

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 27, 2014**

Invocation: Rev. Cynthia Kepler-Karrer, Senior Pastor, Memorial United Methodist 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, February 27, 2014 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:02 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 February 11, 2014, regular meeting of February 13, 2014 and special called meeting of February 20, 2014.
The minutes from the City Council work session of February 11, 2014, regular meeting of February 13, 2014 and special called meeting of February 20, 2014 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
2. Authorize execution of a power purchase agreement with Lincoln Renewable Energy LLC, Chicago, IL, for a term of up to 18 years for up to 300 megawatts of wind-generated electricity, in an estimated amount of \$31,000,000 per year, for an estimated total contract amount not to exceed \$558,000,000. Recommended by the Electric Utility Commission on a vote of 7-0.
The motion authorizing the execution of a power purchase agreement with Lincoln Renewable Energy LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
3. Authorize negotiation and execution of an interlocal agreement with the cities of Round Rock, Leander, and Cedar Park concerning the capacity, operation, maintenance, and improvements to the Southwest Interceptor of the Brushy Creek Regional Wastewater System in an amount not to exceed \$1,700,000 for the City's share of funding.
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
4. Authorize execution of a change order to the construction contract with SMITH CONTRACTING CO., INC., for utility and general right-of-way improvements to Davis/Deer Lane from Brodie to Corran Ferry project, in the amount of \$382,263.11 for a total contract amount not to exceed \$4,882,304.11.
This item was postponed on consent to March 6, 2014 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

5. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD., for the North Acres Final Conveyance utility project in the amount of \$3,884,509 plus a \$194,225.45 contingency, for a total contract amount not to exceed \$4,078,734.45. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 64.92% MBE and 1.76% WBE participation.)

The motion authorizing the execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

6. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., for Waller Creek - Reilly Pond Detention Performance Modifications in the amount of \$944,187.40 plus a \$94,418.74 contingency, for a total contract amount not to exceed \$1,038,606.14. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 9.10% MBE and 2.34% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

7. Authorize execution of a construction contract with AAR, INC., for the Onion Creek Flood Hazard Mitigation, Ecosystem Restoration and Recreation project in an amount not to exceed \$1,736,577 for the initial 24-month period with a 12-month extension for an additional \$1,000,000 for a total contract amount not to exceed \$2,736,577 over the three years or until funds have been exhausted. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (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 execution of a construction contract with AAR, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 8 pulled for discussion.

9. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., for the Slaughter Creek at David Moore Drive Crossing Improvements project in the amount of \$848,592.50 plus an \$84,859.25 contingency, for a total contract amount not to exceed \$933,451.75. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.13% MBE and 2.69% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

10. Authorize the negotiation and execution of the Fifth Amendment to the Second Amended and Restated Lease Agreement with Greater Austin Performing Arts Center, Inc. for the cooperative scheduling of events and capital improvements funding to preserve and protect the City's long-term investment in the Long Center facility.

The motion authorizing the negotiation and execution of the fifth amendment to the second amended and restated lease agreement with Greater Austin Performing Arts Center, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

11. Approve a resolution authorizing Film Society of Austin, Inc. d/b/a the Austin Film Society to sublease Stage 5 of its leased premises at 1901 E. 51st Street to Rooster Teeth Productions, LLC.
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
12. Approve a settlement of claims asserted by the United States Department of Justice concerning hiring practices within the Austin Fire Department.
This item was postponed on consent to March 6, 2014 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 13 and 14 were pulled for discussion.

Item 15 was pulled to be heard after the related item.

16. Approve a resolution authorizing the use of Lake Austin, Lake Long, and Town Lake (also known as Lady Bird Lake) for certain public events in accordance with City Code Chapter 8-5 for calendar year 2014.
Resolution No. 20140227-016 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
17. Authorize award and execution of a 36-month requirements service contract with TRAVIS COX PLUMBING COMPANY, LLC. to provide plumbing maintenance and repair services for various City Departments in an amount not to exceed \$2,364,375, with three 12-month extension options in an amount not to exceed \$868,219 for the first extension option, \$911,630 for the second extension option, and \$957,211 for the third extension option, for a total estimated contract amount not to exceed \$5,101,435. (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 service contract with Travis Cox Plumbing Company, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
18. Authorize award and execution of a supply contract with TEXAS METER & DEVICE CO., LLC, for the purchase of three-phase portable meter testers for Austin Energy, in an amount not to exceed \$71,800. (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 supply contract with Texas Meter & Device Co., LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 19 was pulled for discussion.

