (TxDOT) for award of \$1,200,000 in Federal Surface Transportation Funds to construct sidewalk improvements on North Lamar Boulevard from Parmer Lane to US 183; accepting grant funds in the amount of \$1,200,000 from TxDOT; amending the Fiscal Year 2012-2013 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-003) to appropriate \$1,200,000; amending the Public Works Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$1,200,000 from the Public Works Department Operating Budget Special Revenue Fund.

Ordinance No. 20121213-026 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

27. Approve an ordinance amending the Fiscal Year 2012-2013 Public Works Department Transportation Fund Operating Budget (Ordinance No. 20120910-001) to increase the beginning balance in the amount of \$6,895,174, increasing the transfers out by \$1,100,000; and amending the Fiscal Year 2012-2013 Public Works Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$1,100,000 from the Public Works Department Transportation Fund Operating Budget for the purchase of real property located on Dalton Lane. Related to Item #16.

Ordinance No. 20121213-027 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

28. Approve a resolution supporting funding, developing, implementing, constructing, maintaining, managing, and financing two Transportation Enhancement Projects with the Texas Department of Transportation (the Bicycle Traffic Signal and Bicycle Detection Project and Safe Routes to School Sidewalks).

Resolution No. 20121213-028 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

29. Authorize award and execution of a contract with TELVENT USA, LLC for software licenses, programming and configuration services and maintenance and support to upgrade Austin Water Utility's distribution and lift station telemetry SCADA systems in an estimated amount not to exceed \$1,155,843 with eight extension options for maintenance and support in estimated amounts not to exceed \$66,876,

\$68,882, \$70,949, \$74,496, \$78,221, \$82,132, \$86,239 and \$90,551 respectively. In addition, this contract will include a contingency authority for new licenses and additional support hours for a total contract amount not to exceed \$1,824,189. (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 contract.)

The motion authorizing the award and execution of a contract with Telvent USA, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

30. Authorize award, negotiation, and execution of a 12-month requirements service contract with SOLIX, INC., or the other qualified offeror to RFP No. OPJ0101, to provide automatic enrollment administrator services for Austin Energy's Utility Discount Program in an estimated amount not to exceed \$496,690, with three 12-month extension options in an estimated amount not to exceed \$359,700 per extension option, for a total estimated contract amount not to exceed \$1,575,790. (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). Although no goals were established for this solicitation, 5.50% WBE subcontractor participation has been met.)

The motion authorizing the award, negotiation and execution of a requirements service contract with Solix, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

31. Authorize award and execution of a contract with JOHNSON CONTROLS INC., for the purchase of a 5,000 ton York Titan Chiller to be installed at Austin Energy's Downtown District Cooling Plant #2 facility in an amount not to exceed \$9,000,000. (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). Although no goals were established for this solicitation, 0.377% MBE and 0.003% WBE subcontractor participation has been met.)

The motion authorizing the award and execution of a contract with Johnson Controls Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

32. Authorize ratification of a contract with SPX TRANSFORMER SOLUTIONS, INC. DBA WAUKESHA ELECTRIC for the purchase of a 50MVA power transformer to be installed at Austin Energy's Patton Lane Substation in an amount not to exceed \$1,148,260. (Notes: This contract was 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 to ratify a contract with SPX Transformer Solutions, Inc. doing business as Waukesha Electric was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

33. Authorize award, negotiation, and execution of 24-month requirements service contracts with CREDIT PROTECTION ASSOCIATION, MUNICIPAL SERVICES BUREAU, and NCO FINANCIAL SYSTEMS, or one of the other qualified offerors to RFP No. TVN0024, for the primary collection of delinquent utility accounts in an estimated amount not to exceed \$418,000 each and combined, with three 12-month extension options in an estimated amount not to exceed \$209,000 each and combined for a total estimated contract amount not to exceed \$1,045,000 each and combined; 24-month requirements service contracts with PENN CREDIT and AMERICOLLECT Inc., or one of the other qualified offerors to RFP No. TVN0024, for the secondary collection of delinquent utility accounts in an estimated amount not to exceed \$220,000 each and combined, with three 12-month extension options in an estimated amount not to exceed \$110,000 each and combined for a total estimated contract amount not to exceed \$550,000 each and combined; a 24-month requirements service contract with NCO FINANCIAL SYSTEMS, or one of

