

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JUNE 6, 2013**

Invocation: Father Bill Wack, CSC, Pastor, St. Ignatius Catholic 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, June 6, 2013 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 May 21, 2013 and regular meeting of May 23, 2013.
The minutes from the City Council work session of May 21, 2013 and regular meeting of May 23, 2013 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
2. Authorize negotiation and execution of an agreement with Seton Healthcare, to provide a performance-based incentive for the generation of solar energy at its facility located at 4900 Mueller Blvd., Austin, Texas 78723, over a 10-year period for an estimated \$7,325 per year, for a total amount not to exceed \$73,250.
The motion authorizing the negotiation and execution of an agreement with Seton Healthcare was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
3. Authorize negotiation and execution of an agreement with St. David's Episcopal Church, to provide a performance-based incentive for the generation of solar energy at its facility located at 308 E. 8th St., Austin, Texas 78701, over a 10-year period for an estimated \$26,969 per year, for a total amount not to exceed \$269,690.
The motion authorizing the negotiation and execution of an agreement with St. David's Episcopal Church was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 4 and 5 were pulled for discussion.

6. Approve issuance of a rebate to H&H Texas Partners, LTD, for performing comprehensive energy efficiency upgrades at the Timbercreek Apartments located at 614 South 1st St., Austin, Texas 78704, in an amount not to exceed \$132,000.
The motion to approve the issuance of a rebate to H&H Texas Partners, LTD was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
7. Approve issuance of a rebate to Capri Capital for performing duct diagnostics and improvements at the Stonegate Apartments located at 10505 South IH-35, Austin, Texas 78747, in an amount not to exceed \$146,974.
The motion to approve the issuance of a rebate to Capri Capital was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
8. Approve Service Extension Request No. 3151 for water service to a 37 acre tract at 9300 W SH 71, located within the Drinking Water Protection Zone and partially in the City's 2-mile extraterritorial jurisdiction. Related to Item #9.
This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
9. Approve Service Extension Request No. 3152 for wastewater service to a 37 acre tract at 9300 W SH 71, located within the Drinking Water Protection Zone and partially in the City's 2-mile extraterritorial jurisdiction. Related to Item #8.
This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
10. Authorize negotiation and execution of an amendment to the lease and hangar facility development agreement with Ascend AUS, LLC to require the Department of Aviation to relocate a Federal Aviation Administration signal cable, refund tenant a total amount of \$173,804.00, and modify other lease terms consistent with the mediated settlement agreement dated July 17, 2012.
The motion authorizing the negotiation and execution of an amendment to the lease and hangar facility development agreement with Ascend AUS, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
11. Authorize execution of change order #3 to the construction contract with DENUCCI CONSTRUCTORS, for the Pedernales Street Reconstruction and Utility Adjustment from 6th Street to Webberville Road (Group 7) Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$65,000 plus additional contingency in the amount of \$88,459.90, for a total contract amount not to exceed \$2,066,117.80. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 4.45% MBE and 1.54% WBE subcontractor participation to date.)
The motion authorizing the execution of change order number three to the construction contract with Denucci Constructors was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 12 was pulled for discussion.

13. Authorize the negotiation and execution of Amendment No. 1 to the Interlocal Agreement for Services to Develop an Analytic Tool for Sustainable Communities Regional Planning with the Capital Area Council of Governments to increase the amount payable to the City by \$12,500 to employ summer interns, for a total contract amount not to exceed \$205,507. Related to Item #27.
The motion authorizing the negotiation and execution of amendment number one to the interlocal agreement for services to develop an analytic tool for sustainable communities regional planning with the Capital Area Council of Governments was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