20. Authorize award, negotiation, and execution of a contract with AMATERRA ENVIRONMENTAL, INC. to provide cemetery consulting services to develop a cemetery Master Plan for the City of Austin's five cemeteries, in an amount not to exceed \$129,457 and a cemetery tree survey for the City of Austin's five cemeteries in an amount not to exceed \$78,191, for a total contract amount not to exceed \$207,648. February 25, 2014- Unanimously recommended by the Parks and Recreation Board.
The motion authorizing the award, negotiation and execution of a contract with Amatterra Environmental, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

21. Authorize award and execution of a contract with ELXSI INC., D.B.A. CUES TV for the purchase of camera assemblies for the Austin Water Utility for a total contract amount not to exceed \$90,911. (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 contract.)
The motion authorizing the award and execution of a contract with ELXSI Inc. doing business as CUES TV was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
22. Authorized award and execution of a 7-month requirements supply contract through Texas Procurement and Support Services Cooperative Purchasing Program, administered by the State of Texas Comptroller of Public Accounts, with POLYDYNE, INC., for the purchase of flocculating polymer for the Austin Water Utility in an amount not to exceed \$25,084, with three 12-month extension options in an amount not to exceed \$43,000 per each extension option, for a total contract amount not to exceed \$154,084. (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 contract.)
The motion authorizing the award and execution of a requirements supply contract through Texas Procurement and Support Services Cooperative Purchasing Program administered by the State of Texas Comptroller of Public Accounts with Polydyne, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
23. Authorize award and executions of a contract with LEE COUNTY IRRIGATION dba LEE COUNTY ACE HARDWARE for the purchase of four self-retracting mobile water reels and nozzle guns for the Austin Water Utility in the total contract amount of \$199,990. (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 Lee County Irrigation doing business as Lee County Ace Hardware was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
24. Approve ratification of an emergency contract with DXI INDUSTRIES, INC., for the purchase of liquid sulfur dioxide for the Austin Water Utility in an amount of \$60,500. (Notes: This contract was awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)
The motion to ratify an emergency contract with DXI Industries, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
25. Authorize award and execution of a 36-month requirements supply agreement with PARADIGM TRAFFIC SYSTEMS INC. for the purchase of signal hardware for the Transportation Department in an amount not to exceed \$316,350 with three 12-month extension options in amounts not to exceed \$105,450 for each extension option, for a total contract amount not to exceed \$632,700. (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 agreement with Paradigm Traffic Systems Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
26. Authorize award and execution of a 36-month requirements supply agreement with STRUCTURAL & STEEL PRODUCTS, INC, to provide steel poles and mast arms for the Transportation Department in an

amount not to exceed \$2,465,550, with three 12-month extension options in an amount not to exceed \$821,850 per extension option, a total contract amount not to exceed \$4,931,100. (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 agreement with Structural & Steel Products, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

27. Authorize award and execution of a 60-month requirements service contract with SIEMENS INDUSTRY, INC., to provide Apogee building automation system maintenance and repair services for the Austin Police Department in an amount not to exceed \$150,797. (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 service contract with Siemens Industry, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

28. Authorize award and execution of Amendment No. 14 to a contract with ALLEGIANCE POWER SYSTEMS, INC., for the maintenance and repair of emergency back-up generators for use by various City departments, to increase the contract in an amount not to exceed \$58,345 for a revised total contract amount not to exceed \$1,023,742. (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 contract.)

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

29. Authorize award and execution of a contract through the Texas Multiple Award Schedule cooperative purchasing program with EATON CORPORATION, for the purchase, delivery, installation and testing of two 15kv switchgear breakers for Austin Energy's Domain District Cooling Plant, in an amount not to exceed \$68,062. (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.) Recommended by the Electric Utility Commission on a vote of 7-0.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule cooperative purchasing program with Eaton Corporation was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

30. Authorize award, negotiation and execution of a 60-month requirements service contract with JOHNSON CONTROLS INC., to provide preventative maintenance services and extended warranty for chillers, air handler units and Metasys building automation software at Austin Energy's System Control Center in an amount not to exceed \$143,926. (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 contract.) Recommended by the Electric Utility Commission on a vote of 7-0.

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

31. Authorize award and execution of a 36-month requirements supply agreement with TRILLIUM DEVELOPMENT LTD CO., to provide traffic signal cables in an amount not to exceed \$705,006 with

three 12-month extension options in an amount not to exceed \$235,002 per extension option, for a total contract amount not to exceed \$1,410,012. (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 contract.)

The motion authorizing the award and execution of a requirements supply agreement with Trillium Development Ltd. Co. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

32. Approve the ratification of an emergency contract with BFI WASTE SERVICES OF TEXAS, LP for emergency roll-off refuse container services in support of flood cleanup efforts in the Onion Creek area in an amount not to exceed \$75,768. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this contract.)

The motion to ratify an emergency contract with BFI Waste Services of Texas, LP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

33. Authorize negotiation and execution of an interlocal agreement with the United States General Services Administration that will reserve the on-street parking spaces adjacent to the historic Federal Courthouse for court personnel and to authorize the United States Marshal Service to control the use of these spaces during courthouse hours of operation.

