

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 11, 2013**

Invocation: Pastor Michael Dennis, North Village 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, April 11, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:03 a.m.

Council Member Tovo was absent.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session for March 26, 2013 and regular meeting of March 28, 2013.
The minutes from the City Council work session of March 26, 2013 and regular meeting of March 28, 2013 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
2. Authorize execution of a construction contract with AUSTIN MATERIALS, LLC DBA RAMMING PAVING COMPANY, for the 2013 Miscellaneous Streets Overlay Project in an amount not to exceed \$1,906,669. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Owned Enterprise Procurement Program) by meeting the goals with 8.92% MBE and 1.35% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Austin Materials, LLC doing business as Ramming Paving Company was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
3. Authorize execution of a construction contract with ALPHA PAVING INDUSTRIES, LLC (MBE/ MA-94.12%), for the 2013 Miscellaneous Streets Fog Seal Project in an amount not to exceed \$470,175. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Enterprise Procurement Program) by meeting the goals with 94.12% MBE prime participation and 0.53% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Alpha Paving Industries, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

4. Authorize negotiation and execution of professional services agreements with the following eight staff recommended firms (or one of the other qualified responders) and correct calculation of ranking order under Council action taken on Item 19 on January 17, 2013: LIMBACHER AND GODFREY ARCHITECTS, INC. (WBE/FW); THE LAWRENCE GROUP, INC.; MCKINNEY YORK ARCHITECTS (WBE/FW); AUSTIN ARCHITECTURE PLUS, INC. dba ARCHITECTURE + PLUS (WBE/FW); STANLEY-SALAIZ JOINT VENTURE; JACKSON AND MCELHANEY ARCHITECTS, INC.; HPA LLP dba HATCH+ULLAND OWEN ARCHITECTS; and MWM DESIGN GROUP, INC. dba MWM DESIGN GROUP (WBE/FH) for the 2013 General Architectural Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$4,000,000 divided among the eight 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 15.80% MBE and 15.80% WBE subconsultant participation.)
The motion authorizing the negotiation and execution of a professional services agreement with Limbacher and Godfrey Architects, Inc. (WBE/FW); The Lawrence Group, Inc.; McKinney York Architects (WBE/FW); Austin Architecture Plus, Inc. doing business as Architecture + Plus (WBE/FW); Stanley-Salaiz Joint Venture; Jackson and McElhaney Architects, Inc.; HPA LLP doing business as Hatch+Ulland Owen Architects; and MWM Design Group, Inc. doing business as MWM Design Group (WBE/FH) and correct calculation of ranking order was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
5. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Austin Independent School District (AISD) to allow students enrolled in the AISD's LBJ Fire Academy the ability to ride-out on fire apparatus.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Austin Independent School District (AISD) was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
6. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Texas Forest Service to coordinate efforts related to prevention, training for, detection, and suppression of wildfires; and management and training for prescribed fires and other incidents to improve efficiency and effectiveness. The initial term is one year and the parties may renew for up to five (5) additional one-year terms on mutual consent.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Forest Service was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
7. Approve a resolution consenting to special legislation to create the Cascades Municipal Utility District No. 1, consisting of approximately 135 acres of land located in southern Travis County immediately south of the current City limits in Austin's extraterritorial jurisdiction, along the east side of IH 35 South, along Onion Creek, conditioned on certain provisions being included in the legislation creating the district.
Resolution No. 20130411-007 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
8. Authorize negotiation and execution of a 5-month Contract for early childhood services with CHILD, INC. in an amount not to exceed \$557,280.
The motion authorizing the negotiation and execution of a contract for early childhood services with Child, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

9. Approve an ordinance authorizing acceptance of \$32,201 from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$32,201 for the Community Transformation Grant program.
Ordinance No. 20130411-009 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
10. Authorize negotiation and execution of an interlocal agreement with TRAVIS COUNTY to provide funding and certain services for the Summer Youth Employment Program for a one-year term beginning June 1, 2013, in an amount not to exceed \$562,554.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

Item 11 was set for a time certain of 4:00 p.m.