14. Authorize negotiation and execution of an amendment to the existing interlocal cooperation agreement between the City and Travis County to provide additional emergency medical services in an area of Travis County outside the City's corporate limits for a period beginning June 1, 2013 through September 30, 2013 in exchange for payment of \$188,838 by Travis County. Related to Item #15.
This item was postponed on consent to June 27, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
15. Approve an ordinance amending the Fiscal Year 2012-2013 General Fund Emergency Medical Services Department Operating Budget (Ordinance No. 20120910-001) to increase revenue in the amount of \$188,838 and increase expenses in the amount of \$188,838 to add six new EMS Medic I full-time equivalent positions. Related to Item #14.
This item was postponed on consent to June 27, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
16. Approve an ordinance establishing classifications and positions in the classified service of the Emergency Medical Services Department; eliminating and creating certain positions in the classified service of the Emergency Medical Services Department; and repealing ordinance no. 20130328-015 relating to Emergency Medical Services Department classifications and positions.
This item was postponed on consent to June 27, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
17. Approve a resolution adopting the City's federal legislative program for the 113th Congress, including Fiscal Year 2014 appropriations requests.
Resolution No. 20130606-017 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
18. Authorize negotiation and execution of a social services contract with SKILLPOINT ALLIANCE, for a twelve-month term beginning on July 1, 2013 and ending on June 30, 2014, in an amount not to exceed \$150,000, with no extension options.
The motion authorizing the negotiation and execution of a social services contract with Skillpoint Alliance was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
19. Authorize negotiation and execution of an interlocal agreement with THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON for a 12 month term from July 1, 2013 through June 30, 2014 for evaluation of a healthy-based initiative to address the needs of economically disadvantaged households in Austin in a total amount not to exceed \$50,000.
The motion authorizing the negotiation and execution of an interlocal agreement with The University of Texas Health Science Center at Houston was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
20. Authorize negotiation and execution of a legal services agreement with Webb & Webb Attorneys at Law, for legal representation, advice, and counsel relating to the administrative appeal to Texas Commission on Environmental Quality of City of Austin wholesale water rates, for a total contract amount not to exceed \$497,000.
The motion authorizing the negotiation and execution of a legal services agreement with Webb & Webb Attorneys at Law was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 21 was pulled for discussion.

22. Authorize the negotiation and execution of an agreement with HILL COUNTRY CONSERVANCY regarding cooperation on the acquisition of conservation easements, including cost sharing that may include reimbursement of Hill Country Conservancy's costs in connection with acquisition in the amount not to exceed \$50,000.
The motion authorizing the negotiation and execution of an agreement with Hill Country Conservancy was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
23. Authorize the negotiation and execution of a cooperative agreement with the UNITED STATES OF AMERICA COMMODITY CREDIT CORPORATION and HILL COUNTRY CONSERVANCY allowing the City to participate in the Farm and Ranch Lands Protection Program to continue the City's role in preserving land and protecting water quality in conjunction with the November 6, 2012 Bond Election, Proposition 13.
The motion authorizing the negotiation and execution of a cooperative agreement with the United States of America Commodity Credit Corporation and Hill Country Conservancy was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
24. Authorize negotiation and execution of an amendment to an interlocal agreement between the City and the Lower Colorado River Authority for buoy installation and maintenance on Lake Austin, Lady Bird Lake, Decker Lake and Lake Travis.
The motion authorizing the negotiation and execution of an amendment to an interlocal agreement between the City and the Lower Colorado River Authority was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 25 and 26 were pulled for discussion.

27. Authorize negotiation and execution of a 12-month interlocal agreement with the University of Texas School of Architecture (UT) to jointly fund a summer student internship at the City's Planning & Development Review Department with a cost to the City not to exceed \$3,500 and contribution from UT's Kent S. Butler Memorial Excellence Fund in an amount not to exceed \$3,500, for a total contract amount not to exceed \$7,000. Related to Item #13.
The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas School of Architecture (UT) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
28. Approve an ordinance amending Ordinance No. 20130214-023, to correct Exhibit H to the Amended and Restated Strategic Partnership Agreement between the City and Lost Creek Municipal Utility District (MUD) to correctly identify MUD property conveyed to the Lost Creek Limited District.
Ordinance No. 20130606-028 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
29. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Capital Metropolitan Transit Authority for the Redline Trail adjacent to Airport Boulevard from Denson Drive to Lamar Boulevard.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Capital Metropolitan Transit Authority was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
30. Authorize negotiation and execution of a 12-month interlocal agreement with the University of Texas at Austin for the Green Alley Demonstration Project in the Guadalupe Neighborhood of East Austin in an amount not to exceed \$18,000.

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

31. Authorize award and execution of a 28-month requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with STAPLES CONTRACT AND COMMERCIAL, INC. for the purchase of office supplies in an amount not to exceed \$6,966,372. (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 through the Texas Local Government Purchasing Cooperative (Buyboard) with Staples Contract and Commercial, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

32. Authorize award and execution of a 36-month contract with AUSTIN AGGREGATES, for washed filter sand for the Watershed Protection Department in an estimated amount not to exceed \$220,500 with three 12-month extension options in an amount not to exceed \$73,500 per extension, for a total contract amount not to exceed \$441,000. (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 contract with Austin Aggregates was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

33. Authorize award and execution of a 36-month requirements supply contract with PROMEGA CORP., dba PROMEGA, to provide forensics/DNA supplies for the Austin Police Department (APD) in an estimated amount not to exceed \$166,518, with three 12-month extension options in an estimated amount not to exceed \$55,506 per extension option, for a total estimated contract amount not to exceed \$333,036. (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 Promega Corp., doing business as Promega was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