The motion authorizing the negotiation and execution of an interlocal agreement with the United States General Services Administration was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

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

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

Nominations

Board/Nominee

Nominated by

Asian American Quality of Life Advisory Commission
Thuy Nguyen

Council Member Spelman

Commission on Seniors
Dr. Tom Coopwood

Mayor Leffingwell

Hispanic/Latino Quality of Life Resource Advisory Commission
Diego Martinez-Moncado

Mayor Leffingwell

Sustainable Food Policy Board
Alexandra 'Sandra' Evans

Council Member Morrison

Zero Waste Advisory Commission
Rachel Hering

Council Member Riley

Waivers

There are no waivers scheduled for today.

35. Approve the waiver or reimbursement of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2014 Zilker Park Kite Festival which is to be held on Sunday, March 2, 2014. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)
The motion to approve the waiver or reimbursement of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2014 Zilker Park Kite Festival was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
36. Approve the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the Celebrate Texas Incorporated and City co-sponsored Texas Independence Day 5K Run and Parade which is to be held Saturday, March 1, 2014. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole)
The motion to approve the waiver or reimbursement of certain fees and requirements and authorize payment of certain costs for the Celebrate Texas Incorporated and City co-sponsored Texas Independence Day 5K Run and Parade was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
37. Approve a resolution establishing a sister city relationship between the City and the London Borough of Hackney, United Kingdom and authorize the Mayor to execute a sister city agreement to establish that relationship. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member William Spelman)
Resolution No. 20140227-037 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 38 through 40 were pulled for discussion.

41. Approve an ordinance waiving or reimbursing certain fees for the Danzón Fest 2014 sponsored by the Butler School of Music, which is to be held on Sunday, March 23, 2014 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20140227-041 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
42. Approve an ordinance waiving or reimbursing certain fees and requirements for the 2014 Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin which is to be held Saturday, April 19, 2014 at Fiesta Gardens. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Riley)
Ordinance No. 20140227-042 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 43 and 44 were pulled for discussion.

45. Approve a resolution directing the City Manager to form a Distracted Driving Study Group to develop recommendations to modify the current ordinance and to report the Study Group recommendations to the Public Safety Commission and to Council by August 1, 2014. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)
Resolution No. 20140227-045 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 46 was pulled for discussion.

47. Approve a resolution amending the City's legislative agenda to include support for prioritizing access to transit for the Texas Department of Housing and Community Affairs Low Income Tax Credit program. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Resolution No. 20140227-047 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
48. Approve an ordinance modifying certain requirements of City Code Section 8-1-52 regarding extended hours of operation of sound equipment for events at the Mexican American Cultural Center only during the period March 12 - 15, 2014. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
Ordinance No. 20140227-048 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 49 and 50 were pulled for discussion.

51. Set a public hearing to consider a resolution regarding approval of the 138 kV (kilovolt) Gilleland to Techridge Transmission Line Project through dedicated parkland known as the Northeast Metropolitan Park, a Travis County Park, located in Pflugerville, Travis County, Texas, for a permanent use of approximately 325,173 square feet of land, equivalent to approximately 7.46-acre, 100 foot wide strip of land for electric use, for the construction, use, maintenance, repair, and replacement of electric transmission facilities, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (Suggested date and time of the hearing: March 27, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for March 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
52. Set a public hearing to consider an ordinance regarding floodplain variances for the construction of a new single-family residence and a second dwelling at 5505 Jim Hogg Avenue as requested by the owner of the property. The property is partially in the 25-year and 100-year floodplains of the Hancock Branch of Shoal Creek. (Suggested date and time: March 6th, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for March 6, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 53 was an Eminent Domain item.

Item 54 was an action item with closed public hearing.

Items 55 and 56 were briefing items set for 10:30 a.m.

Items 57 through 59 were Executive Session items.

Items 60 through 67 were zoning items set for 2:00 p.m.

Items 68 through 76 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

8. Authorize negotiation and execution of a professional services agreement with VOLZ O'CONNELL HUTSON, INC., (staff recommendation) or one of the other qualified responders to RFQ Solicitation No.

CLMP137, to provide architectural services for the Elisabet Ney Museum Restoration - Building, Interior and Site Improvements project in an amount not to exceed \$400,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 22.15% MBE and 18.43% WBE subconsultant participation.)

The motion authorizing the negotiation and execution of a professional services agreement with Volz O'Connell Hutson, Inc. was approved with direction on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to submit a memo to Council stating the wall will be preserved and the Bush Report is attached.

BRIEFINGS

56. Austin's Urban Forestry Plan

The presentation was made by Angela Hanson, Urban Forester, Parks and Recreation Department and Chris Kite, Urban Forestry Board.