12. Authorize negotiation and execution of Amendment No. 1 to the Fiscal Year 2012 - 2013 Service Agreement with the Austin Housing Finance Corporation to increase funding in the amount of \$75,000 for the Choice Neighborhoods Initiative.
The motion authorizing the negotiation and execution of amendment number one to the fiscal year 2012-2013 service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
13. Authorize the negotiation and execution of Amendment No. 2 to the Fiscal Year 2012-2013 Service Agreement with the Austin Housing Finance Corporation in an amount not to exceed \$10,000,000 to fund housing programs.
The motion authorizing the negotiation and execution of amendment number two to the fiscal year 2012-2013 service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
14. Approve a resolution authorizing the negotiation and execution of an interlocal agreement with Travis County to allow the City of Austin to develop and manage a solicited contract to conduct a Housing Market Study and an Analysis of Impediments to Fair Housing Choice Study.
Resolution No. 20130411-014 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
15. Authorize negotiation and execution of an interlocal agreement between the City and the Texas Department of Public Safety for medical direction services provided by the Office of the Medical Director from April 1, 2013 to January 1, 2016, in the amount not to exceed \$19,915.50 per year for a total contract amount not to exceed \$59,746.50.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Texas Department of Public Safety was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
16. Approve an ordinance amending Ordinance No. 20121213-079 zoning property located at 300 East 5th Street as described in Zoning Case No. C 14-2012-0106 to reflect a maximum Floor-to-Area-Ratio of 13.8 as approved by Council.
Ordinance No. 20130411-016 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

17. Approve a resolution authorizing the application for \$628,779 in grant funding from the Texas Automobile Burglary and Theft Prevention Authority to implement the Austin Police Department Auto Burglary and Theft Interdiction Project.
Resolution No. 20130411-017 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
18. Authorize negotiation and execution of a second amendment to an interlocal agreement with Williamson County to improve a portion of Pond Springs Road to address responsibility for a flooding damage claim at 13216 Pond Springs Road, at no additional cost to the City.
The motion authorizing the negotiation and execution of a second amendment to an interlocal agreement with Williamson County was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

Item 19 was pulled for discussion.

20. Authorize award and execution of a contract with QUANTA TECHNOLOGY, LLC, or one of the other qualified offerors to RFP No. DKC0036, to provide assessment of North American Electric Reliability Corporation compliance documentation and evidence for Austin Energy in an estimated amount not to exceed \$68,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (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 Quanta Technology, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
21. Authorize award and execution of a 36-month requirements supply contract with SAFEWARE INC., dba AIR INSTRUMENTATION, to provide hazmat personal protective equipment (PPE) for the Austin Fire Department (AFD) in an estimated amount not to exceed \$112,875, with three 12-month extension options in an estimated amount not to exceed \$37,625 per extension option, for a total estimated contract amount not to exceed \$225,750. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (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 Safeware Inc. doing business as Air Instrumentation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
22. Authorize award and execution of Amendment No. 1 to various supply and service contracts through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer software and software maintenance and support services to increase the authority for Austin Energy in an estimated amount not to exceed \$120,000, for a revised estimated authorization amount for Austin Energy not to exceed \$9,230,190. (Notes: This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. However, SMBR will assist in the identification of subcontracting opportunities on a case by case basis.)
The motion authorizing the award and execution of amendment number one to various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

23. Authorize award and execution of Amendment No. 1 to various supply and service contracts through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer, telephone, and network hardware and related maintenance services to increase the authority for Austin Energy in an estimated amount not to exceed \$1,025,000, for a revised estimated authorization amount for Austin Energy not to exceed \$10,495,191. (Notes: This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. However, SMBR will assist in the identification of subcontracting opportunities on a case by case basis.)
The motion authorizing the award and execution of amendment number one to various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
24. Authorize award and execution of Amendment No. 1 to various service contracts through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of technology services and support to increase the authority for Austin Energy in an estimated amount not to exceed \$5,445,158, for a revised estimated authorization amount for Austin Energy not to exceed \$15,529,998. (Notes: This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. However, SMBR will assist in the identification of subcontracting opportunities on a case by case basis.)
The motion authorizing the award and execution of amendment number one to various service contracts through the State of Texas Department of Information Resources was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
25. Authorize award and execution of a 36-month requirements contract with KONECRANES, INC., for maintenance and repair services for in-house automotive lifts, cranes, and overhead hoists in an estimated amount not to exceed \$94,000, with three 12-month extension options in an estimated amount not to exceed \$44,200 for the first option, \$52,840 for the second option, and \$63,208 for the third option for a total estimated contract amount not to exceed \$254,248. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (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 contract with Konecranes, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
26. Authorize award and execution of a 36-month requirements service contract with the NATIONAL STANDARDS AUTHORITY OF IRELAND, INC. (NSAI) for ISO 9001 Quality management registration and surveillance audit services for Austin Energy in an amount not to exceed \$137,175, with one 36-month extension option in an amount not to exceed \$137,175, for total contract amount not to exceed \$274,350. (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 the National Standards Authority of Ireland, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
27. Authorize award and execution of a 36-month requirements supply contract with VULCAN ALUMINUM, to provide blank aluminum signs for the Transportation Department, in an estimated

amount not to exceed \$525,000, with three 12-month extension options in estimated amounts not to exceed \$175,000 per extension option, for a total estimated contract amount not to exceed \$1,050,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D 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 Vulcan Aluminum was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