the other qualified offerors to RFP No. TVN0024, for tertiary collection of delinquent utility accounts in an estimated amount not to exceed \$600,000, with three 12-month extension options in an estimated amount not to exceed \$300,000 each for a total estimated contract amount not to exceed \$1,500,000; and a 24-month requirements service contracts with CREDIT PROTECTION ASSOCIATION, or one of the other qualified offerors to RFP No. TVN0024, for the collection of low-dollar delinquent utility accounts in an estimated amount not to exceed \$60,000, with three 12-month extension options in an estimated amount not to exceed \$30,000 each for a total estimated contract amount not to exceed \$150,000. The annual amount for all collection services required under these agreements will be for a total estimated amount not to exceed \$649,000 each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of requirements service contracts with Credit Protection Association; Municipal Services Bureau; NCO Financial Systems; Penn Credit; Americollect Inc.; NCO Financial Systems; and Credit Protection Association was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

34. Authorize award and execution of seven 36-month requirements supply contracts for the purchase of electrical maintenance supplies for Austin Energy with TECHLINE INC. in an estimated amount not to exceed \$350,439, with three 12-month extension options in an estimated amount not to exceed \$116,813 per extension option for a total estimated contract amount not to exceed \$700,878; STUART C. IRBY in an estimated amount not to exceed \$234,216, with three 12-month extension options in an estimated amount not to exceed \$78,072 per extension option, for a total estimated contract amount not to exceed \$468,432; KBS ELECTRICAL DISTRIBUTORS INC. in an estimated amount not to exceed \$110,196, with three 12-month extension options in an estimated amount not to exceed \$36,732 per extension option, for a total estimated contract amount not to exceed \$220,392; BORDER STATES ELECTRIC in an estimated amount not to exceed \$37,005, with three 12-month extension options in an estimated amount not to exceed \$12,335 per extension option, for a total estimated contract amount not to exceed \$74,010; TAPE SOLUTIONS, INC. (WBE) in an estimated amount not to exceed \$35,478, with three 12-month extension options in an estimated amount not to exceed \$11,826 per extension option, for a total estimated contract amount not to exceed \$70,956; 3MB INTERIOR PLUS. in an estimated amount not to exceed \$29,769, with three 12-month extension options in an estimated amount not to exceed \$9,923 per extension option, for a total estimated contract amount not to exceed \$59,538; and CRAWFORD ELECTRIC SUPPLY in an estimated amount not to exceed \$12,243, with three 12-month extension options in an estimated amount not to exceed \$4,081 per extension option, for a total estimated contract amount not to exceed \$24,486. The annual amount for all electrical maintenance supplies required under these agreements will be for a total estimated amount not to exceed \$269,782 each and combined. (Notes: These contracts 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 seven requirements supply contracts with Techline Inc.; Stuart C. Irby; KBS Electrical Distributors Inc.; Border States Electric; Tape Solutions, Inc. (WBE); 3MB Interior Plus; and Crawford Electric Supply was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

35. Authorize award and execution of a 60-month requirements service contract with AAR INC., and SISK-ROBB INC. to provide abatement services for asbestos, lead and mold for the Public Works Department in an estimated amount not to exceed \$6,000,000 each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with AAR Inc. and Sisk-Robb Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

36. Authorize award, negotiation, and execution of a 12-month contract with SCHNEIDER ELECTRIC USA, INC., d/b/a SQUARE D COMPANY, to provide technical and customer support services for PowerLogic ION Enterprise / Enterprise Energy Management Systems for Austin Energy in an amount not to exceed \$25,995, with four 12-month extension options for maintenance and support services in an estimated amount not to exceed \$25,995 per extension option, for a total estimated contract amount not to exceed \$129,975. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of a contract with Schneider Electric USA, Inc. doing business as Square D Company was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

37. Authorize award, negotiation and execution of a 24-month service contract with SAFETEC COMPLIANCE SYSTEMS, for access to and support for a web-based materials safety data sheet management system for Austin Water Utility in an estimated amount not to exceed \$87,125, with two 12-month extension options estimated not to exceed \$39,250 per extension option, for a total estimated contract amount not to exceed \$165,625. (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.) Recommended by the Water and Wastewater Commission and the Austin Airport Advisory Commission