34. Authorize negotiation and execution of a contract with CHAMBERLIN ROOFING & WATERPROOFING LLC. for wet glazing and resealing of all exterior windows, trim and granite panels at Town Lake Center, in an amount not to exceed \$174,893. (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 negotiation and execution of a contract with Chamberlin Roofing & Waterproofing LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

35. Authorize award and execution of a 36-month requirements supply contract with SOVEREIGN MEDICAL, INC., for the purchase of ResQPOD(r) circulatory enhancer devices for the Emergency Medical Services Department in an estimated amount not to exceed \$344,075, with three 12-month extension options in an estimated amount not to exceed \$138,358 for first extension option, \$152,194 for second extension option, and \$167,413 for the third extension option, for a total estimated contract amount not to exceed \$802,040.

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

36. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with ALL BUSINESS MACHINES, INC. for the purchase of a gas chromatograph-headspace analyzer for the Austin Police Department to be used in the identification of narcotic substances in an amount not to exceed \$63,463.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with All Business Machines, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

37. Authorize award and execution of a 24-month requirements supply contract with TEXAS LEHIGH CEMENT COMPANY LP, to provide Type 1 Hydraulic Cement for the Public Works Department, in an estimated amount not to exceed \$350,000, with two 12-month extension options in estimated amounts not to exceed \$175,000 for each extension option, for a total estimated contract amount not to exceed \$700,000.

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

38. Authorize award and execution of a 36-month requirements supply contract with BAYSCAN TECHNOLOGIES, to provide barcode labels and ribbons for the Austin Police Department in an estimated amount not to exceed \$34,327, with two 12-month extension options in an estimated amount not to exceed \$12,605 for the first extension option and \$13,235 for the second extension option, for a total estimated contract amount not to exceed \$60,167.

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

39. Authorize award and execution of a 36-month requirements supply contract with CASCO INDUSTRIES INC., to provide aqueous film forming foam for the Austin Fire Department (AFD) in an estimated amount not to exceed \$65,151, with three 12-month extension options in an estimated amount not to exceed \$21,717 per extension option, for a total estimated contract amount not to exceed \$130,302.

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

40. Authorize award and execution of a 36-month requirements supply contract with VIDACARE CORPORATION, for the purchase of the EZ-IO intraosseous infusion system and supplies for the Emergency Medical Services Department (EMS) in an estimated amount not to exceed \$690,474, with three 12-month extension options in an estimated amount not to exceed \$230,158 per extension option, for a total estimated contract amount not to exceed \$1,380,948.

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

41. Authorize negotiation and execution of a 12-month requirements service contract with CIRRO ENERGY SERVICES, INC., to provide peak load forecasting for Austin Energy in an amount not to exceed \$28,000, with four 12-month extension options not to exceed \$28,000 per extension option, for a total estimated contract amount not to exceed \$140,000. (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 negotiation and execution of a requirements service contract with Cirro Energy Services, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

42. Authorize negotiation and execution of a 24-month requirements service contract with SIEMENS INDUSTRY, INC., for wooden utility pole inspection services for Austin Energy in an amount not to exceed \$517,440, with three 12-month extension options in an amount not to exceed \$258,720 per extension option, for a total contract amount not to exceed \$1,293,600. (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 negotiation and execution of a requirements service contract with Siemens Industry, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

43. Approve a resolution authorizing the negotiation and execution of Amendment No. 1 to the Advance Funding Agreement in the amount of \$700,000 between the City and the Texas Department of Transportation for intersection improvements to the IH 35 Northbound Frontage Road from 53rd Street to Barbara Jordan Boulevard.

Resolution No. 20130606-043 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

44. Approve an ordinance amending City Code Chapter 13-2 (Ground Transportation Passenger Services) to revise the definitions, amend the regulations, and add requirements related to the operation of charter services.

This item was postponed on consent to June 20, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 45 was pulled for discussion.

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

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

Nominations

Board/Nominee

Nominated by

Environmental Board

Robert Deegan

Council Member Riley

Urban Transportation Commission

Mark Gilbert

Council Member Riley

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Randy Walden on the Electric Board. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Rick Cofer on the Zero Waste Advisory Commission. The waiver includes absences through today's date.

Item 47 was pulled to be heard after the related Executive Session item.

Item 48 was pulled for discussion.

Items 49 and 50 were set for a time certain of 6:00 p.m.

Item 51 was set for a time certain of 4:00 p.m.

52. Set a public hearing to receive citizen comments on the City's draft Fiscal Year 2013-2014 Action Plan as required by the U.S. Department of Housing and Urban Development, and the Community Development 2013-2014 Program as required by Texas Local Government Code Chapter 373. (Suggested date and time: June 20, 2013, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 20, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

53. Set a public hearing to consider the proposed assessments on the Public Improvement District 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: June 20, 2013 at 4:00 pm, Council Chambers of City Hall, 301 W 2nd Street, Austin, Texas. Related to Item #54.