28. Authorize award, negotiation, and execution of a 60-month requirements service contract with FRONTIER ASSOCIATES LLC., to provide hosting, support, upgrades, and technical project enhancements and training for the Green Building Online Rating System for Austin Energy in an estimated amount not to exceed \$304,460. (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 requirements service contract with Frontier Associates LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

29. Authorize negotiation and execution of an interlocal agreement between the City, Capital Metropolitan Transportation Authority, and Lone Star Rail District for coordinated planning and development of rail services in Central Texas.

This item was postponed on consent to April 25, 2013 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

30. Authorize negotiation and execution of a five-month interlocal agreement with Austin Independent School District for cave excavation and improvements on the Bowie High School grounds.

The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

31. 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 6-0 vote. Council Member Tovo was absent.

Nominations

Board/Nominee

Nominated by

Animal Advisory Commission

Aleksandra Gajdeczka

Council Member Spelman

Commission on Veterans Affairs

Chris Garcia

Council Member Morrison

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Chris Garcia's appointment to the Commission on Veterans Affairs.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Cassandra St. John's service on the Commission on Veterans Affairs.

32. Approve an ordinance waiving certain fees for the "Two Gentlemen of Verona" performances which are to be held on May 2-4, 9-11, and 16-18, 2013, at Ramsey Neighborhood Park. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
Ordinance No. 20130411-032 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
33. Approve a resolution amending the City's legislative agenda to include support for House Bill 3350, authored by Representative Eddie Rodriguez, relating to homestead preservation districts. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)
Resolution No. 20130411-033 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
34. Approve an ordinance granting a waiver from City Code Chapter 14-6 regarding the application and permit fee for the Capitol Studios Project sponsored by Foundation Communities for the temporary use of parking spaces at the intersection of 10th and Neches Streets. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Ordinance No. 20130411-034 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
35. Approve an ordinance waiving certain fees for the 15th Annual Austin Dragon Boat Festival which is to be held on Saturday, April 27, 2013 at Festival Beach. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20130411-035 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

Items 36 and 37 were pulled for discussion.

38. Approve a resolution directing the City Manager to work with the Sustainable Food Policy Board (SFPB) to identify and prioritize the recommendations from the Economic Impact of Austin's Food Sector Report, to implement those recommendations that do not require budget amendments, to work with the SFPB to identify priorities and budget implications, and to report back to Council prior to the May 2, 2013 budget work session. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)
Resolution No. 20130411-038 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
39. Approve an ordinance waiving certain fees under City Code Chapter 14-8, and authorizing payment of certain costs for the 20 ft Wide Event which is to be held April 13 - 21, 2013, in the alley between Congress Avenue, Brazos Street, 9th Street, and 10th Street; and declaring an emergency. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20130411-039 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
40. Approve a resolution initiating code amendments to the Central Urban Redevelopment Combined District (CURE) to bring it into alignment with the Downtown Density Bonus Program including amendments eliminating the ability to use CURE as a means to secure additional height and density. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo)

This item was postponed on consent to May 9, 2013 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

41. Approve an ordinance waiving certain fees and requirements for the Community Fair sponsored by the Texas Civil Rights Project which is to be held on Thursday, April 25, 2013 at Montopolis Recreation Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Ordinance No. 20130411-041 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
42. Approve an ordinance reimbursing certain fees and waiving certain requirements for the Next Generation Network's Evening of Education, Leadership & Action event which was held on Thursday, April 4, 2013 at Emma S. Barrientos Mexican-American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)
Ordinance No. 20130411-042 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
43. Approve the reimbursement of certain additional fees under City Code Chapter 14-8 and authorize additional payment of certain costs for the 25th annual AIDS Walk Austin 2012 event, sponsored by AIDS Services of Austin, which was held on Sunday, October 20, 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
The motion to approve the reimbursement of certain additional fees and authorize additional payment of certain costs for the 25th annual AIDS Walk Austin 2012 event was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
44. Approve an ordinance reimbursing certain fees and waiving certain requirements for the WobeeFest 2013 Austin World Music Festival which was held on April 6-7, 2013 at the Emma S. Barrientos Mexican-American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20130411-044 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

Item 45 was set for a time certain of 4:00 p.m.