The motion authorizing the award, negotiation and execution of a service contract with Safetec Compliance Systems was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

38. Authorize award and execution of a contract with TOTER INCORPORATED, for the purchase of 2,800 24-gallon garbage carts for the Austin Resource Recovery Department in an amount not to exceed \$100,772. (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 Toter Incorporated was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

39. Authorize award and execution of a 36-month requirements supply contract with PARADIGM TRAFFIC SYSTEMS INC., to provide Pelco Signal Hardware for the Transportation Department, in an estimated amount not to exceed \$300,000, with three 12-month extension options in estimated amounts not to exceed \$100,000 for each extension option, for a total estimated contract amount not to exceed \$600,000. (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 Paradigm Traffic Systems Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

40. Authorize award, negotiation, and execution of a revenue contract with TEXAS AUTO SALVAGE INC. to provide one-time sale of scrap metal materials after the destruction of the 25 salvage units in accordance with the terms of the TCEQ grant for the Fleet Services Department for a total estimated contract revenue of \$36,000. (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 Texas Auto Salvage Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

41. Authorize award and execution of Amendment No. 8 to a contract with AUSTIN FREE-NET, to provide computer equipment, technical support, internet training, and internet access services to support public internet access, to expand its public computer centers to geographical areas not currently served such as Montopolis, Dove Springs, Palm Square and others, and to increase the contract in an amount not to exceed \$143,958 for the final extension option, for a revised total estimated contract amount not to exceed \$718,895, for the Telecommunications and Regulatory Affairs Department. (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 Austin Community Technology and Telecommunications Commission

The motion authorizing the award and execution of amendment number eight to a contract with Austin Free-Net was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

42. Authorize award, negotiation, and execution of a 24-month requirements service contract through the U. S. General Services Administration (GSA) Cooperative Purchasing Program with MEDGATE, INC., to provide a wellness tracking system for the Austin Fire Department in the amount of \$136,000 with three 12-month extension options in an estimated amount not to exceed \$43,000 for the first extension option, and \$38,000 each for the second and third extension options, for a total estimated contract amount not to exceed \$255,000. (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 contract.)

The motion authorizing the award, negotiaion and execution of a requirements service contract through the U.S. General Services Administration (GSA) Cooperative Purchasing Program with Medgate, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

43. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with McCOY ROCKFORD INC., for the purchase, delivery and installation of modular and free standing system furniture at Austin Energy in an amount not to exceed \$176,551. (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 through the Texas Multiple Award Schedule (TXMAS) with McCoy Rockford Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

44. Authorize award and execution of Amendment No. 3 to add 45 months through the Texas Multiple Award Schedule (TXMAS) with RED WING SHOE COMPANY, INC., for the purchase of safety shoes and boots in an estimated amount not to exceed \$1,213,245, for a total estimated revised contract amount not to exceed \$2,206,995. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority -Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.) Recommended by the Water and Wastewater Commission and the Austin Airport Advisory Commission

The motion authorizing the award and execution of amendment number three to add 45 months through the Texas Multiple Award Schedule (TXMAS) with Red Wing Shoe Company, Inc. was

approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

45. Authorize award, negotiation, and execution of 12-month supply and service contract with TADPOLE CARTESIA, INC., dba TC TECHNOLOGY, for the purchase of GO! Sync Mobile GIS Enterprise Software Licenses and support for Austin Energy in an amount not to exceed \$45,000, with four 12-month extension options in an estimated amount not to exceed \$45,000 per extension option, for a total estimated contract amount not to exceed \$225,000. (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 contract.)

The motion authorizing the award, negotiation and execution of a supply and service contract with Tadpole Cartesia, Inc. doing business as TC Technology was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

46. Authorize award and execution a contract through Texas Procurement and Support Services Cooperative Purchasing Program (TPASS) administered by the State of Texas Controller of Public Accounts (CPA), with TOTER INCORPORATED, for the purchase of residential trash carts and recycling carts for the Austin Resource Recovery Department in an amount not to exceed \$4,366,829. (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; no goals were established for this contract.)