The public hearing was set on consent for June 20, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 54 through 56 are action items with closed public hearings.

Items 57 and 58 were briefing items set for 10:30 a.m.

Items 59 through 61 were Executive Session items.

Items 62 through 82 were zoning items set for 2:00 p.m.

Item 83 was an AHFC item set for 3:00 p.m.

Items 84 through 93 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

Items 4 and 5 were acted on in a combined motion.

4. Approve issuance of a rebate to Arts Apartments South Austin, LLC, for performing comprehensive energy efficiency upgrades at the Arts Apartments at South Austin located at 400 West St. Elmo Rd., Austin, Texas 78745, in an amount not to exceed \$99,000.

The motion to approve the issuance of a rebate to Arts Apartments South Austin, LLC was approved on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

5. Approve issuance of a rebate to Arts Apartments at Turtle Creek, LLC, for performing comprehensive energy efficiency upgrades at the Arts Apartments at the Turtle Creek located at 714 Turtle Creek Blvd., Austin, Texas 78745, in an amount not to exceed \$71,500.
The motion to approve the issuance of a rebate to Arts Apartments at Turtle Creek, LLC was approved on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.
45. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation passenger services.
This item was postponed to August 8, 2013 to allow continued work on this issue subject to the agreement from side-car to cease its operations in the mean time and with the following directions on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Martinez, Morrison and Tovo.

Staff is directed to:

Mayor Pro Tem Cole

- Research how insurance could be required of side car or any other entity providing this service.
- Research the regulations regarding airport rides and having it apply only to the taxi cab industry.

Council Member Spelman

- Consider a stakeholder group however, recognizing that the stakeholder group is going to have to involve other taxicab franchises.

Council Member Morrison

Stress that those are fundamental issues that we have with passenger services and transportation services in town that would need to be incorporated into anything that is being looked at and make sure that the supply and demand balance is correct.

BRIEFINGS

57. Briefing on the Waller Creek design plan and proposed joint development agreement.
The presentation was made by Sue Edwards, Assistant City Manager; Stephanie McDonald, Executive Director of Waller Creek Conservancy; Michael Van Valkenburgh, President & CEO, Michael Van Valkenburgh Associates, Inc. and Leela Fireside, Assistant City Attorney.

DISCUSSION ITEMS CONTINUED

21. Authorize negotiation and execution of an amendment to a legal services contract with Scott Douglas & McConnico for services related to Chapter 245 of the Texas Local Government Code in the amount of \$65,000, for a total contract amount not to exceed \$121,000.
The motion authorizing the negotiation and execution of an amendment to a legal services contract with Scott Douglas & McConnico was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 5-0 vote. Mayor Pro Tem Cole and Council Member Morrison were off the dais.

CITIZEN COMMUNICATIONS: GENERAL

Kathleen Flatt - Code Compliance

Dale Flatt - Code Compliance and Austin Cemeteries

Ben Eynon - The City of Austin Investment & Workforce

Michelle Monreal - Thank you for investing in Capital IDEA

Adele Noel - Air quality

Reverend Fred Krebs - The needs of working poor

Rae Nadler-Olenick - Water Fluoridation

Koo-Hyum Kim - Austin Citizen's Homeland Security

Ronnie Reefersseed - Peace, freedom, fluoride and the ongoing kill-grid **Not present when name was called.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:27 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.

The Mayor announced that Council would discuss item number 47 on the regular agenda during Executive Session.

59. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
60. Discuss legal issues related to the transition to electing the council from single-member districts (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
61. Discuss legal issues related to City of Austin 2013 labor negotiations with employees in the Fire, Police, and EMS departments (Private consultation with legal counsel-Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:20 p.m.

ZONING CONSENT ITEMS

62. 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.

Ordinance No. 20130606-062 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

63. C14-2012-0083 - Cirrus Rezoning - Approve third reading of 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 (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 (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use-conditional overlay (DMU-CO) combining district zoning for Tract 2. First reading approved on April 25, 2013. Vote 5-1. Council Member Tovo voted nay. Council Member Martinez was absent. Second reading approved on May 23, 2013. Vote 6-0. Mayor Leffingwell was off the dais. Applicant: Cirrus Logic, Inc. (Thurman Case). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.