55. Briefing on Human Capital Management

The presentation was made by Rey Arellano, Assistant City Manager; Mark Washington, Director of Human Resources Department and Susan Bostick, Senior Director, Gartner Consulting. Direction was given to staff to provide cost, benefits and pitfalls from peer cities.

Items 38 through 40 acted on in a combined motion.

38. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures under City Code Chapter 14-8 for the Fun Fun Fun Festival which is to be held on November 7, 8, and 9, 2014. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)

The motion to approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures for the Fun Fun Fun Festival was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-1 vote. Council Member Tovo voted nay.

39. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures under City Code Chapter 14-8 for the 9th Annual Austin Urban Music Festival which is to be held on March 28 and 29, 2014. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)

The motion to approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures for the 9th Annual Austin Urban Music Festival was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

40. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures under City Code Chapter 14-8 for the 2014 Austin Reggae Festival which is to be held on April 18, 19, and 20, 2014. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)

The motion to approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures for the 2014 Austin Reggae Festival was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Emilio Chronis - Hydrofluorosilicic Acid

Allegra Kaough - Off-leash dog trails **Not present when name was called.**

Linda Greene - What's up with City Council's willful waste of 1/2 million dollars annually to add thousands of tons of hazardous, fluoride waste to our water?

Ronnie Reefersed - Freedom and liberty with peace.

Alan Roddy - Lake Austin

Mark McCammon - Surveillance at Lady Bird Lake **Not present when name was called.**

Paul Robbins - City & budget issues **Not present when name was called.**

Pat Johnson - Predatory Towing - Lack of Enforcement by APD - Wrecker Enforcement Unit.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:31 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.

57. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
58. Discuss legal issues related to the transition to electing the council from single-member districts (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
59. Discuss legal issues related to Austin Fire Department hiring process (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:51 p.m.

DISCUSSION ITEMS CONTINUED

Items 13 and 14 were acted on in a combined motion.

13. Authorize the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell an approximately 13,200-square-foot vacant lot, locally known as 1120 E. 12th Street, to BUTLER EQUITY HOLDINGS, LTD., in accordance with Local Government Code Section 374.017, in the amount of \$451,000, excluding any applicable closing costs, for the development of a five-story vertical mixed use building.
The motion authorizing the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell a vacant lot to Butler Equity Holdings, Ltd. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

14. Authorize the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell approximately 26,206 square feet of vacant land, locally known as 1322, 1324, 1326, 1328, 1330, 1332, 1334 and 1336 E. 12th Street, to BUTLER EQUITY HOLDINGS, LTD., in accordance with Local Government Code Section 374.017, in the amount of \$901,000, excluding any applicable closing costs, for the development of a five-story vertical mixed use building.

The motion authorizing the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell a vacant land to Butler Equity Holdings, Ltd. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ZONING CONSENT ITEMS

60. C14-2013-0083 - 2416 E. 6th Street - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2416 East 6th Street (Lady Bird Lake Watershed) from limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. First reading approved on February 13, 2014. Vote: 6-0 (Mayor Pro Tem Cole-off the dais). Owner: 2416 East Sixth Street LP (M. Timothy Clark). Applicant: Big Red Dog - Austin, LLC (Bob Brown). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to March 6, 2014 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

63. C14-2013-0081 - Apostolic 1.5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 517 East Oltorf Street (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, as amended. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To deny general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Owner: Apostolic Assembly of the Faith in Christ Jesus, Inc. (Frank Balboa). Applicant: Jim Bennett Consulting (Jim Bennett). City Staff: Lee Heckman, 512-974-7604.

This item was postponed on consent to March 20, 2014 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

64. C14-2013-0149 - Tex-Mix Land Ltd. - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 7900 Old Manor Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Owner: Tex Mix Land Ltd (Logan Owens). Applicant: Hutson Land Planners (Duane Hutson). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140227-064 for limited industrial service-conditional overlay (LI-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.

65. C14-2013-0152 - 4020 Airport Boulevard - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4020 Airport Boulevard (Boggy Creek Watershed) from neighborhood commercial-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (LR-V-MU-CO-NP) combining district zoning to neighborhood commercial-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (LR-V-MU-CO-NP) combining

district zoning, to change conditions of zoning. Staff Recommendation: To grant neighborhood commercial-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (LR-V-MU-CO-NP) combining district zoning, to change conditions of zoning. Planning Commission Recommendation: To grant neighborhood commercial-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (LR-V-MU-CO-NP) combining district zoning, to change conditions of zoning. Owner: D Airport Blvd. Trust (Betty G. Terrell). Applicant: PSW Real Estate, LLC (Glen Coleman). City Staff: Lee Heckman, 512-974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140227-065 for neighborhood commercial-vertical mixed use building-mixed use-conditional overlay-neighborhood plan (LR-V-MU-CO-NP) combining district zoning, to change conditions of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

66. C14-2013-0155 - Pond Springs Challenger School - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 13015 Pond Springs Road (Rattan Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Budget Leasing, Inc. (David S. Stein). Agent: Jones & Carter, Inc. (Shawn Graham, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140227-066 for community commercial-conditional overlay (GR-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.