46. Set a public hearing to consider an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2012 Uniform Plumbing Code and local amendments. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.
47. Set a public hearing to consider an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2012 Uniform Mechanical Code and local amendments. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.
48. Set a public hearing to consider an ordinance repealing and replacing Article 12 of City Code Chapter 25-12 to adopt the 2012 International Energy Conservation Code and local amendments. (Suggested date and time: May 9, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.

49. Set a public hearing to consider an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2012 International Building Code and local amendments. (Suggested date and time: May 9, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.
50. Set a public hearing to consider an ordinance repealing and replacing Article 11 of City Code Chapter 25-12 to adopt the 2012 International Residential Code and local amendments. (Suggested date and time: May 9, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.
51. Set a public hearing to consider an ordinance amending Article 11 of City Code Chapter 25-12, the Residential Code, to require additional accessibility or visitability standards for residential single-family and duplex construction. (Suggested date and time: May 9, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.
52. Set a public hearing to consider an ordinance amending Article 1 of City Code Chapter 25-12, the Building Code, to address noise mitigation for high rise residential Group R structures. (Suggested date and time: May 9, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.
53. Set a public hearing to consider an ordinance amending Article 4 of City Code Chapter 25-12 (the Electric Code) to corrected typographical errors and clarify certain provisions. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.
54. Set a public hearing to consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2012 International Property Maintenance Code and local amendments. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.
55. Set a public hearing to consider an ordinance amending Ordinance No. 20090312-035 which established the North Burnet/Gateway Zoning District and adopted the Regulating Plan, to include Figure 1-2 (North Burnet/Gateway Zoning District Subdistrict Map), which will allow the Regulating Plan to be updated by following zoning procedures. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.

56. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 to modify the boundary of the Waterfront Overlay District between Auditorium Shores and Butler Shores Subdistricts. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.
57. Set a public hearing to consider an ordinance repealing and replacing Article 7 of City Code Chapter 25-12 to adopt the 2012 International Fire Code and local amendments. (Suggested date and time: May 9, 2013, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.
58. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 regarding provisions of the North Burnet Gateway District sign regulations, definition of two-story minimum, and correcting the reference to Urban Watersheds. (Suggested date and time: April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.
59. Set a public hearing to consider authorization of a Public Improvement District (PID) for the Estancia Hill Country project (approximately 600 acres in southern Travis County west of IH 35 South approximately eight tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway). Suggested date and time: May 9, 2013 at 4:00 pm, Council Chambers of City Hall, 301 W 2nd Street, Austin, Texas.
The public hearing was set on consent for May 9, 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 6-0 vote. Council Member Tovo was absent.
60. Set a public hearing to consider an ordinance amending City Code Chapters 8-1 and 25-6 to authorize parking utilization agreements for certain under-used parking lots on city parkland, in exchange for funding to provide significant amenities or improvements to serve the park. (Suggested date and time, April 25, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for April 25, 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 6-0 vote. Council Member Tovo was absent.

Item 61 was an action item with closed public hearing.

Items 62 through 66 were Executive Session items.

Items 67 through 76 were zoning items set for 2:00 p.m.

Item 77 was an AHFC meeting.

Item 78 was an ABIA Development Corporation meeting.

Items 79 through 85 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

19. Authorize award and execution of a 24-month requirements service contract with ALLIED WASTE SERVICES #843, for the management and disposal of industrial Class 2 non-hazardous waste for Austin Energy in an estimated amount not to exceed \$529,640, with three 12-month extension options in an estimated amount not to exceed \$264,820 per extension option, for a total estimated contract amount not to exceed \$1,324,100. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) Approved by the Zero Waste Advisory Commission with the expiration date of September 30, 2015 and with the intent of not exercising any extensions on 4-1-1 vote with Commissioner Rick Cofer voting against and Commissioner Daniela Ochoa Gonzalez abstaining from the vote.

The motion authorizing the award and execution of a two year requirements service contract with Allied Waste Services #843 was approved with Council action being required for any contract extensions on Council Member Spelman's motion, Mayor Leffingwell's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Tovo was absent.

There was a friendly amendment made by Council Member Morrison to omit extension to the contract with the understanding of limited holdover. The amendment was not accepted by the maker of the motion.

There was a substitute motion to omit an extension to the contract with the understanding of limited holdover that was made by Council Member Morrison and seconded by Council Member Riley. This motion failed on a vote of 2-4. Those voting aye were: Council Members Morrison and Riley. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Spelman. Council Member Tovo was absent.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS - PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED

61. Approve third reading of an ordinance amending City Code Title 25 pertaining to downtown off- street parking requirements. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON FEBRUARY 28, 2013.