The motion authorizing the award and execution of a contract through Texas Procurement and Support Services Cooperative Purchasing Program (TPASS) administered by the State of Texas Controller of Public Accounts (CPA) with Toter Incorporated was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

47. Authorize award and execution of a 36-month requirements supply contract with KLINGEMANN CAR CARE #1, for police pursuit tires for the Fleet Services Department in an estimated amount not to exceed \$772,363, with three 12-month extension options in an estimated amount not to exceed \$283,618 for the first option, \$297,799 for the second option, and \$312,689 for the third option for a total estimated contract amount not to exceed \$1,666,469. (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 Klingemann Car Care #1 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

48. Authorize award and execution of a 36-month requirements service agreement with JOLLYVILLE CAR WASH, INC. DBA ARBOR CAR WASH, to provide full-serve vehicle cleaning and washing services for city-owned vehicles for the Fleet Services Department in the amount not to exceed \$315,250 with three 12-month extension options in an amount not to exceed \$115,762 for the first extension option, \$121,550 for the second extension option, and \$127,628 for the third extension option for a total contract amount not to exceed \$680,190. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service agreement with Jollyville Car Wash, Inc. doing business as Arbor Car Wash was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

49. Authorize award, negotiation, and execution of Amendment No. 1 to a requirements service contract with CSDC SYSTEMS, INC., for maintenance and support for the AMANDA software system and for

additional modules and services as part of the system upgrade for the Communications and Technology Management Department in an estimated amount not to exceed \$450,940 for a total revised estimated contract amount not to exceed \$1,968,749. (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 contract.)

The motion authorizing the award, negotiation and execution of amendment number one to a requirements service contract with CSDC Systems, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 50 was pulled for discussion.

51. Authorize award and execution of a 12-month requirements supply contract with HORIZON PRINTING for the purchase of stationery and business card printing services for Austin Energy in an estimated amount not to exceed \$26,372 with four 12-month extension options in an estimated amount not to exceed \$26,372 per extension option, for a total estimated contract amount not to exceed \$131,860. (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 Horizon Printing was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

52. Authorize award and execution of Amendment No. 2 to a contract with ONEOK, INC. dba TEXAS GAS SERVICE, for the transportation of natural gas for the Fleet Services Department to extend the contract for two 12-month extension options in an amount not to exceed \$48,000 per extension option and to extend the contract for one 19-month extension option in an amount not to exceed \$76,000, for a revised total estimated contract amount not to exceed \$212,000. (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 amendment number two to a contract with Oneok, Inc. doing business as Texas Gas Service was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

53. Authorize award, negotiation, and execution of Amendment No. 14 to the contract with IBM CORPORATION, to increase the contract amount for the purchase of billing and related services for the following new projects; the Austin Water Utility structural rate change project, Austin Resource Recovery rate change project, the City of Austin bank change project, and other system enhancements and improvements for the City's utilities in an amount not to exceed \$1,900,000, for a revised total estimated contract amount not to exceed \$59,239,728. (Notes: This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.43% MBE and 12.70% WBE subcontractor participation to date.)

The motion authorizing the award, negotiation and execution of amendment number 14 to the contract with IBM Corporation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

54. Authorize negotiation and execution of Amendments No. 14 and 15 to the contract with MOTOROLA SOLUTIONS, INC., by extending the contract term through 2020 and increasing the contract dollar amount to purchase equipment and services for the Greater Austin-Travis County Regional Radio System in an amount not to exceed \$42 million for a revised total contract amount not to exceed \$144,193,732. (Notes: This contract was 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 negotiation and execution of amendments number 14 and 15 to the contract with Motorola Solutions, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

55. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Animal Advisory Commission
Gina Benner

Council Member Tovo

Nominations to Intergovernmental Bodies

Board/Nominee

Nominated by

City of Austin Employees' Retirement System
Elizabeth Gonzales

Council

56. Approve an ordinance waiving certain fees, costs, and requirements for the 2013 Austin Farmer's Markets, a City co-sponsored event with the Sustainable Food Center, Inc., during the 2013 calendar year. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)

Ordinance No. 20121213-056 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

57. Approve the waiver of certain fees and requirements under City Code Chapter 14-8, and authorize payment of certain costs for the City cosponsored 2013 Martin Luther King Jr. parade which is to be held Monday, January 21, 2013. (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 and authorize payment of certain costs for the City cosponsored 2013 Martin Luther King Jr. parade was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