Ordinance No. 20130606-063 downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use-conditional overlay (DMU-CO) combining district zoning for Tract 2 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

64. NPA-2012-0023.01 - 1504 East 51st Street (Promiseland) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55 of the University Hills/Windsor Park Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 1504 East 51st Street (Tannehill Branch Watershed) from Civic to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use and Open Space land use. Owner: The World of Pentecost Inc./HCM, LLC (Shules Hersh). Applicant and Agent: Hughes Capital Management, Inc. (Trac Bledsoe). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130606-064 to change the future land use designation on the future land use map (FLUM) to Mixed Use land use and Open Space was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

67. NPA-2013-0011.01 - 4805 Harmon Avenue - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, the North Loop Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4805 Harmon Avenue (Tannehill Branch Watershed) from Commercial land use to Single Family land use. Staff Recommendation: To grant Single Family land use. Planning Commission Recommendation: To grant Single Family land use. Owner/Applicant: Mackey Adams Properties, Inc. (Harry L. Mackey). Agent: Karen Radtke Interior Design (Karen Radtke). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130606-067 to change the land use designation on the future land use map (FLUM) to Single Family land use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

68. C14-2013-0013 - 4805 Harmon Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4805 Harmon Avenue (Boggy Creek Watershed) from limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning to single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP)

combining district zoning. Applicant: Mackey Adams Properties, Inc. (Harry Mackey). Agent: Karen Radtke Interior Design (Karen Radtke). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130606-068 for single family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

69. NPA-2013-0011.02 - 4914 Bennett Avenue (Tomlinson's Feed & Pets, Inc.) - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, the North Loop Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4914 Bennett Avenue (Tannehill Branch Watershed) from Single Family land use to Mixed Use land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant indefinite postponement by Applicant. Owner/Applicant: Tomlinson's Feed & Pets, Inc. (Scott Click). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole'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.)

70. C14-2013-0021 - Tomlinson's Feed & Pets Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4914 Bennett Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant indefinite postponement request by Applicant. Applicant: Tomlinson's Feed & Pets, Inc. (Scott Click). Agent: Thrower Design (Ron Thrower). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole'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.)

71. NPA-2013-0025.04 - 6110 Hill Forest Drive (Beiter-2) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6110 Hill Forest Drive (Williamson Creek Watershed-Barton Springs Zone) from Single Family land use to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To grant Higher Density Single Family land use. Owner: Michael and Paulette Beiter. Applicant/Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130606-071 to change the land use designation on the future land use map (FLUM) to Higher Density Single Family land use approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

72. C14-2013-0018 - Beiter-2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6110 Hill Forest Drive (Williamson Creek Watershed-Barton Springs Zone) from family residence-neighborhood plan (SF-3-NP) combining district zoning to urban family residence-conditional overlay-neighborhood plan (SF-5-CO-NP) combining district zoning. Staff Recommendation: To grant urban family residence-conditional overlay-neighborhood plan (SF-5-CO-NP) combining district zoning. Planning Commission Recommendation: To grant urban family residence-conditional overlay-neighborhood plan (SF-5-CO-NP) combining district

zoning, with conditions. Owner/Applicant: Michael and Paulette Beiter. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-072 for urban family residence-conditional overlay-neighborhood plan (SF-5-CO-NP) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

73. C14-2012-0140 - Street and Bridge District Office- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3511 Manor Road (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on June 25, 2013. Owner/Agent: City of Austin (Peter Davis). City Staff: Heather Chaffin, 974-2122. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to August 8, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
74. C814-2012-0160 - 211 South Lamar Boulevard Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 211 South Lamar Boulevard (Lady Bird Lake Watershed) from general commercial services (CS) district zoning and general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Planning Commission Recommendation: To be reviewed June 11, 2013. Owner: Post Paggi, LLC (Jason Post). Applicant: Winstead PC (Stephen O. Drenner). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to June 20, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
75. C14-2013-0011 - Restaurant - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11800 Arabian Trail (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To deny community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 4, 2013. Owner/Applicant: Xue Yun Tang. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057.
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
77. C14-2013-0031 - Clawson Patio Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3907 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence (SF-5) district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning with conditions. Planning Commission Recommendation: To be reviewed on June 25, 2013. Owner: Dean Chen. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to August 8, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
78. C14-2013-0032 - Clawson Patio Homes II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3903 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family

residence-limited density (MF-1) district zoning. Staff Recommendation: To grant multi-family residence-limited density conditional overlay (MF-1-CO) combining district zoning with conditions. Planning Commission Recommendation: To be reviewed on June 25, 2013. Owner: Roy G. Crouse. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.