Ordinance No. 20130411-061 was approved with the following amendment and direction on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was absent.

The amendment is to replace subsection (B)(2), in Part 6 of the ordinance with the following language:

“(2) Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph.

- (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities:**

- (i) The minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use.**

- (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final.
 - (iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2) (a)(ii).
 - (iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide under Paragraph (2)(a)(i).
- (b) If any off-street parking is provided for a use, other than parking for persons with disabilities, then the use is subject to the requirements in Paragraph (1).

Direction was given to staff to establish a program to administer an ADA parking fee-in-lieu and report it to Council, as well as bring forward the required fee schedule amendment, within 90 days.

DISCUSSION ITEMS CONTINUED

36. Approve an ordinance amending City Code Chapter 25-11 relating to the lifespan of demolition permits; and waiving Section 25-1-502. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO2: Council Member William Spelman)
Ordinance No. 20130411-036 was approved on Council Member Riley's motion, Council Member Spelman's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Tovo was absent.

There was a substitute motion made by Council Member Morrison to keep the term at six months. This motion failed for lack of a second.

There was a substitute motion made by Council Member Morrison to strike part 3 of the ordinance and remand to staff to take through the process. This motion failed for lack of a second.

CITIZEN COMMUNICATIONS: GENERAL

Tom "Smitty" Smith - Austin Energy governance

Clay DaFoe - How the Austin City Council violated my civil rights and undercover APD Davidson #6165 twisted my arm.

Andrew Cates - Young professional involvement in City Council

Kurt Blaschke - Barton Springs Ground Improvements

Jere Locke - Respect democratic process in elected board

Karen Kreps - Barton Springs Pool Ground Construction Project

Marion Mlotok - Austin Energy governance

Alan Roddy - 2700 Edgewater perjury, fraud and the City of Austin

Jeannie Ramirez - Homelessness and wants more speaker slots for the Citizen Communication process

Malcolm Yeatts - Parks in the EROC area

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:51 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.

62. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
63. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
64. Discuss legal issues related to Byron Carter Sr., et al v. City of Austin et al, Cause No. A-11-CA-997-LY in the United States District Court, Western District of Texas, Austin Division (Private consultation with legal counsel - Section 551.071).
65. Discuss legal issues related to Austin Fire Department cadet hiring processes (Private consultation with legal counsel - Section 551.071).
66. Discuss legal issues related to the proposed ordinance to create an independent board of trustees to govern Austin Energy and an advisory panel to advise the board on matters concerning Austin Energy (Private consultation with legal counsel - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:54 p.m.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

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

67. 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 April 25, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.
68. C14-2012-0132 - Kenneth L. Bishop - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13039 Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-mixed

use (GR-MU) combining district zoning. First Reading approved on December 13, 2012. Vote: 7-0. Owner/Applicant: Kenneth L. Bishop. Agent: Mike McHone Real Estate (Michael R. McHone). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20130411-068 for community commercial-mixed use (GR-MU) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

69. C14-2011-0141 - Peaceful Hill Condominiums - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8107 Peaceful Hill Lane and 501 Hubach Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. First reading approved with conditions on April 26, 2012. Vote: 5-2, Mayor Lee Leffingwell and Council Member Tovo voted nay. Second Reading approved with conditions on June 14, 2012. Vote: 5-2 Council Members Morrison and Tovo voted nay. Owner/Applicant: Kristopher Alsworth, Delton Hubach, Jim Bula and Catherine Christopherson. Agent: The Weichert Law Firm (Glenn K. Weichert). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to May 9, 2013 at the neighborhood's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

70. C14-2012-0145 - 2111 Fort View Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2111 Fort View Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, with conditions. First reading approved on March 7, 2013. Vote: 7-0. Owner: Eveann Investments, LP (William G. Franklin). Applicant: One Management, Inc. (Howard P. Kells). City Staff: Lee Heckman, 974-7604.

Ordinance No. 20130411-070 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

71. 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 April 25, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

72. C14-2012-0083 - Cirrus Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West 6th Street, and 602-702 West Avenue (Shoal Creek Watershed) from downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CO-CURE) combining district zoning for Tract 1, and limited office (LO) district zoning and general office (GO) district zoning for Tract 2 to downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Staff Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Planning Commission Recommendation: To be reviewed on April 9, 2013. Applicant: Cirrus Logic, Inc. (Thurman Case). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to April 25, 2013 at the neighborhood's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

73. C14-2012-0109 - Sunflower - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201 Robert E Lee Road (Lady Bird Lake Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To deny townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Joe Joseph, Jr.; Hazel Joseph. Agent: Vinson Radke Investments (Steven Radke). City Staff: Lee Heckman, 974-7604.