58. Approve a resolution supporting an application by Riverside CCF/CB Partners, LP for Affordable Housing Tax Credits for the proposed Estancia del Rio project. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)

Resolution No. 20121213-058 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

59. Approve an ordinance waiving certain fees and requirements for the Dell Children's Gala 2013 which is to be held on Saturday, January 26, 2013 at the Austin Convention Center. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)

Ordinance No. 20121213-059 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

60. Approve a resolution waiving the requirements of the City's policy related to concessions on parkland, adopted in Resolution No. 980312-025, for a concession agreement with East Austin Conservancy for a food and beverage concession at Montopolis Recreation Center and Oswaldo A.B. Cantu Recreation Center; and authorize the negotiation and execution of a new concession agreement with East Austin Conservancy to establish a pilot program for six months in exchange for the conservancy's obligation to use concession revenue to fund programming at the recreation centers. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)
This item was withdrawn consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
61. Approve a resolution directing the City Manager to identify potential resources in the amount of \$8 million that would allow the City to realize near-term opportunities for affordable housing projects and programs. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
62. Approve a resolution directing the City Manager to extend the parking cash out pilot program until a permanent program takes effect, and to implement a permanent program for city buildings in areas with managed parking by October 1, 2013. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)
Resolution No. 20121213-062 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 63 was pulled for discussion.

64. Approve a resolution directing the City Manager to implement various recommendations related to the City's support of Austin's small local businesses. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Lee Leffingwell)
Resolution No. 20121213-064 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
65. Approve a resolution directing the City Manager to provide a report on the Housing Trust Fund to the City Council by January 31, 2013. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez)
Resolution No. 20121213-065 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 66 was pulled for discussion.

67. Approve an ordinance waiving certain fees and requirements for the Festival of Trees event which is to be held on Saturday, December 15, 2012 at the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)
Ordinance No. 20121213-067 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 68 was pulled for discussion.

69. Set a public hearing to consider a resolution approving the permanent use of approximately 2,830 square feet of land and temporary working space use of approximately 4,825 square feet of land for construction, use, maintenance, repair, and replacement of wastewater line for the Austin Water Utility Wastewater Line Relay and Spot Repair Services 3014-3125 Hemphill Park Drive Project through dedicated parkland known as Hemphill Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

(Suggested date and time, January 17, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for January 17, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

70. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owners, Kedarnath Balakrishnan and Sridharan Haripriya, to convert a portion of the existing garage into a living area at the single-family house at 8412 Millway Drive, which is in the 25-year and 100-year floodplains of Shoal Creek. (Suggested date and time: January 17, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street)
- The public hearing was set on consent for January 17, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

Item 95 was pulled for discussion.

96. Approve an ordinance waiving certain fees, and requirements for the 2013 HOPE Farmer's Market - Plaza Saltillo, a City co-sponsored event. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
- Ordinance No. 20121213-096 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
97. Approve a resolution declaring 2013 as the "Year of Food Waste Prevention and Food Recovery in Austin, Texas," and direct the City Manager to request all relevant City Departments, particularly Austin Resource Recovery and Health and Human Services Department to participate in a stakeholder process to explore ways that Austin can become a national leader in food recovery. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)
- Resolution No. 20121213-097 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

Item 98 was pulled for discussion.

Item 71 was an Eminent Domain item.

Item 72 was a briefing item set for 10:30 a.m.

Items 73 through 76 were Executive Session items.

Items 77 through 90 were zoning items set for 2:00 p.m.

Item 91 was a briefing item set for 2:00 p.m.

Items 92 through 94 were public hearing items set for 4:00 p.m.

Items 95 through 98 were addendum items.

DISCUSSION ITEMS

50. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD, for the purchase of 97 police vehicles in an amount not to exceed \$2,866,317. (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 through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, Ltd. was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

63. Approve a resolution directing the City Manager to work with Catellus and the Austin Playhouse to explore options for closing the funding gap for Phase One of the Austin Playhouse at Mueller Project. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Riley)

Resolution No. 20121213-063 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.

EMINENT DOMAIN

This vote applies to all units of property (Item 71) to be condemned.