This item was postponed on consent to August 8, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

79. C14-2013-0037 - 7509 Manchaca Office Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7509 Manchaca Road (Williamson Creek Watershed) from warehouse/limited office conditional overlay (W/LO-CO) combining district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office conditional overlay (LO-CO) combining district zoning. Owner/Applicant: 7509 Manchaca, LLC (Mervin Fatter). Agent: Fatter & Evans, Architect (Mervin Fatter). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130606-079 for limited office conditional overlay (LO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

80. C14-2013-0041 - Fort Dessau-GR - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1602 Fish Lane (Harris Branch Watershed) from single family residence standard lot conditional overlay (SF-2-CO) combining district zoning to multi-family residence medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 18, 2013. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to September 26, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

81. C14-2013-0042 - Fort Dessau-P - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13826 Dessau Road (Harris Branch Watershed) from single family residence standard lot conditional overlay (SF-2-CO) combining district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to September 26, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

82. C14-2013-0043 - Fort Dessau-SF-6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13826 Dessau Road (Harris Branch Watershed) from neighborhood commercial (LR) district zoning to townhouse & condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to September 26, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

BRIEFINGS CONTINUED

58. Public Works and Transportation Departments briefing regarding the Rainey Street recommendations. **The presentation was made by Gary Shatz, Assistant Director of Transportation.**

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

54. Approve a resolution authorizing creation of a Public Improvement District 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); and authorize negotiation and execution of an agreement relating to financing certain improvements. Related to Item #53.
Resolution No. 20130606-054 was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
55. Approve second and third readings of an ordinance repealing and replacing Article 11 of City Code Chapter 25-12 to adopt the 2012 International Residential Code and local amendments. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON MAY 23, 2013.
Ordinance No. 20130606-055 was approved with the following amendment on Council Member Spelman's motion Mayor Pro Tem Cole's second on a 7-0 vote. The amendment was to add the wording "provided they are not located within a flood hazard area" to the end of R105.2 Work exempt from permit, Section 1a, c, d, and j.
56. Approve second and third readings of an ordinance amending Sections 25-12-113 and 25-12-114 relating to requirements of the Electrical Code for registration, inspection, supervision, and suspension. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON MAY 23, 2013.
Ordinance No. 20130606-056 was approved with the effective date of September 16, 2013 on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
12. 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- Auditorium Shores event lawn, off-leash area and central lawn area of Town Lake Park north of Riverside Drive in the amount of \$400,000, for a total contract amount not to exceed \$2,982,163.35. Related to Items #25 and #26.
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 Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
25. Approve an ordinance authorizing negotiation and execution of a Parkland Improvement Agreement with the Austin Parks Foundation and C3 Presents, L.L.C. to make improvements to the grounds of Auditorium Shores at Town Lake Metropolitan Park, and to participate in an event impact analysis related to this park; authorizing acceptance of a \$3,500,000 donation from C3 Presents L.L.C.; amending the Fiscal Year 2012-2013 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$3,500,000; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$3,500,000 from the Parks and Recreation Department Operating Budget Special Revenue Fund for the Auditorium Shores improvements project located within Town Lake Metropolitan Park. Related to Items #12 and #26.
Ordinance No. 20130606-025 was approved on Council Member Martinez' motion Council Member Spelman's second on a 7-0 vote second.
26. Approve an ordinance amending Chapter 3-4 of the City Code relating to off-leash dog areas to move the portion available at Auditorium Shores. Related to Items #12 and #25.
Ordinance No. 20130606-026 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:09 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:14 p.m.

DISCUSSION ITEMS CONTINUED

47. Approve a resolution directing the City Manager to develop amendments to the City personnel policies to provide 30 days of paid parental leave to be used during Family and Medical Leave Act leave after all accrued leave is exhausted, and directing the City Manager to develop a paid leave bank for employees requiring leave for other family and personal health reasons. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)

Resolution No. 20130606-047 was approved with the following directions on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

Staff is Directed to:

Council Member Martinez

Direction was given to staff to include in the personnel policy brought back to Council the option of a 30 day paid leave regardless of the balance in the leave account.

Mayor Leffingwell

Direction was given to staff to add public safety employees to the fiscal note scenerio when the option of not using up sick leave is brought back to Council.

48. Approve a resolution asking the City Manager to consider installing parking meters in the parking lot that serves the Butler Shores Softball Fields and surrounding streets. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)

Resolution No. 20130606-048 was approved with the following friendly amendments and direction on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

There was a friendly amendment made by Mayor Leffingwell to have staff come back to Council before meters are installed with the City Manager's report. The amendment was not accepted by the maker.

There was a friendly amendment made by Council Member Morrison to have the City Manager report back to Council within 60 days for final approval. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Council Member Tovo

Direction was given to staff to go to the Parks Board for full discussion of this item.