67. C14-2013-0157 - 7200, 7202 and 7204 South Congress - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7200, 7202 and 7204 South Congress Avenue (South Boggy Creek Watershed) from limited office (LO) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Owner/Applicant: The Lloyd Earl Hunt Trust (Lloyd Earl Hunt). Agent: Texas Design Interests, LLC (Jeff Shindler). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140227-067 for limited office-mixed use (LO-MU) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

Items 61 and 62 were acted on in a combined motion.

61. C814-88-0001.10 - Canyons @ Rob Roy Rezoning - Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. First Reading approved on January 30, 2014. Vote: 7-0. Second Reading approved on February 13, 2014. Vote: 6-0, Mayor Pro Tem Cole off the dais. Owner: Brandywine Acquisition Partners (Ralph Bistline). Applicant: G5 Texas Development, L.L.C. (Jim Gallegos). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719. City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to March 6, 2014 with direction on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Direction was given to staff as follows:

Council Member Morrison directed staff to bring back language on March 6, 2014 for third reading to require compliance with the current Watershed Protection Ordinance (WPO) except the net site/impervious cover regulations for a Multi-Family residential project.

Council Member Tovo directed staff to bring back language for third reading that requires 5% of the residential units for rent or sale be affordable to a household whose income is 60% or below the median family income in the Austin metropolitan statistical area and those units remain affordable for 40 years from the date of the certificate of occupancy for rental units and 99 years from the certification of occupancy for the sale units.

Council Member Martinez directed staff to bring back language for third reading that would add MU to this tract to allow Multi-Family uses or add MF-2 uses and site development regulations to the existing permitted use of LO.

62. C814-88-0001(RCA) - Canyons @ Rob Roy Rezoning - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Zoning and Platting Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Owner: Brandywine Acquisition Partners (Ralph Bistline). Applicant: G5 Texas Development, L.L.C. (Jim Gallegos). Agent: Armbrust & Brown, PLLC (Richard Suttle). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed to March 6, 2014 with direction on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Direction was given to staff as follows:

Council Member Morrison directed staff to bring back language on March 6, 2014 for third reading to require compliance with the current Watershed Protection Ordinance (WPO) except the net site/impervious cover regulations for a Multi-Family residential project.

Council Member Tovo directed staff to bring back language for third reading that requires 5% of the residential units for rent or sale be affordable to a household whose income is 60% or below the median family income in the Austin metropolitan statistical area and those units remain affordable for 40 years from the date of the certificate of occupancy for rental units and 99 years from the certification of occupancy for the sale units.

Council Member Martinez directed staff to bring back language for third reading that would add MU to this tract to allow Multi-Family uses or add MF-2 uses and site development regulations to the existing permitted use of LO.

DISCUSSION ITEMS CONTINUED

43. Approve a resolution directing the City Manager to create a tool to be easily accessible on the City's website that allows a voter to type in an address and find the council district that the address is in, no later than May 1, 2014. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Laura Morrison)

Resolution No. 20140227-043 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

44. Approve a resolution directing the City Manager to review and verify estimated costs associated with the development of a South Shore Central Small Area Plan, to identify an appropriate funding source, and to prepare a budget amendment for Council consideration. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20140227-044 was approved with the following amendment on Council Member Morrison's motion, Council Member Riley's second on a 6-1 vote. Mayor Leffingwell voted nay. The amendment was to add a phrase in the last "whereas" to read, "as the planning process moves forward the WPAB would be engaged in an ongoing basis and the small area plan would be presented to the WPAB for a recommendation before approval for City Council."
46. Approve a resolution directing the City Manager to solicit feedback from the Parks and Recreation Board, the Downtown Commission, and the Early Childhood Council for a carousel pilot project as well as suggestions for how revenues might best serve Austin's youth, and to report back to the City Council by June 26, 2014 with options for locating, installing and operating a carousel for the use and enjoyment of Austin families and visitors at minimal or no cost to the City. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member William Spelman)
Resolution No. 20140227-046 was approved on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
49. Approve a resolution directing the City Manager to explore expanding the existing annual agreement with Austin Technology Council to include the Austin Tech Partnership, which is a proposed enhanced community engagement service. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Resolution No. 20140227-049 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.
50. Approve a resolution directing the City Manager to review and finalize cost estimates, to identify an appropriate funding source, and to return to Council with a budget amendment by March 6, 2014, to cover the costs of upgrading the Asian American Resource Center so that it has a commercial kitchen. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)
Resolution No. 20140227-050 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.
19. Authorize award and execution of a 24-month requirements supply contract with MOSAIC CROP NUTRITION, LLC, for the purchase of flourosilicic acid for the Austin Water Utility in an amount not to exceed \$1,110,450, with two 12-month extension options in an amount not to exceed \$555,225 per extension option, for a total contract amount not to exceed \$2,220,900. (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 Mosaic Crop Nutrition, LLC was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