This item was postponed on consent to May 23, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

74. C14-99-0132(RCT) - Prosperity Business Park - Conduct a public hearing to terminate a restrictive covenant on property locally known as 9101-9201 South IH 35 Service Road Northbound (Onion Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owner/Applicant: NL Land Holdings, Ltd. (John Lewis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent indefinitely on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent. (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.)

75. C14-2013-0009 - Prosperity Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9101-9201 South IH 35 Service Road Northbound (Onion Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: NL Land Holdings, Ltd. (John Lewis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent indefinitely on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent. (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.)

76. C14-2013-0003 - West Campus Partners, L.P. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2700 Nueces Street, Suite 103 (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay- neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: West Campus Partners, L.P. (Marty Timmerman). Agent: Bury & Partners, Inc. (Melissa Neslund). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130411-076 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-

NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:05 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:07 p.m.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the ABIA Development Corporation to order at 3:07 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:08 p.m.

DISCUSSION ITEMS CONTINUED

37. Approve an ordinance amending the Fiscal Year 2012-2013 Parks and Recreation Department Operating Budget (Ordinance No. 20120910-001) to reduce expenditures in the amount of \$150,000 that were to be used to fund the Austin Playhouse; and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget (Ordinance No. 20120910-001) to increase expenditures in the amount of \$150,000 to provide additional funding for Skillpoint Alliance. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member William Spelman)

There was a motion made to approve the ordinance by Mayor Pro Tem Cole and seconded by Council Member Spelman. This motion failed on a vote of 3-3. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Those voting nay were: Council Members Martinez, Morrison and Riley. Council Member Tovo was absent.

There was a substitute motion made by Council Member Riley and seconded by Council Member Morrison to postpone this item to April 25, 2013 and request that the Public Health and Human Service Commission take this item up for discussion at their meeting next week. This motion failed on a vote of 3-3. Those voting aye were: Council Members Martinez, Morrison and Riley. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Council Member Tovo was absent.

Mayor Leffingwell recessed the Council Meeting at 3:24 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:03 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Items 81 and 83 through 85 were taken on a combined motion.

81. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to encourage the relocation of historically significant buildings in the Rainey Street subdistrict of the Waterfront Overlay Combining District to appropriate locations outside of the subdistrict in lieu of demolition.

This item was postponed to May 9, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 5-0 vote. Council Member Martinez was off the dais. Council Member Tovo was absent.

83. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter F, relating to maximum allowable ceiling height.

This item was postponed to April 25, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 5-0 vote. Council Member Martinez was off the dais. Council Member Tovo was absent.

84. Conduct a public hearing and consider an ordinance amending Ordinance No. 20081211-082 and the Regulating Plan, to make "Indoor Entertainment" a conditional use in the TOD Mixed Use zoning category in the Plaza Saltillo TOD.
This item was postponed to April 25, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 5-0 vote. Council Member Martinez was off the dais. Council Member Tovo was absent.
85. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to readopt the conservation single family residential use.
This item was postponed to April 25, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 5-0 vote. Council Member Martinez was off the dais. Council Member Tovo was absent.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamation at 5:30 p.m.

LIVE MUSIC

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PROCLAMATIONS

Proclamation -- CARY Youth Violence Awareness Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Adrian Moore

Certificate of Congratulations -- Healthy Connections Program for United Health Care Award -- to be presented by Mayor Lee Leffingwell and to be accepted by Mark Washington

Proclamation -- Andy Roddick Foundation -- to be presented by Mayor Lee Leffingwell and to be accepted by Andy Roddick

Proclamation -- Fair Housing Month -- to be presented by Council Member Mike Martinez and to be accepted by Jonathan Babiak

Proclamation -- Jazz Week -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Fito Kahn

Proclamation -- George Washington Carver Ambassadors 10th Anniversary -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by the Arthur Sauls

Proclamation -- National Record Store Day -- to be presented by Council Member Laura Morrison and to be accepted by John Kuntz

Mayor Leffingwell called the Council Meeting back to order at 7:07 p.m.

DISCUSSION ITEMS CONTINUED

11. Approve first reading of an ordinance relating to the creation of an independent board of trustees to govern Austin Energy and the creation of an advisory panel to advise the board and council on matters concerning Austin Energy.
There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to approve the first reading of the ordinance.