71. Approve a resolution authorizing the filing of eminent domain proceedings for the Harris Branch Interceptor Lower B Project for 12,384 square feet of land for a 50-foot wide, permanent wastewater easement; 26,264 square feet of land for a 100-foot wide, temporary construction easement; and 13,083 square feet of land for a 50-foot wide, temporary construction easement, all being out of land situated in the Josiah Willbarger Survey No. 42, Abstract No. 794, Travis County, Texas, and all being out of a remainder of a called 25.00-acre tract of land, described as Tract Two, having been conveyed to W.C. Alff and wife, Eunice O. Alff by a Special Warranty Deed, executed January 9, 1976 and recorded in Volume 5389, Page 1806 of the Deed Records of Travis County, Texas, in the total amount of \$3,510. The owners of the necessary property interests are CHARLES W. ALFF, GAY GREEN, RALPH HUDNALL, JAMES ALFF, JOAN F. JOHNSON, JUDY L. NOACK, REBECCA R. WILLIAMS, JOHN ALFF, THE HEIRS AT LAW OF LLOYD HUDNALL, DECEASED, AND THE HEIRS AT LAW OF TIMOTHY W. ALFF, DECEASED. The property is located off Hill Lane, on the east side of SH 130, 0.4 mile north of Parmer Lane, in northeast Austin, Travis County, Texas 78653. The general route of the project will start west of Gilleland Creek, connecting to the future Wildhorse Ranch N 290 manhole and continue adjacent to the future LCRA electrical transmission main alignment along the south bank of Gilleland Creek, crossing under SH 130, connecting to the existing "Lower A" manhole.
- Resolution No. 20121213-071 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

Briefing

72. Briefing on the Austin Water Utility Conservation Plan.
The presentation was made by Greg Meszaros, Director of Austin Water Utility and Leo Dielmann, Chair of Resource Management Commission.

CITIZEN COMMUNICATIONS: GENERAL

Richard Troxell - Homelessness in Austin

John Plyer - Bar- Cheer Up Charlies opposes permit **Not present when name was called.**

Robert Morrow - Lyndon Johnson and his role in the JFK assassination

Ronald Torrey - City Hauler license **Not present when name was called.**

Will McLeod - 1.) Questions regarding City of Austin, Capital Metro 2.) TBD

Philip Greene - Pollutants added to the drinking water

Tom Jones - Corruption at the City

Linda Greene - Water accounts for 70% of our total body weight (90% for infants). Why does City Council persist in spending 10's of thousands of dollars to poison our bodies with fluoridated water?

Ronnie Reefersseed - Peace, Freedom, fluoride and the kill-grid

Carol Ann Rose Kennedy - Thanks for giving and Christmas 2020

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:30 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.

73. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
74. Discuss legal issues relating to the November 6, 2012 election (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
75. Discuss legal issues related to Texas Campaign for the Environment vs. Lower Colorado River Authority, No. 4:11-CV-00791, in the United States District Court, Southern District of Texas, Houston Division [related to Fayette Power Plant]. (Private consultation with legal counsel - Section 551.071).
76. Discuss legal issues related to the City of Austin's water rights and water supply, including regulatory matters involving the Colorado River, the Lower Colorado River Authority, and the Texas Commission on Environmental Quality. (Private consultation with legal counsel - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:46 p.m.

DISCUSSION ITEMS CONTINUED

66. Approve a resolution directing the City Manager to bring forward for Council consideration amendments to City Code Section 25-8-27 (Redevelopment Exception in the Barton Springs Zone) and other sections of the Code that will improve water quality and redevelopment opportunities in the Barton Springs Zone and other areas of the City. (Notes: SPONSOR: Mayor Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
Resolution No. 20121213-066 was approved with the following friendly amendments on Council Member Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.

There was a friendly amendment made by Council Member Tovo to amend the first be it resolved in the resolution to read, "The City Manager is directed to work with stakeholders to develop recommendations for improving redevelopment opportunities and environmental protection." The

amendment was accepted by the maker of the motion and Mayor Leffingwell, who made the second.

There was a friendly amendment made by Council Member Morrison to add a report back date for the end of April. This was accepted by the maker of the motion and Mayor Leffingwell, who made the second.