75. Conduct a public hearing and consider approving the Master Plan for Holly Shores/Edward Rendon Sr. Park at Festival Beach, Fiesta Gardens as developed in conjunction with Michael Van Valkenburgh & Associates, Inc. and the Austin Parks and Recreation Department. The Master Plan area includes approximately 9 acres of newly dedicated parkland and approximately 90 acres of existing parkland along the north shore of Lady Bird Lake from I-35 east to Pleasant Valley Road and south of Canterbury Street.
This item was postponed to March 6, 2014 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

54. Approve second and third readings of an ordinance amending Chapter 25-2 regarding density bonus regulations in the Downtown Density Bonus Program and the Rainey Street Subdistrict. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON FEBRUARY 13, 2014.

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Spelman to approve the ordinance with the following amendment.

There was an amendment made by Mayor Pro Tem Cole and second by Council Member Spelman to amend the ordinance to include the following language. The amendment passed along with the friendly amendment made by Council Member Riley to add paragraph (iii) on a vote of 5-2. 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.

“(5) Notwithstanding the limitation provided for in (B)(2) of this section, the city council may grant to an applicant floor-to-area ratio that exceeds the maximum floor-to-area ratio in Figure 2 if:

- (a) the applicant has already achieved the maximum floor-to-area ratio in Figure 2 by participating in the Downtown Density Bonus Program;
- (b) the applicant submits a written request and rationale for the additional floor-to-area ratio to the director;
- (c) the director makes a written recommendation on the application and then submits the recommendation to the Planning Commission for its review and recommendation; and
- (d) the city council determines that the additional floor-to-area ratio should be granted because:
 - (i) The applicant has offered additional community benefits described in (E)(1)-(13) above and beyond those offered to achieve the floor-to-area ratio in Figure2; and
 - (ii) The city council determines that awarding the additional floor-to-area ratio substantially furthers the goals and objectives of the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.”

There was a friendly amendment made by Council Member Riley to add a paragraph (iii) to Mayor Pro Tem Cole’s amendment listed above to read, “(iii) the applicant has agreed that any residential parking space shall be offered separately from the dwelling unit.” The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.

There was a friendly amendment by Council Member Morrison to add part (iv) to the two amendments listed above to read, “the applicant has agreed that all affordable housing will be on-site.” This was not accepted by the maker of the motion.

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to add part (iv) to the two amendments listed above to read, “the applicant has agreed that all affordable housing will be on-site.” The motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

There was friendly amendment made by Council Member Morrison to amend the definition of the term “Community Benefit” on page 1 of the draft ordinance in order to read, “Communiy Benefit is a public amenity that exceeds the Gatekeeper Requirements of the Downtown Density Bonus Program as described in (C) (1) of this section and that is provided by an applicant in order to obtain bonus area.” The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to modify Subsection (E)(5)(b) of Section 25-2-586 of the draft ordinance by adding a new subparagraph (vi) as follows: “(vi) Venues may not charge an up-front fee to performing artists for the use of their facilities or require performing artists to guarantee a minimum attendance through pre-show ticket sales.” 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 Spelman to modify Subsection (E)(5)(b) of Section 25-2-586 of the draft ordinance by adding a new subparagraph (vi) as follows: “(vi) Venues may not charge an up-front fee to performing artists for the use of their facilities or require performing artists to guarantee a minimum attendance through pre-show ticket sales.” The motion passed on a vote of 4-2. Those voting aye were: Council Members Morrison, Riley, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Mayor Pro Tem Cole. Council Member Martinez was off the dais.