There was a motion made by Council Member Morrison and seconded by Council Member Riley to amend sections 15-13-30 and 15-31-31 by replacing the sections with the language listed below. The motion failed on a vote of 3-3. Those voting aye were: Council Members Martinez, Morrison and Riley. Those voting nay were Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman.

Section 15-13-30 should read, “The council shall retain its general powers and duties, both express and implied, to regulate, govern, and make policy for the electric utility unless specifically transferred to, vested in, and held exclusively by the board as outlined in this chapter.

Section 15-13-31(A) should read, “The board may authorize contracts and expenditures in the category of construction and purchases – supplies, vehicles and hardware, except for shared services exceeding \$10 million, as long as the contracts and expenditures comply with City policies and master plans.

City policies include, but are not limited to:

- M/WBE
- Art in Public Places
- Living Wage
- Purchasing (local preference)
- No contact (anti-lobbying)
- Financial Policies
- Personnel Policies
- IT Security Policies
- Risk Management Policy
- Records Retention
- Emergency Planning
- Ethics Training

City master plans include, but are not limited to:

- Imagine Austin
- Climate Protection Plan
- Zero Waste Plan
- Facility Master Plan
- Rebates and performance based incentives

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Morrison to amend section 15-13-30 by replacing the section with the language listed below. The motion was approved on a 4-2 vote. Those voting aye were: Mayor Pro Tem Cole, Council Members Martinez, Morrison and Riley. Those voting nay were: Mayor Leffingwell and Council Member Spelman.

Section 15-13-30 should read, “The council shall retain its general powers and duties, both express and implied, to regulate, govern, and make policy for the electric utility unless specifically transferred to, vested in, and held exclusively by the board as outlined in this chapter.”

There was a motion made by Council Member Morrison and seconded by Council Member Martinez to amend section 15-13-32 (A). The motion was approved on a 5-0 vote. Mayor Leffingwell was off the dais. Council Member Tovo was absent. Section 15-13-32 (A) should read “The general manager shall provide each proposed annual electric utility budget to the board. The board shall provide its recommendations on the utility budget to the general manager not less than 120 days before each fiscal year. Council retains the authority to approve the budget of the electric utility. The board shall have an open and transparent budget process including holding at least one public hearing.”

There was a motion made by Council Member Morrison and seconded by Council Member Spelman to amend section 15-13-32(C) by adding the following language. The motion was approved on a 5-0 vote. Mayor Leffingwell was off the dais. Council Member Tovo was absent. Section 15-13-32(C) should read "...The council and board shall hold at least one joint worksession annually to discuss strategic and generation plans, the proposed budget (operating budget and capital improvement plan), new or revised City policies/master plans, and other matters."

There was a motion made by Council Member Morrison and seconded by Council Member Martinez to amend section 15-13-40 by adding the following language. The motion was approved on a 5-0 vote. Mayor Leffingwell was off the dais. Council Member Tovo was absent. Section 15-13-40 should read "...Per the June 2012 rates approved by council, long term contracts with certain primary service customers expired on or about May 2015 and the approved rates will then apply. Any future proposal for a special rate contract for primary service customers will require the approval of Council."

There was a motion made by Council Member Morrison and seconded by Mayor Pro Tem Cole to amend section 15-13-41 (B) (1) and (B) (2). The motion was approved on a 5-1 vote. Mayor Leffingwell voted nay. Council Member Tovo was absent.

Section 15-13-41 (B)(1) should read "An independent examiner having utility, rate, judicial, or administrative law expertise shall preside over the process and give written findings and recommendations to the board. The board shall select this independent examiner subject to confirmation by the Council."

Section 15-13-41 (B) (2) shall read "An independent consumer advocate shall represent the interest of residential, low-income, and small commercial customers. The consumer advocate shall be sufficiently funded to allow effective participation, including the ability to retain outside experts. The board shall select this independent consumer advocate subject to confirmation by the Council."

There was a friendly amendment made by Council Member Morrison to amend Section 15-13-42(A) to read, "Unless done through a comprehensive rate review under Section 15-13-41, the board may not adjust base energy and demand rates by more than two percent annually, unless otherwise required to meet a system obligation. However such a rate adjustment shall also meet the goal of being in the lower fifty percent of Texas rates overall." The amendment was accepted by the maker of the motion and Mayor Leffingwell, who seconded the motion.