68. Approve a resolution directing the City Manager to implement a policy conditioning receipt of multi-family energy efficiency rebates on an agreement by the recipient to not raise rents to recover the costs of the energy efficiency improvements from tenants for a specified period. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Resolution No. 20121213-068 was approved with the following friendly amendments on Council Member Tovo's motion, Council Member Martinez' second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Riley and Spelman.

The following friendly amendments were made by Mayor Pro Tem Cole.

- The first Be It Resolved should read, "The City Manager is directed to consult with the stakeholders to develop a policy that would condition receipt of an energy-efficiency rebate for a multi-family property on agreement by the property owner or manager not to increase rents at the property during a reasonable period, unless the increase is demonstrably related to matters other than the energy-efficiency work performed."
- The last sentence should read, "The City Manager shall report back to the Council and include recommendations from the Electric Utility Commission and the Resource Management Commission."

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

Direction was given to staff: when suggested policies for the Multi-Family Rebate Program are brought back to Council to include a suggested dollar amount that makes sense.

95. Approve a resolution authorizing the CIRCUIT EVENTS LOCAL ORGANIZING COMMITTEE to act on the City's behalf for purposes of submitting applications to the Texas Comptroller for Texas Event Trust Fund determinations for the following events to be held at the Circuit of the Americas facility located in Austin, Texas: MotoGP; V8 Super Cars; American Le Mans Series and World Endurance Championship.
Resolution No. 20121213-095 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

ZONING CONSENT ITEMS

77. C14-2012-0099 - Myers Zoning Change - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 6810 McNeil Drive (Rattan Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. On November 8, 2012, City Council approved first reading of community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Vote: 6-0, Mayor Pro Tem Cole was off the dais. Owner/Applicant: Connie and Cheryl Myers. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20121213-077 for community commercial-conditional overlay (GR-CO) district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

78. 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 16, 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 January 31, 2013 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
79. C14-2012-0106 - 5th & San Jacinto Rezoning - Approve third reading of 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. First reading approved on November 8, 2012. Vote 6-1, Council Member Tovo voted nay. 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.
Ordinance No. 20121213-079 for central business district-central urban redevelopment district (CBD-CURE) combining district zoning with a limitation of floor to area ratio of 13.8 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
80. C14-2008-0159(RCA) - 3rd & Colorado - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street, and 114 West 3rd Street (Town Lake Watershed) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant. 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 January 31, 2013 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
81. C14-2012-0046 - 135 W. Slaughter Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 135 West Slaughter Lane (Slaughter Creek Watershed; Onion Creek Watershed) from rural residence (RR) district zoning and single family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Lester Euers. Agent: Coats Rose (Pamela Madere). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121213-081 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
82. C14-2012-0049 - 2104 W. Ben White Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2104 W. Ben White Boulevard Westbound (Williamson Creek Watershed) from family residence (SF-3) zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use (LR-MU)

combining district zoning. Owner/Applicant: Curtis & Terry Sutherland (Robert Fien). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121213-082 for neighborhood commercial-mixed use (LR-MU) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

83. C14-2012-0060 - 8401 South 1st Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 South 1st Street (South Boggy Creek Watershed) from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2. Owner/Applicant: PV First Street Investors LLC (Joe Simmons). Agent: Aquila Commercial (Jim Gallegos). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to January 17, 2013 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

84. C14-2012-0108 - Ross Road Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 5501 1/2 Ross Road (Dry Creek East Watershed) from interim-single family residence-standard lot (SF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 2. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tracts 1 and 2, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on November 6, 2012. Owner/Applicant: Equinox Power Systems, Inc. (Daniel Wang; Farid Agahi). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121213-084 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions for Tract 1 and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 2, with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

85. C14-2012-0129 - Public Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13685 North U.S. Highway 183 (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on December 18, 2012. Owner/Applicant: Laurmic (Michael T. Pokorny). Agent: Jackson Walker, L.L.P. (Katherine P. Loayza). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to January 17, 2013 at the staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

87. C14-04-0181.SH(RCA) - Shire's Court - Conduct a public hearing to amend a restrictive covenant on 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 grant an indefinite postponement as requested by the Applicant. 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 indefinitely on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

88. C14-74-145(RCT) - 500 South Third - Conduct a public hearing to terminate a restrictive covenant on property locally known as 500 South 3rd Street (Town Lake Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To be reviewed on December 11, 2012. Owner: Michael G. Martin. Applicant: Vaughn & Associates (Rick Vaughn). City Staff: Lee Heckman, 974-7604.