ZONING DISCUSSION ITEMS

65. NPA-2012-0016.01.SH - 1141 Shady Lane (thinkEAST Austin) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 1411 Shady Lane and 5300 Jain Lane (Boggy Creek Watershed) from Single Family land use and Mixed Use land use to Major Planned Developments land use. Staff Recommendation: To grant Major Planned Developments land use. Planning Commission Recommendation: To grant Major Planned Development land use. Owner: thinkEAST Austin, L.P. Applicant/Agent: thinkEAST Austin Management, L.L.C. (Richard de Varga). City Staff: Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance to change the future land use designation on the future land use map (FLUM) to Major Planned Development was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

66. C814-2012-0128.SH thinkEAST Austin- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1411 Shady Lane and 5300 Jain Lane (Boggy Creek Watershed; Tannehill Branch Watershed) from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district and family residence-neighborhood plan (SF-3-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Owner/Agent: thinkEAST Austin, LP (Richard deVarga). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

76. C14-2013-0020 - Oak Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2324 Wilson Street (Bouldin Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning with conditions. Owner: 2007 Travis Heights, LP (Rene D. Campos). Applicant/Agent: Winstead PC (John Donisi). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to keep the public hearing open and adopt the first reading of the ordinance for multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning with conditions was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. The conditions were to: limit maximum building height to 60; limit maximum building coverage to 60%; limit maximum impervious cover to 70%; limit maximum number of units 486; and the primary vehicular access to the site shall be from W Oltorf Street and/or S 1st Street.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Items 84 and 85 were acted on in a combined motion.

84. 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 indefinitely on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a vote 7-0 vote.
85. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district.
This item was postponed to June 20, 2013 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a vote 7-0 vote.

87. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 relating to the use classifications of electronic prototype assembly and electronic testing in the downtown mixed use and central business district base zoning districts.
This item has been postponed to June 20, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
86. Conduct a public hearing and 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.
This item was postponed indefinitely on Council Member Riley's motion, Council Member Spelman's second on a vote 7-0 vote.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamation at 5:22 p.m.

LIVE MUSIC

GOBI

PROCLAMATIONS

Certificates of Congratulations -- Bright Green Future Grant Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by Lauren Maples, Shaun Hopkins and Chris Sheffield

Certificate of Appreciation -- Walmart -- to be presented by Mayor Lee Leffingwell and to be accepted by TBA

Proclamation -- River City Youth Foundation Fathers Day Parade -- to be presented by Mayor Lee Leffingwell and to be accepted by Mona Gonzalez

Proclamation -- No Kid Hungry Summer -- to be presented by TBA and to be accepted by Katie Hardgrove

Certificates of Appreciation -- Gray Water Working Group -- to be presented by Council Member Chris Riley and to be accepted by the honorees

Mayor Leffingwell called the Council Meeting back to order at 6:51 p.m.

DISCUSSION ITEMS CONTINUED

51. Approve a resolution initiating a Code amendment related to affordable housing requirements associated with development bonuses under the Planned Unit Development zoning district and directing the City Manager to process the amendment. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)
There was a motion made by Council Member Martinez and seconded by Mayor Pro Tem Cole to approve the resolution.

Direction was given to staff by Council Member Spelman to:

- **give thought to what would be necessary to come up with a means of trueing up the fee in lieu of to make sure it is meeting the goals layed out for it and come back to Council with a proposal for collecting that information and possibly a recommendation as to whether it makes sense to do it or not.**

- work with the Neighborhood Housing Community Development Department to determine if the baseline amount is accurate.

There was a friendly amendment made by Council Member Morrison to replace the first be it resolved language with the direction to staff to help lead a discussion to evaluate whether or not the Planned Unit Development (PUD) affordable housing clauses are reasonable and to help come up with suggestions as to how to change them if it is found that they are not reasonable. The amendment was not accepted by the maker of the motion.

There was a motion made by Council Member Morrison and second by Council Member Tovo to have staff provide Council with two options to use to replace the first be it resolved in the resolution:

- Option A - 100%;
- Option B - one over the baseline; and
- Provide the correct number which is an equitable profit sharing and proper equivalence of a fee in lieu and onsite for both options.

The motion failed on a vote of 3-4. Those voting aye were: Council Members Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Riley.

Resolution No. 20130606-051 was approved with the direction listed above on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

88. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter E, relating to design standards and mixed use for development projects.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-088 with the following friendly amendments was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

There was a friendly amendment made by Council Member Riley to insert a period after 2,700 leniar feet. This was accepted by the maker of the motion and Council Member Spelman, who made the second.

There was a friendly amendment made by Council Member Riley to delete section 2.5.2F on non-conforming lighting with the expectations that there will be some continued work on the lighting provisions in the course of the code rewrite. This was accepted by the maker of the motion and Council Member Spelman, who made the second.