There was friendly amendment made by Council Member Morrison to amend Subsection (E) of Section 25-2-586 of the draft ordinance by adding the words “or for 180 days in any 365 day period” after the phrase “180 consecutive days” in (E)(3)(b)(vi), (E)(4)(b)(iv), (E)(5)(b)(v), (E)(9)(b)(ii), and (E)(11)(b)(ii) of Subsection (E). The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to delete (E)(9)(b)(i) of Section 25-2-586 of the draft ordinance and renumber (E)(9)(b) accordingly. The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to amend Subsection (B) of Section 25-2-586 of the draft ordinance by adding a new paragraph (2), with the existing paragraphs (2)-(4) of the draft ordinance renumbered accordingly. Paragraph (2) should read, “Properties in the Rainey Street Subdistrict may participate in the Downtown Density Bonus Program only for floor-to-area ratio that exceeds 8:1. To achieve floor-to-area ratio up to 8:1, properties in the Rainey Street Subdistrict must comply with Subsection (C)(4) of Section 25-2-739 (Rainey Street Subdistrict Regulations) of the City Code. The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to amend Part 15 to read, “The city manager shall evaluate and, if necessary, recommend adjusting the development bonus fee, the menu of community benefits, the on-site affordable housing bonus area and the allocation of money generated by the fee at least every three years. The city manager shall recommend the new fees, the menu of community benefits, the bonus area, and the allocation of monies and submit those recommendations to the city council for approval.” The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to adopt staff recommendation A. In addition, with regard to the draft Public Plaza Standards, after the adoption of the emergency rules, direct staff to engage stakeholders to consider incorporating modifications that will encourage family-friendly elements in downtown plazas. The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to adopt staff recommendation B. The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to adopt the staff recommendation to replace the requirement for LEED Gold with LEED Silver in Part 10 of the

draft ordinance. The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

There was friendly amendment made by Council Member Morrison to adopt staff recommendation D. The friendly amendment was accepted by the maker and Council Member Spelman, who made the second.

Direction was given to staff to have further discussion with stakeholders about how the plaza standards might be enhanced to encourage family friendly elements in plazas.

There was a friendly amendment made by Council Member Spelman to add a new B 5(d)(ii) to Part 1 of the ordinance to read, "The applicant agrees to use the same methodology and bonus area granted for each community benefit as described in the Downtown Density Bonus Program to achieve the desired bonus area." and to renumber the remaining items accordingly. The amendment was accepted by the maker of the motion.

There was a motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to adopt staff recommendation to go from 20 to 25% bonus area in Part 10 of the draft ordinance. The motion passed on a vote of 5-2. 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.

Ordinance No. 20140227-054 was approved with the amendments listed above on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 5:33 p.m

LIVE MUSIC

Ruby Dee and The Snakehandlers

PROCLAMATIONS

Proclamation -- 10th People's Gallery Exhibition -- to be presented by Mayor Lee Leffingwell and to be accepted by Megan Crigger and Kevin Johns

Proclamation -- Women Veterans Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Cassandra Melgar-C'DeBaca

Proclamation -- Red Cross Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Bristel Bowen

Proclamation -- Renaming the Greater Austin Black Chamber of Commerce -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Chamber representatives

Distinguished Service Award -- Michael Osborne, Austin Energy -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by the honoree

Distinguished Service Award -- Bill Gill, CAPCOG -- to be presented by Council Member Chris Riley and to be accepted by the honoree

Mayor Leffingwell called the Council Meeting back to order at 7:06 p.m

EMINENT DOMAIN

This vote applies to all units of property (Item 53) to be condemned

53. Approve a resolution authorizing the filing of eminent domain proceedings for the Lindshire Lift Station Relief Project for approximately 2,483 square feet of land for a permanent wastewater easement, approximately 6,555 square feet of land for a temporary working space easement, and approximately 9,038 square feet of land for a temporary staging area and material storage site easement, all being in the Theodore Bissell Survey No. 18, Abstract No. 3, Travis County, Texas, out of a called 25.102-acre tract of land, described as Tract 1, and all of a called 0.208 acre tract of land, described as Tract 2, having been conveyed to Jesco Construction Company, Inc. by Warranty Deed with Vendor's Lien, dated April 24, 1996, recorded in Volume 12679, Page 1099 of the Real Property Records of Travis County, Texas in the total amount of \$981. The owner of the needed property interests is JESCO CONSTRUCTION COMPANY, INC. A/K/A JESCO CONSTRUCTION, INC. The property is located at the west line of Lindshire Lane, south of Brantley Bend and terminus of Rocking Horse Road, in the City of Austin, Travis County, Texas. The general route covered by this project includes the area three blocks south of Slaughter Lane on Lindshire Lane and in the general vicinity of the Lindshire Lift Station, located at 10302 Lindshire Lane, next to Bauerle Ranch Park, in Austin, Travis County, Texas 78748.

Resolution No. 20140227-053 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem Cole and Council Member Spelman were off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

Items 68 and 71 were acted on in a combined motion.