There was a friendly amendment made by Council Member Morrison to amend Section 15-13-50(B) to read "The electric utility shall be managed and operated by a general manager, who shall be appointed by, report to and may be removed by the City Manager." The amendment was accepted by the maker of the motion and Mayor Leffingwell, who seconded the motion.

There was a friendly amendment made by Council Member Riley to amend Section 2-1-143 to include language giving the Electric Utility Advisory Panel the authority to advise Council in addition to the Electric Utility Board. The amendment was accepted by the maker of the motion and Mayor Leffingwell, who seconded the motion.

There was a friendly amendment made by Council Member Riley to allow the Electric Utility Advisory Panel to initiate appeals of the decisions of the Electric Utility Board. The amendment was not accepted by the maker of the motion.

Direction was given to staff to research the following:

- Methods to initiate appeals of the Electric Utility Board to the City Council.
- Privacy of the conflict of interest information provided by potential board members.

- **Methods used by the Pedernales Electric Co-ops program of helping its members avoid conflict of interest.**
- **Language to clarify that the general fund transfer will be determined by the City Council.**
- **Language to clarify that the Generation plan stays with the City Council and the board will not deviate from the Generation plan.**
- **Language that gives the board authority to adopt some purchase power agreements as long as they are consistent with generation plan produced by the Council and any purchase power agreements the board would like to adopt that are not consistent with the generation plan must be approved by Council.**
- **Whether or not the Utility would be subject to both the Local Government Records Act and the City's Records Management Ordinance.**

The first reading of the ordinance was approved with the previous amendments and direction to staff on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Tovo was absent.

45. Approve a resolution amending the City's legislative agenda to include support for Senate Bill 410 and House Bill 1024, relating to creation of a board to manage the operations of Austin Energy. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member William Spelman CO2: Mayor Pro Tem Sheryl Cole)
- Resolution No. 20130411-045 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Tovo was absent.**

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

79. Conduct a public hearing in accordance with Texas Parks and Wildlife Code, Section 26.001 et seq. and consider a resolution approving the permanent use of approximately 26,346 square feet of land for construction, use, maintenance, repair, and replacement of a shoring or soil retention system, building canopy, bridge, and roadway for the New Central Library/2nd Street Bridge and Extension Project through dedicated parkland known as Shoal Creek Greenbelt.
- The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20130411-079 was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Tovo was absent.**

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Leffingwell was off the dais. Council Member Tovo was absent.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

80. Conduct a public hearing to receive citizen input on community needs for comments on the Fiscal Year 2013-2014 Action Plan and the Community Development 2013-2014 Program, as required by the U.S. Department of Housing and Urban Development and the Texas Local Government Code Chapter 373.
- The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Leffingwell was off the dais. Council Member Tovo was absent.**
82. Conduct a public hearing and consider an ordinance granting a site specific amendment to City Code Section 25-8-514 (Save Our Springs Initiative) and a variance to City Code Sections 25-8-482 (Critical Water Quality Zone) and 25-8-483 (Water Quality Transition Zone) to allow construction of the Barton Springs Pool General Grounds Improvement Project in the Critical Water Quality Zone and Water

Quality Transition Zone of Barton Creek and to exceed impervious cover requirements. This action concerns land located within the Barton Springs Zone.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130411-082 with the following friendly amendments was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was absent.

There were friendly amendments made by Council Member Morrison to add the following language to the ordinance. The amendments were accepted by Council Member Spelman, who made the second.

- Add a new Part 5, (G) to read, "The South Overlook Trail must be located where indicated on Exhibit A." Amend Exhibit A to illustrate the location of the South Overlook Trail.
- -Add two new subsections to Part 5, to read:
 - "(H) Before construction on the Grounds Improvement Project begins, staff will present the proposed lighting design to the Design Commission. The Design Commission will provide feedback specifically on the appropriateness of lighting design that ensures safety and mitigates negative environmental and aesthetic impacts while enhancing the overall ambiance of Barton Springs Pool.
 - (I) During construction of the Grounds Improvement Project, staff will provide progress reports and design development details regarding the ADA paths at the Austin Mayor's Committee for People with Disabilities on at least a bi-monthly basis."
- Add a new subsection to Part 2, to read, "(I) The historical marker to be moved from its current location to a location near the entrance at the south gate."
- Add a new subsection to Part 5, to read, "(J) Before construction on the Grounds Improvement Project begins, staff will apply to the Texas Historical Commission for approval to move the historical marker from its current location to a location accessible to the public as they enter the south gate."

Mayor Leffingwell adjourned the meeting at 11:35 p.m. without objection.

The minutes were approved on this the 25th day of April 2013 on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.