There was a friendly amendment made by Council Member Riley to have the BRT Transit Plazas language read, "Where there is a BRT station adjacent to the tract to be developed, a portion of the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or permitted station. For sites greater than one acre, the space should be a minimum of 150 sf plus an additional 100 sf per acre over one, not to exceed 1,000 sf." with the provision that this would only apply outside central business district (CBD) and downtown-mixed-use (DMU) zoning. This was accepted by the maker of the motion and Council Member Spelman, who made the second.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

89. Conduct a public hearing and consider an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2012 International Building Code and local amendments.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-089 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
90. Conduct a public hearing and consider an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2012 Uniform Mechanical Code and local amendments.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-090 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Riley was off the dais.
91. Conduct a public hearing and 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.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-091 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo was off the dais.
92. Conduct a public hearing and consider an ordinance repealing and replacing City Code Chapter 25-12, Article 7 to adopt the 2012 International Fire Code and local amendments.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-092 was approved with the following amendment and an effective start date of June 30, 2013 for the shop drawings for fire sprinkler and alarm systems on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais. The amendment was to insert in section 105.4.2 after the first sentence, "all shop drawings for fire sprinkler and fire alarm systems submitted to the Fire Department shall be accompanied by a completed Fire Department check list to demonstrate the applicant has verified the completeness of the submittal."
93. Conduct a public hearing and consider an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2012 Uniform Plumbing Code and local amendments.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130606-093 was approved on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.

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

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

49. Approve a resolution directing the City Manager to initiate code amendments to create enhanced penalties and a rental registration program applicable to owners of residential rental property that repeatedly violate public health and safety ordinances; and supporting the Building and Standards Commission's and City prosecutor's consideration of repeat offenses when considering penalties for public health and safety violations. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20130606-049 was approved with the following friendly amendment and direction on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote

Staff is directed to:

Council Member Spelman

Include the following in the resolution.

- **The need for better performance measures**

- Take into account what can be done with utility bills and Justice of the Peace Courts
- A comprehensive plan to use the existing tools more effectively
- Address tenant's concern about reporting violations

Mayor Pro Tem Cole

- When the item is brought back include a sample checklist and visit with stakeholders regarding the the checklist.
- List possible violations in priority order and give the people a chance to address them in the priority order.

Council Member Morrison

- Provide presentation on how the process is run and how it is working when this item is brought back to Council.

There was a friendly amendment made by Council Member Morrison to add a new paragraph after the first "Be It Further Resolved" to read, "Uncorrected notices of violations taken to the Building and Standards Commission and cases filed directly with the Municipal Court by affidavit serve equally and in combination to count towards the trigger requiring the property to be registered with the City. The proposed program and ordinances are to be presented to Council within 90 days and they are to be reviewed by the Community Development Commission and the Building and Standards Commission prior to presentation to Council." This was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

50. Approve a resolution directing the City Manager to develop a one-year pilot registration program for residential rental properties located in certain neighborhoods and to explore the feasibility of a code amendment for enhanced fines after the first conviction of a city code violation related to property maintenance. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez) Resolution No. 20130606-050 was approved with the following amendment and friendly amendments on Council Member Tovo's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Spelman.

The amendment was to have the "Be it Resolved by the City Council of the City of Austin" paragraph of the resolution read, "The City Manager is hereby directed to develop a one-year pilot registration program for any residential rental property in the areas of North Austin Civic Association (NACA), "Restore Rundberg", East Riverside/Oltorf Combined Neighborhood (EROC), Central Austin Neighborhood Advisory Committee (CANPAC) Planning Areas, Hyde Park, Northfield and North Loop. Consistent with many registration programs elsewhere, the program should include names and contact information for local property managers, periodic scheduled inspections, and a listing of tenant's names if feasible given privacy concerns. This program should require registration for multifamily rental properties and identify conditions under which registration for single family or duplex rental properties would be required and present an ordinance to Council within 90 days."

There was a friendly amendment made by Council Member Riley to have the last sentence of the "Be it Resolved by the City Council of the City of Austin" paragraph of the resolution read, "...required. The City Manager is further directed to work with stakeholders in the course of developing the program and present an ordinance to Council within 90 days." This was accepted by the maker of the motion and Council Member Martinez, who made the second.

There was a friendly amendment made by Council Member Morrison to add language to the resolution that says the City Manager is directed to bring the pilot registration program for residential rental property including a plan for program evaluation, when the item comes back to

Council post it in a manner in which Council has the option to make the program last a year or 18 months and have the ordinance reviewed by the Community Development Commission and the Building and Standards Commission prior to presentation to Council. This was accepted by the maker of the motion and Council Member Martinez, who made the second.

Mayor Leffingwell adjourned the meeting at 12:52 a.m. without objection.

The minutes were approved on this the 20th day of June 2013 on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.