68. Conduct a public hearing and consider a resolution under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Villages at Ben White, LP for tax-exempt bond financing for a proposed 183-unit affordable senior housing development to be called the Villages at Ben White, located at 6934 East Ben White Boulevard.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20140227-068 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

69. Conduct a public hearing and consider a resolution under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Pedcor Investments-2012-CXXXI, LP for tax-exempt bond financing for a proposed 252-unit affordable multi-family development to be called William Cannon Apartments, located at 2112 East William Cannon Drive.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20140227-069 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

70. Conduct a public hearing and consider a resolution under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Ben White Development, LP for tax-exempt bond financing for a proposed 250-unit affordable multi-family development to be called the Pointe at Ben White, located at 7000 East Ben White Boulevard.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20140227-070 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

71. Conduct a public hearing and consider a resolution under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Pedcor Investments-2012-CXXX, LP for tax-exempt bond financing for a proposed 252-unit affordable multi-family development to be called Parmer Place, located at 1500 East Parmer Lane.
The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20140227-071 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 5-1 vote. Council Member Riley voted nay. Mayor Pro Tem Cole was off the dais.
72. Conduct a public hearing and consider a resolution regarding approval of the permanent use of approximately 24,687 square feet of land and temporary working space use of approximately 21,156 square feet of land for construction, use, maintenance, repair, replacement, and extension of Pressler Street by 980 feet, including bicycle and pedestrian connectivity, right-of-way, and drainage for the Pressler Street Extension Project, through dedicated parkland known as Lamar Beach in accordance with Chapter 26 of the Texas Parks and Wildlife Code. February 25, 2014 - Approved by the Parks and Recreation Board on a 5-0 vote with Board Members Abell and Osgood absent.
The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20140227-072 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais. Direction was given to staff to get the identified stakeholders together for a meeting immediately following the three week return of a plan to make sure everyone is communicating about the process.
73. Conduct a public hearing regarding an agreement with the Radisson Hotel for the construction and operation of a restaurant deck and public terrace on parkland at Butler Shores at Town Lake Metropolitan Park adjacent to and directly behind the hotel. Related to Item #15.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

DISCUSSION ITEMS CONTINUED

15. Authorize negotiation of an agreement with the Radisson Hotel for the construction and operation of a restaurant deck and public terrace on parkland at Butler Shores at Town Lake Metropolitan Park adjacent to and directly behind the hotel. Related to Item #73.
The motion authorizing the negotiation of an agreement with the Radisson Hotel was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

74. Conduct a public hearing and consider an ordinance approving a site plan for the project at 9512 FM 2222; superseding conflicting requirements of the City Code; waiving site plan related fees and waiving City Code Section 25-1-502.
The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance with the following condition was approved on Council Member Spelman motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was off the dais. The additional condition was to remove the existing driveway that goes to 2222 with the first phase of the project and to restore 2222 to its natural state. It will not be used for construction entrance or permanent access.
76. Conduct a public hearing and consider an ordinance to amend City Code Title 25 to allow placement of accessible ramps in a required yard setback.

The public hearing was conducted and the motion to close the public hearing and approve first reading of the staff recommendation of the ordinance with the following amendment was approved on Council Member Tovo's motion, Council Member Martinez' second on a 6-0 vote.

The amendment was to replace Subsection (H) and paragraph (C)(10) in the staff recommendation with the following language:

“(H) A ramp for an existing single-family or duplex residential unit may be constructed in a required yard if:

(1) a disabled individual:

- (a) Requires access to a dwelling entrance that meets the requirements of the Residential Code, Section R320.6 (Visitable dwelling entrance); and**
- (b) Submits an affidavit verifying that a disabled occupant requires access to the dwelling;**

(2) the ramp:

- (a) is no wider than 48 inches, except that any portion of the ramp required for turns may be no wider than 60 inches;**
- (b) may have a hand railing, but may not have roof or walls; and**
- (c) the building official determines that the ramp will not pose a threat to public health and safety; and**

(3) encroachment into the required yard:

- (a) is the minimum amount necessary to provide disabled access;**
- (b) does not extend more than three feet into a side yard setback; and**
- (c) is not located in a rear yard setback unless:**
 - (i) the dwelling is located on a corner lot;**
 - (ii) access is from an alley; or**
 - (iii) another requirement of this title prohibits location of the ramp in the front or side yard.**

(C)(10) an access ramp for an existing single-family and duplex residential unit if:

- (a) a disabled individual requires access to a dwelling entrance that meets the requirements of the Residential Code, Section R320.6 (Visitable dwelling entrance);**
- (b) submits an affidavit verifying that a disabled occupant requires access to the dwelling;**
- (c) the building official determines that the ramp will not pose a threat to public health and safety;**
- (d) the ramp:**
 - (i) is no wider than 48 inches, except that any portion of the ramp required for turns may be no wider than 60 inches; and**
 - (ii) may have a hand railing, but may not have roof or walls; and**
- (e) the ramp is located in a manner that utilizes existing impervious cover to the greatest extent possible if:**
 - (i) impervious cover on the property is at or above the maximum amount of impervious cover allowed by this title; or**
 - (ii) if placement of the ramp would result in the property exceeding the maximum amount of impervious cover allowed by this title; and”**

Mayor Leffingwell adjourned the meeting at 8:25 p.m. without objection.

The minutes were approved on this the 6th day of March, 2014 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Leffingwell was absent.