This item was postponed on consent to January 31, 2013 at the staff's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

89. C14H-2012-0011 - Cabaniss-Tate-Chunn House - Conduct a public hearing and approve all three readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 612 West Monroe Street (Bouldin Creek Watershed) from single-family residence-neighborhood plan (SF-3-NP) combining district zoning to single-family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant single-family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant single family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Sue Long, owner. City Staff: Steve Sadowsky, Planning and Development Review Department, 974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20121213-089 for single family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 92 and 93 were acted on in a combined motion.

92. 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 January 31, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

93. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 (Zoning) to create the Central Austin - University Area Zoning Overlay District in which a group residential land use is a conditional use in the multi-family residence moderate-high density (MF-4) base zoning district.

This item was postponed to February 14, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

98. Approve a resolution directing the City Manager to identify potential resources up to \$10 million that would allow the City to realize near-term opportunities for affordable housing projects and programs. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)

Resolution No. 20121213-098 was approved with the following friendly amendment on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.

There was a friendly amendment made by Council Member Morrison to have the written report sent to Council by January 23, 2013. The amendment was accepted by Council Member Tovo, who made the second.

Direction was given to staff to:

- Report back to Council with the amount actually spent for 2010 and 2011;
- Distinguish what the City spent from city, private, state, and/or federal funds;
- Include in the report the amount typically leveraged regarding private dollars for every dollar spent out of the Housing Department funds; and
- Categorize what was spent between 0-50 percent of MFI on repairs, ownership, etc.

ZONING DISCUSSION ITEMS

86. C14-2012-0132 - Kenneth L. Bishop - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13039 Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial services-mixed use (GR-MU) combining district zoning. Owner/Applicant: Kenneth L. Bishop. Agent: Mike McHone Real Estate (Michael R. McHone). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for community commercial services-mixed use (GR-MU) combining district zoning was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

94. Conduct a public hearing to consider a resolution granting a waiver to Wheatsville Food Co-op, located at 4001 South Lamar Blvd., from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20121213-094 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamations at 5.25 p.m.

LIVE MUSIC

Extreme Heat

PROCLAMATIONS

Distinguished Service Award – Retirement – Tammy Yanes, Municipal Court to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Jackie Braun Day -- to be presented by Council Member Kathie Tovo and to be accepted by the honoree

Proclamation -- Blue Santa -- to be presented by Council Member Kathie Tovo and to be accepted by Chief Art Acevedo

Mayor Leffingwell called the Council Meeting back to order at 6:38 p.m.

BRIEFING

91. Development assessment of 211 South Lamar Planned Unit Development, located at 211 South Lamar Boulevard and 1211 West Riverside Drive, within the Town Lake Watershed.
The presentation was made by Jerry Rusthoven, Manager, Planning and Development Review Department and Steve Drenner, Agent for Applicant.

ZONING DISCUSSION ITEMS CONTINUED

90. C14-2012-0097 - Little Woodrow's Bar & Restaurant - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5425 Burnet Road (Waller Creek Watershed) from 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. Staff Recommendation: To approve commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To approve commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Applicant: Rick Engel. Agent: Alice Glasco Consulting, Inc. (Alice Glasco). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and there was a motion made by Council Member Spelman and second by Council Member Riley to adopt the ordinance on all three readings for commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning with the following correction to the ordinance.

Numeral one was omitted from line 16 of the ordinance, it should read, "Part 1, ...(CS-1-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2012-0097, on file at the Planning and Development Review Department, as follows:"

There was a friendly amendment made by Mayor Pro Tem Cole to adopt the ordinance on first reading only. The amendment was accepted by the maker of the motion and Council Member Riley, who made the second.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance with the correction noted above for commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Riley's second on a 4-2 vote. Council Member Martinez was off the dais. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

Mayor Leffingwell adjourned the meeting at 9:27 p.m. without objection.

The minutes were approved on this the 17th day of January 2013 on Council Member Spelman's motion. Council Member Martinez' second on a 6-0 vote. Mayor Leffingwell was absent.